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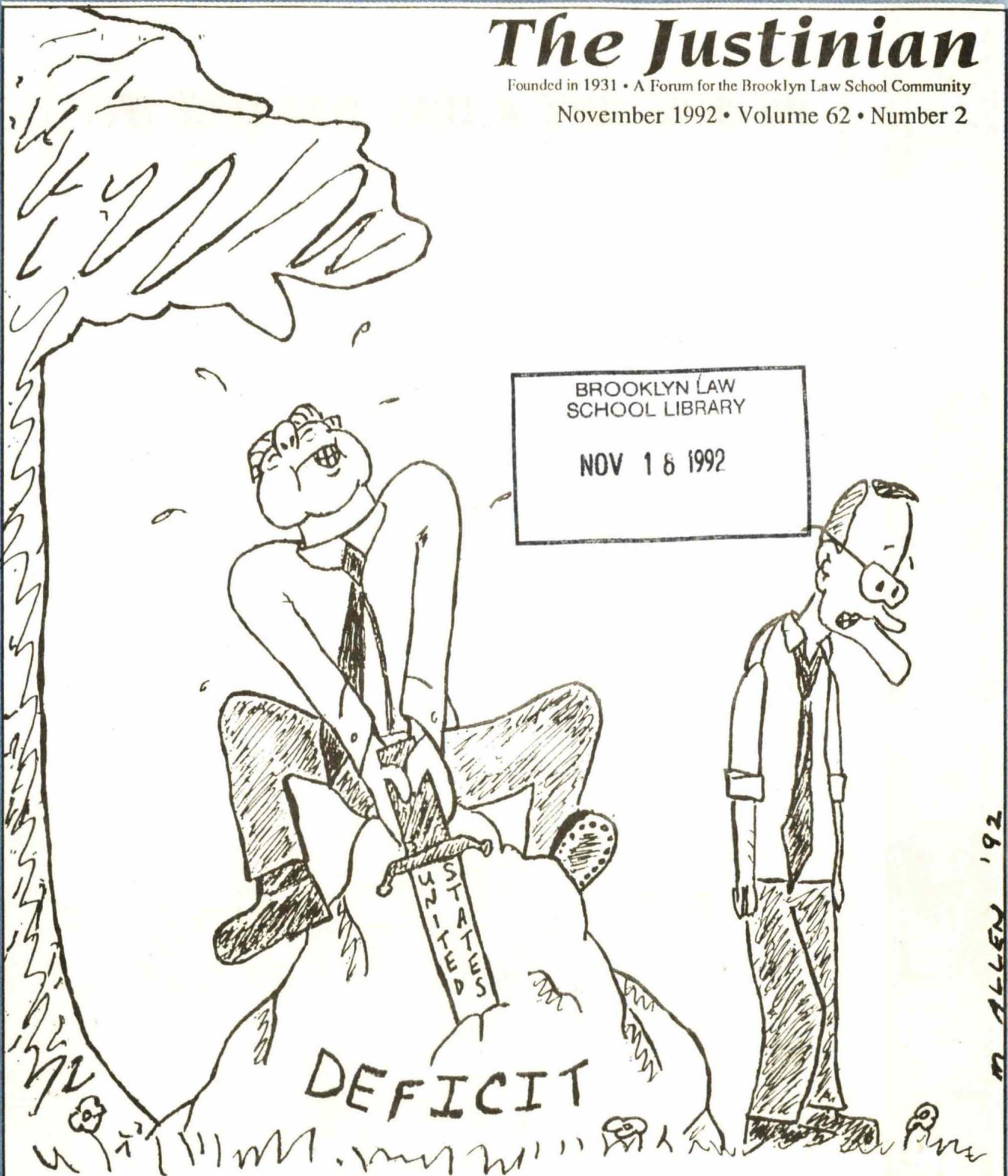
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The Justinian

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

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In This Issue...

BLS Election Debate '92

News Around School

Reasonable Man and Reasonable Woman

...and more!!!

WE HAVE COME A LONG WAY SINCE 1901

by LOUIS R. ROSENTHAL

Within a few years, Brooklyn Law School will move to a new home to be constructed on the site where the old State Supreme Court Building stood. While plans for the new building are under way, many students and members of the faculty are taking a second look, so to speak, at Brooklyn Law School and its present home, Richardson Hall, and wondering about its history.

In 1894, William Payson Richardson, an instructor in a Baltimore private school, who later became founder and Dean of Brooklyn Law School, had just been graduated from the Law School of Maryland University. Soon thereafter, he wrote a textbook on commercial law which came to the attention of Norman P. Hefley, head of a Brooklyn business school. A few years later, young Richardson met Hefley at a convention in Providence, Rhode Island, and they discussed the possibility of opening a law school in Brooklyn.

Richardson came to Brooklyn, where he consulted with judges, lawyers, educators and businessmen who responded favorably to the idea of establishing a law school in the borough.

With Hefley's cooperation, a corporation was formed and Brooklyn Law School made its first home in Hefley's business school building at 243 Ryerson Street at DeKalb Avenue. (Part of Pratt Institute now occupies that site.)

Five students were enrolled when Brooklyn's first, and until 1928, only law school held its initial classes on September 30, 1901. During the school's first year, classes were held in the evening from 8:00 to 9:30, five nights a week.

A year later, the law school severed its ties with Hefley's Institute and rented the top floor of a brownstone dwelling at 187 Montague Street, which it occupied until 1904 when the improvised combined library and classroom facilities proved too small for the growing law school.

It was during the occupancy of the Montague Street building that Brooklyn Law School, in February, 1903, began a 40 year relationship with Saint Lawrence University of Canton, New York. This association with St. Lawrence University arose because the law school at that time, although chartered by the Regents of the State of New York, had no authority to confer degrees. St. Lawrence University, which before its association with Brooklyn Law School had discontinued its own law department, by mutual agreement, arranged to absorb Brooklyn Law School as its law department. As a result, Brooklyn Law School students, by the authority vested in the University, thereafter became entitled to degrees upon successful completion of their prescribed courses.

In 1904, the law school moved to larger accommodations in the Brooklyn Eagle Building, at Washington and Johnson Streets, across the street from the Federal Court House.

In 1928, after more than 10,000 students had passed through its classrooms, Brooklyn Law School made its third, and until now, final move, when it

occupied its present building, specially constructed for the school, Richardson Hall.

As Professor Robert R. Sugarmah recalls, it was a rainy, sleety day when Professor Francis X. Carmody, one of the first five students to enter Brooklyn Law School in 1901, and author of the distinguished treatise on pleading and practice, acted as master of ceremonies at the cornerstone-laying in 1928. Later, that same rainy day, Professor Carmody, already ill with a cold, attended the Brooklyn Law School Alumni Dinner at which the members of the Appellate Division, First Department, were the honored guests. Soon thereafter, Professor Carmody came down with pneumonia which proved fatal.

Professors Roy Fielding Wrigley, Donald Farrington Sealy and Robert Reuben Sugarman are the only present professors who were members of the faculty when the law school moved from the Brooklyn Eagle Building to Richardson Hall. Also in 1928, Brooklyn Law School lost the distinction of being the only law school in Brooklyn when a faculty member, George W. Matheson, class of 1917, became the first Dean of Saint John's University School of Law.

In 1943, by mutual consent, the 40 year relationship between Brooklyn Law School and St. Lawrence University was severed and the law-school, under an independent charter of the University of the State of New York, and authorized to confer degrees, forged ahead as an independent, non-profit, educational institution.

Upon the death of Dean Richardson in 1945, Justice William B. Carswell of the Appellate Division of the Supreme Court, Second Department, became Dean. Justice Carswell was a member of the Brooklyn Law School class of 1908, and had been a trustee of the law school for many years. Dean Jerome Prince, class of 1933, succeeded Dean Carswell in 1953 on the latter's death.

From the day William Payson Richardson, the young teacher and lawyer from Baltimore, founded Brooklyn Law School in 1901 with four faculty members and two special lectures (including William J. Gaynor who later was to become Mayor of New York) Brooklyn Law School has built a solid and respected reputation as a superior institution for legal training. Its graduates practice law all over the western world, and number among them judges in several states, legislators (national and local), government lawyers, administrators, and many who have gone into related fields of education, finance, and taxation.

With the help of its noteworthy faculty and accomplished alumni, Brooklyn Law School has come a long way since 1901 when no formal schooling was required for membership to the Bar. As the initial prospectus issued by Dean Richardson at the beginning of the century stated: "This is the first and only law school that has ever been established in Brooklyn, and no doubt it will be highly appreciated by those interested in the study of law."

Years Ago - October 29, 1965

The Justinian

A Forum for the Brooklyn Law School Community

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The Night the Infomercials Stopped

By Maggie Tam

Remember the story about the pessimist and the optimist? The pessimist and the optimist were each placed in a room full of manure. As expected, the pessimist bemoaned his fate and stated, morbidly, that his life in general was analogous to his present situation. The optimist, on the other hand, was happily digging through the manure with a grin on his face: "With all this sh*t, there's got to be a pony in here somewhere."

After 12 years of Republican domination, a record deficit, job insecurity and the recession (yes, I dared to use the word), very few people were looking for the pony anymore. The idyllic American dream had been put on hold. Even after Operation Desert Storm, the height of President Bush's popularity (translating into a sense of pride in America), a wave of pessimism swept the country. Discontent, fear and malaise flooded the nation. What went wrong?

Basically everything. And America manifested this discontent through the voting booths.

You (the voters) have spoken. Essentially, you have fired the existing president and opted for change. Apparently, you were so fed up with the status quo that traditionally Republican states in the northeast like Connecticut, New Jersey and Vermont (which had consistently voted Republican since the late 1800s) voted for Clinton. Or was it against Bush? You also made Perot the most

popular independent candidate in eighty years.

You put more women in the Senate (congratulations to Barbara Boxer, Carol Moseley Braun, Dianne Feinstein, and Patty Murray) and tossed out undeserving incumbents. You kept D'Amato in and Abrams out (probably one of the most embarrassing campaigns ever. Ranks right up there with "Ozone man" and "Bozos"), but through such a narrow margin that the incumbents should be humbled.

Most importantly, you exercised your powerful right to vote and expressed your demands for government to take a different course. In this most unconventional year, you dragged the political machinery, kicking and screaming into the 1990s. No politics as usual. But this is only the beginning.

A nation's hope now resides within President-elect Clinton. We hope he can successfully rise to the challenge ahead. Our expectations for a better future than the generation before should be tempered by the realities of the world. President-elect Clinton must face a devastated economy, record unemployment and a possible trade war with the European Economic Community, along with the current crises in Somalia and what was formerly Yugoslavia.

The transitional team and the new administration have more than their share of work cut out for them. Along with the difficult task of effecting a smooth transfer of power, the Clinton administration must contend with pressure to succeed and put the stigma of Democrats as ineffectual leaders to rest. And only four years in which to do it all.

Perhaps in order to change from pessimists to optimists, we need to reinvest in hope. If President-elect Clinton can somehow make us believe in hope, then he will have successfully fulfilled his duty to the Presidential office.

While the euphoria over the election continues, let us not forget that the real work is yet to come.

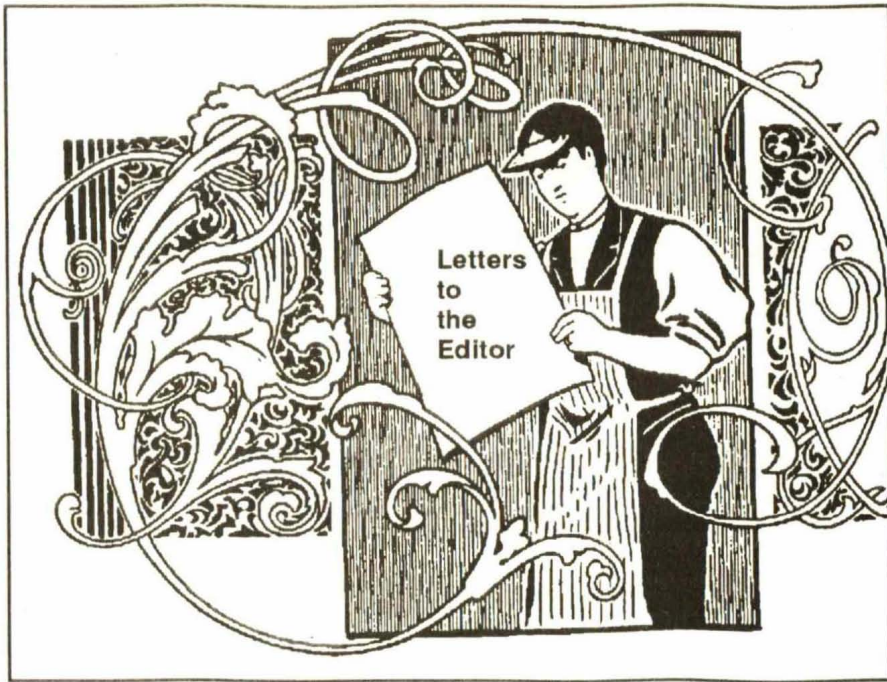
By the way, Happy Thanksgiving.

To the Editor

I was surprised to read the articles regarding abortion in the October issue of *The Justinian*. For some reason I thought that a school publication would avoid the topic. While I am pleased that you have chosen to address this issue, I would have been even more pleased to read an opinion reflecting my own beliefs. I differed with both articles and feel obligated to let you know. Otherwise you might believe that the entire student body is pro-choice or that we all begin with the assumption that the 14th Amendment excludes the unborn.

If two opposing views can claim support from the same language found in the Constitution, the Supreme Court must decide which application of the law is proper. This being the case in the debate for and against abortion, the Supreme Court is necessarily obligated to settle the issue by clarifying the import of the 14th Amendment.

The Reasonable Woman in October's issue of *The Justinian* finds support for a woman's right to stop her pregnancy in the words "...nor shall any state deprive any person of life, liberty or property without the due process of law...." Pro-life advocates find in these words the protection of all persons regardless of their present state of physical and mental development or decline. Where the pro-choice advocate sees a standard for personhood, the pro-life advocate sees none, or at least does not see a develop-



ing human child as sub-standard.

