Constitution of Lincoln Center Dorm Underway

Hopes arise for a renewed sense of community at Lincoln Center

In the 30 years since its establishment, the need for a residential facility at Fordham's Lincoln Center Campus has been slowly escalating. The university is meeting this need by erecting a twenty-story apartment-style building specifically for 850 graduate and undergraduate students. The building is expected to be completed and ready for occupancy by the Fall of 1993.

The anticipated cost of the residential facility is approximately $40 million with the majority of the money coming from the New York State Dormitory Authority. The authority raised the money by selling tax free bonds. The building is currently within projected costs and is expected to be completed within this budget.

Fordham Law School has traditionally attracted students from the New York metropolitan area and a residential facility was never warranted. However, recently, according to Assistant Dean, Robert Reilly, "students from across the country and around the world who are accepted are leery of moving to New York city without a dormitory type situation to start out..."

Several years ago, the university developed a questionnaire to solicit students' attitudes toward living in a residential facility on campus. The results, although not overwhelming, suggested that there is a demand for such a living arrangement and students would be interested in living in a warm and friendly campus atmosphere. By building a residential facility, the university expects to attract geographically diverse students.

The law school, without the aid of an adequate facility to accommodate students, has recently been ranked twenty-second among all law schools in the most recent "Gorman" report on law schools. It would seem that the addition of a large residential facility would push the law school into the top twenty.

The opinion of ranking agency such as "Gorman" is not the main concern of the university. Dean Reilly noted the primary reason being, "...continued on page 4"

National Lawyers Guild

President Speaks Out on Bias

"Law may handle biased conduct, attitudes are up to the individual." This insight into bias and the law as an instrument of social change was introduced by John Brittain, who spoke at Fordham on November 18. In his lecture, which was sponsored by the Committee on Bias Awareness (COBA) and the Fordham chapter of the National Lawyers Guild, Brittain shared a perspective new to some of us: that the law may fail to change social attitudes, but it attempts to define a desired conduct to protect those who may suffer from bias.

By Terri Austin

Judge Pierce Honored at Portrait Unveiling

By Dean John Feerick

Fortsy years after graduating from Fordham University Law School, with a legal career that has included two decades on the federal bench, Judge Lawrence W. Pierce of the United States Court of Appeals for the Second Circuit was honored by Fordham for his achievements and an unveiling of his portrait. He is pictured with his wife, Professor Cynthia Straker Pierce of St. John's Law School.

Born and raised in Philadelphia, Judge Pierce was educated in the parochial schools of that City and first encountered the Jesuit fathers as a student at St. Joseph's. His education there was interrupted by service as an infantryman in the United States Armed Forces during the Second World War. He resumed his studies at the end of the war and was graduated cum laude from St. Joseph's in 1948. He sought admission to our School and submitted, along with his application, a letter from Father Joseph Drane of the Society of Jesus. I would like to read that letter because it captures so perfectly the Lawson

"This student is a young man of very high ability. His scholastic record is good; his personality, pleasant; and his character, honest and reliable. I earnestly recommend him to you." Our admissions office never made a better decision than to accept Judge Pierce. He excelled as a student at the School, graduating near the top of his class and serving as an editor of the Fordham Law Review. Among his teachers was a young Bill Mulligan whom he recently described in an oral history interview as "a gem of a teacher with a twinkle in his eye and a pleasant demeanor." Rumour has it that for most of Judge Pierce's law school career he could be found studying in an alcove in the upper floor of the library at 302 Broadway. In fact, he became such a library buff that he took a job during the latter part of his law school career in the library of the Association of the Bar of the City of New York.

continued on page 3

Quote of the Year

"Just because you've got a law degree from Fordham doesn't mean you know everything."

- from the first episode of the new television series "Commissar"

Inside:

Narcotics D.A. - page 3  •  Fellowships - page 4  •  Univ. Chaplain reflects - page 5  •  Fair Speech in the Courts - page 8  •  Entertainment - page 10  •  Sports - page 11
Again this summer, BAR/BRI prepared more law school graduates for the New York Bar Exam than did all other bar review courses combined.

