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The Advocate

FORDHAM LAW SCHOOL

Vol. 23, Number 3

Fordham University School of Law © The Advocate

February 27, 1991

Fordham and the Law

Natural law at a Jesuit Law School

by Joe Englehart

Jerry Choe, in the November 30th edition of *The Advocate*, wrote a stimulating article on the natural law and the changing identity of Fordham Law School. I was encouraged by Mr. Choe's insightful proposal to provide Fordham law with an "overarching theme" based on what he calls "neo-natural law", and I support his main argument that Fordham, if it truly wants to be considered one of the premier law schools in the nation, must go beyond the "black letter" law and provide scholarly research and courses on the, "historical, philosophical, [and] moral background for the law." While expressing support for Choe's basic goals, several points in the article, especially those relating to relativism and to the Catholic Church, seemed confusing or at least not in agreement with a clear understanding of the true nature of this church. I felt that a response might help to clear up some points in these areas.

RELATIVISM

Mr. Choe begins his analysis of the traditional natural law very well, defining natural law, "as a moral and legal principle" which is, "derived from the 'human reason's' grasp of fundamental truths about humankind and the universe." As the article points out, in order for these truths to mean anything, however, they must be objective and immutable. Choe denies this is possible.

The main response of Choe to Jay Aragon's proposal for a return to natural law centers around the proposition that the cultural and religious, "divergence in our student body would make conformity of moral belief almost impossible..." Choe mentions that Fordham students are 18% minority students and of various faith traditions as if these mere facts support his extensive conclusion that a common morality is impossible to obtain. I think the matter is much more complex, but I would at least argue that a minimum content of the most general and basic principles of morality, if not their specific applications, can be ascertained and agreed upon by reason and experience. The whole thrust of the natural law is to discover those fundamental principles and notions of fundamental rights upon which all persons may agree. A multitude of cultures and backgrounds, far from making moral agreement impossible, provides a basis for discovering commonalities and shared beliefs and for separating out customs which are merely the result of historical circumstances. Only those primary or fundamental principles and truths which are common to all will remain in the end. A very interesting example of this is found in the modern emphasis on individual rights. Everyone, at least in general, is willing to agree that all persons have the right to life, freedom and the pursuit of happiness. And the minority of those who deny or restrict those rights, such as the proponents of apartheid, can only be criticized by arguments which utilize the idea of fundamental human rights which by their nature belong to all people. In other words, once

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Dean Feerick comments on student participation concerning school matters.

WHAT IS TO BE DONE?

Student Exclusion from Decision-Making Sparks Anger, Confusion and an SBA Resolution

by Sandra Engle

Fordham Law students are often baffled by how decisions are made at the school. Who is making these decisions? How are they made? Why is it that students only seem to hear about them after they are made?

A case in point is the abolishment of the "3 in 36 hour" exam rule. Prior to this year, students with three

exams within a thirty-six hour period could reschedule one of those exams. In a memo to returning students sent over the summer, Dean Georgene Vairo announced the abolishment of the rule. Neither the SBA nor the students were aware that the faculty was considering eliminating this rule, let alone that they were going to vote on it last year. Notice to the students came in the form of the memo, but by that point it was a *fait accompli* — not much comfort for those who had to live by the rule.

In situations like this, students naturally turn to the Student Bar Association. After all, it is the elected representative of the student body, and, in the

language of the 1990-1991 Fordham Law School Bulletin, "the SBA serves as a channel of communication between the students and the faculty and administration. It promotes student participation in the investigatory and governing committees of the School." Why wasn't the SBA aware of the coming change? Why couldn't it advocate that the 3 in 36 hour rule should be not be abolished? Clearly, the "student representatives" and the "governing committees" were not connecting, but why?

"It isn't for lack of willingness on our part," says SBA president Brian Daly. "We're always available and eager to hear about such upcoming decisions. The problem is that the system in place at Fordham doesn't facilitate student-faculty communication. Students are basically excluded from most of the decision-making at the school." The SBA is therefore put in the untenable position of having a mandate from students to represent them, but having little opportunity to do any representing.

FACULTY'S PERROGATIVE

Much of the SBA's frustration arises out of the absolute ban on student participation in most of the investigatory and governing committees of the law school. Fordham, like most law schools, makes most of its decisions via a committee system. There are twenty-seven special

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Fordham Gets Stoned! Computer Virus Hits Law School

by Guy Wiggins

Last semester, the computers of several law students were stricken by the Stoned II virus when they attempted to use the CALI disks on evidence available at the law library. Entitled Stoned II because it cheerfully displays the message "Your PC is now stoned" upon infecting a computer, this nasty bit of computer code can corrupt and overwrite files and eventually trash a computer's hard disk if not quickly destroyed. This is the first major computer virus infection at Fordham law school, although the computer center at Lowenstein and many other universities around the country have already been infected with a number of different viruses. The infection points out that computer viruses are not the fictional creations of a

cyberpunk sci-fi writer, but real life threats that must be taken seriously by all computer users.

Like their biological counterparts, a computer virus is an agent of

FOR TIPS ON HOW TO
DIAGNOSE AND CURE
YOUR PC, TURN TO
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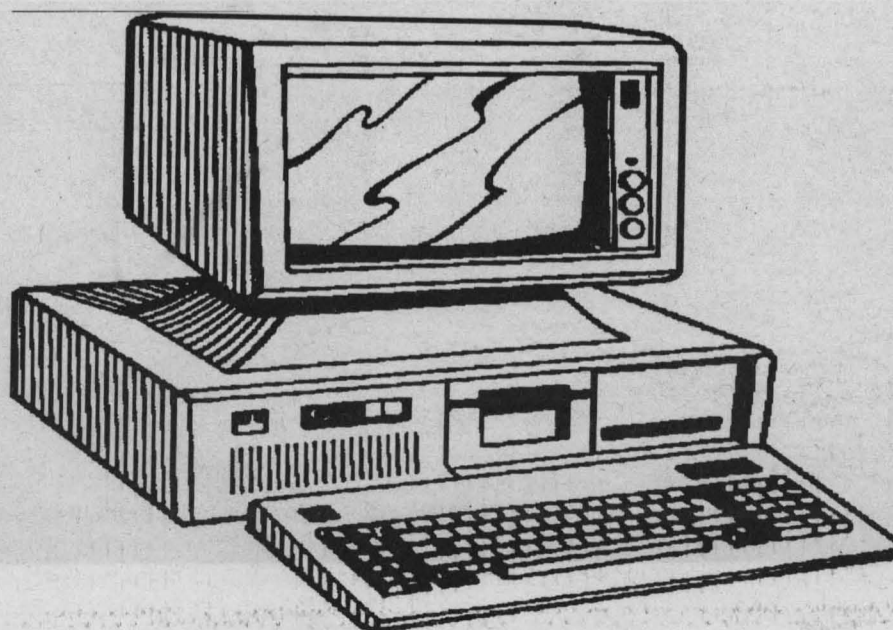
infection, insinuating itself into a program or disk and forcing its host to replicate the virus code. Originally written by hackers as pranks, they have become increasingly virulent in recent years and many now live up to the earlier meaning

of the word: in Latin, virus means poison. There are literally hundreds of different computer viruses in circulation, and the threat is truly global. Viruses have been discovered in Pakistan, Israel and even Iceland (See For more on virus's and how they work, see He's got to hack it).

The stoned II virus is one of the earliest and most common viruses. It infects both the hard disk partition table, where all the information concerning the files on your hard drive is stored, and the floppy disk boot sector, which is read by the computer when first turned on. Once activated, the Stoned II virus stays "resident", which means that it remains in memory while your computer is on. This feature allows the virus to spread to other files and hard disk, as well as help scramble your computer's normal operations.

Fortunately, because Stoned II is such a common virus, it is easily destroyed with commercially available software and shareware. Examples of commercial antiviral products include Flu Shot +, Certus, Mace Vaccine and M-Disk. M-Disk and Scan, antiviral shareware programs written by McAfee Associates, are available at the Lowenstein computer center.

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Overheard...

in a corporations class as part of a rather graphic hypothetical offered by Professor Fisch to her class: "If an underwriter wants to go out to the public and sell -ock" (synonym for rooster that rhymes with stock).



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The Simplest Solutions

by Rebecca Landon Tzou

Have you ever wondered what it was that attracted you to law?

My sister told me, in the midst of a loud and vigorous quarrel, that I should become a lawyer because I was a "good arguer." And, although I like to think I pursued law for loftier reasons, I must admit that the challenge of pitting my skills against other students of the law intrigued me. Unfortunately, the highly revered adversarial system that purports to develop the very best lawyers may, in fact, undermine those traits that make us the very best people.

Have you ever thought it ironic that while we all bemoan the lack of respect shown the legal profession, we often show so little respect to those around us? Does the competition engender the snide tones adopted by too many when responding to a professor's inquiry? Is it excess tension boiling over in the inconsiderate, constant murmuring of not-so-whispered conversations in the rear of the classroom? Does the fear of being the fool so haunt the student population that students obviously present in class fail to answer when their name is called? Or, is it that when we struggle through the day-to-day grind of classes and assignments and papers and exams, our "humanity" has been somewhat conditioned out? Maybe the discipline of law school has become one that, as Chris Goodrich declared in his new book, *Anarchy and Elegance*, "sharpens the mind by narrowing it." If so, will this new programmed response of the aggressive adversary at least be our key to being, if not the best people, surely the best lawyers around?

Strangely enough, according to a very successful attorney, the Chairman, President and CEO of a 3 billion dollar worldwide energy company, the answer is a resounding NO! Ronald L. Kuehn, Jr. has had a long and varied career on both sides of the legal equation - - as attorney and as corporate client. In his short address as part of the Dean's Sesquicentennial Lecture series, he had a few cryptic comments about the profession which may both surprise and please you. Through his

experience, Mr. Kuehn has determined that we should reject the notion that the best result comes from conflict. Litigation, he believes, should come as the last, not the first, alternative. According to Kuehn, the successful lawyer avoids stereotyping adversaries and "personalizing" the case. If this occurs, the case often becomes a clash of lawyers' egos who care more about winning an "us v. them" battle than truly servicing client needs. He warns us not to take ourselves too seriously and that not every problem requires a complicated analysis. While we are not in any way relieved of our duty to research and prepare, we should discharge that duty as an enabler rather than as an obstacle to hurdle. We should look for ways other than litigation to resolve the issue at hand. Lastly, Kuehn extolled the virtues of two essential qualities. He counselled lawyers to keep their sense of humor and to learn to really care about their clients.

Now, as I was listening to Mr. Kuehn speak, my initial reaction to his words was as the aggressive adversary. I thought to myself, "Why these are merely platitudes. Everyone knows this stuff. No one can really be a successful attorney and act this way." Then, the characteristic that upsets and confounds the non-lawyer public took over—I switched sides in a flash. If a truly successful, experienced, international attorney such as Mr. Kuehn espouses this philosophy, could it be valid? Could I be a nice, aggressive lawyer? A nice, aggressive, successful lawyer? Maybe, just maybe, by respecting each other — our clients, our adversaries, our fellow citizens, our fellow human beings — maybe a bit of that respect we so treasure will rub off on the profession. Sometimes the simplest mottos are best like the quote I read many years ago on a poster in a high school classroom: "We get from people what we give; we find in them what we bring; we discover that the changes in them are really changes in ourselves."

Corny? Perhaps, but it may be that the simplest solutions are the best. Now, that would be a nice change.

Portrait of a Lawyer as a Cook

by Gordon Mehler

Are doctors more trustworthy than lawyers? An ABC News-Harris poll has found that nearly three times as many Americans express high confidence in doctors as opposed to lawyers. Why are doctors who bandage wounded burglars never criticized, unlike lawyers who de-



pend them?

The white coat aside, it is probably because healing has always been considered intrinsically good, whereas lawyering has not. Plato, for example, thought that lawyers and cooks had a lot in common. In one of Plato's earliest dialogues, Socrates condemned the Sophists (those proto-

lawyers) for teaching the young men of Athens the art of advocacy. Plato suggested in that dialogue that lawyering is a form of deception, and that doctors resemble philosophers the way lawyers resemble cooks. Doctors cure and philosophers seek truth, while cooks, despite their fancy recipes, only satisfy the stomach, and advocates, despite their clever posturing, only satisfy the ear.

I do not condone the disparagement of cooks, but as a lawyer I know we don't envision ourselves as Plato envisioned us. We see ourselves as problem solvers who help people, models of critical detachment, practitioners of the noble arts of sifting and balancing, negotiating and compromising. But this image of lawyers is too flattering because it fails to capture that facet of the profession that disturbs most non-lawyers. We often hear that lawyers don't really care about the truth, that they are more interested in winning their cases than in seeing justice done, that they earn their living as hired guns — shooting at anyone for a price. The criticism is variously phrased, but the gist of it is that lawyers function in ways that are against the best interests of society.

In response to this criticism, we lawyers take refuge in our adversarial system of justice. Lawyering, we tell hostile outsiders, is committed to the proposition that truth will triumph in a fair fight. Our duty is to represent our clients as best we can. At times this may require us to take positions we find distasteful in our private lives, but, as professionals, take them we must without fear or hesitation.

This appeal to the lawyer's institutional role carries great force in the United States and other countries whose legal systems derive from the British or "common law" model. Making a commitment to the adversary system is a leap of faith we all take as American lawyers. But a majority of the world's legal systems dispute the notion that adversaries must clash for truth to emerge. In non-common law countries lawyers are merely court advisors who suggest witnesses, questions and interpretations of the evidence. It is the

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TO THE DEATH: THE DAILY NEWS STRIKE

by Joseph Cartafalsa

This past October nine of the ten unions that make up the Allied Printing Trades Council went on strike against the Daily News. For months preceding the strike, the Trades Council attempted to bargain with the owners of the News, the Chicago-based Tribune Company, in order to reach an agreement and avoid a strike. The union members were well aware that if they struck, they would be "permanently replaced" — a legally correct pseudonym for "fired", constituting a violation of national labor law. As the regional director of the National Labor Relations Board charged, the News' unfair labor practices caused the delivery union to strike leading to a walkout by the other unions.