Differing with the Reasonable Man featured in the last issue, I note that while the legislature can make a law unequivocally favoring or opposing abortion, it will not be final until it is judged against the Constitution. In the present political climate, state laws dealing with the issue are tested with the litmus of constitutionality. The question necessarily belongs to the court to decide. To make this comparison the court must first decide what the Constitution states, and for whom life and liberty are protected rights.

Like the Reasonable Woman in the last issue, I too urge people to lobby the legislature because that is where the battle must begin. However, instead of requesting broader rights not based in the Constitution for a limited segment of the population, I urge people to lobby for the grant of the undeniable rights of life and liberty clearly estab-

lished in our supreme law to a broader number of beneficiaries.

Discarding the unborn and the very ill is frightening. It is perverse to think that at the one end of the spectrum a being is not permitted to continue developing because it hasn't yet developed to a certain level or standard, while at the other end of the spectrum the final event towards which life naturally progresses is accelerated. In the one instance the lack of so many months or minutes of life are your undoing while in the other instance, too many years are your falling.

Cathi Farrell
Class of 1996

To the Editor

I was taken aback by the title of your entertainment column, "Wine, Women, and Song": an expression I thought had long since gone the way of "Nigger in the Woodpile," "a Chinaman's

chance," and "Indian giver."

Although the phrase might perhaps describe a women's guide to sing-along bars, the words are generally construed ejusdem generis, and imply a limited (not to mention unrealistic) view of the forty percent of us here slogging away in the same trenches as you boys.

How about instead, "Sex & Drugs & Rock & Roll?"

Lorca Morello

To the Editor

I enjoy reading Mr. Bondy's culinary reviews of local restaurants, and I appreciate his effort to convey his gustatorial delights - he's eaten "long and hard" - to other BLS gourmets. However, the sexist caption of his culinary column, "Wine, Women, & Song," is hardly appetizing and, at the very least, smacks of poor taste.

Perhaps Mr. Bondy, who has been very successful in whetting our appetites for tasty morsels around town, can serve up a title more palatable to the entire student body of BLS (even a title that mentions something about food might be appropriate).

Thank you in advance for being sensitive to your female readers by heeding this crumb of advice.

Lisa M. Brauner
Class of 1994

To the Editor

Regarding the title of Joseph Bondy's column in *The*

Justinian — "On the Trail of Wine, Women and Song," and the author's statement that he is a "lover of fine wine, women and song"— I have a suggestion. Change it.

While it is obvious to me that the title refers to Mr. Bondy's fondness for Cabernet Sauvignon followed, perhaps, by women singing opera, I am afraid others will jump to another conclusion (one so far from the truth that I hesitate to mention it): that in making public his fantasies of himself as a connoisseur of the "fine" pleasures in life (a Don Giovanni) Mr. Bondy actually sounds more like a buffoon (a Falstaff). I recommend that you change the column's title, and edit out any future operatic allusions in order to save Mr. Bondy from the scorn of those Philistines who cannot appreciate the high level of his taste.

Steven Cramer
Class of 1993

To the Editor

I am very disturbed. I don't like the title of David Frey's column, "Your Entertainment Guide." It is too politically correct. There are no disparaging remarks based on gender or ethnicity. This campus is becoming too politically correct. Let us thank the Lord that you at least allow Mr. Bondy to have named his column "Wine, Women and Song."

We need some real change around here. Why do they have to be "The Reasonable Man" and "The Reasonable

Woman?" Why can't they be unreasonable? Or downright idiotic? I feel that the intellectually challenged are not properly represented at this school.

Finally, a question to everyone reading this. Do you get Legal Process? What's the deal with that?

Anonymous Drooling Idiot
Class of '94

To the Editor

I just read the letter from "Anonymous Drooling Idiot," and I don't get Legal Process either.

Geraldo Riv[i]era
Class of 2066 B.C.

To the Editor

I was happy to read Adam Stillman's letter in the last issue of the *Justinian*. As he concisely pointed out, "[s]moking is unpopular." And although he failed to point out the obvious rights of those who are affected by the very real health dangers of his second-hand smoke, I'd like to address the concerns of a *real* minority of students - those who own or carry handguns.

Another year has arrived and I am disturbed to find that Brooklyn Law School ("BLS") has continued its embarrassing policy of ignoring the needs of students who would like to "pack a little heat." Unlike police officers - who can freely stroll around BLS carrying their guns in plain sight - a law student is banned from carrying a weapon

on campus. And unlike smokers who can spread their toxic clouds of death in *two* areas of the school, we gun owners have nowhere to shoot our cherished weapons of death on our school grounds. While smokers are provided ashtrays and tables in the cafeteria and the student lounge - the two most popular hang-outs in the school - there is not one shooting gallery to be found here. Moreover, smokers constantly ignore the bans from smoking in the hallways and staircases of BLS, while I am unaware of any incidents of law abiding gun owners shooting (intentionally or otherwise) their weapons anywhere in our building. Finally, if one of our guns did go off by accident when someone was studying or watching t.v. - talk about commotion!

Shooting firearms is unpopular (albeit common in New York City) and no one needs to remind gun carriers of this fact. They are shunned in restaurants (second only to those who demand service without wearing shirts or shoes), movie theaters and *especially* on airplanes. The list goes on despite the fact that guns kill fewer people per year than smoking-related cancer! The law school community is not a place where student shooters should feel unwelcome. Smokers are welcome here (despite New York City's strict anti-smoking laws) and they don't even have a right to bear cigarettes. Meanwhile, we have the 2nd Amendment right to bear arms (please save your "militia" arguments for someone who

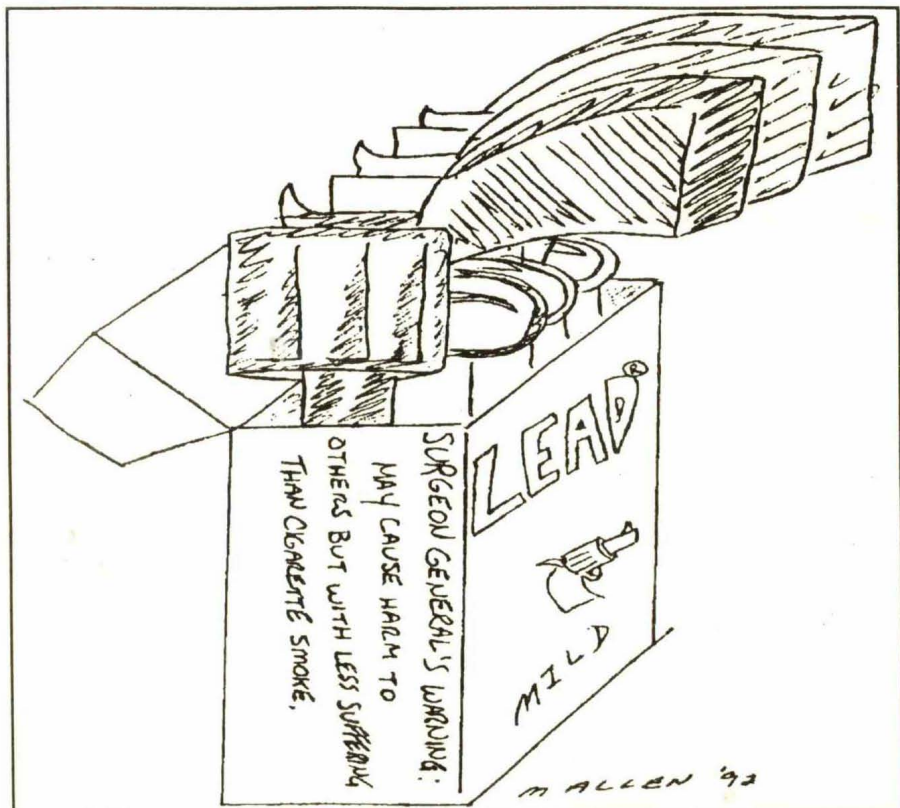
cares) and are constantly harrassed.

Law school is not a dangerous place, as pointed out by Eric Schwartzman in his Letter to the Editor which rightfully thanked our security staff. But it is a stressful environment. What better way to let off steam than to fire off a few rounds of hot lead? As an academic institution, BLS should respond to the needs of its students by providing a suitable shooting area for its gun carriers.

Perhaps the law school could add a 12th story to the new building where a shooting gallery could be placed. It probably wouldn't throw off the fictional April 1994 "completion" date for the new building. And if it did, who cares? Most of us will be gone by then anyway! In fact, the shooting gallery could be right in front of the entrance to a new hermetically sealed smoking lounge. Or, the school could hand

out bulletproof armor to the students, staff and our favorite faculty (a solution to tenure perhaps?), which is a lot more effective in stopping stray bullets from winging your fellow man or woman than a ventilation system is in preventing smoke from polluting the school's air. That way gun toters could intermingle with the rest of the student body without needlessly worrying about harming our fellow students. Sure there is the chance that some innocent people who are allergic to bullets, or worried about the second-hand effects of flying lead, might get hurt or annoyed! But, dammit, what good are other people's rights to live free from unwanted and dangerous toxins if we can't unabashedly trample upon them for our own selfish convenience?!

David Frey
Class of 1993



The Reasonable Woman

by Joan Marie Fasanelle

When I began to consider my opinion about the death penalty I looked first to the Constitution for some guidance. The Eighth Amendment prohibits the federal government from imposing cruel and unusual punishment for federal crimes. Similarly, the Due Process Clause of the Fourteenth



Amendment prohibits states from inflicting such punishment for state crimes. Two significant events in American constitutional history to consider this same topic were *Furman v. Georgia* and *Gregg v. Georgia*. Prior to these decisions the Supreme Court had refused to announce that

standards in this area were constitutionally mandated. In *McGauthav. California* (1970), the Court upheld the constitutionality of both unbridled jury sentencing and a unitary trial system against Fourteenth Amendment challenges in a capital case. The Court's opinion evidenced the abdication of federal review of the death penalty. Luckily, I found that the abstention in this area was short lived.

The next step the Court would take in death penalty adjudication was a full stop. In 1972, in *Furman*, the Court was called to answer the question: "Does the imposition and carrying out of the death penalty in this case constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments?" Five justices voted to

invalidate all existing death penalty statutes under the "cruel and unusual punishment" clause. Justice Brennan was amongst the majority and reached the conclusion that the death penalty was per se unconstitutional and hoped that the power of the Court could improve a society divided about death as a form of punishment. He went through a long historical analysis about the Eighth Amendment and determined that one simply could not know exactly or with any certainty what punishments the Framers thought were cruel and unusual. He continued to state that, whatever the Amendment's scope, he understood the clause to be a "restraint upon legislatures." He came to a vital conclusion, which I believe correctly defines what the clause was meant to protect. He stated: "At bottom, then, the clause prohibits the infliction of uncivilized and inhuman punishments. The State, even as it punishes, must treat its members with respect for their intrinsic worth as human beings. A punishment is cruel and unusual, therefore, if it does not comport with human dignity."

Unfortunately his conclusion did not speak unanimously for the majority of the Court. The opinions of three other concurring *Furman* Justices set the stage for the future of death penalty jurisprudence. The violations found by these Justices seemed to be procedural rather than the "pure" Eighth Amendment prohibition found by Justices Brennan and Marshall. Given this array of opinion a large number of the states moved swiftly to get the death penalty back before the Court, to do this they had to create constitutional schemes. The statutes created required mandatory death sentences for limited classes of crimes and varied systems of "guided discretion" in jury sentencing. In addition, all of the statutes included provisions for direct review of every case in which a defendant was sentenced to death.

In 1975, the Court was faced with deciding the first of the post-*Furman* statutes. In *Gregg v. Georgia*, by a seven to two majority the Court upheld the Georgia bifurcated sentencing scheme

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Justinian November 1992

The Reasonable Man

by Joseph Bondy

I have been personally opposed to the death penalty for as long as I can remember. As a child growing up in a liberal Jewish family, my mother and father were always concerned with teaching me values of sensitivity, strength, empathy, and fairness (to name only a few). I assume that most of your parents did this too. Most of us were taught that our nation is a democracy in which all people are equal, regardless of race or ethnicity. We were also taught in large part that getting even with people for wrongs which they have committed against us was in itself wrong. In fact, I vividly remember being taught this concept after trying to hit my playmate over the head with a log when he would'n't sleep at my house. The year was 1972, and I was four.

The year is now 1992, and my feeling of discontent with the death penalty is still strong. I now fully realize that even though we live in a "democracy," certain segments of our society do not receive all of the protections offered by our laws. Often, these same people instead receive a prejudicial, biased administration of justice. Too often these people are poor, less educated, or minorities. The fact of the matter is that these prejudices often weigh heavily in capital cases. See e.g., note, *A Study of the California Penalty Jury in First Degree Murder Cases*, 21 Stan. L. Rev. 1297 (1969). Whether it is because of disparate resources, inadequate legal representation or educational upbringing, only a handful of defendants in capital cases receive the death sentence each year. Literally thousands of other very similar murder cases are dispensed with in other ways. As Justice William O. Douglas stated as early as 1972, in *Furman v. Georgia*, the discretionary application of the death penalty "[is] pregnant with discrimination, and discrimination is an ingredient not compatible with the idea of equal protection of the laws that is implicit in the ban on 'cruel and unusual' punishments." As we all know from Constitutional law, even statutes which are nondiscriminatory on their face may be applied in such a way as to violate the

equal protection clause of the Constitution. *Yick Wo v. Hopkins*.

And yet I have heard many intelligent, seemingly sensitive and certainly concerned law students calling for the execution of defendants based not upon their knowledge of all the facts in a particular case, but rather upon what they have heard or read on TV or in the paper. Sometimes I hear people call for the death penalty for only the most "heinous" crimes. Othertimes I hear the argument that the appeals process for death row inmates should be modified so that it is not a continual stay of execution. In other words I hear law students, who are supposed to embrace truth and principles of equal justice, ignoring the fact that they only know some of the facts, assuming that every jury was selected properly, that every defendant's attorney had sufficient time to prepare a case upon which their client's life rests, and arguing against the rights of prisoners to avail themselves fully of the legal system before being put to death. I cannot help but feel that these people should be ashamed of themselves.