New York's Largest and Most Successful Bar Review Course
District Attorney Addresses Joint Fordham-NYU Phi Alpha Delta Initiation

By: The executive board of Phi Alpha Delta

On November 21, 1991, Robert Silbering, District Attorney for the City of New York in Charge of Narcotics Prosecution, one of only six District Attorneys in the City, addressed the members of Phi Alpha Delta during its fall initiation ceremony. During the ceremony, the members of the previous chapter were commended by officers and re-instated N.Y.U. as an active chapter by initiating two members from there. With this initiation, the Wormser chapter, comprising of 20 members, has now become the most active of the 10 regional chapters. Phi Alpha Delta is a co-educational national legal fraternity dedicated to serving both the legal profession and the community at large.

Phi Alpha Delta is the only legal fraternity that currently maintains an active chapter at Fordham University. Present at the initiation were several active Phi Alpha Delta Alumni from Fordham Law School as well as several from the regional and national law schools, as well as several delegates from the national fraternity.

Mr. Silbering began with a discussion of the problems posed by the continuing drug epidemic, the spread of disease, the increased incidents of child abuse and neglect that could be directly attributable to drug use. His focus then shifted to the nature of the drug epidemic in America. Despite the public focus on the crack epidemic, Mr. Silbering warned of the resurgence of the use of heroin and other such highly addictive drugs and the inadequacy of programs that focus on the treatment or prevention of just one type of drug problem.

After outlining the problems faced by the city in its war on drug use, Mr. Silbering criticized the Bush Administration's attempt to resolve the nation's drug problems through intervention programs as well as to resolve the drug war initiated by the previous administration. Mr. Silbering feels that drug indirection programs are wholly impragmatic. They cost a great deal, do little to stem the flow of drugs into the country and seem to do little more than drive the price of a single drug higher, which does little else than increase profits for drug smugglers. Mr. Silbering also pointed out the United States jails a greater percentage of its citizens than any other industrialized nation, making them available to drug dealers. As a result, most people who are incarcerated for drug use leave prison unrehabillitated and with little skills and background needed to secure gainful employment.

Furthermore, the strain on the judicial system posed by incarcerating so many drug offenders is easily accessible in jail. As a result, most people who are incarcerated for drug use leave prison unrehabillitated and with little skills and background needed to secure gainful employment. Mr. Silbering concluded that the nation should shift its resources towards education and rehabilitation. By reducing demand, we can reduce the demand for narcotics, and the crime that accompanies that demand.

"Braves," which Native American activists claim demean and impugn their culture.

Without arguing his own views, Brittain pointed out that Native American activists such as Ms. Silbering exist in attempting to properly define bias, propose legislation to prohibit biased conduct, and work to combat both bias and encourage sensitivity have been understood by some as a chilling of speech.

Ultimately, Brittain suggested, everyone is guilty of some kind of bias. Law alone cannot make change, but the person I've become since of work we value most highly.

Don Marquis
Fellowships: Opportunities Not To Be Overlooked

By Tom Schoenherr

Many students have no idea of the wealth of fellowship opportuni­ties that are available to them during the time that they are in law school. There are fellowships for summer work, for essay submissions, for re­search, and for post-J.D. full-time work or research. All of these opportunities are available from both public and private sector organizations, founda­tions, or law firms. Some are high prestige positions almost at the level of judicial clerkships.

Many fellowship positions are highly competitive, but others, espe­cially those that focus upon specific topics in legal practice or theory, are much less so. The trick is to determine which fellowships match your own interests(s) and experience and which sources should be consulted to get more information.

There are two valuable publica­tions in the Career Planning Center which could help you get started in your research. The first is the NAPIL (National Association for Public Inter­est Law) Directory of Public Interest Legal Internships which is updated annually and is, of course, biased to­wards fellowships in the public inter­est. It is indexed by both state and by legal subject area. The second is, Funding for Law: Legal Education Re­search & Study, which lists close to 500 funding organizations and is in­dexed according to their subject ar­eas. In addition this publication lists an extensive bibliography of other funding-related publications and data­bases.

Many of these additional publi­cations and databases are accessible at the New York branch of The Foun­dation Center which is located at 79 5th Avenue (at 16th Street) on the 9th floor and can be reached by telephone at 620-4230. The Foundation Center is a national, independent, nonprofit organization established and sup­ported primarily by foundations. The Center is the only national source of factual information on philanthropic giving of its kind, and can help you find out where to apply most appro­priately for funding. Using its publi­cations and its nationwide network of library reference collections, you will be able to identify foundation pro­grams which correspond with your needs.