While the News spent \$50 million dollars preparing for a strike (hiring gun-toting security guards and replacement workers who were waiting in the wings with beepers), the Trades Council bargained in good faith trying to avoid a strike which would most likely wipe out the unions. The Trades Council exhibited a willingness to compromise, bargaining away \$20 million in concessions at the New York Post in September. However, it refused to surrender all dignity by yielding

to the News's draconian offers which would take away the unions' say in the workplace, something that took decades of bargaining to achieve in the first place.

Rather than concede to the company's humiliating offers, the unions chose to bargain until they were forced to strike. When the News suspended an employee for sitting while monitoring a conveyor belt (the employee complained of an ankle injured on the job) and refused to address his grievance according to established procedure, the unions walked out. The News quickly labeled this a "strike" and had replacement workers on the site within forty-five minutes. The union members knew they could be permanently replaced, but preferred the loss of their jobs to the indignities imposed on them by the company. One labor commentator analogized this to Nelson Mandela's continued support for western boycotts of South Africa even though those boycotts have cost millions of jobs for the Blacks there.

The Trades Council seemingly played right into the Tribune Company's hands by striking. The News could now be staffed by cheaper replacement workers (the company used this practice in Chicago and Pennsylvania in the past), and as a fallback, could blame the financial prob-

lems of the paper on the strike and avoid liabilities of up to \$150 million for severance pay, pensions, and other shutdown costs that it would have had to pay because of financial woes.

The News however failed to take into account the Trades Council's ability to stop the distribution of the paper. The Trades Council was able to enlist the support of other unions, politicians such as Governor Cuomo and Jesse Jackson, Cardinal O'Connor, and most importantly, the general public of New York (a city where the percentage of unionization is more than twice the national average). The Trades Council was also able to persuade most of the News' advertisers to withdraw their ads, which especially hurt because the Christmas season is the busiest for newspaper ads. In addition, the regional director of the N.L.R.B. issued a charge against the News that may force the paper to pay backpay for some or all of the striking workers.

The above factors forced the parties back to the bargaining tables. Although aided by a mediator, William J. Usery Jr., a former United States Secretary of Labor, the parties are still far from agreement. The News recently proposed the elimination of over 50% of the pressmen jobs and a

wage decrease from \$22 an hour to \$12 an hour. The unions rejected the offer and counter-proposed a 25% reduction in costs which included some staff reductions. The News rejected this offer. The publisher of the News said that he will shut down by late March unless an agreement is reached or a buyer is found for the newspaper.

If the unions "win" the strike and are returned to work, they will go back to a paper with worse financial problems than before the strike began. The workers will either have to take great concessions, or the paper will be forced to close. The paper will "win" if it closes down without losing too much money. Another option is for the Tribune to sell the News. The new owner, however, will buy into a paper which was already hurting due to the competition from other New York newspapers, with a shrinking market due to competition from alternate sources of news such as cable and network television and radio. In such a bad market the Tribune will gain little or nothing from the sale, and the unions will still be forced to agree to large concessions and layoffs, even if the new owner is pro-union.

In this fight to the death no party will win. Many of the employees are, however, sure to loose.

Student Exclusion from decision-making

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and standing committees, each with a jurisdiction of sorts. The roster includes an Admissions Committee, a Faculty Recruitment committee, a Curriculum & Academic Standards Committee, a Library Committee, etc.

With few exceptions, committees are made up exclusively of faculty and administration members. Assignment to a committee is determined each year by Dean Feerick, but a professor can express a preference for a committee which is usually granted. There is no limit to the number of terms a member can sit on a given committee.

After the committee makes its preliminary determinations, it reports to the full faculty at a faculty meeting where a vote is taken. Unfortunately, the agenda before the full faculty is not always dictated by the issues brought up by the committees. For example, the School Rules Committee had prepared an extensive report on revising the school rules but the report did not contain a recommendation that the 3 in 36 hour rule be abolished. However, the issue was raised at a faculty meeting by someone and a motion to abolish the rule was passed.

"We have no idea what the agenda of the faculty meetings will be or whether they will discuss or vote on issues vital or central to student needs," says Brian Daly. "And once the decisions are made, we are never informed about what has been passed or resolved. I'll try to stop a professor after a meeting to ask what was discussed, and the professor will try to remember, but even this is much too informal and ad hoc. And in any case, talking to a professor in the hall after the fact does nothing toward giving the committees student input before a vote."

Though students are not allowed to participate on the committees or attend the faculty meetings, the school has made some concessions to student representation. For example, a Minority Affairs Committee was recently formed which functions as a sub-committee of the Admissions Committee. Minority student representatives are allowed to review the applications of minority students who have been neither accepted nor rejected admission. If the student representative feels that an applicant should be given more consideration, he or she makes the recommendation to the Admissions Committee. Dean Feerick has also initiated a

Gender Issues Committee and a Public Interest Committee which includes student participation. "As far as I can tell," says Daly, "I am not even sure if [the gender issues and public interest] committees have met or not. I don't know who the student representatives to these committees are, either, as they weren't elected or nominated through the SBA."

"The SBA fully supports any means whereby student input is considered and these committees have an important role in the school," he adds. "But we feel just as strongly that student input is needed on, for example, the Curriculum Committee and the Career Planning Committee, where vital decisions that af-

"We have no idea what the agenda of the faculty meetings would be..."

-Brian Daly-

fect all students are made."

There is one other committee which seems to address the student need for input, the Student-Faculty Committee (SFC). It meets whenever the SBA calls for a meeting. "It is the official liaison between students, faculty and the administration. It is the only committee where students have an active voice in a sanctioned forum," says Daly. Dean Feerick's impression of the committee's work has been very positive. "Over the years it has been a wonderful forum for communication. I have to defer to members of the committee, but I have found it very effective."

Brian Daly agrees that the committee is well-intentioned and can be helpful in getting some kinds of action — such as getting a bike rack. But it has proven to be problematic on more substantive issues. "The faculty members who come regularly are sincerely interested in helping students. I believe that. But the system is set up in such a way that the SFC doesn't really work. The communication is one-sided — we have to raise issues and bounce them off the faculty members who are on the committee. There is no mechanism to hear what other committees are considering. In addition, the faculty on the SFC act as our representative in speaking at faculty meetings. I

don't think it is wise to ask these faculty members to fight our fights in front of the faculty."

There are also logistical problems. For example, when students aren't permitted to state their positions to the full faculty before a vote, they have to depend on the faculty members of the SFC to state their positions. "If questions come up, the SFC has to come back to us for the answers. It is a very inefficient system." Daly also notes that faculty attendance at the SFC meetings is not what it should be. "We depend on the attendance of the faculty, and some, attend regularly. As the faculty members of the SFC represent us at the faculty meetings, it is important that they are equally committed to getting our views across. We just haven't seen that in all our SFC members."

THE RATIONALE

If the SFC is not proving to be the effective conduit of student views, why aren't students allowed to participate in committees and at the faculty meeting? The answer to this question takes two forms. Some members of the faculty contend that student views are adequately considered at the faculty vote. Dean Feerick does state that in selecting the chairpersons of each committee, he tries to select persons who are amenable to seeking out opposing views in order to make an informed decision. Nonetheless, the solicitation of student views is discretionary, and Brian Daly could think of only one instance where a committee approached the SBA. "When the school was considering a change in the grading policy, Professors Green and Marcus approached the SBA with their proposals. We gave them our feedback. It was the only time that the faculty has approached the SBA and asked us our views."

Another widely-shared belief among the faculty and administration at Fordham is that there is a distinction between committees that affect students and committees that don't. The latter group includes committees on tenure, faculty recruitment and faculty scholarship. "It would be very harmful for their function if others became involved. Even the Dean's participation is not welcome," states Dean Feerick. The Dean believes that these areas involve such a degree of confidentiality and are so strictly the prerogative of the faculty that if student representatives were allowed to participate, "the school would not function."

FUNCTIONING WITH STUDENT PARTICIPATION

Contrary to Dean Feerick's views, law schools do allow student participation, even in confidential "faculty matters." Some of these schools even seem to thrive.

NYU has perhaps the most active student involvement. NYU SBA President Herbert Barbot reported that students sit on any committee that they want to sit on and that they have voting power on most committees. "I can't see how you'd do without it. So much is out of student reach, but we find we are well informed. This is the only way to have a voice in the decision process. Once the committee makes a proposal, it is hard to change their minds. We have to be in on the whole process." Even on confidential faculty matters such as faculty recruitment or tenure, the students are involved. "The Personnel Advisory Committee has eight student representatives who rotate their attendance of the meetings. The PAC

considers specific applications of prospective professors and students understand and respect the degree of confidentiality involved," says Sharon Town, Manager of the NYU SBA Office. The same applies to the tenure committee. NYU student representatives are involved in all aspects of the tenure decision, though they do not have a vote.

Columbia Law School also has a very active Student Senate. "We have student representation on every faculty committee we've asked to participate in. Each committee has elected senators from the first, second and third year who sit and vote. We don't have a vote on the Appointment Committee, but representatives get to interview potential professors or junior faculty members. They give feedback to the committee," says Francis Bivens, President of the Student Senate. As President, Bivens also attends the faculty meetings and has one vote. "I think [student involvement] all started because Columbia had a bad reputation for being cut throat and the school wanted to include student input and address some of the problems with the students. We're still frustrated at times because we feel that we're not always listened to, but at least we have a mechanism."

New York Law School also has student representation on the faculty committees. "We sit on all the committees with the exception of the tenure committee. We have no vote and we can't attend the faculty meeting, but we can give the committees the student perspective," says SBA Vice President, Daren Domina.

Cardozo also allows for student representation, though in a much more limited form. Jackie Haberfeld, Cardozo's SBA President, can sit in on most committee meetings, but she does not vote. Since she is the only student allowed to sit

Contrary to Dean Feerick's views, law schools do allow student participation.

on committees, she has to be selective about which meetings she attends. "If we have a specific issue to discuss, I take the initiative and go. I also can find out through my own contacts with the faculty about issues that might be up for vote. If it affects students, I'll try to be there."

Even the New York Public School System has recently acknowledged the need for student participation. The representative to the School Board will be a high school student.

"When I hear what is being done at the other schools, it amazes me," comments Brian Daly. "There is no reason why we can't have a gested a number of alternatives to the SFC. First, we asked if we could have representatives on the committees and at the faculty meeting. No way, they said. Second, we asked if we could make presentations at the faculty meeting, make our point, field questions and then leave so they could vote in private — again, they felt that it wasn't a good idea. Then how about getting the SBA the agenda of the faculty meetings beforehand so we can submit something in writing to circulate to the faculty? They agreed that if the SFC gets a copy of the agenda, they'll give it to us. But since the faculty doesn't even know what will be on the agenda until the day of the meeting this alternative seemed unworkable.

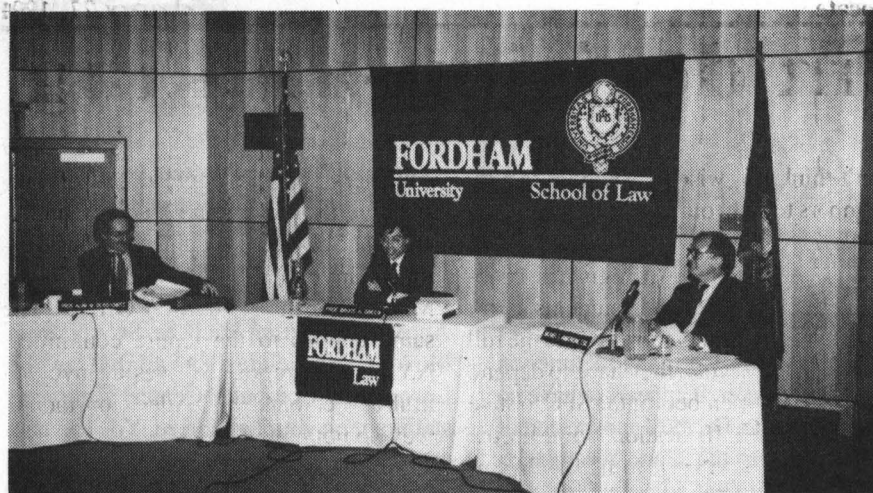
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From left to right: Dershowitz, Green and Armstrong.

Dershowitz and Armstrong Sling Mud in Grand Style

by Paul Cavanaugh

On January 17, the Stein Institute of Law & Ethics presented a debate on legal ethics entitled "Differing Visions of Lawyers' Ethics in Criminal Cases: The Dershowitz vs. Armstrong Perspective." Professor Mary Daly introduced the speakers- Alan Dershowitz, Harvard Law School Professor, and Michael Armstrong, partner of Lord, Day & Lord Barrett Smith. Professor Bruce Green served as moderator for the debate.

The amphitheatre was filled to capacity with students, professors and attorneys from the New York legal community. The debate began with a tame discussion of the ethics of using the media during the course of litigation and Dershowitz's decision to write a book, *Reversal of Fortune*, about his defense of Klaus Von Bulow. However, the tone of the debate quickly changed.

Armstrong, who had represented Sonny Von Bulow's children in a civil suit against Klaus Von Bulow, accused Dershowitz of putting his own interests before those of his client. Dershowitz answered that, while Armstrong may use a public relations firm to handle the press, he deals with the press directly. In response to Armstrong's statements indicating that Dershowitz had withheld information about the book from his client and hadn't sought his client's permission to write it, Dershowitz insisted that Von Bulow asked him to write the book and had supported and promoted the book as well.