Now that we are polarized, I hope you agree with me. If no, then tell me: as adults, is retribution still as bad as it was when my mother told me to turn the other cheek in 1972? I think it is. The state, in its role as teacher, does not teach increased respect for life by killing people. Nor does the threat of execution serve as a deterring factor. If anything,

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Reasonable Woman continued from page 8

constitutional under the Eighth and Fourteenth Amendments. The Court concluded that "considerations of federalism, as well as respect for the ability of a legislature to evaluate, in terms of its particular state, the moral consensus concerning the death penalty and its social utility as a sanction, require us to conclude, in the absence of more convincing evidence, that the infliction of death as a punishment for murder is not without justification and thus not unconstitutionally severe." The Court in my opinion, in its balancing of individual rights and concerns of federalism "missed the boat" and came out on the wrong side of the scale. The Eighth Amendment after *Gregg* merely came to require "adequate" procedures to ensure non-arbitrary and non-discriminatory proceedings which could be reviewed by appellate courts. This may have sounded acceptable and fair, but in practice the departure from *Furman* left open grave potential for abuse of discretion.

After the re-institution of the death penalty it was inevitable that the next obstacle the Court would face was in the state's application of the sentence. This for me is the most troubling area, because it is here that the potential for abuse is so great. It is far too easy for the state to justify the use of improper factors when considering whether or not to impose the death penalty. In 1986, in *McCleskey v. Kemp*, the issue was whether these new death penalty statutes were being applied in a racially discriminatory fashion. *McCleskey* claimed that the Georgia statute violated the cruel and unusual punishment clause and equal protection clause of the Fourteenth Amendment. To support his claim he provided sophisticated statistical evidence. The Court concluded in the face of contrary evidence that his sentence was not disproportionate within the meaning of the Eighth

Amendment. The Court based its decision on misplaced concerns for criminal administration.

I found Justice Brennan's dissent compelling; it addressed the fact that the Court had misplaced its focus on concerns of criminal administration, instead of protecting individual rights. He addressed the concerns of the individual --all individuals-- whose constitutional rights were being demeaned. Justice Brennan's focus was appropriately on *McCleskey*. He recognized that the statistics presented irrefutably evidenced that there was a significant chance that race played a prominent role in determining whether he lived or died. A concept repugnant to our Constitution. *McCleskey* was a clear example of the individual for whom our Constitution was created to protect. Considering the race of a defendant in deciding whether the death penalty should be imposed is at odds with the Constitution's concern that an individual be evaluated as a unique being.

In the Court's rush to embrace discretion, justice has been lost. This is my grave concern with the current Court's death penalty jurisprudence. This concern has not been confined to the class of race. Most recently, the Supreme Court has been confronted with questions of capital punishment for juveniles and the mentally retarded. The Court has determined that these individuals may constitutionally be executed. The Court has continued to stretch the limits of the Eighth Amendment. The Court has ignored the fact that our Constitution was designed to advance, not degrade human life. For the state to kill another it must disregard the constitutional basis that all people are created equal. In order for the Constitution to function, it must afford equal rights, protections, and privileges to all who live in the United States, including the condemned. The goal of the State, even as it punishes, is to treat its citizens consistently and our current death penalty jurisprudence works in opposition to this premise. The intent of the Eighth Amendment to require non-arbitrary and non-discriminatory procedures has not been met in the line of post-*Gregg* decisions. Faced with the increasingly impossible task of regulating the death penalty in the United States; the best path appears to be abolition of the sentence.



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the ending of peoples lives at the hand of the state hardens us, and makes us more inured to life and the living. The idea of someone being deterred from committing a murder by the thought of receiving the death penalty, when they are in a fit of passion, enraged, or acting spontaneously is ridiculous. The average murderer did not have the benefit of knowing the laws, nor of having a moment's introspection before acting. Thus, the deterrence argument does not work on several levels; the state supports death and there is just no evidence that this deters future crimes.

What is so bad about life imprisonment? I mean a real life sentence with no parole. This would prevent us from killing innocent people. Admittedly, we might lock a few innocent people up, but at least they are still able to avail themselves of our courts. Just for your information, these things really do happen. One of our classmates is related to Leo Frank. Who is Leo Frank? If you don't know, but you are a supporter of capital punishment, I reiterate my point that you don't have all of the facts necessary to even make an educated determination about the death penalty. Leo Frank was falsely executed in the early part of the century for the murder of a young white girl in the south. Frank was a new comer to the south; he was also Jewish. At the right time and in the right place, he was the perfect defendant (this happens today too). It was not until last year that the ABA journal uncovered his innocence through the confession of a man on his death bed, who claimed that he had seen the rape and murder take place but had not identified the murderer at trial because the murderer had threatened to kill him. The secret had stayed with him his whole life while Leo Frank died an unjust death.

While it might seem that I am arguing passionately rather than constitutionally, there is a constitutional basis for my conviction. The Eighth Amendment prohibition against cruel and unusual punishment does bar executions which are applied through discrimination, arbitrarily, falsely and without equal protection of the law. That this today is the state of the death penalty is indisputable. Equally undisputable is the dubious effect which capital punishment has on deterring future

crimes, and the baseness of a society which places retribution in high esteem.

Furthermore, to impose a mandatory death sentence for certain crimes in an effort to remove the arbitrary, discretionary elements of its application, is antithetical to a great number of Americans and offensive to an even greater bundle of individuals rights. That this is true is supported by the extremely small number of cases in which juries do impose the death penalty. The social abhorrence of the death penalty is shared by a large segment of our society today. While this group may not constitute a majority, deference must be accorded their views just as it has been used to protect the economic freedoms, First Amendment freedoms, religious freedoms, etc. of various minorities in our country. This principle is one of the means by which we do not fall blindly to the whims of the majority who, as we all know, are not always right nor always concerned with the constitutionality of the law.

If anyone should want to respond to my viewpoint, I welcome your letter. I will try to answer all "fanmail," and will handle in specific detail the issues you raise. Please understand that I don't have enough space to properly explicate all of my arguments in this article. I do have more; they are constitutional, moral, ethical arguments and I would love to share them with you either in person, or in writing. So again please feel free to contact me, the "reasonable man."

THE PASSWORD: BARBRI

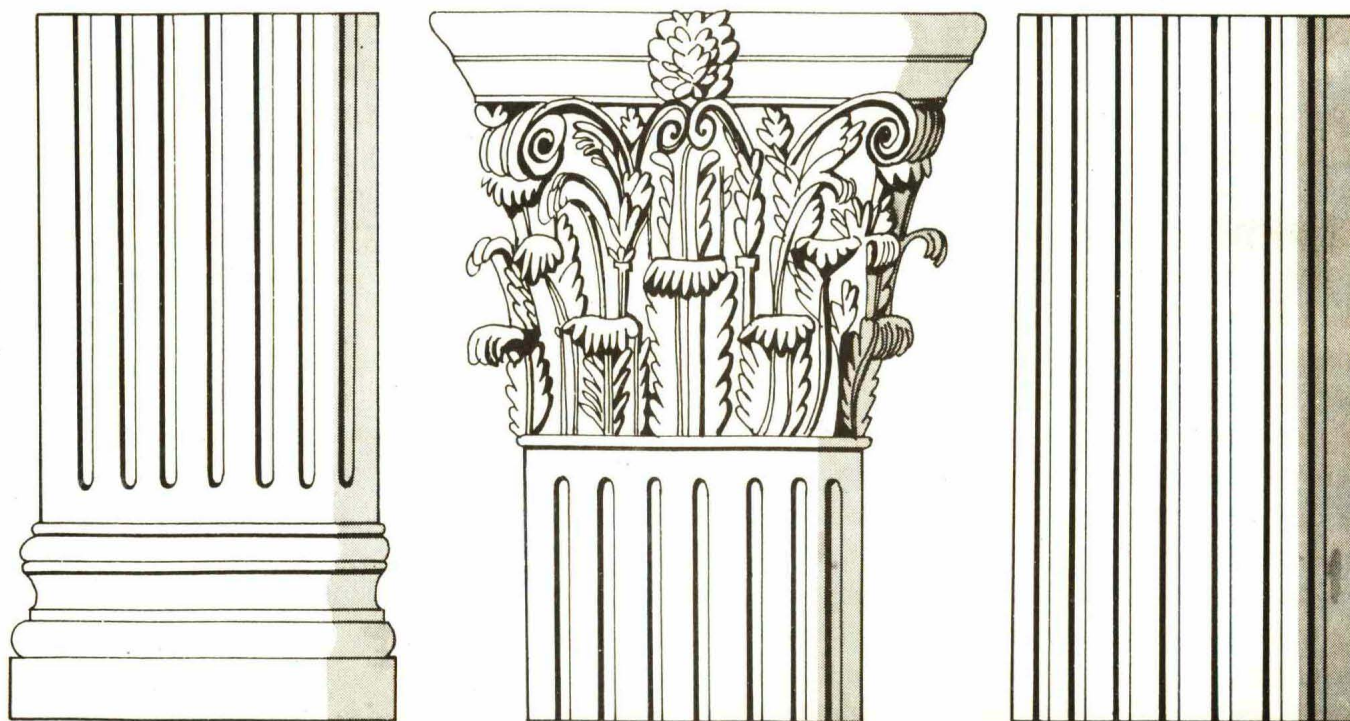


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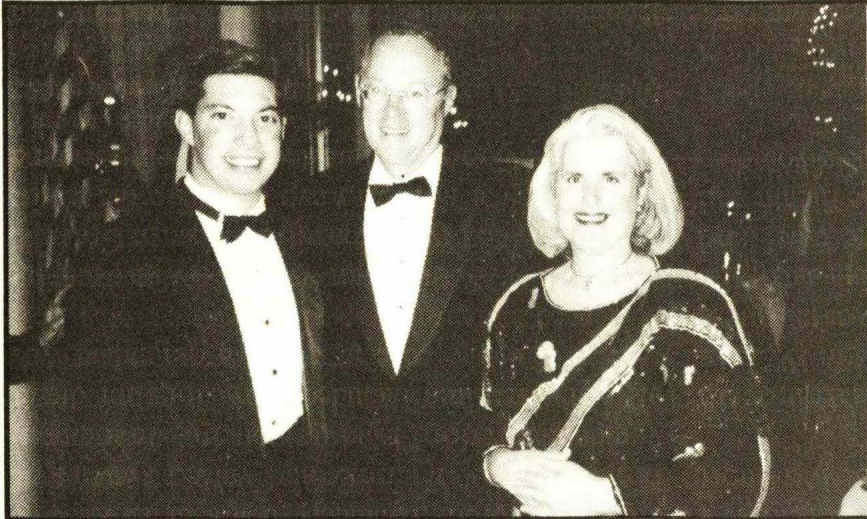
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Gauer Distinguished

by Pat Russo

On Tuesday, October 20, 1992, the National Legal Center for the Public Interest held its second annual Edward and Marion Gauer distin-

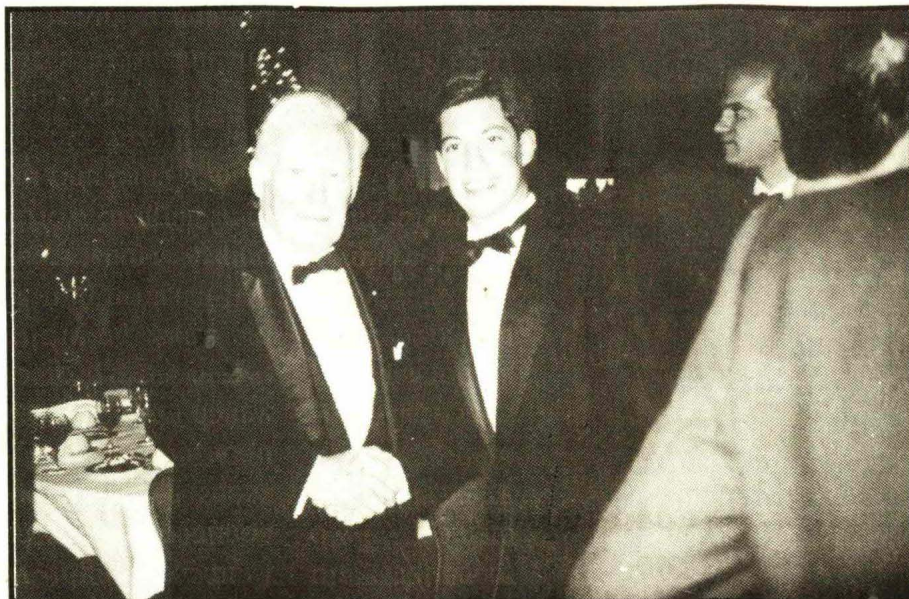


guished Lecture in Law and Public Policy at the Waldorf-Astoria Hotel. Among those in attendance were previous honoree, Associate Justice Anthony Kennedy and Columbia Law School Professor and Contracts scholar, E. Allan Farnsworth. They had gathered to join Warren E. Burger, retired Chief Justice of the Supreme Court, who presented introductory comments, in honoring former President Ronald Reagan.

President Reagan lectured on the role of the Executive branch of the federal government. With the disclaimer that he was speaking to a group comprised mostly of lawyers as well as a few law students as a non-lawyer, and one who would happily avoid citing legal cases, Mr. Reagan discussed at length the legal and historical origins of the constitutional framers' work,

particularly in regard to the role of the Chief Executive. Beginning with *Magna Carta*, Mr. Reagan traced the building blocks for limitations on executive authority over the centuries in Europe and subsequently in the United States. Since the Great Charter was signed at the meadow in Runnymede in 1215, an undeniable movement has grown and deepened in which citizens have led the movement away from an absolute monarch toward democratically-elected limited government leaders.