The Career Planning Center is working hard to assist students in this difficult job market. We have stepped up our efforts to increase the number of On-Campus Interviewers and job listings as well as respond to the overwhelming demand for counselli­ing appointments. However, our biggest challenge has been keeping accurate information about where students have accepted positions and which students are still looking.

It is extremely important that students inform the CPC when and where they have accepted a position. We need this information to help us plan our job search strategies. Like wise, we need to know who is still looking so that we can include these resumes in our ACTIVE SEARCH file. Students, please contact us! -Kathleen Brady CPC Director

One of the most difficult parts of the funding process is selecting those foundations which might be most in­terested in your project from the over 27,000 active foundations in the U.S. Foundations do not generally issue announcements or lists of grants they will be awarding in the coming months or years, so how do you find out if there are any that might be interested in your proposal? Foundations gen­erally make awards by selecting pro­posals most closely related to their interests and objectives and falling within their funding capability and geographic scope. It takes serious, time-consuming research to find those with giving records or stated objec­tives that are related to your proposal. The Foundation Center's nationwide library network provides free access to all of the materials necessary to do this funding research and to develop a good proposal.

The Center has two national li­braries in New York City and in Washington, D.C. and two field of­fices in San Francisco and in Clevel­and. Call them for a complete sched­ule of hours.

Grant and fellowship information is mailed regularly to Dean Feerick and to the Career Planning Center. When this information is received, it is put into the Fellowships binder, which can be found on the front table in the Career Planning Center along­side the various job books. The list­ings here are grouped for the Class of '92 for post-graduate positions and for all other students seeking funding for work or research for the summer of '92.

If you are applying for one grant or fellowship and compile all of the required materials and investigation, it may be well worth your while to do some investigation to determine if you might be able to submit one or more additional applications. There are foundations which correspond with your needs.

As you are researching possibili­ties for funding or fellowships for the Summer of '92, make notes about sources that you discover with dead­lines for applications that occur in the Fall. This will allow you to get an early start at the end of next summer or at the beginning of the Fall of '92 to apply for funding for the Summer of '93 or for post-graduate funding after graduation. Remember that the early bird catches the worm.

To discuss fellowship or grant funding in greater detail, please set up an appointment with Tom Schoenherr in the Career Planning Center.

Dorm continued from page 1
The residence is "... to provide housing close to the school and build a greater feeling of community at Lincoln Cen­ter," Professor Martin added.

Whether we are elevated or not (in the rankings is a side benefit, it is the Dean's idea to create more of a com­munity by providing facilities for stu­dents to be around each other and much interaction is a great ben­efit..." for the Fordham community. Additionally Dean Reilly expressed "...this will be a great opportunity for students to meet other students in the other schools at Fordham..." and "will certainly enhance the experience at Fordham."

To accommodate students com­fortably, all apartments are to be car­peted and fully furnished; each will be equipped with an efficiency kitchen, and individual heating and air conditioning units. Additionally, the residence will contain a health and exercise facility, with locker and shower rooms, study and social lounges, and on-site parking.

It is not too late to express your views concerning future occupancy and specific benefits for law students. "...we would like any input... from the students as to their feelings and ideas..." noted Professor Martin.

For more information contact the Office of Residential Life at 579-2327 or Prof. Martin at 636-6807.
In the Jesuit Tradition

First of a Six Part Series

By Rev. Edward G. Zogby, S.J.

Biographical Note On The Author:

Rev. Edward G. Zogby, S.J., is the Assistant Vice President for the Lincoln Center Campus. Father Zogby has a very diverse background, which includes: he holds a Doctoral Degree in Humanities from Syracuse University where his particular emphasis was in religion and literature in the writings of C.S. Lewis and J.R.R. Tolkien. While at Le Moyne College, Fr. Zogby was both a Professor of Theology and as Chairman of the Religious Studies Department. Fr. Zogby can be located in Room 224B of the Law Center Building. Law School students are encouraged to take advantage of his individual counseling services which are both interesting and rewarding. Rev. Zogby also celebrates Mass frequently at 12:30 p.m. in Room 221 of the Law Center Center, the Chapel at Lincoln Center.