The enmity between the two attorneys burst into full flame after Armstrong attacked Dershowitz's ethics in handling not just the media but his clients' cases. Armstrong insinuated that Dershowitz had paid a witness to change his testimony during the Von Bulow appeal and stated that he had been barred from the courtrooms of two judges, who happened to be present at the debate, because of his courtroom behavior. Dershowitz quickly asserted that this was untrue, except for one instance in Rhode Island, and demanded that the judges be identified. After Armstrong admitted that they were not present, Dershowitz declared that: "This may well result in a libel suit."

Professor Green was able to redirect the discussion to Dershowitz's dealings with the recanting witness. Dershowitz admitted to making payments to the witness, although with great misgivings, but maintained that prior to the payments he had told the witness to tell only the truth. To protect himself and his client, Dershowitz asked three former assistant attorneys general of the United States if these payments were proper. He was told that the government could contract with a witness for testimony, and these same rules applied to the defense counsel. Dershowitz told the audience that a criminal defense lawyer must go up to the permissible ethical line to serve his client.

Armstrong questioned Dershowitz about using the information supplied by this witness, and Dershowitz admitted that he believed the witness was an "absolute liar." However, Dershowitz stated that this information was corroborated by a Rhode Island priest, who was a

more reliable source. Dershowitz advised the crowd to be aware that liars "sometimes tell the truth." Information provided by liars, however, should be corroborated. In addition Dershowitz asserted that there wasn't "a lawyer in the room who wouldn't or shouldn't have submitted" the affidavit.

When the discussion was directed towards lawyers relations with judges, the hostility between these two lawyers flared up again. Dershowitz portrayed himself as an outsider, who used convincing arguments to win cases, not "backdoor dealings." Dershowitz described Armstrong as being the personification of old boy network lawyering. Armstrong was accused of "cozying up to judges", and implying to customers that he had special privileges.

Armstrong admitted that he serves on Senator D'Amato's committee to nominate judges. However, he did not believe this should bar his representing clients in a judge's court. If this was so, Armstrong suggested no one would serve on the committee. Armstrong challenged Dershowitz to point to one instance where he had not "acted in the most professional way."

In response to a question about Dershowitz's opposition to the nomination of Judge Walker to the second-circuit court of appeals, Dershowitz said he opposed the nomination on the basis of improper ex-parte conversations by the judge. Dershowitz was against ethical rules which discouraged this; he would not "accept any rule forcing [him] to be more certain of [his] facts when criticizing a judge." Dershowitz claimed that Armstrong had informed him of a conversation with Judge Walker, where the judge said "it would be fun to see Dershowitz twist in the wind a little bit."

Armstrong admitted to having a similar conversation with a number of judges and attorneys at a judicial conference in 1986. However, he had had no such conversation with Judge Walker, and they had both denied this under oath. His conversations with other attorneys had included discussions about an upcoming hearing ordered by Judge Walker on Dershowitz.

Dershowitz asserted that Armstrong had made the "twist in the wind" comment. This was shortly altered to an informant having told Dershowitz of the comments made by Walker to Armstrong. Armstrong denied this again and questioned the likelihood of his having "made statements detrimental to a client, about a judge [he] like[d] to someone [he] didn't like." Dershowitz refused to disclose the identity of his informant, because the information was given in confidence.

Throughout the debate the crowd seemed to favor Armstrong, although Dershowitz had his moments. However, most of the heckling, booing and hissing emanated from the center seats in the amphitheatre. These seats were occupied, in large part, by local practicing attorneys. Throughout the debate the distaste of the two attorneys for each other was obvious as was the dislike members of the New York bar have for Dershowitz.

The Story Behind the Story

by William Bruno

That the McNally Amphitheatre was the site of the Armstrong-Dershowitz debate on January 17 was the result of a unusual change of venue. This was the first time they appeared together in public since opposing each other in court, and according to Professor Green, Professor Alan Dershowitz, Michael Armstrong and Fordham Professor Bruce Green had been slated originally to appear on CNBC's McLaughlin show in early November. Apparently, Warner, the company that issued the film version of *Reversal of Fortune* opposed the idea of Dershowitz

appearing on the show with Armstrong. Dershowitz also claimed that originally he was only to appear on the show with just his son - Dershowitz's ban on co-guests may have extended to Green for this reason. On the show, Dershowitz stated that he would debate [Armstrong] anytime, anywhere."

The following Monday, Professor Green related this incident to Dean Georgene Vairo, who expressed her interest in getting Armstrong and Dershowitz together. Two days after that, Green called Dershowitz to suggest the idea of a debate, in light of the latter's expressed willingness to cross swords with Armstrong, at Fordham. The rest is history.

Lawyers & Cooks . .

continued from page 3

judges who orchestrate the trial. Just as doctors study and consult but do not rely on adversarial tactics to render an accurate diagnosis, judges in these countries do not give lawyers much leeway to select and color the evidence before passing judgement.

Many of us are probably troubled by some aspects of the adversarial system, but, to be fair, no one has ever shown that any other system of justice is superior to our own. And even if someone could, it is unrealistic to expect any major restructuring of the Anglo-American legal process. If nothing else, it would be nearly impossible to force the bench and bar to adopt a new system after more than two centuries of improving on the old one.

Of course, if we are dissatisfied with the portrait of the lawyer as a problem solver and the portrait of the lawyer as a soldier in the war for truth, there is a third option: the lawyer as an articulator of rights, a zealous mouthpiece, a professional friend. The premise here is that there is nothing wrong in advocating for something we don't genuinely believe because it's O.K. to be partial to our

friends and to take pains to protect their interests. Lawyers who, for effect, create a ruckus in the courtroom or bury their opponents with purely strategic motions and interrogatories are only doing what their clients would do if they were defending themselves. But who are we kidding? Lawyers don't often keep clients as friends. Some of us may defend clients for both money and friendship, but it is the former that usually controls, especially when the client is a corporation.

And so, we have come full circle to confront again that bleak portrait by Plato: the lawyer as a cook in the kitchen, who at times does little more than toss the salad and pour on the dressing.

Yet there does seem to be something we lawyers can do to take the heat off our profession: turn the heat on doctors. Say, has anyone heard the one about the doctor and the lawyer who were stranded together on a sinking lifeboat surrounded by a school of sharks....

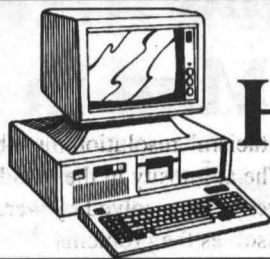
Gordon Mehler is an adjunct associate professor at the Law School.

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HE'S GOT TO HACK IT!

As the recent attack of the Stoned Virus demonstrated last semester, computer viruses are a real and present danger to all computer users. Unfortunately, it has become necessary for all computer users to have some cursory knowledge of how to protect their systems against infection. This article will briefly discuss the most common kinds of viruses and how to take preventive measures to ensure that your PC does not become infected.

Like its biological counterpart, computer viruses are agents of infection that attach themselves to a program file or part of a disk and then force the host to replicate the virus code. Many of these viruses incorporate a feature called the Trojan Horse, whereby the virus masquerades as a useful utility or product but then wreaks havoc on your computer when you try to run it. A recent example of this was a disk that was sent to hospitals around the country claiming to have important information about AIDS on it that actually destroyed data on harddisks. This type of computer terrorism has been blamed on everything from the "cyber punk" mentality to intellectual pranksterism. Whatever its cause, Congress has deemed the problem serious enough to pass the Computer Fraud and Abuse Act of 1984 that makes it a felony to modify or impair the medical care of one or more individuals; or alter, damage, or destroy information in any "Federal interest" computer, or prevent the authorized use of any such computer.

WHAT THEY CAN DO

Viruses go through 2 phases, a replication phase and an action phase. The action doesn't happen until a certain event occurs such as reaching a special date or running the virus a certain number of times. For example, one virus called Saturday the 14th activates every Saturday that falls on the 14th of the month and causes the first 100 sectors of the A,B, and C drives to be overwritten, making those drives unusable. Clever hackers have figured out that it doesn't make sense for a virus to damage your system the first time it runs, it should be given some time to grow and spread first.

The most vulnerable spot for a virus attack is your hard disk's file allocation table (FAT), which tells DOS where every file's data resides on the disk. Without the FAT, the data's still there but DOS can't find it. The Stoned virus is an example of a partition table virus. Other viruses infect crucial program files such as COMMAND.COM or EXE and COM files. Once a file is infected, the virus can spread like wildfire throughout your computer, making your programs unusable.

TYPES OF VIRUSES

There are hundreds, if not thousands of viruses, in general circulation and they are limited only by the imagination, programming skill and maliciousness of their designer. Some are benign, such as the 8 Tunes Virus, which ran-

domly plays 1 of 8 German folk tunes on the system speaker. It appears to have no destructive code. On the opposite end of the spectrum is the Dark Avenger, a particularly virulent virus which will erase all of part of your disk if not immediately destroyed. The 12 most common viruses, which account for over 90% of all reported PC infections are: the Pakistani Brain

- Jerusalem (Infects EXE and COM files)
- Alameda (Infects diskette boot)
- Cascade (infects COM files, remains resident)
- Ping Pong (Infect floppy and hard disk boot sector, remains resident)
- Stoned (Partition Table virus)
- Lehigh (Infects COMMAND.COM, remains resident)
- Den Zuk (Infects floppy diskette boot, remains resident)
- Datacrime (infects COM files, self encrypted)
- Fu Manchu (infects COM, EXE and overlay files, remains resident)
- Vienna (Infects COM files)
- April First (Infects COM files)

WHAT YOU CAN DO TO PROTECT YOURSELF

Viruses cannot spread without people. Your PC will not become infected unless you or someone else runs an infected program on it. Like biologi-

cal viruses, there is a much greater chance of a virus spreading if a certain program is frequently copied or used by many different people, such as the CALI disks or bootleg software. To protect yourself, you should follow these few simple steps:

1. Every time you copy software from a friend or from the library, run an Antivirus program such as SCAN from McAfee Associates (Available at the Lowenstein Computer Center) before installing it on your hard drive. You can also execute the SCAN program from your autoexec.bat file so that your system is automatically checked every time you turn on the machine.
2. Make frequent backups of all your data. This way, if a crucial part of the PC such as the FAT table should become infected, you can reformat the hard drive and start from scratch without losing precious data.
3. Always put write protect tabs on floppy disks that don't need data written to them. If you get a "Write protect error writing drive A:" Unexpectedly, something improper is going on.
4. Don't loan out a program disk. If you have to, make a copy of it and give the copy.
5. Don't let others use your system or use their own program disks on your PC.

As long as there are computers, there will be computer viruses. Following these few simple steps will ensure that your system remains virus free. As your doctor no doubt told you long ago, "the best medicine is preventative medicine."

STONED VIRUS

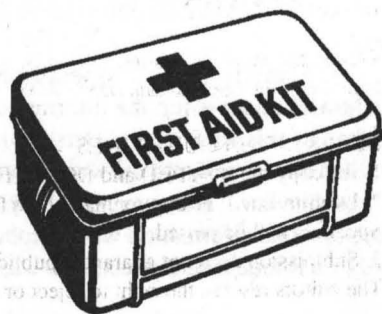
continued from page 1

If you suspect that your computer's hard drive or floppy disk is infected, the first thing you should do is immediately exit your application, back up all your important data onto floppy disks and turn off the computer. Then you should boot your computer from a clean, write protected floppy, such as your DOS disk. Once this is accomplished, run the SCAN program by typing: SCAN C: or SCAN A: (Depending upon whether you wish to check your hard or floppy drive) at the DOS prompt. The Scan program will scan your memory and all the files on your hard or floppy drive to determine if there are any infections. If you are infected, the program will clearly tell you what disease ails your PC.

Once your PC has been diagnosed, you must use the proper "disinfectant" to eradicate the disease. If you have a generic boot sector or partition table virus such as Stoned, the Pakistani Brain, Den Zuk, or any other such virus, you must use partition table/boot sector program such as M-Disk, which will remove these viruses from any bootable disk, including floppies, and will return the system to an uninfected state. Here, it gets a little tricky because you must use the appropriate MDISK program for the version of DOS that your system was originally formatted under. For example, if you are currently using DOS version 3.3,

you must use the M-Disk file called MD33.exe. At the A:> prompt type "MD33". Upon successfully killing the virus, MDISK will tell you that the virus has been destroyed. If you are disinfecting a hard disk, power down the system again immediately after running MDISK, and then re-boot from the hard disk. This will circumvent the possibility of the virus surviving in system memory.

Both SCAN and MDISK are shareware programs, which means that the software is distributed free by McAfee Associates and the honor system is used for paying the programmers the \$25 fee for use of the software. If you have any questions concerning SCAN, MDISK or viruses in general, you can leave a note at the Advocates Offices, attn: Guy Wiggins or call McAfee Associates directly at (408) 988-3832 - voice. You can also download antiviral files and information from their BBS at (408) 988-4004.



Is Too Little Too Much?

FORDHAM'S ENVIRONMENTAL EFFORTS LACK DRIVE AND SUBSTANCE.

by Andy Burke

Has this concrete fortress to which we have assigned ourselves skewed our thoughts and impaired our passion to live and work in a cleaner and safer environment? Does the fact that the student body has little or nothing to say concerning many pertinent administrative decisions here at Fordham, require that we lie down and take the ten count. The answer to both of these questions is an unequivocal NO!