After this general overview of the shift in the role of governmental leaders since King John's power was decisively checked upon his signing *Magna Carta* at the request of the English barons, Mr. Reagan then spoke at length of the colonial experiences in America (he assured the audience he did not really know Thomas Jefferson...after all, Jefferson lived in Virginia)

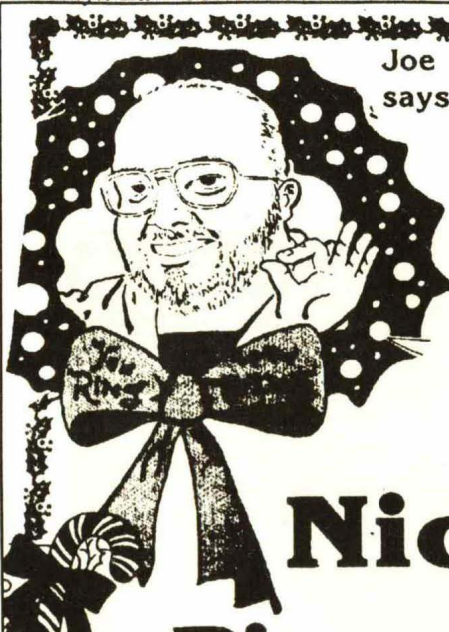


and the palpable effects of these experiences on the Framers as they built on their first effort with the Articles of Confederation to create a viable form of government through our present constitution.

Mr. Reagan continued by describing with great detail to historical data and numerous anecdotes, the long-lasting effects of the principles embodied by the 55 delegates who met in 1787 at the Constitutional Convention and those who were subsequently responsible a few years later for the Bill of Rights in the United States Constitution on not only our nation, obviously, but on various nations throughout the world. Specific examples of former Soviet bloc nations coming forward to embrace and taking steps to enact constitutions emboldened with such principles were cited. Finally, Mr. Reagan described various moments in the nation's history with well-delivered oratory to classify courage as the linchpin for such bold steps and the need to foster similar courage for those in the ever-decreasing non-democratic nations to stand up and bring about democracy under the rule of law and not under the rule of men.

Pat Russo, President of the Federal Society for Law & Public Policy Studies, represented Brooklyn Law School at the Gauer Distinguished Lecture in Law and Public Policy.





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BROOKLYN LAW SCHOOL RESPONDS TO AIDS CRISIS

Karen Comstock, Public Interest Coordinator

The statistics are overwhelming: The World Health Organization estimates that worldwide, 11 million - 13 million people have been infected with HIV, the human immunodeficiency virus that causes AIDS - including one million infected in the past 180 days. They estimate that one person is infected every 15-20 seconds. According to the Center for Disease Control, more than 250,000 Americans have been diagnosed with AIDS and more than 152,000 have died. The New York Times states that through March 1991, more than 35,900 New York State residents were stricken with AIDS, and over 24,300 have died prematurely. In New York City, AIDS is the leading cause of death for men ages 30 to 49 and women ages 20 to 39.

The AIDS epidemic is so devastating and seemingly intractable that one can easily fall into denial or succumb to a feeling of powerlessness. Yet, the problem is impossible to ignore. In New York City it is difficult to find individuals whose lives have not been touched somehow by this disease. People at Brooklyn Law School are no exception.

Working in cooperation with Gay Men's Health Crisis, the oldest and largest AIDS service organization in the world, a pro bono project has been developed here at the law school that gives the BLS community an opportunity to make a positive contribution to the fights against AIDS. It is called the Gay Men's Health Crisis Wills Project. Students and faculty members are working together to assist non-ambulatory (home or hospital bound) HIV-positive individuals in Brooklyn with the preparation of wills, powers of attorney, medical proxies and other related documents. We are now in our first full semester of operation, and I am happy to report that volunteers have assisted six individuals with these matters so far, and we expect to take on more cases throughout the school year.

Volunteers completed a two-step training process before becoming eligible to assist clients. The first step involved a two-hour training pro-

gram presented last spring at the law school by GMHC legal staff, which covered everything from the initial client intake session to the final execution of the will. The second step involved traveling to GMHC's offices in Manhattan to observe actual client intake and will preparation sessions at GMHC's nightly wills clinic.

Thank you to the 16 faculty members and 28 students who have completed the training program. Thank you especially to the following members of the Brooklyn Law School community who have assisted with cases so far: Professors Brian Comerford, Nancy Fink, Caroline Kearney, Kate O'Neill, and Kathy Sullivan; and students Doug Barics, Rachael Fink, Jane Landry, Carolyn Laredo, Jordana Silverstein, Angela Thompson, Jeanne Williams and Mike Williams.

To those of you out there who have completed the training session and are wondering when you will be assigned a case, it is only a matter of time. GMHC cannot predict exactly how many cases they will need our assistance on in a given week, but one thing is certain - the need for assistance is not going away any time soon.

To those of you who want to become involved with this or any other pro bono project, please contact me in the Office of Placement and Career Services. There are innumerable opportunities available for you to contribute your legal skills to the wide range of social and legal problems affecting your community (first year students - please wait until late spring or early summer to arrange for pro bono assignments).

Finally, sometimes a good cure for the blues is to just let loose and have a blast, and here's how you can do that while contributing to a very serious cause. GMHC is sponsoring a benefit Dance-a-Thon on December 12, 1992 from 7:00 p.m. - midnight at the Javits Center. You can register directly by calling 212-807-9255. Hope to see you there!

PRESIDENTIAL CAMPAIGNERS DEBATE ISSUES AT BLS

by Rick Holicker

The 1992 presidential election is history and the country has charted a new political course. But what were the issues that affected Brooklyn Law School students, and how did the three major contenders line up on those issues?

On October 27, one week before the election, an on-campus debate was held among representatives from the Bush-Quayle, Clinton-Gore and Perot-Stockdale campaigns. The debate was co-sponsored by Brooklyn Law Students for the Public Interest ("BLSPI") as part of its "Bridging the Gap" series, as well as the Brooklyn Law School Democratic Club, the Brooklyn Law School Republican Club and the National Lawyers Guild, and was moderated by Dean Joan G. Wexler.

Among the issues that were discussed were legal reform, insurance reform, pro bono and public interest law, health care and education.

As their candidates did in three nationally-televised debates, President Bush's representative, Ellison Elliot, focused on the President's stewardship of the nation during his four years in office, Governor Clinton's spokesman, Bill Greenawalt, focused on Governor Clinton's vision for a more caring nation and Mr. Perot's stand-in, Ed Sabatine,

focused on the need to reform government from the bottom up.

"With the U.S. economy in the position that it's in now, I think there's much to be said for the quality of the leadership that will take this country through the next four years. So that issues such as character and judgment, discretion, maturity and experience is a valid question [sic] we have to ask our leaders," Mr. Elliot told the 100 or so students gathered in the Moot Courtroom.

"We are asked to buy four more years of a failed economic policy. We are asked to buy four more years of a failed moral policy," countered Mr. Greenawalt, adding that what differentiates Gov. Clinton from President Bush is "a willingness to try and a commitment to try some new solutions and some new initiatives."

The rationale for the Perot campaign, stated Mr. Sabatine, is that "people have not felt they have a choice. The purpose behind the Perot campaign is to give voters a choice. [Mr. Perot is] doing that by sidestepping the interests and the outdated platforms of both parties."

The first question posed to the representatives was why lawyers have been receiving the blame for escalating health care costs.

Mr. Elliot sidestepped the President's campaign claim that lawyers are primarily to blame for a rapid increase in health care costs. While maintaining that malpractice claims are a significant contributor to the cost of health care, he shifted the argument to different issues, stating that much of the increase in health care costs is attributable to the cost of new medical technology,

Justinian November 1992



and arguing that the Clinton plan to provide adequate health care for all Americans won't work.

"At some point along the line, someone is going to have to pay for providing of that adequate health care and that means, more than likely, the Average Americans, you and I."

Returning to the issue, Mr. Greenawalt said he thinks "lawyers are being used by the Bush-Quayle campaign as whipping boys and whipping girls." While admitting that the legal profession bears "some responsibility" for pursuing expensive wrongful death and negligence claims, he also insisted that those who have been wronged "are deserving of representation."

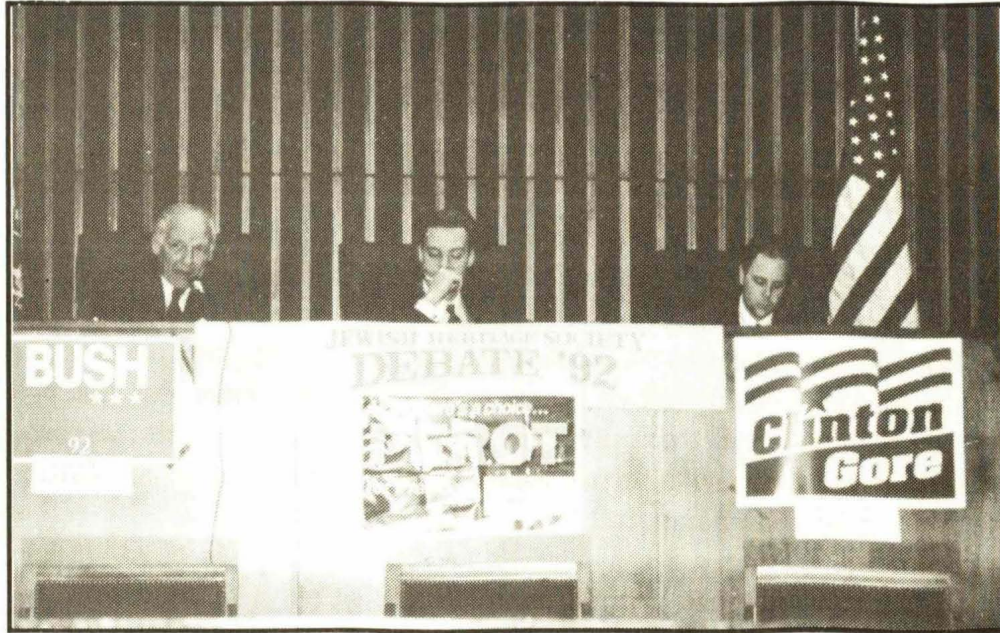
"More generally," he said, "the problem is that there is no mechanism in place now to take that burden away from the legal profession. You can't close the courts now to plaintiffs that have claims such as malpractice or injury claims. There is no system of insurance now that is adequate to compensate people for those losses."

"Once such a plan is put in place," he said, "then you can get rid of the trial lawyers and the huge verdicts. At the moment, I believe it's actually an impossibility and a terribly misguided thing to do."

There is no doubt that health care costs are rising, said Mr. Sabatine, but the two major party candidates "both have the same health care plan." Both want to funnel Americans into Health Maintenance Organizations. Mr. Perot wants to take a look at all the alternatives and not just at plans supported by medical community, Mr. Sabatine said.

Asked about their candidates' respective stands on mandatory pro bono work, all three representatives said they were unaware of any formal positions taken. But Mr. Elliot claimed that

President Bush has held the line on legal aid society funding and has pushed states to take a more active role in such funding, Mr. Greenawalt insisted that legal services programs would be revitalized under a Clinton administration and Mr. Sabatine said that Mr. Perot would likely call for an electronic town



hall meeting on the issue to ask the public its opinion.

All three spokesmen said their candidates supported more federal funding for school loans.

"Mr. Bush's fiscal 1993 budget contains the largest single-year increase in student aid programs in the history of the United States," said Mr. Elliot. "It includes a \$6.6 billion request, a 22% increase over fiscal year 1992, a 48% increase over fiscal year 1990. It would increase the maximum and average awards given."

The Clinton platform calls for a scrapping of the current student loan programs, said Mr. Greenawalt, instead "establishing a National Service Trust Fund. This would allow anybody to borrow from that fund to pay the entire cost of a college education and to pay the balance back either as a small percentage of income over time, or to give community service either as teachers, law enforcement officers, health care workers or peer counselors, or other community functions."

Mr. Sabatine said that Mr. Perot favors the Clinton plan.

Regarding the composition of the U.S. Supreme Court and the likelihood that the candidate elected would nominate at least one new justice, Mr. Elliot claimed that President Bush has a good record on this issue. He pointed to "the development of a centrist block on the Supreme Court, which has not turned out to be as conservative as many critics had intended. Just because [justices] are appointed by a conservative Republican administration, it does not necessarily follow that they will pursue a legal doctrine based on conservative ideological principles."

Mr. Greenawalt called the Reagan-Bush record on Supreme Court nominations "one of the sorriest spectacles we've seen in this period." He said that Clinton appointees "would be more liberal. They would be certainly left of center, no farther right than center, and I'm sure they would be committed to choice, civil liberties and civil rights, and to the major key points in our American underpinnings."

Mr. Sabatine said that Mr. Perot "hasn't discussed this issue" and will "simply appoint the brightest legal minds in both politics and the bench and law and law schools for the court."

On environmental legislation, Mr. Elliot said the Bush administration has "done well," pointing to passage of the Environmental Act of 1990 and claiming that the Environmental Protection Administration "has enjoyed the highest level of funding in over 10 years." The problem is not that Bush has not been an active environmental president, it's that his accomplishments haven't been "well articulated by either Mr. Bush or the media or by his family," he said.

"The legislation that's on the books is only

as good as its enforcement," said Mr. Greenawalt, charging that the Bush administration has failed to enforce the environmental protections that are on the books. His candidate would enforce current laws, he said.

The Perot position, according to Mr. Sabatine, was that the environmental debate has long been ignored. But neither opposing candidate has the answer, he said, claiming that while President Bush has done nothing to clean up the environment, Gov. Clinton would ask for regulations that would only force companies to relocate to other countries.

"Perot's in favor of what we term 'green growth,' " he said, a plan to clean up the environment by working with businesses. This plan involves the distribution of "pollution credits," giving companies that pollute less than their credits leeway to sell their excess pollution rights to other corporations and giving them an incentive to operate cleanly.