In the Jesuit Tradition is a defining concept for many people denoting "where we came from"—all in the past with little or no potential for the present or the future. Such a denotation misses the point inherent in the Jesuit tradition which has played a large shaping role in the history of the world. "In the Jesuit Tradition" is attention to the real and the intention to make a difference in the whole world, to empower people to awaken the desire for learning and responsibility, the establishment of networks of relationships and a willingness to be at the cutting edge of knowledge and development. In a word, to whet the desire to become evermore conscious (despite the pain involved) than less conscious. It is in this spirit that I present this series of articles on the American Jesuit Theologian John Courtney Murray, who, until his death, embodied for us who studied under him, this attention to the real and the intention to be always at the cutting edge of his time. In his lifetime he brought great energy and clarity to the Church-State debate in America, and, with Pietro Pavan, he co-authored the Vatican II document on Religious Freedom, a document which has deeply affected the growth of the Church and world-wide consciousness. He lived to see his work become an integral part of Church thinking when the decrees of Vatican II were promulgated in 1965. He died two years later.

Father Murray can rightly be called a theologian of the First Amendment. His book, We Hold These Truths: Catholic Reflections on the American Constitution (1960) is an erudite, highly sophisticated reflection on the First Amendment. It demonstrates passionate love for the American Constitution with its distillation of long centuries of political thought and achievement, and its firm resolution of these dynamic animating strands of influence into an even more dynamic possibility of living freely and peacefully together—the American public consensus forged in a pluralist milieu.

For the Record...

The last SBA update contained the names of the Advocate's new editorial board and we thank the SBA for doing so. HOWEVER, this misspelled the name of our new managing editor. His name is Michael V. Gracia. Says Gracia, "I bet if my name was Lowanbrau Fitz we would have gotten it right." The view reflected herein is that of Mike and not of the Advocate.

Since this represents one of his major categories, I would like to use his voice.

"By pluralism here I mean the coexistence within the one political community of groups who hold divergent and incompatible views with regard to religious questions that concern the nature and destiny of man within the universe that stands under the reign of God. Pluralism therefore implies disagreement and disunion within the community. But it also implies a community within which there must be agreement and consensus. There is no small political problem here."

It is significant for us at Fordham Law School that Murray's book was published in 1960, for on May 4, 1960 Chief Justice Earl Warren stood right here on West 62nd Street and Columbus and spoke at the unveiling of the cornerstone of the present law school. He spoke of the same American ideals, almost in a religious sense. Presently, I hope to raise the question of whether those principles to which our legal tradition is attached, and failed in any effort to preserve that tradition. He reminded his audience that New York City stood as a symbol of our nation in its pluralism; it is "not only democratic but free—not only free but strong." It is the experiences of these people in the city and not just the 'logic of the law' which provide the "life of the law." We did not create free institutions, we inherited them. The Chief Justice summarized for his Fordham audience: "Every freedom guaranteed by our Constitution had been bought for and won by another part of humanity in some other part of the world before our nation was born. Men before us had sacrificed security, property and life itself to win the freedom of speech, of press, and of assembly; the right to petition government and to be represented by its conscripts; the right to habeas corpus, trial by jury and due process of law; and above all, the right to believe according to conscience, and therefore to freedom of religion. This is the same vision, the vision of free institutions and of a society born from the experiences of the many diverse traditions agreeing to disagree in the public argument in search of fulfilling public purpose which inspired Jesuit Father John Courtney Murray. For him the American proposition announced in the Declaration of Independence and recalled so desperately by Lincoln had all of the affirmation and intention of a religious truth: all men are created equal. He said "it is at once doctrinal and practical, a theorem and a problem. It is an affirmation and also an intention." For Murray, the American proposition is a matter of the mind requiring as it does in the epistemology of faith, an intellectual asset; it is also an organized political project needing historical success. It needs development (it is not a finished thing) and requires measures to save it from decadence. Lincoln saved it from gecacade at that critical moment in our nation's growth at Gettysburg—asserted what was imperiled in the theorem and gave impetus to the impeded part of the project. We are involved in the project once again.

It might help to end this first article with a quote from Murray: "Today, when civil war has become the basic fact of civil society, there is no element of the theorem ("all men are created equal") that is not menaced by active negation, and no thrust of the project that does not meet powerful opposition. Today therefore Catholic men among us are saying that America must be more clearly conscious of what it proposes, more articulate in proposing, more purposeful in the realization of the project proposed."

"There are truths, and we hold them to be self-evident as the basis and inspiration of the American project, this constitutional commonwealth."
Editor's Note:

United We Stand...