As mentioned in my last article, if Fordham hopes to be among the nation's top law schools, it needs to be a leader in addressing both legal and social trends and not a follower. The administration, faculty, and students have recognized the increasing importance of the burgeoning field of environmental law and the impact it will have on the world. The need for something that resembles an environmental law program at Fordham is a foregone conclusion. Unfortunately, the request for a more comprehensive program in this field has produced no concrete results. In fact, most students would be content with one full-time faculty member and a selection of more than one environmental law course every other semester. Once again, our pleas have fallen on deafened ears. The purpose of this article is not to dwell on the school's decision to ignore a significant legal trend, but to ask it to address a major social issue - recycling.

The recycling program at Fordham got off to a slow start. Without

the arduous efforts of Linda Katz and Joanne Watman, as well as the assisting hands of the members of the Environmental Law Council, the "We Can" program for recycling cans would not exist today. But, this is only half the effort needed to complete the "greening" of Fordham. The other half will come in the form of a paper recycling program.

The average recycled newspaper contains 55 percent recycled fiber and 45 percent virgin pulp. For every ton of recycled paper used in this mix, 17 trees are not cut down and 3.3 cubic yards of landfill space (about the size of a large refrigerator) will not be filled. In addition, 1500 kilowatt hours of electricity, sufficient to power the average American home for six months will be saved and 7000 gallons of water will not be needed in the paper making process. It is estimated for each New York Times recycled, 15 pounds of polluting chemicals fail to reach the air or water in a year. That figure will become 6000 tons if all subscribers recycled their New York Times for an entire year. It is these type of environmental considerations which Fordham should consider in implementing a paper recycling program.

Fordham's tradition and heritage as quoted from the 1989-1990 Bulletin is one of rigorous intellectual inquiry and its concern for religious values. I would think a subset of this broad tradition and heritage is to incorporate the ideas of the young inspiring minds of the student body into its existing principles and practices. In this fashion, the school will grow because the students will feel more stimulated to interact and the administration will benefit from their idealism and insight. By undertaking a paper recycling program the school will be making a statement that "We Care". In today's state of affairs, "We Care" counts for a heck of a lot!

NEW WORLD BALANCE

We applaud the bravery and professionalism of the United States Armed Forces and our coalition allies. Never in the history of warfare has so much firepower been projected over such a great distance in so little time nor employed with such ferocity and efficiency. Operation "Desert Shield/Storm" necessitates a rewrite of the manuals for International Cooperation, Military Airlift, Strategic and Tactical bombing, Armored/Mechanized ground operations, the Art of Maneuver Warfare, and How to be Commander-in-Chief when Congress doesn't want to stand up and be counted until the last minute.

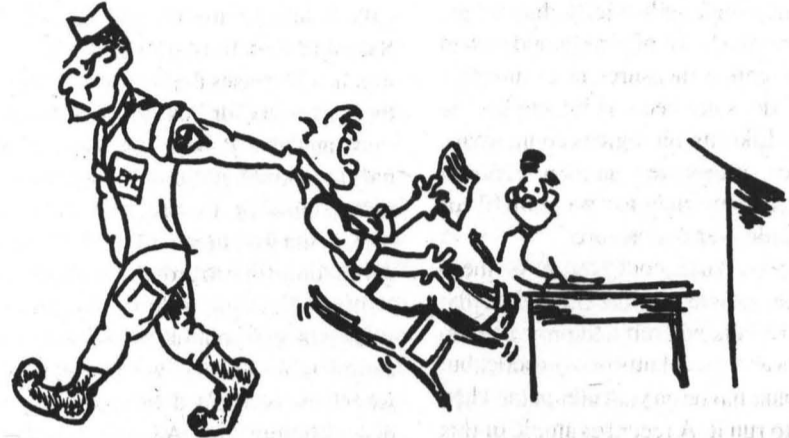
In seven and a half months Middle Eastern politics has been stood on its head. The biggest threat to the region has been defanged. The Arab world, convinced for decades that America would only finance the Israeli

Army to "oppress" Palestinians, must come to grips with the reality of an America that put it all on the line for an Arab cause. No longer will Gulf oil money finance radical anti-western Arab leadership. For the foreseeable future, Arab Oil will nurture moderate pro-western leadership centering around Saudi Arabia, Egypt, the smaller Gulf states, and believe it or not Jordan and perhaps Syria. King Hussein has been a friend of the United States for 35 years. Six months of diatribe cannot destroy that. (After all, President Bush is perhaps the best friend the post-Tianemen Square Chinese have.) Syria's Assad, Hussein's Baathist cousin who just learned exactly how wanting his Soviet supplied weaponry is, saw the handwriting on the wall and joined the coalition. President Bush has a window of opportunity to take a stab at Camp David II.

Over the course of the next twelve months, the coalition will trade land for peace with Iraq. There will be pressure on Israel to do the same. Israel has every right to insist on the acceptance of U.N. resolutions 242 and 338 by all Arab countries, including the Palestinians, who must replace the discredited and no longer bankrolled Arafat. Additionally, Zionism is a legitimate insistence on the right to self defence, not racism as proclaimed by the United Nations in 1975. The

'Zionism is Racism' resolution must be rescinded. The animosity in the Middle East will never be resolved by war. War never resolves the problems between nations. War only shifts the power balance.

President George Bush just played a major role in the death of 81 Americans and between 85,000 and 300,000 Iraqis. Nothing will bring them back. The President has a moral obligation to work like hell to make some good come of it.



SEE YOU NEXT SEMESTER... BOOM 91

LETTERS

To the Editor:

The recent announcement regarding the \$1 million public interest endowment has spurred debate as to how the money should be spent. One idea has been to institute a mandatory pro bono requirement for all Fordham Law students. Opponents of this idea, however, argue that such a requirement would violate the very principles which pro bono work seeks to promote.

Some law schools, including the University of South Carolina, have avoided this debate by creating a voluntary pro bono program fueled by ethics and pride rather than administrative money and coercion. Such programs have involved a vast majority of the students and have portrayed the students' commitment to legal services for the poor.

Fordham Law students should consider committing themselves to performing twenty hours of legally related service to the indigent before graduation. Such a commitment would produce an average of over 8000 pro bono hours per year. The program proposed here, however, would emphasize participation, not hours, and general public service, not just legally related activities.

The Class of 1992 is best positioned to initiate this program. With three semesters completed, these students have the knowledge to help others with legal problems. With three semesters remaining, they also have the time to fulfill the program's goals.

In the near future, the Student Bar Association reps, with the help of Fordham Law's public interest groups, will circulate this proposal to the Class of 1992. Sign it if you favor such a program and a contact list will be provided in your mailbox. Place an asterisk after your name if you would like to help administer the program. After you have completed your project, submit a short paragraph describing your work, including your time spent, to the Career Placement Office. These will be compiled and then presented to the Dean at graduation as a gift from the Class of 1992.

Future years and other New York law schools will try to match or surpass this accomplishment. If they do, the Class of 1992 will have started a tradition all at Fordham can be proud of.

Michael Martin Class of 1992

To the Editor:

I write to announce that I have conferred on Mr. Brian Daly, SBA President and the one responsible for SBA Update, the Dershowitz-Armstrong Award for Civility for calling a once prominent brewer, who favored free markets and was hostile to communism, a fascist, that is, a person who desires a totalitarian regime willing to commit the most vile crimes to protect itself and accomplish its ends. Mr. Daly perpetrated the smear in the December 4-21, 1990, issue of SBA Update. His response to my remonstrance contained no hint that he was aware that his characterization of the brewer violated the rules of civil discourse, thus demonstrating his eligibility for the award.

Mr. Daly later reduced the charge of fascism to a suspicion of fascism (while admitting that he had no knowledge of the brewer's political beliefs and values). See the February 20 - March 6, 1991, issue of SBA Update. This is no reason to revoke

the original award for civility, of course. Far from it. Upon reflection, I may find that it deserves a second, though less distinguished honor.

Thank goodness no one at Fordham has even considered sanctions against Mr. Daly, although his original charge, and his expression of suspicion for that matter, will incite hatred and contempt for the person charged, as he must have intended it should. The freedom of expression appropriate to a university must permit Mr. Daly to engage even in hate speech without fear of sanctions by the University or the Law School. It has been correctly said that the cure for an abuse of free speech is more free speech, such as this letter, not sanctions.

Earl Phillips, Professor of Law

Editor's Note...

The coverage of the Gulf War by the media, through their use of ominous graphics and sound effects, further dramatized what was an already consuming event. For most of us at Fordham, we experienced and understood the implications of war for the first time in our lives. I fear that watching the conflict unravel on television, however, distorted and perhaps emasculated the reality of the strife.

The War became more tangible to me the day I was told by my roommate and peer at Fordham, a Marine reservist, that he had received orders to join the forces already stationed in the Gulf. I observed quietly while the young man put his affairs in order. He notified his family and friends, and made arrangements to temporarily withdraw from the Law School. He systematically filled out insurance forms, sub-let his room, packed away his Law books, and wrote out a last will and testament. The evening before he left, we agreed that I was to be given limited power of attorney to handle particular contingencies, should they arise.

I had mixed emotions initially,

frustrated by the sudden upheaval of what seemed to be the routine existence of an apartment of law students. How could Saddam reach 10,000 miles and take one of us away? However, that frustration soon grew into a sense of pride. I was moved by this Marine Lieutenant's unwavering commitment to our country. He did not think twice about it, despite the commitments he has at school or to his family and friends.

For those of you who know Raymond Liddy personally, I am sure you will share with me in this dedication; for those of you who are only familiar with his cartoons which have graced the pages of *The Advocate* under the pseudonym "Boom", allow me to assure you that he is a great kid.

This issue of *The Advocate* is dedicated to Marine Lieutenant Raymond Liddy, who serves his country proudly. May he return soon to resume his studies... safely with us.

Marc-Philip Ferzan
Editor-in-Chief

The Advocate

Fordham University School of Law

The Advocate is the official newspaper of Fordham Law School, published by the students of this school. The purpose of *The Advocate* is to report the news concerning the Fordham Law School community and developments on the legal profession, and to provide students with a medium for communication and expression of opinion. *The Advocate* does not necessarily concur with opinions expressed herein, and is not responsible for the opinions of individual authors or for factual errors in contributions received.

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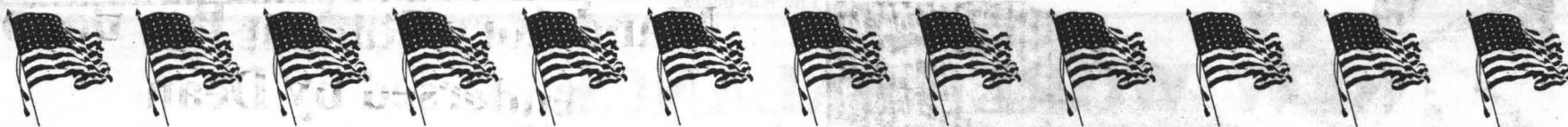
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1. All copy must TYPED and DOUBLE-SPACED.
 2. Deadlines will be approximately the FIFTEENTH of each month. Specifics will be posted.
 3. Submission does not guarantee publication.
- The editors reserve the right to reject or edit copy at their discretion.

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The War in the Gulf

SWATTING THE FLY

By Grant Esposito

Someone once described a pasture scene where a horse, busy eating, was forced to take notice of a fly buzzing around him. The horse ignored the pest for some time, perhaps cognizant of the vast differences in their ability to affect each other, perhaps tolerant of the fly's right to buzz, or perhaps merely in the hope that the annoyance would go away. It did not. Eventually and unceremoniously, the horse snapped the whip of his tail, and the pest was gone.

According to CNN, 87% of the American people support U.S. participation in the Persian Gulf and only 10% do not. When the supporters of our involvement speak out, or join a rally at the U.N. featuring speeches by Dinkins, Cuomo,

exercise that right.

One may ask why I should bother responding to so few? Before January 16th, many of our nation's leaders questioned the timing of the use of force. After the President exercised the power Congress granted, only 11 out of 535 remained opposed; according to the latest issue of Newsweek, the percentage of those opposing the war has dropped; and while during the first few days of the conflict 10,000 protesters shut down a federal building in San Francisco, last week's unsuccessful attempt to close Chevron's office enlisted the support of merely 200. Not only is the anti-war movement small, but it is on the decline. The answer mirrors the motivation behind the seemingly endless standing ovation our political leaders gave to the men

FROM FRIEND TO FOE

by Jerry Choe

The course of events that lead to the United States taking an aggressive stance against Iraq was not well covered by our media, and it was nothing short of fascinating. Recall that during the eight year war between Iran and Iraq, we were close allies with Iraq, selling arms and supporting the fight against Iran. Somehow our relationship changed from friend to enemy. A PBS edition of "Frontline" broadcasted the evening of January 15 described the events leading to the invasion of Kuwait and showed how Iraq turned from friend to foe:

July 17th in Iraq marked the 22nd anniversary of the revolution that brought Saddam Hussein's party to power. With the end of the eight year war with Iran, Iraq was billions in debt, and was angry with its Arab neighbors about the low price of oil - oil being the chief source of Iraqi income. At the anniversary speech, Hussein threatened Kuwait and the United Arab Emirates, "Iraqis will not forget the maxim that cutting necks is better than cutting the means of living." As Saddam Hussein shot a bullet toward the Kuwaiti border, he proclaimed, "Oh God Almighty, be witness that we have warned them!"

In the United States, the speech passed almost unnoticed. When pressed for a response, the State Department spokesperson avoided any criticism of Iraq. As the New York Times Chief

Diplomatic Correspondent in Washington described it, "[The Bush administration saw Hussein] as a thug and a bully, in a neighborhood of thugs and bullies, but he was our thug and our bully."

On July 23rd, Hussein moved from threats to actions and began massing troops on the Kuwaiti border. 30,000 troops became 100,000 a week later.