In closing, both the Democratic and Republican representatives acknowledged the importance of Mr. Perot's entry into the race.

"He has tapped into an anger and disgruntlement by the voting public," said Mr. Elliot. "Because Perot has been successful at tapping into that anger, raising legitimate issues that need to be addressed, I think that has heightened and focused President Bush's need to pay attention and to address those issues as much as he has international affairs in his first term."

"Anybody would be very foolish to disregard not only what Mr. Perot is saying but what he has been able to accomplish in this election," said Mr. Greenawalt, "for among other reasons, he might be a candidate four years from now."

ATTENTION BROOKLYN LAW SCHOOL COMMUNITY

MARK FEBRUARY 8, 1993 ON YOUR CALENDARS

THIS IS THE DATE OF THIS YEAR'S

BLOOD DRIVE.

Anyone interested in helping out with this year's drive, please leave your name and number in Jennifer "The Vampire" Naiburg's mailbox in the Student Bar Association office.

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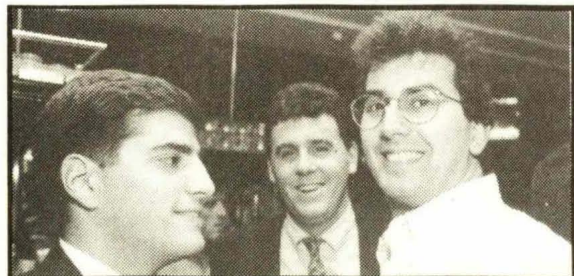
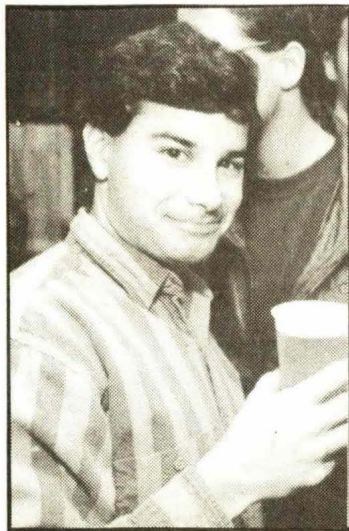
Interdiction, Detention, Harmonization of Asylum Policies in the West, the New World Order and its Implications for Refugees.

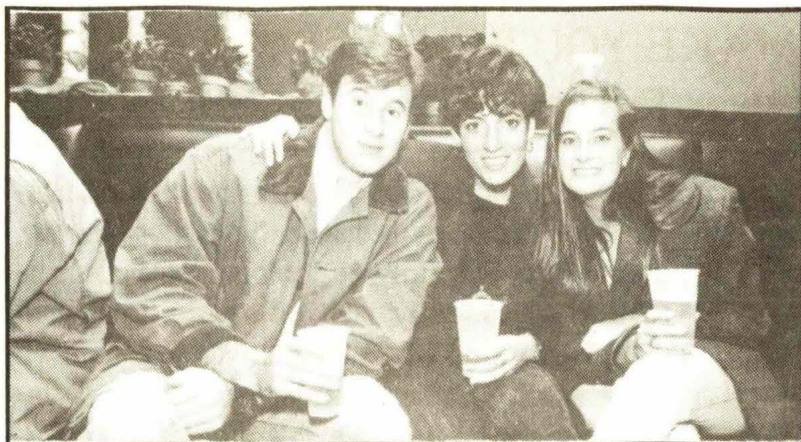
ORGANIZATIONS THAT ARE EXPECTED TO PARTICIPATE INCLUDE:

Office of the U.N. High Commissioner for Refugees, the U.S. Department of State, Interest Groups, Refugee Community Leaders, Amnesty International Groups.

Those interested in volunteering should call the Refugee Conference Coordinating Committee at
Amnesty International (212) 633-4262.

FALL FEST





1992

by Howard Tygar



SHOULD I BE ABLE TO MAKE YOU BEHAVE MORALLY?

By Robert Frommer

Pat Buchanan revealed a crucial moral issue facing Americans today when he said that there is a "culture war" going on in the United States these days. I think Buchanan raises a question that goes beyond the values we hold dear. Ultimately, we must decide whether we subscribe to the view that others should be allowed to do as they will as long as they don't force their views or behavioral rules on the unconsenting, or whether we believe that there are moral norms which must be imposed on society regardless of whether the individual who fails to conform to the imposed standard could only be hurting him/herself and other like-minded persons. This issue is unlike the question of whether to permit, say, random murder. There is a large consensus on what to do with individuals such as murderers and batterers etc. that indisputably harm others or the community with their behavior; we almost all agree to hold them liable in some fashion, as Criminal and Tort law demonstrate. This issue is also unlike certain issues upon which reasonable people can disagree, such as abortion, where it is uncertain whether the individual's actions affect only herself or possibly another (the fetus or unborn child depending on how one resolves the medical/metaphysical question).

The choice is not easy. Almost all of us have at least one normative value or behavioral rule that we would like to impose on others regardless of whether that rule affects us. The reason being that we simply don't like the fact that some people believe _____ or that some people do _____. For instance, I will posit that many of us do not like the fact that some people engage in sadomasochistic relationships even when the participants in such a relationship are knowingly and intelligently consenting to the abuse that is the hallmark of sadomasochism. But, then again, many of us figure that if someone likes being tortured or humiliated and is capable of consenting, they should be granted the freedom to do so no matter how much it offends our tastes or personal moral values.

So, there you have it. Should we be able to

impose ideological or behavioral norms on U.S. citizens even when they are only, at most, hurting themselves? Certainly we don't have the power to make others actually think differently (barring an effective method of "brain washing"), though we can generally make them behave differently by various means of incentive, coercion or constraint. The question is further complicated by the fact that many people feel obligated by their deepest beliefs to impose their behavioral norms even in instances where the behavior in question can only be seen to harm the participants themselves. For instance, many fundamentalist Christians consider themselves to be under Biblical obligation to denounce homosexuality and to attempt to stop its practice. In fact, many fundamentalists believe that they are attempting to lead not only society at large away from condoning the sin of homosexuality, but are attempting to save homosexuals themselves from the awful spiritual consequences that await them if they do not renounce their homosexuality. There is also the opinion held by some that what one does can never affect only oneself. For instance, some people are of the view that if homosexuality is not openly and actively discouraged, their children will inevitably be harmed by living in an immoral or amoral environment.

What are we to do with all of these seemingly irreconcilable moral positions? It seems to me that there are some problems with the "imposition of norms" approach. First, exactly whose moral norms would we impose if we decided that enforcing behavioral norms over all behaviors (whether they affect non-participants or not) was the way to go? Pat Buchanan seems to suggest some sort of traditional Judeo-Christian set of norms. But maybe we would instead like to impose the norms of some other group. For example, some would like to see all school children forced to repeat a pledge of fidelity to the tenets of social justice and morality as defined by Marxist/Leninist beliefs. Either of these regimes would leave many people unhappy, but perhaps we might conclude

that their happiness is of little consequence. However, what if an insufficient number of people subscribe to any one major school of moral thought to completely and consistently dominate? Should we have a power struggle and end up with one dominant set of imposed norms or should we have the uneasy and contradictory set of norms that are imposed on us now? For example, it appears that in some jurisdictions homosexual sodomy is criminal, but at the same time, some forms of discrimination against homosexuals are banned and some of the schools teach children that homosexuality is an acceptable lifestyle.

It seems to me that if our society is to continue to value free expression and the pursuit of life, liberty, happiness and so forth we will all have to bite the bullet to the extent of permitting behavior which we find distasteful and morally offensive when it only hurts the participants (if anyone). This

does not mean that any one of us is forced to condone the offending behavior; it means only that in the interests of a more liveable society, we should confine such disapproval to the methods that the First Amendment provides us. We should remember that we probably would not enjoy living under any regime that imposes such norms as the fear of perceived non-conformity that many of the higher officials in totalitarian states lived under demonstrates to us.

Not mentioned in the body of this piece is the question of whether the pain or disappointment caused to others is sufficient reason to abstain from some behavior, as when the child of racist parents marries someone outside his/her race. It seems, from this example, that the fear of disappointing others, in itself, would be a weak foundation for moral decisions.

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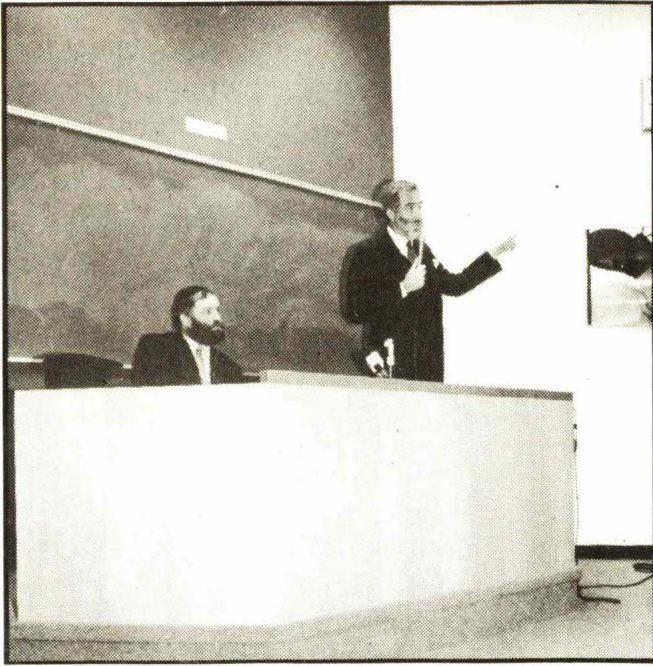
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BROOKLYN LAW SCHOOL REACTS TO THE CROWN HEIGHTS VERDICT

by Michael Cohen

The acquittal of Lemrick Nelson last week in the murder trial of Yankel Rosenbaum drew an



alacritous response from everywhere across the nation. Here at Brooklyn Law School, the Jewish Law Students Association sponsored its own peaceful protest in the form of a talk delivered by attorney Barry Slotnick and Norman Rosenbaum, brother of the slain scholar. Before a standing-room-only crowd of 150 students and faculty in room 502, the speakers discussed the circumstances leading up to the trial and the alarming ramifications of the jury's shocking verdict.

Barry Slotnick discussed the devastating damage that the jury's action inflicted on the attempts to restore good relations in a city that is increasingly suffering from racial and ethnic divisiveness. In addressing the audience of attorneys and future attorneys, Mr. Slotnick expressed his concern that as attorneys our duty is to use the judicial process to stabilize society. Unfortunately, there are elements in our society that seek to

undermine and foil our efforts; worse yet, these elements, use the system as the means for doing so. Mr. Slotnick recalled a poignant meeting that he witnessed after the riot and murder between Mayor David Dinkins and Rabbi Menachem M. Schneerson, Grand Rabbi of the Lubavitcher community worldwide. After the apparent inaction on the part of the Dinkins Administration which allowed a three day riot to ensue against the Jewish community of Crown Heights, the Mayor came to meet the Jewish leader as a reconciliatory measure.

"Rebbe," Mayor Dinkins said, "I'll be fair to both sides." Then, in an uncharacteristically angry rebuke, the Rebbe answered the Mayor "Do not refer to the issue as sides. By doing so you are polarizing the city. We are all one people living in this city together and you must address the situation as such!"

Norman Rosenbaum relayed the shocking details that described the Dinkins Administration's inactivity in investigating the murder that would lead to the apprehension and arrest of the some



twenty youth who attacked his brother Yankel. Some of Mr. Rosenbaum's startling revelations included:

1) The failure of the Dinkins' Administration to appoint a special prosecutor or investigating task force as he had done in the Bensonhurst-Yusef Hawkins murder and as had been done in the case of Howard Beach.

2) In the period following the murder, no statements were taken from the dozen non-police witnesses who had seen the murder, no effective investigation was carried out nor was any reward set for information leading to the arrest of the murderers. Mr. Rosenbaum was forced to conduct an investigation of these witnesses himself.

3) The jury disregarded the forensics, DNA testing, police and independent testimony that positively identified Lemrick Nelson as one of the murderers.

4) Mayor Dinkins condemned the Rodney King verdict, yet in this case chose to say that justice had been done!

Mr. Rosenbaum expressed his concerns that the racially motivated jury set the justice system back thirty years to Selma, Alabama which should be of concern to all attorneys and law abiding citizens alike. He concluded by urging those who are outraged by this gross miscarriage of justice to act as effective advocates by bombarding the Attorney General with letters demanding a full federal inquiry into 1) his brother's murder, 2) the riot perpetrated against the Jewish community of Crown Heights and 3) the failure of the Administration and law enforcement to protect them.

NOTE- Please see Michael Cohen, President of JLSA for the addresses of where to write and/or a petition to sign.



JEWISH BLOOD IS NOT CHEAP!!

by Michael Cohen

All law abiding citizens, including us students who will represent the legal system, should express their outrage at the contemptible racist and anti-Semitic acquittal of Lemrick Nelson for the murder of Yankel Rosenbaum, who was killed during the pogrom that raged for three days against the Jewish community of Crown Heights in August, 1991. The complete disregard of the overwhelming evidence represented the outrageous anti-Semitic motives of the jury, and undermined the credibility of the criminal justice system.

Yankel Rosenbaum, the unarmed scholar from Australia, was viciously murdered on August 19, 1991, by a mob of black youths yelling "Get the Jew, get the Jew!". The murder occurred during three days of rioting, looting and burning touched off by the death of seven year old Galvin Cato, who was hit in an accident involving a car driven by a Jewish driver. As Yankel Rosenbaum lay bleeding of four stab wounds to his back, Lemrick Nelson Jr. was arrested nearby where he had been hiding behind a fence; in Nelson's pocket was found a bloodied knife with the word "killer" painted on it along with three bloodied one dollar bills. The blood type was later found to match that of the victim. The police then took Nelson to the bleeding Rosenbaum who identified Nelson as his attacker and asked Nelson: "Why did you do this to me?!" City ambulance technicians later confirmed this at trial. Nelson was then taken to police headquarters where he confessed to the stabbing.