This issue of the Advocate is the first put out completely by the new editorial board. Our goal is to make this Fordham Law's own newspaper. We want to work to re-establish the idea that Fordham is a community, and it is our goal to make the Advocate the sort of thing that we all want.
December 1991 • The Advocate

**LETTERS**

"The Day the Merit Died"

To The Editor:

As I searched out a place to sit in the cafeteria, I came across a table of third year students. "Did you hear?" one of them asked me. My puzzled look was greeted with the front page of The Advocate and a unanimous sigh: "Law Review Institutes Affirmative Action Policy." All were incensed. Further discussion with other students from differing years, some current law review members, but not yet editors, yielded identical reactions. In the current legal market such resentment from those not benefiting from the program seems natural. As a practical matter, attempts to further split the pie are likely to be unpopular when many are starving.

Clearly the editors are within their right to implement such a policy. They are private actors. Endorsement by a dean, the law school or Cuomo himself cannot change that. The strained interpretations of "state action" previously employed to support affirmative action policies could be utilized by opponents of the new policy, but I remain committed to a realistic and definitely narrower interpretation. If this policy is to be changed it can only be by persuasion. I write in opposition to the new policy in the hopes of influencing next year's debate.

Ten of the thirteen Law Review editors voted in favor of the new policy. We have not been told if the remaining three voted against, abstained or failed to take part in the vote for fear of being labelled racist should they air their disagreement. I sincerely hope no editor will do so, but clearly the editors are within their rights to do so. However, I am certain that the Law Review editorial board must have known that such a significant policy decision would have far-reaching ramifications. Need they be reminded that the Law Review is no ordinary student organization?

As trustees of the school's oldest scholarly journal, they have an implicit obligation to lead and raise the level of discourse in the legal profession. In sum, the Law Review represents the best of Fordham to the outside world.

All of us then had a stake in the Law Review's vote. And certainly the entire law school community would have benefitted from a debate over the merits of an affirmative action policy in academic organizations.

The Law Review's closed-door approach, however, has only raised unnecessary suspicion and questions about an otherwise sound policy objective. While many students undoubtedly support the Law Review's action, others are left troubled and confused.

The following are some of the questions that students have raised. Is it a quota? Will it stigmatize minority students? Will it increase diversity of viewpoints? Are we doing it because of NYU and Columbia? Is this merely an attempt to compensate for the low number of minorities at Fordham? Should the other journals and moot court do the same? All of these questions are proper and valid. They deserve to be answered. The editors of the Law Review can show that they are truly concerned about increasing the spread of reason by holding a public forum on the affirmative action policy immediately after winter break.

Matthew Goldstein

Who Will Review the Law Review?

To The Editor:

The most prestigious organization at this school, the Fordham Law Review, apparently is also a secret society.

The editors of the Law Review, in an unheralded meeting last spring, quietly voted to institute an affirmative action program to increase minority membership on the board.

While I have no quarrel with the Law Review's decision to promote diversity within its ranks, I am disturbed by the lack of public discussion of the matter.

Although the editors of the Law Review debated the value of an affirmative action policy for nearly two years, none of this discussion ever ventured beyond the Law Review office on the second floor.

Surely, the Law Review editorial board must have known that such a story and it was apparently directed at the fact that when The Advocate published opinions critical of affirmative action, it invited the submission of contrary opinions, what the letter called expecting outraged minority organizations to respond." It is apparently not enough that the school paper present an open forum for BLBSA, or anyone else, to argue affirmative action. BLBSA apparently now believes that since it isn't their responsibility to balance the paper, that the editors of The Advocate have a responsibility to make their arguments for them. If The Advocate has a scarcity of opinions in favor of affirmative action or that relate to other "issues relevant to the minority communities," it is not because of anything the paper has done (to the best of my knowledge, The Advocate hasn't censored any opinions) but because no one on that side of the issue has descendended to pick up a pen, Mr. Rademaker's letter of the last issue being an exception.

The Advocate provides a forum for the student body on issues of concern to the Fordham community.

Matthew Goldstein

Free Speech at Risk at Fordham
Reply and Comment

To The Editor:

Both the Black Law Students Association (BLSA) letter and the ascension of COBA raise the disturbing possibility of the muzzling of free speech at Fordham. The BLSA letter because of the possibility it raises of the censorship of The Advocate, an activity that the Committee on Bias Awareness (COBA) may be concuring in if the recent news in the SBA Update is accurate and COBA is the SBA's "objective" body and COBA is the SBA's "objective" body.