On July 25th, April Gladsby, U.S. Ambassador to Iraq was summoned to meet with Hussein in Baghdad. Hussein harangued the Ambassador about Iraq's dispute with Kuwait over the price of oil. At that meeting, the Ambassador told Hussein, "the President personally wants to expand and deepen the relationship with Iraq." Although the Ambassador expressed concern over the troops on the Kuwaiti border, she said, "we don't have much to say about Arab-Arab differences like your border differences with Kuwait... All we hope is you solve these matters quickly."

During the last week of July, as Hussein reinforced his troops along the border, other Arab leaders privately assured the United States that Saddam Hussein would not invade. In the meantime, the State Department continued to make clear that the United States would not intervene in the dispute. When Margaret D. Tutwiler, the State Department spokesperson, was asked whether the U.S.

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But we support the troops

Moynihan, and D'Amato, they condemn, not those who dissent, but those who protest. No one questions the right to disagree with President Bush's policy nor denies the First Amendment right to assembly, the issue is whether one should

and women serving in the Gulf during the President's State of the Union address: any outward manifestation of dissent or ingratitude towards our troops should be

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DINKINS MISREADS THE WAR

by Andrew Moss

As I walked home last week, I listened to a Persian Gulf Update featuring Mayor David Dinkins. Mr. Dinkins posited that our voluntary armed forces are really not voluntary at all. According to the Mayor, blacks and latinos have no opportunities available to them except to "voluntarily" enlist in the armed forces, and thus he is opposed to the war.

I thought this an odd statement

coming from a man who himself served proudly as a United States Marine and is now the mayor of the most populous city in the United States. I wondered how this man could make such a condescending comment about the black and latino soldiers who are proudly serving our country. Mr. Dinkins makes the assumption that our soldiers had no autonomy in making their decisions. Surely, the Mayor

Continued on page 9

THE HYPOCRISY OF THE RIGHT

by Cat Colvin

The hypocrisy of the conservative party line was brought into high relief in the Persian Gulf conflict. George Bush's claim that his pro-life stance is based on his belief in the sanctity of life has long been indefensible in light of the obvious budgetary preference to arm our country rather than care for our poor. Yet he did not care enough about the lives of our armed forces nor the lives of Iraqi civilians to forestall offensive action until we could be sure that there was no other solution.

Bush rapidly escalated the rhetoric of the Gulf conflict to the point of

no return, then attacked at the first possible moment after the UN/Congressional deadline. Some argue that the troops couldn't wait at the ready any longer. History has shown that American soldiers have more staying power than we give them credit for. During the Cold War, the United States kept 200,000 troops stationed in Europe and Asia for 40 years. What were they doing if not waiting at the ready? Now is six months too long? Others say we made every effort to negotiate. "Get out or we'll kill you and level your country" is hardly negotiation.

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WAR! WAR! WHAT IS IT GOOD FOR? ASOLUTELY NOTHING?

By John Caminiti

It was being called the minute that will define the nineties. As bombs began to burst in the air over Baghdad, the question that was posed for months, "Do you think there will be a war?" was finally answered. And yet, even though it had seemed inevitable, America was stunned. At the fateful moment I was on a break from my corporations class and happened to be in the student lounge. Having been at Fordham for many years, (B.A. in 1983, M.B.A. in 1988), I received the news of the shootings of Reagan, The Pope and Saddat, and the San Francisco earthquake in 1989, in the various student lounges at the Lincoln Center campus. Yet somehow this was different. The commentator's words "there is flashes of light...noise...some kind of air attack seems to be under way..." were met with gasps and then silence. Not an ordinary silence, but a silence that in its own way was deafening. Some students began to cry, but for the most part, there was nothing but silent horrified faces. I returned to class to find that the professor had told everyone to go home. We returned to the lounge, which by then was filled to capacity. A student's suggestion that we should go to Times Square to join a protest march was met with irritated glances. Someone suggested going across to Saint Paul's to pray. I agreed even though I feared that when I walked in, the walls might collapse because it had been a while since I felt compelled to visit a church. So, out we went into the appropriately ominous

fog, only to find all the doors locked. The only thing left to do was to go home to watch the President, the man who got us into this mess, justify it. And so for the next forty-eight hours, at least, I joined the rest of the nation, in front of the television.

I don't know if it is accurate that the first seconds of the war will define the decade, but I am sure that I have never seen anything like these last few weeks in America. Everyone is consumed by the fighting in the Middle East. Not even during the Bicentennial celebrations have I seen so many flags. In my yuppified neighborhood of Park Slope, not known for its banner waving, I see the stars and stripes everywhere I turn. It's on houses, on buttons, on cars, on bicycles. And where there isn't a flag, there's a yellow ribbon. I must admit, even I succumbed to the fervor, when in Saks on the first weekend after the initial attack, I purchased an oversized, overpriced, sweatshirt decorated with Old Glory. I bet that flag burning amendment would pass now! Even those who are protesting are clear to have a flag and yellow ribbon nearby to assure us that even though the war is not supported, the troops surely are.

Besides the overwhelming nationalism other aspects of American life have changed as well. For the first few days at least, there was a unity that I have never seen before. Suddenly, everyone had something in common. Strangers on the train would look up from their papers and share comments on the events. Even

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Mandatory Student Pro Bono endorsed by Dean

by Miriam Buhl

A group of New York law students held a press conference on Friday, February 22, to announce the formation of a state-wide campaign to institute pro bono requirements at all 15 New York law schools.

The pro bono requirement would address the needs of low-income people, said Michael Rothenberg, a third-year student at NYU and one of the organizers of the campaign. "Nine out of ten legal needs are not being met by those who cannot afford legal services in New York," said Rothenberg.

Rothenberg estimated that if every law student in New York performed 50 hours of pro bono work, 500,000 hours of service a year would be provided.

In a letter dated February 20 to second-year Fordham student Michael Martin, Dean John Feerick expressed his support for the requirement. "In my view, a mandatory public service requirement is the right next step for our school" following the numerous recent public service initiatives at Fordham, wrote the dean. Dean Feerick intends to ask the faculty to consider the development of such a requirement for the 1992/93 school year. He also plans to ask the Student Bar Association to consider the adoption of a formal, voluntary program to begin during the 1991/92 school year.

"I recognize that there are different points of view on the subject of a mandatory requirement and I am uncertain how it would be viewed by our faculty and

student body. But, in my opinion, it is important for us to move at this time in that direction because of the rising unmet legal needs of the poor and the decline in public confidence in the legal profession," explained the dean.

Dean Feerick's endorsement was also noted in Monday's New York Law Journal.

New York State Court of Appeals Chief Judge Sol Wachtler was expected to endorse the requirement at Friday's press conference, but he did not cross the Legal Services Staff Association picket line at MFY Legal Services, where the conference was originally to be held. Judge Wachtler read a statement encouraging the students' efforts, but he would not go so far as to endorse the plan. Mandatory requirements are not the most effective for law schools or the private bar "and should be a matter of last resort," he said. However, "what the students are trying to do is commendable. They are setting the example for those in the professional sector," said Judge Wachtler. LSSA was picketing the conference to call attention to the need to maintain legal services to the poor.

Currently, eight schools nationwide have introduced pro bono work into their curricula. This year, the Jacob D. Fuchsberg Law Center at Touro College in Huntigton, N.Y., became the first school in New York to do so, according to the National Association for Public Interest Law (NAPIL).

Right on Target

by Lane Brent Forsythe

The Shadow Knows- I was shaken by Ms. Marshall's account in the last Advocate of how her Ivy League education was sullied by the miscreants at the Dartmouth Review who welcomed her to the halls of academe with an Indian tee-shirt. My horror was renewed over break when I watched the Washington Redskins play the Philadelphia Eagles in an NFC wild-card game. All these years I was so insensitive that I failed to notice that the team representing our nation's capital (the people who brought us Wounded Knee and the Trail of Tears) wears headgear adorned with the head of a Native American! Thanks to Ms. Marshall's inspiring sensitivity I vowed then (during half-time actually) and there to do two things: 1) Boycott this year's Bud-Bowl to show my displeasure to the NFL and corporate America. (To be honest I forgot about my vow and did indeed watch Bud battle Bud Light. Cut me some slack, I'm a neophyte in the world of the politically correct!) 2) Upon graduation I shall move to Washington D.C. where I will lobby my Shadow Senator Jesse Jackson to force the NFL to change the Skins' name to something socially redeeming upon pain of losing their anti-trust exemption. Rest assured, after my Bud-bowl transgression I am doubly determined to follow through with vow number two.

Solace- At least Dances With Wolves will win the Academy Award.

It is just the kind of long, cinematic, and politically correct movie that the academy eats up. Remember, Ghandi?

The Best Movie of last year- Akira Kurwasawa's Dreams resonates like a good Dead Show. It is loaded with flashback material for day dreaming in class.

The best records- 1) Anthrax- The Persistence of Time 2) Front Line Assembly- Caustic Grip 3) Morrissey- Bona Drag (I know its a greatest hits record, which is funny because its also only his second record, but I love the guy) 4) Steve Wynn-

The Kerosene Man Best EP- Butthole Surfers- Hurdy Gurdy Man.

The Best book- Preferential Policies by Thomas Sowell adds these facts to the non-existent debate on affirmative action: 1) at the University of California at Berkeley more than 70 percent of black students fail to graduate 2) A study of 10 leading law schools showed that the average grade of their black students was at the 8th percentile.

What I learned in Environmental Law- The National Resources Defense Council (NRDC) is bad news. Hopefully the Washington apple growers can get some recompense in their pending suit from these slick lawyers who brought us the unfounded alar scare. Who, though, is going to help the hundreds who will lose their jobs due to the draconian new acid rain measures the NRDC so vigorously lobbied for in the new Clean Air Act? This despite the fact that a multimillion dollar government study found acid rain to be a minor problem attributable almost entirely to natural causes. Funny how the NRDC can so readily ditch science when it doesn't fit their liberal agenda.

Life during war time- I started out with a great deal of respect for those dissenting against our involvement in the Gulf War even though I strongly disagreed with them. With so many American lives on the line this is no time for blind patriotism. Sadly, personal experience has caused me to lose much of this respect. On the night the fighting started one of my friends who opposes the war taunted me, as if I were happy that people were getting killed.

Another of my friends saw the war as an opportunity to write a rambling diatribe attacking President Bush and espousing her views on abortion rights. One of my friends, who opposes the war, shared my love of the PBS broadcast of the "Civil War". Like me, she was particularly moved by the reading of a love letter by a Union Soldier. The letter made achingly

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Hypocrisy... continued from page 8

Linkage, simply agreeing to talk about a problem we all know exists, might have prevented war and saved a lot of lives. Still others say sanctions wouldn't hold up. Why not give the soldiers a little action by militarily enforcing the sanctions, stopping any truck that crossed the border and intercepting any plane that tried to fly in? It seems that Bush rushed into total war in order to stop a two-bit tyrant from wounding his ego. (We all know how sensitive he is about the "W" word.) To his credit, he was also understandably concerned about protecting the source of oil upon which we depend so heavily (after ten years of Republican refusal to fund research in alternate energies).

Finally, look who we're defending. The Emir of Kuwait has 80 wives, and for women at least, Kuwait is hardly the land of the free. The Saudis wouldn't even let the soldiers who came thousands of miles to defend them have a Christmas tree. In contrast, my sister, a journalist who was in Iraq until five days after the initial bombing, tells me that the Iraqi people have been kind and generous throughout

her stay. They wished her a merry Christmas in the streets where she could walk freely without a veil, and offered her safe haven even after the bombing began. What about the sanctity of their lives and the lives of their children?

Bush and his supporters argue that the right to life of a fetus outweighs a woman's right to choose the number and timing of her children, while undauntingly committing thousands of people to die and billions of dollars to kill. He does nothing to lower the infant mortality rate in Harlem, which is higher than in many poverty-stricken undeveloped countries. He talks big on problems in education, homelessness, children's nutrition, day-care and joblessness, but cuts programs (or in many cases refuses to reinstate the programs that Reagan cut) that address those problems.

The Gulf War seems to put years of hypocrisy into real terms. Unnecessarily sending people to die and kill simply does not jibe with the depth of belief in the sanctity of human life that the conservatives claim to have.

Well, George, we won't call you a wimp anymore. But don't expect us to take you seriously come election time.

Dinkins... continued from page 8

must know from personal experience that the armed forces is probably the only place in our society where racism is not a bar to advancement. One need look no further than the Chairman of the Joint Chiefs of Staff, General Colin Powell, for an example. In the armed forces, men and women are promoted purely on the merit of their individual performance.

Mayor Dinkins statement can have no rational basis. He and other anti-war liberals must realize that Saddam Hussein is a brutal dictator, who, if left unchecked, would continue his quest to become King of the Arab world. Inexplicably, the Mayor balks at opposing a man who has used every weapon system he has ever developed, a man who has used chemical weapons on his own people. He fails to oppose a man who was rapidly

developing nuclear weapons and the missiles to launch them anywhere in the world. He does not want to counter a potential nuclear terrorist. Mayor Dinkins and other liberals are grasping at any straw available to oppose the war. After all, it is far easier to oppose economic policies (which may or may not be the cause of inner-city poverty) than it is to oppose a just war.

Mayor Dinkins' paternalism exposes yet another flaw in his liberal philosophy of opposing any war at any time and anyplace. Unfortunately, the "objects" of his judgments are not available to rebut his comments. They are busy proudly defending our vital national interests and our abhorrence of naked aggression. All our soldiers, regardless of their color are answering President Kennedy's question: "If not us, who? If not now, when?" Can Mayor Dinkins do the same?

Student Decision Making Concluded

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Anyway, five things may be on the slate and the faculty still won't talk about them and they'll talk about something else. Professor Marcus [chair of the SFC] also suggested the SBA should submit a list of specific areas the SBA wanted to be consulted on before a meeting so SBA can prepare something on it, but it would be almost impossible to formulate a narrow listing of subjects that the SBA would want to be involved in especially because so many unexpected things are discussed. Professor Marcus did agree, however, to provide us with a list of what had happened at faculty meetings, but she is sick now so it hasn't happened yet.