The jury, made up of six black, four Hispanic, and two white jurors chose after only twenty seven hours of deliberations to ignore the conclusive evidence and acquitted Lemrick Nelson on all four counts of second-degree murder and first and second-degree manslaughter. This, in spite that:

- Lemrick Nelson was found cowering at the scene of the crime;

- the bloodied knife with the victim's blood

was found on Nelson's person;

- Nelson was positively identified by Yankel Rosenbaum as his assailant in front of police officers and emergency medical technicians;

- Nelson confessed to the police.

The harsh ramifications of this miscarriage of justice — which began with the Dinkins administration's failure to protect the community of Crown Heights and the failure of law enforcement officials after fourteen months to come up with more than one suspect, through the scandalous acquittal last week — are both of social and legal consequence. In what smacks of the racial injustice wrought on Rodney King, all community leaders who stood up and deplored the racist verdict in Los Angeles must stand up now and denounce this heinous verdict. They must make it clear that contrary to the verdict's evil message, Jewish blood is not cheap and that no one may expect to attack members of the Jewish community with impunity. All leaders must join the Jewish community's call for a full federal investigation that will see some right made of the wrong that was rendered through Nelson's acquittal. They should see that the twenty or so thugs who preyed on defenseless Yankel Rosenbaum be turned over to the authorities, so that justice will be meted out to them.

The legal ramifications are clear: through jury nullification, a jury may make a mockery of the law and the justice system by turning a blind eye to concrete evidence and use the court as the instrument for their sick anti-social sentiments. The legal community must face head on the problem of jury nullification and search for solutions, and even changes, that will ensure justice and restore confidence in the justice system. Until the above happens, Jewish victims can not be assured of justice from minority jurors in Brooklyn, as we saw Rodney King could not expect from his all-white jury in California.

LISTEN UP YOU LOW LIFE EXCUSES FOR LAW STUDENTS!!!

Material for the April 1, 1993 edition of your school newspaper is now being accepted. If you want to know, "Why so early?" Ask me, and I will kill you. If you have something funny to contribute, whether it is an article, letter to the editor, cartoon, or embarrassing photos of the faculty or staff of BLS in, shall we say, delicate positions, submit them to:

Col. Bob Turcot, Ret.
Articles Editor
Room 307
Brooklyn Law School

Like "Dear Abby," or her luscious sister Ann Landers, all submissions must be accompanied by your real name and telephone number. If they are not, we will track you down and kill you. If you would like to submit it personally to me, Col. Bob Turcot, Ret., remember these rules:

1. Do not call me Bob, or Colonel Bob.
2. Do not sneak up on me.
3. Do not use the word "sponge" in a sentence while talking to me.

Break any of these rules, and I will kill you.

WELL?! WHAT ARE YOU WAITING FOR? MOVE IT !!!!!

- Editors' note - The opinions of Col. Turcot are solely his, and should not be attributed to the staff or editorial board of The Justinian. We did not want to run this ad, but frankly, we were too scared to say no.

A NON-RUNNER ON THE BLS/SBA "FUN RUN" by Robert J. Ansell

Okay, so when I heard that the SBA was sponsoring a "fun run" over the Brooklyn Bridge, I'll admit I did not get very excited. I am not, by any stretch of the imagination, a long distance runner. I was a sprinter in high school, and the thought of running, or heck, even jogging 3.6 miles, was out of the realm of my reality. However, my reality was to be redefined on Sunday, the 18th of October, 1992.

I was minding my own business eating my lunch in the "caf" one afternoon when a high school friend of mine approached me and asked if I would participate in the "fun run." Randi told me that "I was the type of person who does these things" and immediately drafted me for the race. Granted, I had no intention of actually running in the race, but I figured I would donate the seven bucks to the SBA and grab my tee-shirt and bagel and be done with it.

As the fateful day approached, I heard that several other people would be participating in the "fun run" (no one I knew, however) and that it was sure to be a "good time." I guess it was then that I really considered running in the race.

So, I went to bed Saturday night and set my alarm for eight the next morning. As I did this, I thought to myself...8 a.m....on Sunday??? Anyway, I got up and turned on the Weather Channel to see what the temperature, etc. was like out. As the screen flicked the current conditions at LaGuardia airport, one line read "TEMP: 44 WIND CHILL: 40." Forty degrees with the wind??? What was I thinking about? I reluctantly put on the appropriate gear (forgetting gloves for some unbeknownst reason) and headed out the door to Borough Hall. And let me tell you something, it was very, very cold when I got outside.

When I arrived at Borough Hall I was actually ... well, still cold. I was impressed, however, with the various set ups. There was the Heavenly Bagels dude taking out his block of cream cheese and setting up his cutting board for the bagels, three women and one guy from Thrifty Beverages with enough Snapple Products to hydrate

a small herd of wildebeests (yes that is the correct spelling of the animal, I spell-checked it), and the SBA table with, get this, running numbers for everyone (mine was 407) and of course, tee-shirts commemorating the event (what would an event (or non-event: see SpringFest 1992) be without a BLS/SBA tee-shirt?). As we all milled around the area, I realized I knew few people. Some chatted, some stretched, and some were just plain cold. I went for a huge coffee and when I returned, Randi (you know, the one who recruited me) and her friend Carrie huddled around my coffee for warmth. As the morning wore on, the sun grew stronger and more people arrived for the race. In fact, a good crowd (by BLS standards) showed up. Hey, I thought, this could actually be...fun?

Oh yes, and about the title of this thing..."Fun-Run." Now, again, I am not a runner, so any amount of running to me is not going to be fun. But I was caught up in the spirit of the thing, so when the man said "GO!" at 10 a.m. sharp, I was running and thinking, hey, this is fun! We ran up Cadman Plaza West, across Tillary Street, and hung a left onto the Brooklyn Bridge. Several police officers lined the roadway, and I still kept thinking, hey this is fun! The coldness of the morning had left and now the sun beat down upon us very brightly. We kept running and running and running, and I was thinking, "When I am going to hit the first mile marker?" Finally, about half-way up the first side of the Bridge, I heard someone say "Nine minutes, eighteen seconds." No world mark by any stretch but for me, not bad. And, I was feeling okay for the moment. By the time I hit the second mile marker coming up the other side, I realized that this run no longer was fun ... it was painful, mostly to my lungs which have not had to breathe so hard in over six years. By the third mile, I was really beat, but determined to finish (hopefully not last, not like it was a race or anything). When I finally heard the cheers of those who had finished as I came down Cadman Plaza, I actually had a little kick left in me and made it look good for

the camera (oh yes, thanks Mitch for taking those wonderful shots of everyone on a Sunday morning, in the cold, looking like schmutz...). Not that you should care, but I finished the "race" in just over 38 minutes, 48th out of I think 58. Not last but damn near close. The point is, I finished.

No way did I think I would have a good time doing this. I had a million excuses not to run today. It was too early, it was too cold, I couldn't run that far, I couldn't afford the seven bucks, it was a stupid idea, etc. I had a good time, though, despite most of those excuses being true. It would have been nice if more people showed up to a Lew Lieberman/Eric Schwartzman sponsored event but

I know not everyone can make it. By now you're probably saying to yourself, what is the point of this article? I am asking the same thing myself. I think I have an answer.

I am a third year student who will soon graduate, take the Bar and begin life in the "real world." I often speak to people older than myself who tell me to "enjoy life now" because after graduation, "it sucks." I tell them I am enjoying myself and am trying to have the best time I can before its too late. Today, I had a better time than I thought I would have (Thanks Randi). And remember, I don't even run Sorry for the hokey ending.

RACE JUDICATA SUCCESSFUL GOOD TIME HAD BY ALL

By Lew Lieberman

The morning of October 18 brought out fifty-seven enthusiastic Brooklyn Law students and alumni who braved 41 degree temperature and a challenging 3.6 mile course to make the 1992 version of *Race Judicata* a rousing success.

The Student Bar Association sponsored the fun-run as an opportunity for the various groups who make up Brooklyn Law School to unite in a non-alcoholic, healthy event. The course started at Brooklyn Borough Hall, and went out and back over the Brooklyn Bridge. The Bridge's pedestrian walkway as well as surrounding streets were blocked off by twenty-five of New York's finest, who were on the scene by 8:15 A.M. for the 10:00 A.M. start. Fifteen student volunteers helped guaranteed a well-run event.

Wade Johnson, '94 set a blistering sub-6:00 mile pace to win the event in 21:07, followed by Michael Goldstein, '94 in 22:20. Third place finisher Patrick Vallone, '91 had the honor of first alumni finisher. The run even featured a father-son team, as Jeffrey, '64 and Michael Schwab, '94, made it a family affair. Emily Weisberg, '94 led over a dozen women to the finish line, finishing an impressive eleventh overall, in 25:58.

Both before and after the run, Heavenly Bagels of Court Street donated bagels and cream

cheese, and Thrifty American Beverages, at Court and Butler, contributed Gatorade and Snapple to competitors and spectators alike. Jimmy of Heavenly and Janet of Thrifty were generous and added to the fun, so please stop in their establishments and let them know we appreciate their efforts. Mr. Warren Ring of Brooklyn, who has timed many prominent, national events, lent a professional air to the proceedings with his huge computer clock and chutes set up at the finish line, which allowed us to give official, accurate finishing times to all runners moments after the race ended. Special thanks also goes to Det. Patricia McDermott of the NYC Police Department's 84th Precinct Community Affairs Office.

Next year's event promises to be bigger and better. We will be looking for some (\$) sponsors, and will look to donate proceeds to a charity. Although no faculty or administration representatives made it to the starting line, (Professor Sebok signed up, but had a prior commitment) many said the late announcement of the run's date was a factor in not being able to participate, so we are putting everyone on notice that next year's run will be the same week-end.

As we warned, the *Race Judicata*, t-shirts are already collector's items, and they only go to participants, so make plans to join other students, faculty, and alumni in running the '93 *Race Judicata*.

October 5, 1992

Stanley D. Chess
President

John E. Holt-Harris, Esq.
State Board of Law Examiners
c/o DeGraff, Foy, Holt-Harris & Mealey
90 State Street
Albany, N.Y. 12207

Dear Mr. Holt-Harris:

Last summer about 2,500 of the 7,400 persons who sat for the New York Bar Examination sat also for the bar exam in a second state. Of these 2,500 persons, the vast majority sat for the exams in New Jersey, Connecticut, or Massachusetts.

By scheduling the summer 1993 exam on Wednesday and Thursday, the board is inconveniencing at least 2,500 people and forcing them to take their second bar exams the following winter or another time. This will cost hundreds of thousands of dollars in lost earning power and inefficient use of time.

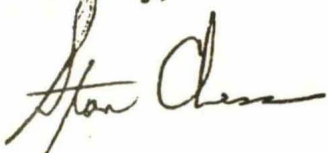
A solution that would work to everyone's benefit would be to hold the New York Bar Examination on Monday and Wednesday. The incremental cost of breaking down and setting up 7,400 chairs cannot approach the cost to New York's candidates if they are denied the opportunity to take a second exam in New Jersey, Connecticut, or Massachusetts.

We estimate that the cost of breaking down and setting up the 7,400 chairs at about \$10,000. The cost in Buffalo and Albany should be far less than the cost in Manhattan.

To facilitate your decision, BAR/BRI is willing to pay the total cost of \$10,000.

I hope you will reconsider your decision.

Sincerely,



PS: More than 2,000 third-year law students have already signed a petition requesting the change of the exam to Monday and Wednesday. If all 7,400 candidates could somehow be contacted, my guess is that more than 7,000 would request the Monday-Wednesday scheduling.

cc: Members, New York State Board of Law Examiners
Deans, New York State law schools

THE CLUB SCENE

AMNESTY INTERNATIONAL AT BLS

By Chris Guarnotta

Amnesty International is a global human rights organization working for 1) the release of all prisoners of conscience (those detained because of their political or religious beliefs, ethnic origin, sex, color or language, provided they have not used nor advocated the use of violence); 2) fair and prompt trials for political prisoners; and 3) an end to torture and executions in all cases. Letters and petitions are sent seeking just treatment or release of prisoners whose human rights have been violated.

The BLS chapter is one of over 4000 groups world-wide working for human rights. In conjunction with the Lawyers Committee for Human Rights, we will be setting up a petition table on a monthly basis to collect signatures on behalf of law students, lawyers and judges whose human rights are being violated. On November 4, we set up such a table on behalf of Leon Kurgansky, a lawyer in Ukraine who was disbarred and has received death threats because of his advocacy on behalf of persons persecuted in Ukraine. We collected nearly 200 signatures and wish to thank the students, faculty and staff of BLS who took the time to read and sign this peti-

tion.

The chapter is working with the Internal Law Society in planning a human rights law presentation dealing with refugee and asylum law. We expect to present some of the leading authorities on the subject, which is of increasing importance in world affairs (i.e. Haiti and what was formerly Yugoslavia).

Involvement in Amnesty International enables one to develop a global awareness and to seek some social change through the collective efforts of 700,000 members world-wide. Lawyers and law students can bring a useful perspective and the tools necessary to analyze international law. New students and new ideas are always welcome and will help to make the BLS chapter a more effective student organization.

REVISITING THE MAKING OF A FUR COAT-

by Hayley Greenberg

The winter season is once again upon us, and with it comes the inevitable arrival of the supposed fashion conscious fur-wearer. It never ceases to amaze me that another year has come and gone while the alleged fashion mavens still haven't gotten the point; over 70 million innocent animals (in the U.S. alone) are maimed, trapped, anally electrocuted, and finally butchered to

death all for the sake of vanity.

"Animals used for fur coats are raised for this purpose so it's O.K. to kill them," goes the fur industry's argument. BIG DEAL!! These fur raising "concentration camps" are not regulated by any federal rules regarding humane treatment of animals. Animals are confined to tiny cages for their life and then are brutally murdered.

If you are appalled by this torture and want to help eliminate it, join the Brooklyn Law School Animal Rights Group TODAY! We can be reached by phone at (718) 224-2531, or in our mailbox in the SBA office at the back of the cafeteria.