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By Alan Dershowitz
Professor of Law, Harvard University

With the Christmas season quickly approaching, we can once again anticipate a divisive battle over which religious symbols, if any, can or should be exhibited in town halls, city squares, and other public places.

Several years ago, the Supreme Court ruled that a Christmas tree was acceptable, as was a Hanukkah menorah, but that a nativity scene was not. The high court reasoned that Christmas trees have become secular artifacts of the holiday season, rather than religious symbols of Christianity. The justices had a somewhat harder time with the menorah, which is quite clearly a religious symbol, representing the "miracle" of Hanukkah, in which a one-day supply of oil remained lit for eight days. Justice Blackmun struggled mightily to bring a secular meaning to the menorah, reasoning that it symbolizes "national heroism," "ethnic identity" and "cultural celebration," in addition to "divine interventions" and a "pervasive religious significance." A stretch perhaps, but necessary—in the high court’s view—to avoid second-class status for Jews in America. Several governments may celebrate Christmas as a secular holiday, it follows that government may also acknowledge Hanukkah as a secular festival.

Notwithstanding this egalitarian approach—at least to Christians and Jews—contentious problems remain. Some cities and towns—like my own, Cambridge, Mass.—simply ignore the problem. Others—such asplaster of the Pequot hound, deer and other decorations—have largely circumvented the Supreme Court’s prescription on purely religious symbols. A few cities and towns have sold their nativity scenes to private chambers of commerce, which then display them on privately owned shopping malls—a perfectly permissible alternative.

The end of the Christmas season will not, however, bring an end to religious symbolic warfare. The new battlefield is public school graduation ceremonies, and the battle is now over explicitly religious benedictions at such ceremonies.

In the case before the Supreme Court began several years ago when Meredith Weisman graduated from a public junior high school. The school invited a fundamentalist Baptist minister to give the invocation. Insensitive to the fact that several of the graduates were not Christian, the minister said or all in attendance to stand up and give thanks to Jesus Christ, our Savior, for their academic accomplishments. Imagine how the Weismans—who are Jewish—must have felt. They do not regard Jesus as their savior, and so they did not feel comfortable standing. Nor did they want to remain sitting, and be singled out for showing disrespect of other religions' belief. They felt "absolutely humiliated," but went along with the exercise.

Three years later, when Meredith’s younger sister, who went to a different junior high school, graduated, the Weismans requested that they not again be put into that uncomfortable—and in their view unconstitutional—position. They did not seek to have a rabbi give the invocation. The rabbi was far more sensitive than the minister had been. He thanked the "God of the free, hope of the brave of America where diversity is celebrated and the rights of minorities are protected." The rabbi even praised the "Court system where all can seek justice"—perhaps his own mini-brief to the high court.

But the Weismans were not doctrinaires from their principles. For the school board’s attempt to patronize them by inviting "one of their own." The Weismans objected to any religious official, in particular, a rabbi, being invited to school ceremonies, especially those involving young, impressionable students.

The justices have now heard the case. If they consider the issue before them solely in the context of the ecumenical prayer carefully drafted by a lawyer to present an artificial test case, they will probably rule in favor of the Weismans. But if they look realistically at the kinds of prayer that are traditionally recited at school public graduations—and the fundamentalist minister’s sectarian invocation of Jesus is far more typical than the rabbi’s patriotic pablum—they may well rule in favor of the Weismans.

If the Christmas nativity scene cases are an example of how the Supreme Court religion cases are followed, it is essential for the Supreme Court to err on the side of keeping high the wall of separation between church and state.

If the court gives in this battle, they will lose. Even when the courts rule in favor of strict separation, their rulings are flouted. For example, the press reported that when the lower court ruled in the Weisman case that the rabbi’s prayer was unconstitutional, "school officials in nearby Cumberland, Rhode Island, "heeding the advice of the region’s Roman Catholic hierarchy," openly defied the court “and continued to invite God at public school graduations.”