"We also met with Dean Feerick and told him about the need for representation on committees. Feerick sounds greatly in favor of student input, but he said he didn't have the power to do it. The faculty has to vote on it. He doesn't make the decisions, the faculty does. He also said that the SFC is the proper channel to raise the issue, but, as I said earlier, we've already tried that with no success. It's a genuine Catch-22."

As an alternative to students on the committees, Dean Feerick has suggested the creation of a Dean's Committee. "I favor a formalization of consultation with students more than what we have. We do need more discussion." This Dean's Committee would meet periodically with the Dean and the Dean would inform the student representatives about

issues being considered by other committees. "If the students want to have input, I would put the student and the chair of the committee in touch with each other," says Dean Feerick. Though this may open up more two-way communication, it still presents problems. A lot would depend on the Dean's discretion and, as was illustrated by the 3 in 36 hour rule, issues are not always raised in advance. And, as

NYU has perhaps the most active student involvement

Dean Feerick pointed out, not even the Dean is privy to what goes on in many of the committees.

To reverse this course, the SBA unanimously passed a resolution in late January. The resolution "calls on the faculty and administration to allow students to voice their concerns at faculty meetings and in all of the faculty/administration committees. The SBA believes that students are prevented from participating in the decisions that affect the day-to-day school policy, curriculum changes, grades, tenure selection as well as other controversial subjects."

"The resolution is intended as a clear sign to the faculty and school that the system we have now unnecessarily excludes students," says Brian Daly. In essence, the SBA hopes that the school will take the issue seriously and open up a dialogue with them to solve the problem.

"We're not advocating that students should be running the committees," explains Daly. "Far from it. We just believe

resolution is battling an entrenched system of rule-making whose members believe that they know best. On the other hand, ample precedent exists for allowing students on committees. Institutions such as Columbia School of Law and New York University School of Law allow for and even encourage extensive student participation in committees and faculty meetings. Even the New York City public school system will have a non-voting high school student member on the Board of Education to "increase public accountability."

But the greatest danger the resolution faces may not be opposition from the faculty, but inertia from the student body. According to Brian Daly, "It is going to take time to affect this kind of change, and what the school needs most is a strong continuum from year to year. After the current SBA board leaves this school this year, the cause is going to have to be taken up by a new SBA administration. I hope they will make it a high priority on their list of objectives." For now, Daly asks students to read the full text of the resolution and decide which side of the issue they favor. "Whether they agree or disagree with the resolution, they should talk to their SBA representatives and to faculty members that they know and express their views. The SBA also welcomes any other ideas or views — and this invitation goes out to the faculty as well as students."

that these committees cannot take student views into consideration without a live student representative on their panel. We're willing to forego having a vote on the committees for now if we can just have a place in the decision-making. We also believe that as the elected student body representatives, we can't do our job unless we have a means of communicating student views.

THE FUTURE

Though the SBA resolution may carry a lot of popular support among the students, the prognosis is not at all clear. The

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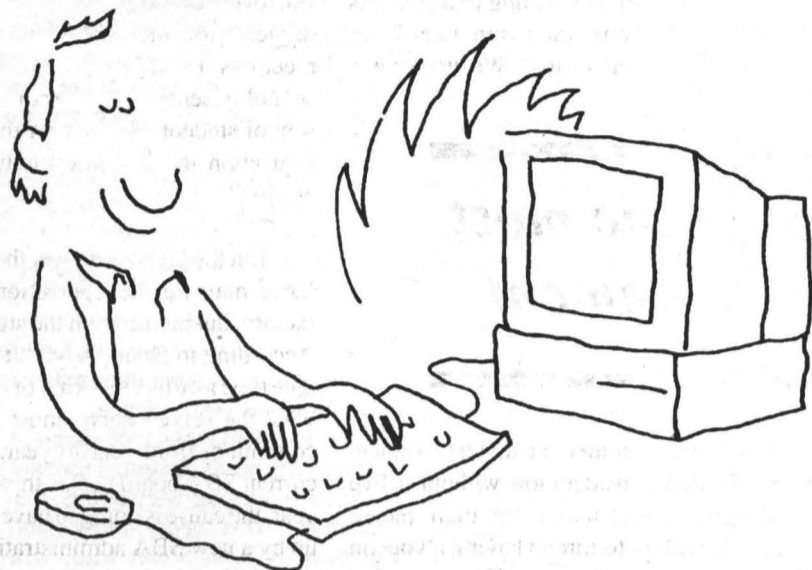
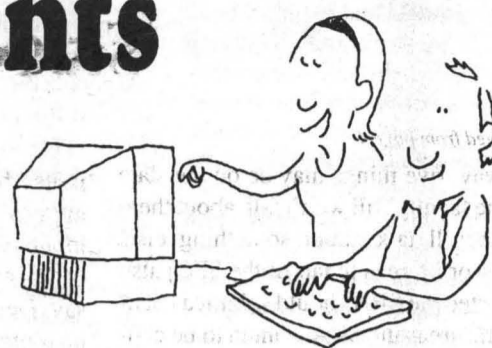
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AFFIRMATIVE ACTION: THE DANGERS AND PITFALLS

by Daniel P. O'Toole

The rationale behind affirmative action and quotas is that past and present racial discrimination and inequality will be best remedied by mandating equal representation of all races in proportion with their percentage of the population. Affirmative action has been adopted in hiring practices, promotions, contract bids, etc. Such measures are necessary, advocates argue, because it is impossible, due to racism and prejudice, for minorities to successfully compete on an even playing field. The scourge of inequity will not be eliminated by giving minority groups a forced share of the American pie. In the end affirmative action and quotas breed inefficiency and distrust.

The dangers and pitfalls of affirmative action and quotas are many. None, however, is more debilitating than the effect such programs have on the human spirit. The message that affirmative action and quotas send is that because of past and present injustices, minority groups are entitled to something as a right. This leads to an expectation of something for nothing. Said mentality does not recognize a duty to contribute to society, but rather that society owes something to minorities because of the sin of racism. Advocates of these programs suggest that adversity can be overcome not through excellence and merit, but by mandating equality. Equality, however laudable an end, cannot be mandated.

Racism and inequality are certainly not to be ignored, nor should their strength be underestimated. Affirmative

action and quotas are not, however, the answer. Racism must be fought on an individual and societal level. Minorities cannot allow themselves to react passively to racism, nor can they afford to use racism as an umbrella explanation for failure. As long as mainstream minority leaders support affirmative action and quotas they give their followers the luxury of a crutch. The sanctity of the blanket label of racism will ultimately smother individual incentive to create and pursue economic and social equality.

Handouts, under the guise of



opportunity paralyze human spirit and invariably lead to failure. Mainstream minority leaders, though well-intentioned, have erred greatly in their efforts to uplift their people. They have not stressed adequately the ability of the individual to overcome hatred through excellence. There are exceptions among minority leaders, however. Of particular note is Thomas Sowell, author of *Preferential Policies* and critic of affirmative action and quotas.

All human beings, be they white, black, red or yellow, will, given the opportunity take the easy way out. It is in our

nature to maximize pleasure and minimize pain. If we accept limits as immutable absolutes restraining our potential, our achievements will indeed be limited. Were two groups forced to walk tightropes, one with benefit of a safety net (racism as an excuse mechanism), and one without, it is a safe bet that the group without a net will have a higher percentage of successful crossings than the group with the luxury of the safety net. The first group is more likely to succeed, not through innate ability, but rather out of necessity. Without benefit of the safety net, the option of failure offers only certain death. Those walking with the constant knowledge of the safety net have no such fears. They realize that if and when things get rough, they need only fall "harmlessly" into the welcome womb of the net. Their descent is not harmless, however. They suffer a fate some would view as worse than death; they fail to live up to their potential. Some might argue that the knowledge of the net below would lead to greater finesse and creativity in crossing, such an individual forgets the maxim that necessity (not comfort) is the mother of invention. True the net will save some lives, but at the expense of all.

Capitalism is Darwinian, yet it is not necessarily cruel. It is to my mind the most kind of all economic systems in that it makes demands and gives incentives to human beings, prodding them out of the complacency that is too often our nature. Capitalism seeks value and merit above all else, viewing profit as the only truly virtuous end. Affirmative action and quotas are anathema to capitalism. These

variables throw into question the efficiency of the economic equation.

Ideally one should never have to conjecture in a capitalistic society as to how or why a person has been hired or promoted, or why or how a contract was awarded. Competence should be the sole criteria for all such decisions. Personnel and contractors should be chosen because of excellence, not to fulfill statutory requirements.

There is no more cruel a sentence to impose on a person than to put a question mark on their ability. Affirmative action and quotas do just that. They plant a seed of doubt in the minds of all members of society. Such programs condemn minorities to a perpetual, often unspoken scrutiny of their legitimacy by their peers and themselves.

It is only in a system based solely on merit that true equality for all persons can be achieved. Unfortunately we do not live in such a place today. Decisions and choices are often made based on prejudice unrelated to merit. This wrong can not be made right, however, by replacing prejudice with preference.

"Handouts" must be made carefully in our society and our economy. While these programs may seem charitable in the immediate sense, they can ultimately be a curse. They frequently condemn the recipient of the charity with a misplaced form of pity. Minorities are not to be pitied. Pity is paternalistic and condescending when its object is not "pitiful." It is time that mainstream minority leadership realize that to be kind in the short term, is ultimately to be cruel.

Swatting the Fly

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identified, confronted and extinguished.

There are two common rallying points around which the anti-war protesters unite. Each merits only brief discussion. First, we have all seen the placards: demanding "Send Bush and Quayle to the Gulf", and conveying the message "its your war, you fight it." The implication being that those who personally disagreed with the decision of the United States Government should be exempt from compliance with it. For starters, it is the function of government to make decisions that some oppose. If all were united in belief, an official declaration would hardly be necessary. Furthermore, there is no flaw in the process by which this decision was reached. President Bush could have challenged the constitutionality of the War Powers Act and not sought Congressional approval. He did not. Both houses of Congress authorized the President to use "all means necessary" to drive Hussein out of Kuwait. The Constitution requires no more. Debate closed, votes were tallied and a decision was announced. Such became the position of the United States of America. If you did not like the way your representative voted, vote against him or her the next time around. I wonder how the protesters would react if the most heavily taxed Fortune 500 companies decided that Social Security and Welfare were wrong and branded signs reading "we don't agree, you fund it."

The second rallying point I find disingenuous if not downright insulting. The argument is that a disproportionate amount of people of color are fighting this war, therefore the conflict is exploitative and wrong. Though Newsweek stated that blacks, descending from Africa, the Caribbean or elsewhere, comprise 20% of the Armed forces and only 12% of the general population, I find it interesting that these figures were used by a Reverend in Harlem on Martin Luther King Jr.'s Birthday to refute claims that blacks are less patriotic than other races. Few deny the economic plight of those in inner cities, whatever their background. But to cheapen the commitment of some by labelling their contribution as based on economic need as opposed to patriotism, is to insult those soldiers and their families for the sole purpose of trying to persuade

nearly ninety-percent of Americans that they are wrong. If this is not exploitation, I don't know what is.

I am sure that within the small group of protesters there are some whose motivation is sincere: they just don't want to see people die. Even with the knowledge that our troops are comprised entirely of adults who have voluntarily chosen the life of a soldier, with all of its attendant risks, one sympathizes with the sentiment. But a lesson of Vietnam that is equally important to remember is the effect dissension at home had on troop morale. On television, in the movies, on our streets we see the devastating effect such protests had on the lives of those who returned. We can only speculate as to the impact these protests had on the countless number who did not. Inaction is frustrating, but an outward showing of opposition is not what should be on a pilot's mind when he dodges anti-aircraft artillery and Iraqi missiles in attempting to destroy a military target. Protests not only hurt morale, but they fuel Hussein's belief that over time Americans will not be able to sustain a war and thus only strengthen his resolve to continue. I ask these people to consider this: protesting only exacerbates a situation you are trying to avoid. If you truly seek to express your objections without jeopardizing the lives of our troops, stay home and write your congress-person.

As to those whose motivation is not sincere concern, those who would protest for the mere sake of protesting, the radical fringe which inspired the phrase "it takes all kinds to make a world," this is neither the time, nor the place for your outbursts. If you are unmoved by your elected leaders, the concerns of the families of our troops or common sense pleas from Lawrence Taylor, O.J. Anderson and the rest of the Superbowl participants, then I doubt this article will sway you. To the ungrateful few all I can say is: if your life is miserable, deal with it, don't take it out on the men and women who risk their lives defending your right to act like idiots.

The democratic process has taken hold, debate has ceased and we all watch CNN. And while I too pray for the quick and safe return of our troops, I have only two questions for our leaders: Where will the parade be held? and What time will it start?

Friend to Foe

Continued from page 8

had any commitment to Kuwait, to defend Kuwait, or to assist it against aggression. She clearly and decisively responded, "We do not have any defense treaties with Kuwait, and there are no special defense or security commitments to Kuwait." John Kelly, the Assistant Secretary of State, later confirmed the State Department's position.

According to Robin Wright, author and correspondent for the Los Angeles Times, "The fact that no U.S. official ever actively intervened to say, 'Wait a minute. Don't go too far or else you will face the wrath of not only America, but the entire industrialized world', I'm sure helped pave the way for Saddam Hussein to take one of the most daring military actions of the twentieth Century."

On August 1st, the CIA reported to President Bush that the Iraqi troops on the Kuwaiti border were now capable of launching an invasion - however, again nobody took any action to prevent Saddam from launching the invasion.

On August 2nd, Iraq invaded Kuwait, surprising Bush as well as other leaders of the world.