UPCOMING EVENTS: PLEASE ATTEND AND SAVE ANIMALS

THUR. NOV. 19 - Topics: Meeting, Event planning, & Welcome to new members. Refreshments will be served. OPEN TO ALL. (4 P.M. Room 403).

TUES. NOV 24 - Topic: Movie on The Fur Industry. Food and beverages will be served. OPEN TO ALL. (2:30 P.M. Room 3rd Floor Student Lounge).

BLS DEMOCRATS by Miles Flamenbaum

On November 3, 1992, Bill Clinton, the Democratic

nominee for the presidency, defeated the incumbent, President George Bush, in a landslide victory. Seeking a mandate for change in America, Clinton garnered 370 electoral votes and 43% of the popular vote. In contrast, President Bush won 168 electoral votes and 38% of the electoral vote. Independent candidate Ross Perot gained no electoral votes but attracted 19% of the popular vote. Perot, Bush and Vice-President Quayle were all gracious in defeat and signalled their willingness to support the president-elect.

In terms of how the election impacted the law school community, the cry for change translated into an overwhelming win for Clinton in New York and new Congresspersons from New York City. However, incumbent Senator Alphonse D'Amato defeated Attorney General Robert Abrams in the New York Senate battle. Students should look forward to a more receptive ear

in the White House. Change may occur in student loan regulations, health care, economic recovery, support for gay rights, radical change in the Justice Department and the potential for more than one Supreme Court appointment. Clinton is aided by what appears to be a Congress eager to work with a Democratic president. Some of these changes are expected within the hundred day 'honeymoon' accorded new presidents.

On election night, the BLS Democrats Club hosted an election party. Students watched the election returns and the acceptance and concession speeches. There was a great deal of discussion of how a Clinton presidency would affect the tenor of the federal judiciary. Many realized that the Justice Department will now take stances directly opposite those supported over the last 12 years. It was also noted that although the majority of the judiciary are Republican

appointments, a new Supreme Court could take shape. This could make for interesting case law in the near future. Unhappily it also makes current case books obsolete and of no resale value.

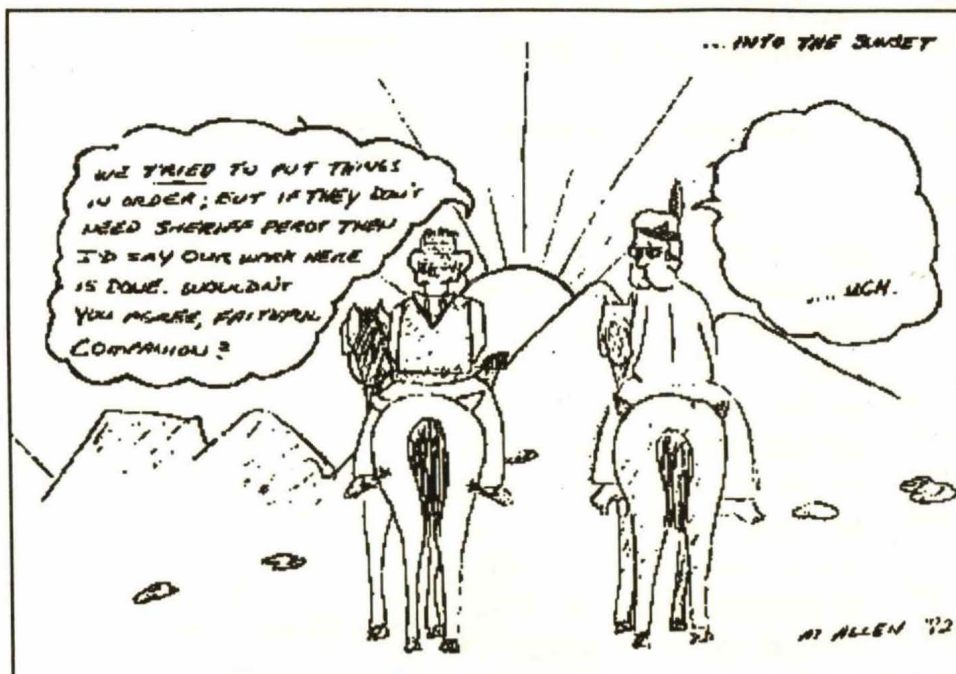
The law school community has been heavily involved in the election process. The school hosted debates and voter registration drives. In addition, the BLS Democrats Club, BLS Republicans Club and other student groups actively participated, inside and outside school, in various campaigns. For students and others it was a long, and sometimes ugly, campaign. Bill Clinton established himself as the candidate for change. Whether or not you supported Mr. Clinton, be relieved that the election is over, and support our new president so that we can feel good about the state of our country again.

EASLS

by Adam Stillman

On Thursday, October 29th, six student organizations held the annual Brooklyn Law School Halloween Party. EASLS, the Entertainment, Arts and Sports Law Society worked in close cooperation with the Republican Club, Democratic Club, Environmental Law Society, Computer Society and Second Circus to achieve a successful event.

The party provided students with an opportunity to release tension at the mid-



point of the semester. Although only a few individuals wore costumes, the party was considered a big success by all who attended and was one the first all-school event this year. Students drank, ate heartily and even had the opportunity to take home an attractive souvenir cup (which changes colors from orange to black).

RECEPTION WELCOMING PROFESSOR JENNIFER L. ROSATO

By Ricardo Velez

On Thursday, October 22, 1992, the Hispanic Law Student Association held a reception welcoming Professor Jennifer L. Rosato to the Brooklyn Law School Community. Professor Rosato joined the full-time faculty this fall.

Professor Rosato received a B.S. from Cornell University and a J.D. from the University of Pennsylvania. While at law school she was Editor-in-Chief of the *Journal of International Business Law*. After law school, she was a law clerk to U.S. District Court Judge Thomas N. O'Neill, Jr., Eastern District of Pennsylvania, from 1987 to 1989. Following her clerkship Professor Rosato was an Associate at Hangley Connolly Epstein Chicco Foxman & Ewing. In 1990 she joined the faculty at Villanova University School of Law as a Legal Writing Instructor. Here at Brooklyn Law School, Professor Rosato is presently teaching Civil Proce-

cedure I and will teach Civil Procedure II in the spring.

The reception started with Professor Crea's lively description of the faculty politics surrounding how Brooklyn Law School came to have Civil Procedure as part of its curriculum. Throughout the event various faculty members, as well as members of the student body, stopped by to welcome Professor Rosato to the law school community. The event came to a conclusion with Dean Trager.

IALSA

By John DiSanto

The Italian-American Law Students Association ("IALSA"), strengthened by a new board and an enthusiastic membership, has undergone an important transformation. It has become a dynamic and motivated group devoted to improving its credibility within the BLS community.

Previously known only for its Christmas Party, IALSA had no agenda and was spiritually lifeless. In fact, it had nearly become defunct due to a failure by any of last year's members to submit a new budget proposal to the SBA. This alarming lack of interest in IALSA's future was remedied by several students who resolved to create an enduring organization which had both a vision and a purpose.

To gain more recognition as a serious organization, IALSA

intends to sponsor a variety of speaking engagements and organize a number of charitable events for the community. It has already gotten a commitment from several judges to come speak at BLS and plans to hold a forum sometime in late November or early December. IALSA is hopeful that by improving its credibility, it will help eliminate Italian stereotyping and create a source of cultural pride which is naturally important to any ethnic based organization.

And yes, of course, there is still the Christmas Party which IALSA promises will be the best one BLS has ever seen.

JLSA

by Michael Cohen

WE'VE CHANGED OUR NAME—BUT WE'RE STILL THE SAME

As of November 1, 1992, the Jewish Heritage Society is now called the Jewish Law Students Association, or JLSA for short. Although our aims and plans have not changed, we will now be more easily identifiable to you and to other law schools. We are still a chapter of the National Jewish Law Students Association.

By the time you read this article, you will have made your choice for the next President. Hopefully, our debate held on campus on October 21, 1992 will have helped you in reaching your

decision.

The debate turned out to be an overwhelming success. Representing the presidential campaigns were John LaGrua for the Bush campaign, Kevin Thurm for the Clinton campaign and Donald White for the Perot campaign. And as diverse as the Presidential candidates were, so were their representatives. John LaGrua was a matured and seasoned investment banker who had worked for the United States Department of Commerce and as a consultant on Asia, the Philippines, Indonesia and Thailand. Kevin Thurm was the director of the New York State Clinton campaign. Infusing the debate with the young, fresh vigor that seemed to permeate the campaign he represented, Kevin Thurm came as a Rhodes scholar from Tufts University and as a Harvard Law graduate. Finally, representing the independent candidate H. Ross Perot was Donald White who works as an artist.

The responses to issues that were presented to the debaters by the moderator, Michael Cohen varied greatly. Those issues included jobs for law grads, student loans, the environment, and arms proliferation to the Middle East. When questions were opened to the audience, the debate became particularly intense. Questions from the audience focused on United States aid to war-stricken Somalia, funding for AIDS research and vouchers for education.

Stay tuned for our next event on November 17. The event will be a symposium on "Inter-

faith Dating and Intermarriage — does it work?" Included in our panel of experts will be a family therapist and a couple who have gone through the experience of interfaith dating and marriage. Watch the flyers!

PHI DELTA PHI **by Camille Allen**

Eighty to eighty-five percent of reported grievances filed against attorneys are connected to substance abuse of some kind. The Lawyer Assistance Program, run by the New York State Bar Association Committee on Substance Abuse, has had over 500 referrals in its two and one-half year existence. However, many of the professionals that go to the Committee to seek help arrive in the last stage of alcoholism. These persons are usually at death's door, have already lost their license to practice or are on the verge of losing it; and have substantial familial problems, low self esteem and very little self respect. The Program is trying to promote its image beyond that as an agency of last resort by offering a multitude of programs to aid the attorney in overcoming their substance abuse. For example, there is a quasi Alcoholics Anonymous program called Lawyer for Lawyers. Its aim is to provide a closed forum for attorneys who have admitted that they have a problem and are seeking support. The Program is not restricted to practicing attorneys but is also available to law students and judges.

Ray Lopez, Chairman of

the Committee, and a couple of the committee members were the star attraction at Phi Delta Phi's first panel discussion on ethical problems for the year. Ms. Margaret Popp-Murphy, General Counsel for Berthold Rowland, spoke on the preventative measures that law firms and legal departments should take to avoid malpractice claims when it has been discovered that the handling attorney has been a substance abuser. She stated that her corporation has found that the highest claims derive from failure to perform administrative matters such as the attorney failing to answer calendar call. Her recommendation is to have the attorney's files reviewed to ascertain whether there are any deficiencies to be remedied.

Ms. Kathlyn Kettles spoke on her experiences as a recovering alcoholic and the need for the community to recognize that alcohol is a disease that is treatable and that the first step in treatment is to recognize that the attorney has a problem. On the whole, it is recognized that the profession has a "see no evil, hear no evil" attitude that fosters secrecy and delays the treatment of the problem.

Phi Delta Phi is to hold a further discussion of ethical problems on "Sexual Conduct Between the Attorney and his Client." Watch the bulletin boards for date, time and place.

Anyone interested in becoming a member of Phi Delta Phi should look for the posting of meetings or leave a message in our mailbox in the SBA Office.

Bushisms

President George Herbert Walker Bush In His Own Words

Compiled by the Editors of The New Republic Illustrated, 87 pp. New York:

Workman Publishing Company, Inc.

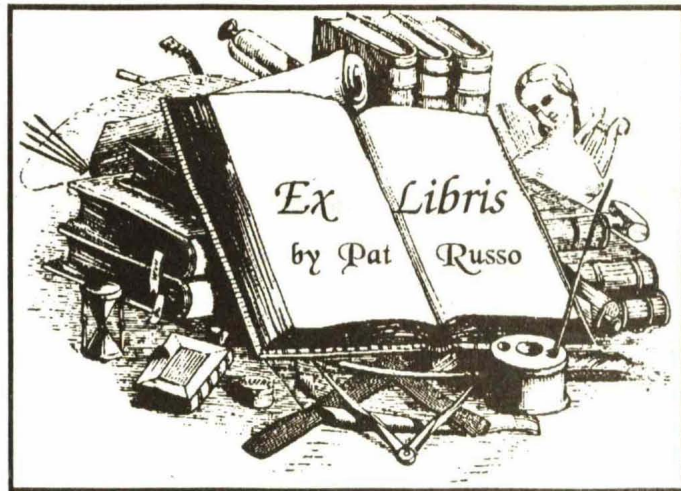
\$4.95 (Paperback)

For those of you who thought you would not have George Bush to kick around any more, the editors of *The New Republic* have given you one more opportunity. The 41st Chief Executive's one term in office will certainly be remembered for the Persian Gulf War and the subsequently scrapped "No New Taxes" pledge. The President, "the man," may be best remembered for the rambling, off-incoherent prattle that would be characteristic of a response to a reporter's question, a muffed prepared statement, or a grammatically-incorrect off-the-cuff phrase. These foibles have been given the label "Bushisms."

A collection of these Bushisms has now been published as a memento for posterity by the editors of *The New Republic*. Compiled by Jonathan Bines and edited by Andrew Sullivan and Jacob Weisberg, these one hundred or so classics will not only be a quick read but may provide a helpful glimpse at trying to find out something genuine about George Bush that may not have been so evident during his tenure and (obviously) during the past election.

In his introduction, Michael Kinsley describes Bushisms as staccato sentences with no pronouns or long meandering non-sentences that reverse course midway through. While some have thought Bush's style is reminiscent of Eisenhower's in that it duped interrogators in a political rope-a-dope Muhammad Ali could have only dreamed of performing, others have believed that the oral errors are palpable examples of sincerity by a regular guy and one of the few non-lawyers left in the Beltway. Kinsley concludes instead that a Bushism is the natural result of George Bush having nothing to say.