The day after the invasion, President Bush made his first public announcement on the matter from the White House. When asked whether he was contemplating intervention, President Bush responded, "I'm not contemplating such action and I would not discuss it if I were."

That morning, Bush flew to Aspen, Colorado for a previously scheduled speech with Prime Minister Margaret Thatcher. According to Ann McDaniel from Newsweek magazine, "She encouraged him to 'draw the line in the sand' to send military forces to Saudi Arabia not only to protect Saudi Arabia, but to let Saddam know that if he attacks Saudi Arabia, he will be attacking the United States as well as its allies."

Indeed, in Mrs. Thatcher's speech she stated in her very churchillian tone, "we cannot have the situation where one country marches in and takes over another country which is a member of the United Nations." According to one reporter, although Thatcher's words were something that was already in Bush, it was the dose he needed to get him going - it stiffened his spine.

These events paved the way for President Bush to begin calling the leaders around the world, to get their support

against Iraq, to implement the collective sanction policy against Iraq, and to place troops along the Saudi Arabia border. As a classmate pointed out, the war must have been just as much a surprise for Saddam Hussein as it was for the rest of the world.

Target... continued from page 9

clear the sadness of a wife losing her husband, and children their father. It also exemplified a soldier's love for his country and his willingness to die for it. My friend refused to help me reprint the letter in this space. She wouldn't provide a reason beyond saying that she wouldn't want readers to equate the Civil War with the present war.

I asked her three questions: 1) isn't it just as sad that Americans are dying now as it was in 1862; 2) aren't there many soldiers in the Gulf who are fighting out of love for their country; 3) won't readers be able to decide for themselves if the present war is worth the anguish of love letters coming home without their writers? Her response was stony silence.

The marketplace of ideas- A vital democracy needs dissent. From the collision of opposing viewpoints the truth emerges. This theory, most clearly explained by John Stuart Mill, will only work in practice if people provide reasoned explanations for their opinions. War tests our ability for rationale discourse like nothing else save perhaps, love. Considering the sacrifices many Americans are making right now it doesn't seem too much to ask that we rise above personal attacks, political hay-making, and taciturn self-righteousness.

The Art of Communism- The Metropolitan Museum of Art currently has a fantastic exhibit of the work of the Russian artist Kazimir Malevich (1878-1935). The show is comprehensive. It traces Malevich's growth from a relatively timid painter of Parisian street scenes, to his robotic take on cubism (which he accurately called "cubo-futurist") past "Zaumnyi realism" which entailed sticking cows, fish, and violins in paintings where they didn't seem to belong. In his continuing struggle against traditional logic and meaning Malevich developed suprematism. This involved a series of paintings of lines, black squares, circles, and white on white work. While his artistic vision and world view (they were inseparable to Malevich) are not exactly clear (a painting of a black square is not instantly meaningful, after all) Malevich and his cohorts were on to something and pursuing it with a vengeance.

This freedom to break rules and explore forms was tragically short-lived. In 1934 socialist realism, based on naturalistic depiction of workers, was officially adopted as the exclusive form of Soviet art. Malevich was forced to abandon the avant-garde and focus on glorifying the proletariat. Pathetically, his only means of expressing his suprematist dream was by signing his painting with a black square.

The scars of Communism- Our generation will be the first to fully view the evil of communism from the outside. As the horror stories of oppression, murder, and torture begin to emerge from the now unshackled Eastern Europe we will be challenged to make sense of it all. If the holocaust is any example it will not be easy. It will be tempting to seek refuge in denial or isolationism. Faced with this almost incomprehensible evil, where logic and rationality seem to fail, the true value of the artist emerges.

Tango and Cash

Colour me opiate white A victim of the Jazz Life The wan pall of solitude, cold, clammy and dead

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FROLIC and DETOUR



Hamlet: Movie Most Foul!

Directed by : Franco Zeffirelli
 Screenplay by: F. Zeffirelli and C. DeVore
 (adapted from William Shakespeare's tragedy)

The Cast

Hamlet	Mel Gibson
Gertrude	Glenn Close
Claudius	Alan Bates
The Ghost	Paul Scofield
Polonius	Ian Holm
Ophelia	Helena Bonham-Carter

Zeffirelli's Hamlet is based on the Shakespeare's— play, but the excitement level of his newest film falls far short of the suspense found in the lan-

guage of the play. Zeffirelli and De Vore so severely cut the play that the fateful inaction Hamlet so eloquently laments in the play is virtually absent in the film. Shakespeare purists are sure to find themselves frustrated by the liberties taken with the Bard's original. Vital soliloquies are slashed, the scenes are out of order, and undue importance is placed on certain scenes.

Nevertheless, the performances of Mel Gibson, as Hamlet, and Helena Bonham-Carter, as Ophelia, are worth seeing. Gibson does a good job with the truncated script and Bonham-Carter renders a more than credible performance of the confused and heart-broken Ophelia. All in all, the entertainment value is fair if you can bear the blatant disloyalty to the

ROSENCRANTZ AND GUILDENSTERN ARE ALIVE AND WELL IN NEW YORK

by William Bruno

The movie version of Tom Stoppard's play, *Rosencrantz and Guildenstern are Dead* (also written and directed by Stoppard) preserves both the humor and intelligence of the play. For those of you unfamiliar with the play, Rosencrantz and Guildenstern are two minor characters in *Hamlet* who are blown about by the machinations of the King and Prince of Denmark, and undergo a bloody demise at the end of the play (of course, who didn't?) In *Rosencrantz*, Stoppard gives them, Gary Oldman as Rosencrantz and Tim Roth as Guildenstern, center stage. They stumble through the script trying unsuccessfully, to comprehend the full significance of events that occur and the people who are more important than they. They are packed off to England with Hamlet, and die without knowing why. All of this was expressed through adeptly written comic dialogue reflecting their confusion as to whether they have any free will or whether all their actions were plotted out beforehand.

Oldman and Roth work very well in tandem as clown and straight man, although Roth does underact a little with the exception of one or two scenes. They are not only good at the verbally comedic aspects of the play, such as a word game between them being choreographed as a tennis game, but also handle the physical shtick well, such as when they accidentally causing the death of Polonius.

The Player (Richard Dreyfuss)

is the third major character. Whereas Rosencrantz and Guildenstern unsuccessfully try to rationalize their surroundings and try to gain a measure of control over their fate, the Player revels, in his actions, being at the beck and call of others. Dreyfuss's performance has an engagingly florid turn that would otherwise constitute overacting except that the character is always supposed to be conspicuously performing anyway. His performance gave the impression that the Player is on sure ground and a step ahead of Rosencrantz and Guildenstern at all times.

Stoppard's use of scenery is quite good. The seemingly endless labyrinthine corridors of Elsinore become a physical analog to the maze in which Rosencrantz and Guildenstern find themselves. Walls, caged windows and other barriers are effectively used when Rosencrantz and Guildenstern move along the periphery of the grafted on scenes from *Hamlet*, to represent their effective isolation from any of the important action.

Two minor touches. The blues soundtrack was good. There is also a great short feature, *Knick Knack*, at the beginning of the film which won an award in Cannes.

GREEN CARD

by Emily Yerman

If you are in need of a study break and somehow the thought of watching CNN doesn't do it for you, then going to see *Green Card* may be the perfect solution. This romantic comedy does not have a very intricate plot, nor is it very thought provoking. It is, however, a fun and touching movie about a relationship forced on two very different people.

In this movie Andie MacDowell receives a character similar to the one she played in *Sex, Lies, and Videotape*. Her

Six Degrees of Separation... And Emotion

By Renee Frohock

The critically acclaimed play by John Guare, "Six Degrees of Separation", is everything you want it to be. And more. Guare has written a compelling tale of loneliness through an insightful, unsettling comedy.

The play is an emotional, engrossing story of one man's intentional invasion into a family's home, and one woman's heart. Driven by the character of Ouisa Kittredge (Stockard Channing), the play makes us laugh, makes us cry, and surprises us from one character to the next, from one scene to the next.

The play opens with Ouisa and Flan Kittredge recalling to the audience the events of the previous night, when Paul (Courtney B. Vance) visits their home. He enters on the pretense that he has been stabbed and mugged. This well-dressed, seemingly intelligent young black man then sets about deceiving the two into believing that he is the son of Sidney Poitier, that his father is in the process of making a film of the Broadway hit "Cats", and that he has his father's discretion to cast the extras for the film. The "star fucking" then begins.

Ouisa Kittredge, the wife of a private art dealer, is conned, along with her husband, Flan (John Cunningham) and some of their high-society friends, by the stranger pretending to be Poitier's son. These East Side elitists welcome the outsider Paul into their homes, cozying up to him, even trusting him, when he says he is the son of the well-known actor. Paul does not steal from them, nor does he threaten

their lives, he simply works his way into their hearts and homes, and then disappears.

Though the play is full of characters, seventeen to be exact, it is Ouisa Kittredge who compels the audience to invest itself emotionally. Stockard Channing does an excellent job in bringing the character to life. Such an excellent job, in fact, that the only weakness of the play is when she is not on stage. We find ourselves wanting for her return with some wise-ass comment or insightful appeal. This is not to disregard the ability of the other actors and actresses in the production, who are all fabulous, it is merely to recognize the fantastic talent of Miss Channing.

Ouisa is the only character to understand Paul, to pour her heart out to him and to listen to him while he pours out his. She is the only character to change. While she has the some of the funniest lines of the play, from criticizing her husband for "star fucking" to berating her friends for some "insensible desire to be in the movie production of 'Cats'", she also says the most moving lines. For example, at the end of the play Ouisa admits to her husband, "[w]e're a terrible match", we feel the pain she's feeling. And when she tells him, "[i]t's times like these I could take a knife and dig out your heart," we realize that she's no longer the dim-witted wife we were introduced to at the beginning of the play. She has matured and is ready to move on.

The play is performed at the Vivian Beaumont Theatre at Lincoln Center. For tickets call #(212) 239-6200.

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character, Bronte, is a horticulturist who is content with her stable, predictable life. The last thing she is looking for is someone who will disrupt the world she has created for herself. Gerard Depardieu's character, , does just that, however. He plays a French musician who is trying to get his green card through an arranged marriage with MacDowell.

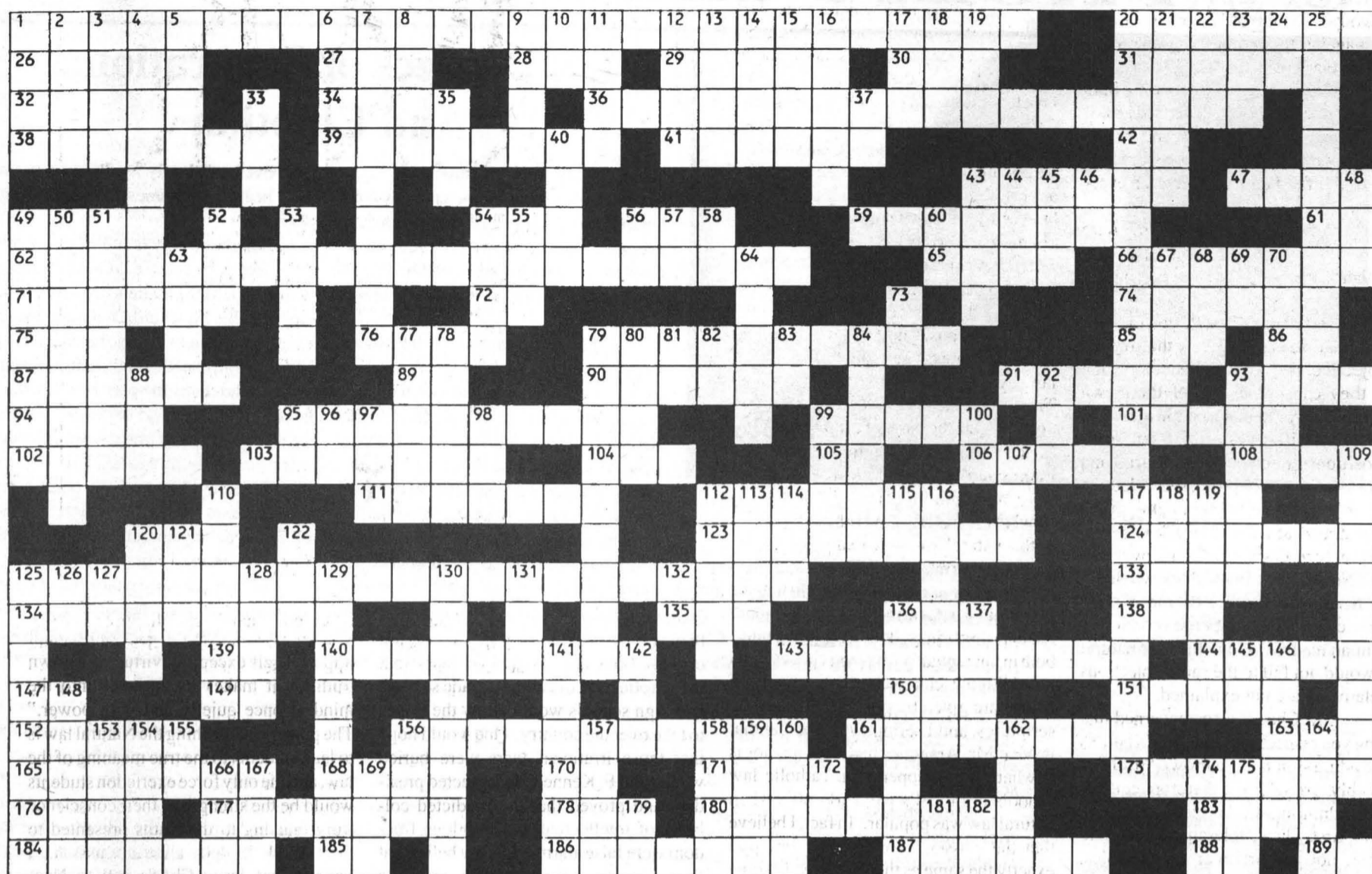
The movie contrasts MacDowell's rigidity with Depardieu's passion **loving character**. In typical romantic comedy style, these two, with nothing in common but a marriage certificate, end up bringing out the best in each other. The various complications that arise in the course of this movie are generally predictable, yet entertaining. While the basic story is nothing new, the situation of these char-

acters—actually being married—adds a fresh dimension to the plot.