A couple of examples of these Bushisms:



"This is not a tax break for the rich, it is a creation of small jobs." - during a roundtable discussion with New Hampshire community leaders while campaigning at Pease Air Force Base, NH, on his time-worn proposal to stimulate growth by cutting the capital gains tax. 1/15/92

"Get this (economic plan) passed. Later on, we can all debate it." - during his remarks to the New Hampshire State Legislature in concord, Bush appeals to Congress to pass his economic growth package. 2/12/92

With quotes like these, *Bushisms* will entertain you and serve as well as a good reminder of the decrease in oratorical skills of today's public figures, especially since the value of a Demosthenes or a Cicero may be nonexistent in our society. While *The New Republic* editors obviously put some spin on the Bushisms chosen and their accompanying commentary, these quotations clearly show that George Bush provided the verbal chum for the political lexicographer's feeding frenzy during his presidency and are fodder for a delightful collection that will please you regardless of your location on the political spectrum. Perhaps, though, the editors of *The New Republic* can take heart from what we have heard recently from the President-elect ("As you can see, I have lost my voice.") and Vice President-elect Ozone ("A leopard can't change its stripes."). Until then, they and other G.O.P. stalwarts may want to consider this Bushism: "It's no exaggeration to say the undecideds could go one way or another" Sorry, George, they went thatta way!

An Entertainment Guide

by David Frey

Movies

The Mighty Ducks

How can a lawyer redeem himself? By becoming a Pee-Wee Hockey Coach, of course. The only real problem with this movie was that it wasn't great; it wasn't horrible, so reviewing it is a real pain. It was just a cute, funny movie. It won't win an Academy Award, but it was a fun afternoon.

Of course, it's not just a hockey film - it's a Disney hockey film. That's why the refs catch all of the penalties (except for one vicious cross check), and the hockey players (co-ed) have all their teeth. Mercifully, we are spared the formula "shoot-the-puck-into-someone's-crotch-and-see-them-fall-in-pain" scene. In that regard, this movie was refreshing.

In the end, this movie was like cotton candy. I enjoyed it, even though there wasn't much to it. Since I have to fill in some space, here's a joke. What do you get when you play a country record backwards? You get your job back, your dog back, your house back, your kids back, your wife back.....

The *Mighty Ducks* gets a solid B. On the other hand....

Christopher Columbus

In the annals of movie history, *Christopher Columbus* should go down as the worst movie ever distributed in the United States.

I'm pretty well read - at least to the point that I'm familiar with the story of Columbus' voyages. I've actually read the diaries of Columbus. Yet, I could not follow the plot of this movie. A synopsis: he's in Portugal; he's in Italy; he's in Spain; he's in America; I go home. A typical scene: it's dark, we hear dramatic music, we see rats climbing down ropes of a ship, we never see anything about rats again.

I've seen David Lynch's movie *Eraserhead* twice, albeit by mistake both times. I sat through a movie called *Freaks*, which is about circus freaks who riot (although, in all fairness, at the time I was a high school student, and I only watched it because

it was the first in a double billing with the uncut version of *Caligula*). I consistently watch Mystery Science Theater 3000 on the Comedy Channel. But *Christopher Columbus* was the first time I ever walked out of a movie before it ended.

From start to finish this movie was horrendous. Dramatic music was misplaced. The cinematography was terrible - apparently the Nina, Pinta and Santa Maria sailed across a bathtub to get to the "New World." The casting was terrible, too. Magnum P.I. as King Ferdinand? Don Vito Corleone as the Grand Inquisitor Torquemado? And the guy who played Columbus? If the movie audience was the crew of the Santa Maria, there would've been a mutiny.

Please, whatever you do, avoid this movie as if it were a highly contagious plague which would cause your favorite anatomical parts to fall off.

I would've given this movie an F-, but I've been informed by the Registrar that I must give it an A because of the grading curve.

Movie Notes

* Prof. Richard Allan on *Night In the City* - shot in his neighborhood, so he saw it. Great acting (Robert DeNiro and Jessica Lange), but the movie was "the pits."

Video

I didn't actually have time to rent any movies this month, so I'll review the videos that I have at home.

* *Little Mermaid* - Remember - "Under the Sea" is at 2000 on the video counter. A.

* *Beauty and the Beast* - No one had hair on his chest like Gaston. Saw it twice in the theater, and bought it also. This movie sold 1 million copies the first day it was on sale. Go see it! A.

* *Peter Pan* - Loved this movie. Unfortunately, the first time I saw it was right before I went to Disneyland when I was 5 years old, where I was confronted by a live, 6'6" Captain Hook. To this day I still have nightmares about him. A.

* *Bambi* - I have nightmares about Bambi's mother also. An A-, but definitely not for small children.

* *Fantasia* - Too radical for its day, it actually

bombed when first released. One of my favorite films ever. A+.

* *Mr. Spock's Christmas Carol* - movie I made with my friend Nick Batos in high school. It stars Mark Nirenberg (who is now a Secret Service agent) as Mr. Spock, yours truly as the ghost of Captain Kirk and; my wife (yes - we were high school sweethearts. Isn't that sickeningly sweet?) as a girl who is sitting on a log, at a beach, reading a book. Although the production value is low (about \$20.00 to produce the whole thing) the execution was ahead of its time for a bunch of kids with a video camera, a computer and great imaginations. Especially memorable is the finale where Spock shoots a Klingon with a phaser, and the Klingon (my friend Stephen Caracappa) actually tumbled down a hundred foot cliff! I give it a B-, and would gladly watch it several more times before I'd ever watch *Christopher Columbus* again.

Miscellaneous Events

SBA FallFest '92

The problem: Whether to go.
 The factors: \$5.00; all-you-can-eat wings & munchies; 7 blocks from work; wife out of town on business.
 The decision: Go.
 Reflections:

* Did anybody think of finding out the number of people that bar could legally hold? Physically hold? The bar - not the Sears Tower. I didn't think so.

* All who can eat?

* Great band. Rumor has it that the drummer's name is Ron and he goes to BLS. If so, I hope he's reading this. The highlight of the evening was "Smells Like Teen Spirit" when you did a drop dead imitation of the drummer in Nirvana. Give up law school, dude - you've found your calling.

* To the woman whose long spiral hair got stuck in a button on my coat and who then got, unintentionally, dragged halfway to the men's "bathroom": Sorry.

* The bathrooms I have in my house are

bigger. And to the guy who was standing in front of the one urinal with a beer in his hand for what seemed like five or six hours: See a urologist. There's something seriously wrong.

* To SBA: we know it was a tough job organizing this gala, and we appreciate your efforts. However, I hesitate to suggest that some of you just might have gone overboard when you wouldn't let people, who had to get out of the restaurant in order to find a bathroom, back in. Kind of makes me wonder why you stamped the word "VOID" on the back of my hand in iridescent red ink?¹

* Staff at the bar was very nice, except the stocky Obergruppenfuhrer with the mustache who I saw manhandle a student who had gone out of the restaurant in order to find a bathroom, and was trying to get back in. Either give that guy some sort of sphincter relaxant, or have Prof. Twerski explain the concept of assault and battery to him.

The rating:

SBA had a good idea in having the FallFest outside of BLS. I actually saw one woman who is in my Family Law class who I've never seen smile, actually smile!² SBA had a tough job and did a good overall job with only some minor incidents.³

I would've given the night a B+ without hesitation. However, as I was leaving to go to the bathroom, at my office, I found myself trapped and slowly crushed in a mob not six feet from the front door. I looked to my side and was eye to eye with a guy who looked at me and said, "Too bad we're not all naked."

Instantaneously the night was spiraling into a nightmare, when all of a sudden someone in front of me must have accidentally inhaled, and a group of us were literally sucked outside.⁴ When I got past the guard barricades set up outside by someone who was perhaps a tad too zealous, a group of people asked me what was going on inside. I told them that it was a Brooklyn Law School party and that the bar was full of would-be lawyers. One of the group looked at his friends and started walking towards the bar saying, "At least there won't be any fights."

I merrily went on my way, and the night's rating climbed back up.

"Author! Author!" Series at The New York Public Library

On October 29, 1992, The New York Public Library hosted a talk by author Dave Barry. Mr. Barry is a syndicated columnist (you can read his column every Sunday in the Daily News) who was the first person to win a Pulitzer Prize for humor. Dave Barry's talk was the second in a series of three held in the *Author! Author!* series, and the night was a huge success.

Mr. Barry's presentation was on a wide range of subjects including why, if you are sealed in a room with 13 people during a hurricane, you should leave the dog outside⁵; why his most recent book is about Japanese society⁶; and his policies for running the country if he is elected President of the United States of America.⁷

The night was a lot of fun, and I got to meet and speak with Mr. Barry afterwards. Even my wife enjoyed it, and she only went because I wanted to go. So, on the Traci Comedy Scale^{TN}, this night got an A+ (that is, until the Staten Island train broke down later that evening).

You can only get tickets to this series if you work for The New York Public Library, or if you are a Friend of The New York Public Library. It only costs \$35.00 to become a Friend, the money is tax deductible, goes to a good cause,⁸ and you get invited to the year end NYPL Holiday Party at the main branch (42nd St. and 5th Ave).⁹

If you are too cheap to give \$35.00 to a good cause¹⁰ I would highly recommend any of Dave Barry's books. Ones you might want to keep an eye out for are "Dave Barry Slept Here" (his interpretation of American history) and "Dave Barry's Greatest Hits" (his best columns), at either your local bookstore or your local library.¹¹ Trust me. If I didn't know what I was talking about, would they let me write an article?¹²

"VOID" stamps?

²In all fairness, this might have been due to the fact that her boyfriend - I assume it was her boyfriend - was nibbling on her shoulder when he was not playing the reflex game at the end of the bar. A personal note to you - you have a beautiful smile and should smile more often. Perhaps you can take your boyfriend to school with you and he could nibble on your shoulder during lectures on equitable distribution.

³And thank the Lord for that, or else this review would've been as hard to write as the one for *The Mighty Ducks*.

⁴Kind of like that experiment you can do with a milk bottle, a fresh egg and a candle. Come over my house one day, and I'll show you how to do it.

⁵The extremely low pressure system of a hurricane doesn't react well with the extremely high pressure systems inside a dog.

⁶He was going to do a book picturing him naked in erotic positions with celebrities, but Madonna stole his idea.

⁷Only 2 - domestic (Department of Louise) and foreign (Department of 3 Victors).

⁸Remember - if you think education is expensive, try ignorance.

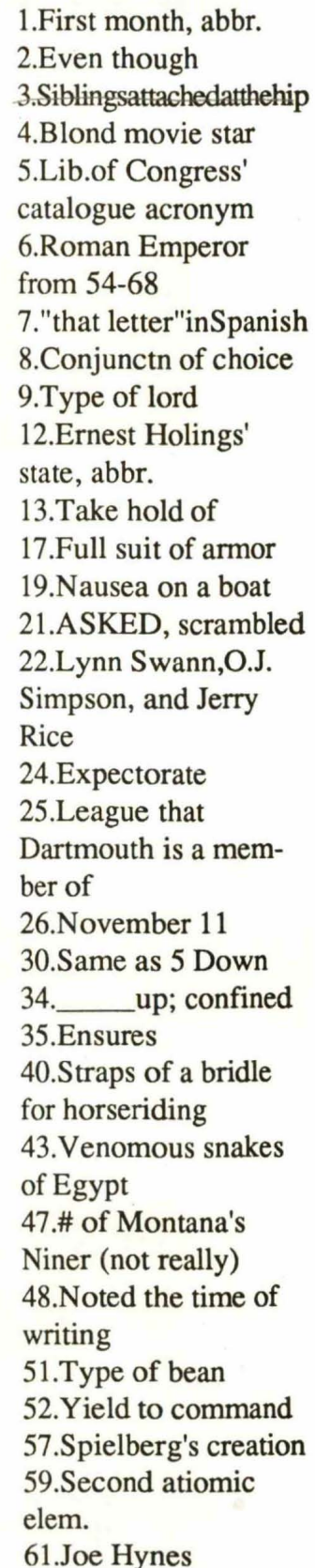
⁹A little trivia - the lions in front of the library are named Patience and Fortitude (from left to right). They were originally named Leo Astor and Leo Lenox (after the 2 libraries that were combined to form NYPL), but their names were changed during the Great Depression by Mayor Fiorella LaGuardia, after the 2 characteristics that New Yorkers had to show during the Depression. Also, NYPL is not city owned - it is a private non-profit corporation supported by private and government donations.

¹⁰Although, who am I to talk - I got in free because Traci works for the library.

¹¹Which might not be open when you go, because of city budget cuts and the number of incredibly cheap people who won't even give 35 tax deductible dollars to a good cause. You make me sick. But see also note 6, *supra*.

¹²For the humor impaired, that's a sarcastic rhetorical question. No mail is required.

¹Really guys - what was the point? You know we are all above the legal drinking age. Were you afraid that bands of terrorist law school party crashers were roving around the Seaport with their own iridescent red



1. State Flower of South Carolina or a girl's name	29. Very small or spider preceder	45. What a peeping Tom does to singer Turner (backwards)
8. Portents	31. Former Buffalo Congressman, presently HUD leader	47. Full of amusement?
14. Assumed names	32. 14th letter of the alphabet	49. PICA, scrambled
15. Second tone of the diatonic scale	33. ---Lanka, country near India	50. Welles of movie fame+pitcher Don of baseball fame+ Virginia is for _____
16. Med. students' life saving technique	34. Danger	53. In _____
18. Streisands	35. Bank Mach.	54. He is, in Latin
20. Mill preceder or see follower	36. Prudential follower	55. Places for skis to sleep?
23. Teetotalers' Org.	38. YES, scrambled	56. Literary monogram
24. Florida inhabitants of old or mascots of a Florida team	39. _____ in testimony	58. Expression of mild doubt or surprise
27. ----'s, an imported beer.	41. Barbie's male friend	60. Green stone
28. Listen secretly	42. The CONstitut. State	62. Swap
	44. Tangents's brother of mathematics	63. No votes+one yes vote

**WE'RE NOT THE BEST
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BAR/BRI

BAR REVIEW