Depardieu is one of France's hottest actors, and *Green Card* helps you understand just why this rough looking man has become a sex symbol. MacDowell's performance may not have been as good as her work in *Sex, Lies, and Videotape*, but her genteel performance nicely compliments Depardieu's. While the biggest mystery in this movie may be how MacDowell can afford such a great apartment while she works for the Park's Department, it is still an entertaining couple of hours. Also, the movie has many Upper West Side scenes— including MacDowell's apartment on 76th and Columbus.

The Advocate Crossword

Created by by Lane Brent Forsythe and Sharyn Stein



ACROSS

- 1. Union certifier
- 20. Appealing to prurient interests
- 26. "007"
- 27. Vanilla
- 28. Promissory note
- 29. Turkish emir
- 30. Heat for raising 1 pound 1 degree
- 31. Legal term for amount missing
- 32. Lot
- 34. And the rest
- 36. Statute provenance
- 38. Paddle fastener
- 39. Readers' Digest for law students
- 41. How to decide what to see?
- 42. Copacetic
- 43. House wine holder
- 47. Sizzle
- 49. Algeis
- 54. Bloodpressure promoter (Fr.)
- 56. Stein
- 59. A method
- 61. Radium
- 62. Return to be tried
- 65. Buenos
- 66. Ejecting
- 71. Equilibrium
- 72. Twelve step regimen
- 74. River in U central Africa
- 75. ___ Aviv
- 76. Goad
- 79. Great War finale
- 85. Spare the ___
- 86. "New World Order" club
- 87. East
- 89. Stylish
- 90. Baked dessert
- 91. The Great Artery
- 93. Herb
- 94. Prevaricator
- 95. Rodent coat
- 99. Calling
- 101. Taint
- 102. Celebrity mayor
- 103. Pine nut
- 104. Limit
- 105. High school club
- 106. Put an end to
- 108. Accloy
- 111. ___ Vincent Benet
- 112. An unusual deal in bridge
- 117. De bonis asportatis

- 120. Vital
- 123. "I know it when I see it!"
- 124. Uppermost branch
- 125. Entree to "Federal Rule Land"
- 133. Sad ruler
- 134. Lacking will
- 135. Broadway tune
- 136. Religion (abb.)
- 138. Goddess of dawn
- 139. For illustrations' sake (abb.)
- 140. Legal specialist
- 143. The long and the short of it
- 144. Instrument for Fugues
- 147. I want
- 149. Method
- 150. Lease
- 151. Doldrum
- 152. Extinction
- 156. Written assurance
- 161. Obligation substitution
- 163. Jolt
- 165. Drunkenness
- 168. Apex
- 170. Hi-___
- 171. Mischievous sprite
- 173. Aquatic larva
- 176. Spikelet
- 177. Curare
- 178. JFK's Attorney General
- 180. Odius
- 183. Give me ___ up
- 184. Emergency M.R.E.
- 185. Many mo.s
- 186. Famous Con. law "laundry" case
- 187. Amen
- 188. He knows!
- 189. Wire

DOWN

- 1. Fifteen nation organization
- 2. Site of Taj Mahal
- 3. Lachrima
- 4. Slopes
- 5. Actor Preminger
- 6. Encumbrance
- 7. Bad deed
- 8. Tired
- 9. Ascend
- 10. By virtue of the office (Lat. abb.)
- 11. Calm before the storm
- 12. Frat. attire
- 13. Fertility goddess
- 14. Soviet city

- 16. Sluggish dencacy
- 17. Sash
- 18. Jeep, e.g.
- 19. Regret
- 20. What a litigious client shuns
- 21. Chap
- 22. Photography term (abb.)
- 23. Island
- 24. For illustrations' sake (abb.)
- 25. Remaining over expenditures
- 33. Emulate Billy Johnson
- 35. Jerry's drug
- 37. Pedagogic aid
- 40. Davies brothers' hit
- 43. Cheap, ill-kept brothel
- 44. Allied bomber nuisance (abb.)
- 45. St.s
- 46. Human rights organization (abb.)
- 48. Is she cranky? She might be on it
- 49. Shooters
- 50. Front
- 51. Cuisine type
- 52. Dolt
- 53. International trade agreement
- 54. Asterisk
- 55. NOW concern
- 56. Radiation measure (abb.)
- 57. Senator Hatch's state
- 58. Omicron follower
- 60. High fidelity software
- 63. Nothing (Fr.)
- 64. Japanese city
- 67. "Das Boot" setting
- 68. Crestfallen
- 69. Volunteer State
- 70. Tropical American lizard
- 73. Pine Tree State
- 77. Grapes
- 78. He is avuncular
- 79. Sweetheart
- 80. Joie de vivre
- 81. Radium
- 82. Hitler's goons
- 83. Hawkeye State
- 84. Inchoate butterflies
- 88. Sea eagle
- 92. Sphere
- 93. Sibling
- 95. Type of cloud (abb.)
- 96. Mercury
- 97. Alien organization
- 98. Cognizant of the skinny
- 99. powder
- 100. Spielberg alien

- 107. By ___ means necessary
- 109. Maxwell Smart's forte
- 110. Coordinated body of methods
- 112. Auctioneer's call
- 113. Woodwind
- 114. Armed service branch
- 115. Tin
- 116. First gear
- 118. Cookie
- 119. Rationale
- 120. Fall without warning
- 121. Ums
- 122. "The right choice"
- 125. Numerator
- 126. Stylish
- 127. Green Mountain State
- 128. Shakespeare villain
- 129. English commoners
- 130. When they knock again
- 131. Freckle fueler
- 132. Preposition
- 136. Hues
- 137. Pro ___
- 141. Wok meal (sic.) [oops! sorry!]
- 142. Garland
- 145. Ruthenium
- 146. Militant Ken doll
- 148. Exclude
- 153. Solo song
- 154. Slant
- 155. Male in question
- 156. Mountain pass
- 157. French poodle moniker
- 158. 183 Across for a dog
- 159. "You fat ___ lard!"
- 160. Nymph
- 162. Head (Fr.)
- 164. Gymnast Korbut
- 166. One follower
- 167. Thither
- 169. Rower
- 172. Emulate Holyfield
- 174. Pat
- 175. Arafat's org.
- 179. Where the Royal nine play (abb.)
- 181. By virtue of the office (Lat. abb.)
- 182. Note well (Lat. abb.)

Fordham and the Law

Continued from page 1

you deny that there are fundamental values or rights which are true for all persons, then you are forced to abandon any moral claims against those supporting apartheid, since a relativist believes different cultures and traditions fundamentally alter each society's morality. The traditional natural law, on the other hand, makes obligatory claims on every conscience to respect the fundamental rights of every person.

A further argument is that relativism is self-defeating, because any claim that there is no truth or that we can not know it can be applied to itself. In other words, when a relativist tells you they are certain that we can not know the truth or be objective, she or he had better question how they can be so sure of their own assertion. Any attempt to build an actual philosophy will necessarily assert some propositions or conclusions are true and valid. Even a self professed relativist finds it impossible to avoid this, as is demonstrated at the end of Choe's own article, where Choe makes his own call for a "Neo-natural law" which would be the, "result of the search for moral principles according to the perceived picture of human nature." How this new natural law would not fall to the same objections of relativism are not explained.

Mr. Choe is also concerned that saying you respect someone else's beliefs is the admission that your own "truth" is "possibly wrong", and therefore equivalent to admitting a relativist conclusion. In the first place, "tolerance" refers to people, not to particular philosophies. Thus, when I say I respect your beliefs, the respect that I give is directed to the person with whom I am speaking, because I respect the dignity and freedom of that individual person. That does not mean that I have to admit that I am "possibly wrong" before I can respect someone else's beliefs. Having recognized the personal application of respect, it is easy to see that the natural law does not create, "precepts [that] cannot tolerate conflicting beliefs because there is only one correct truth." Those who do hold a natural law view can quite easily enter into a meaningful dialogue with those who hold conflicting beliefs. As proof of this I refer to the many times in which Choe and I have engaged in lively discussion of topics including natural law and other matters which led to significant areas of

agreement, though we continue to retain essentially our own positions.

THE CHURCH

The last area which needs clarification is the relation between the Catholic Church, a catholic law school, and its students. Some of the confusion in Choe's article results from his tendency to equate Catholic dogma and the church's historical use of the natural law. This is not that surprising since the Catholic Church is almost the only religion to distinguish between the realm of faith (dogma), which claims its authority from the revelation of Christ, and the realm of reason (natural law), where the authority of truths are arrived at through the use of our reason or intellect. Thus Choe is not very clear when he states, "in analyzing a rule of law, Aragones would have us return to Traditional Natural Law, which coincidentally was the basis of orthodox Catholic schooling." One might be left with the impression that the old and new testament were based on the "Traditional Natural Law", or worse, that the substantive rules of this natural law were really just a secularized version of the Bible.

This confusion results in Choe's fears that a return to natural law would result in, "sermons [that] would take place both in our regularly assigned classes...and in additional elective[s]." Sermons, of course are given by priests and based on scriptures, and I seriously doubt that that is what Mr. Aragones had in mind, nor is it what really happened in catholic law schools in the 50's and early 60's when natural law was popular. In fact, I believe that the classes were for the most part exactly the same as they are now; in some cases even the exact same professor, as several of my friends' fathers were taught by oh well, we know who they are. The only difference was a deeper discussion about what the moral principles and underlying values that informed the decisions and perhaps a few more attempts by the professors to say what they thought the law should be.

When Mr. Choe states, "It is highly doubtful that we could all be forced to believe in the same ideas of justice and morality, not to mention Catholic orthodoxy" the implicit assumption is that under Aragones' call to a return to the traditional natural law, Fordham professors would coerce students or "force" them to believe in natural law, morality, and "catholic orthodoxy." Not only is this a misconceived notion of the nature of

catholic education, it seems nothing more than the vocalization of the nineteenth century Protestant American fears that the introduction of catholic grade schools and high schools would allow the Popes to take over the country. One would hope that those irrational fears were buried when John F. Kennedy was elected president and proved that the predicted collapse of intellectual and religious freedom were false alarms. It is my belief that these fears were then and now again are not mainly the result of antipathy or prejudice, but rather stem from a near complete unfamiliarity with the Catholic Church and its many statements relating to these matters. Although more recent documents go more specifically into this topic, it would be sufficient to read the Second Vatican Council's document on religious freedom, Dignitatis Humanae, to realize that the Church is strongly in favor of freedom for different religious beliefs. True, the Catholic church claims to have a Divine mission from God to proclaim the true path of salvation, and that all people are bound to seek the truth and are bound to embrace the truth that they come to know. The Declaration on Religious Freedom makes it clear, however, that these claims should not result in any form of coercion; rather, "it is upon the human

conscience that these obligations fall and exert their binding force. The truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power." The purpose of teaching the Natural law is to lead students to the true meaning of the law, and the only force exerted on students would be the strength of their conscience truly reacting to the truths presented to their minds in open class discussion. I believe that Jerry Choe's call to Neo-Natural law, to a surprising extent, leads him back to the deep and rich heritage from which "new" ideas have sprung for thousands of years.

War

Continued from page 8

conversations with our friends were altered. At a cocktail party the second weekend after the attack, (hell, we even measure time from it too), I was standing in a group of Guppies, (Gay Urban Professionals) and the talk centered on when and how Israel will retaliate and what will happen then? We had talked of men in uniforms before, but never military might. My nephew and his friends, all six years old, now play a new version of the good guy-bad guy game that I knew as cops and robbers. He and three friends are patriots, and four others are scuds. And I guess I finally realized how obsessed the populace is with the situation, when this weekend, while I was sitting at the bar in a Greenwich Village watering hole, the stranger sitting next to me did not say "So, you come here often?" but, "So how many of those toe poppers do you think are buried in the sand?". I couldn't help but laugh.

But aside from the shouting of U.S.A.! U.S.A! and the unity, etc., the most important effect of this war is that it has caused some of us to reevaluate our priorities. The eighties were, for the most part, filled with unabashed gluttony. The symbols of that decade, a material girl, a man called Trump, and a show called Dynasty, showed us that greed is good. That who ever has the most when he dies wins. But for those hellish moments when the world thought that chemical weapons were raining down on Tel Aviv, nothing else seemed to matter. Not who drove the most luxurious car, not what Vanna will be wearing tonight, and not even how to get in more billable hours. The only thing that mattered was life, and gas masks, and clean air.

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OARLOCK MUTSHELL ASKPPIA OK E
I I S D O L CARAFE SEAR
PAIN A GR SEL CUP SOCRATIC RA
INTERSTATE EXTRADITION DIAS DUSTING
STASIS T U AA S M B UBANGI
TELE T SPUR VERSAILLES ROD UN
ORIENT IN ALASKA A AORTA SAGE
LIAR CHINCHILLA A TRADE R STAIN
SONNY PIGNOLI END AV TABLE SATE
R S STEPHEN GOULASH N TORT S
KEY A T OBSCENITY TREETOP
DIVERSITY JURISDICTION G LEAR I
INTESTATE E U ONE CHR EOS O
V L E G O F COUNSEL G MEMORANDUM ORGAN
ID MO M P T E LET ENNUIA
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EBRIETY NOON FI PUCK U E TADPOLE
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