The Weismans themselves have been subjected to "hate mail, much of which is littered with anti-Semitic slurs, thinly cloaked death threats, obscenities and misspellings." As Vivian Weisman—Deborah and Meredith’s mother—put it: "The greatest irony is that our family is being accused of being un-American because we are fighting for the Bill of Rights, during (its) 2006th Anniversary."
continued from previous page during the calendar call," can be altered to "A person who wants an adjournment should ask for it during the calendar call."

4. Replace the pronoun with a synonym. "You should find a court officer. He is the one who can help you," can be changed to "You should find a court officer. That is the official who can help you."

5. Use a plural pronoun. Instead of saying, "A juror must make his own assessment of the credibility of each witness," you can say, "Jurors must make their own assessments of the credibility of each witness."

Use consistent forms of address. When no other title is appropriate, Ms. and Mr. are usually the correct forms of address, not Miss or Mrs. and Mr. While Miss or Mrs. may be acceptable when a woman specifically asks for such a designation, in general, these forms should be avoided because, unlike Mr., they gratuitously call attention to a person’s marital status.

Often you can use exactly the same form of address for men and women by calling them by their professional titles. Of course, these titles should be used consistently for both men and women. All physicians are Doctor (not Dr. and Ms.), police personnel are Officer (not Officer and Ma’am), and lawyers are Counselor (not Counselor and Ms.).

Use formal rather than informal forms of address. Using first names to refer to litigants or witnesses should be avoided not only because the informality is inappropriate in the courtroom, but also because it is women who are most often patronized in this manner. The motives for calling someone Maria or Jeannette may be simply habit on the part of a court official or an attempt by a woman’s own lawyer to put her at ease. However, all litigants, including defendants in criminal cases, deserve a proper form of address and the dignity of the more formal designation might do more to make a witness comfortable than the intimates implied by the use of a first name.

Altering speech habits may require conscious thought for a period of time, but change is part of any living language, and English, which is an unusually rich tongue, is still evolving. What was considered questionable usage a decade ago may be commonly accepted now. What feels awkward today may seem eminently natural tomorrow. For example, "chair," now a commonly preferred designation for the person in charge of a meeting, pre-dates the use of "chairman," although it fell into disuse until its recent revival. Indeed, grammarians settled on the use of "he" as a generic pronoun less than three hundred years ago. Even the New York Times has recently suggested, when we change a language that speaks more fairly and clearly of us all.

The Day theMerit Died

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quotas to limit the number of minorities in positions of influence. These are the biggest racists of all. Discrimination based on race alone: the notion that different backgrounds or skin colors disqualify someone from competing is the antithesis of a meritocracy. It is counter-productive, wasteful and most importantly harmful. State actors are prohibited and private actors are rightly discouraged from doing so. An exception has been carved for affirmative action programs to help redress the wrongs of the past. Indeed judicial validation of such policies presupposes a history or pattern of discrimination in the area sought to be rectified.

The Law Review does not and cannot claim that an anonymous grading system and writing competition discriminate on the basis of race. Dean Feerick endorsed the measure as a "response to a gross underrepresentation of minorities in the legal profession" (Advocate, Oct. 1991). Were this program instituted by a private firm with constantly changing goals and needs, such comment would be appropriate. But since the body carrying this program forth purports to identify and reward the highest achievers in our school, the comment, like the program itself is out of place.

The attempts to sugar-coat the policy, publicly by Mr. Keyes and privately by other editors, also fail to justify the program. We are told that "no non-minority will be denied a place on Law Review because of this new program" (Advocate, Oct. 1991). This is absurd. If the size of the Law Review is expanded and certain students are disqualified from competing for the new spots, those students are denied a place on the Law Review. They are denied the honor of being admitted to what was and I hope continues to be the most prestigious journal at Fordham. They are denied the adulation and respect of their friends and families that accompany such a distinction. They are denied the opportunity to note their accomplishment in a cover letter. They are denied the opportunity to note their accomplishment in a resume. They are denied the opportunity to note their accomplishment in an interview. One editor responded that were it not for the program, the size of the Law Review would not increase and such denial would occur anyway. That editor missed the entire point: if new spots become available they should be filled by the same procedures and by members of the same pool. Open to all or open to none, but a merit-based system may not by definition be open to some.

Non-beneficiaries are also supposed to be comforted by "the cap on the program which will prevent minority overrepresentation on Law Review" (Advocate, Oct. 1991). I am sure that statement was not intended the way I first read it. In a merit-based system the only people that can be overrepresented are the meritorious. If the fifty best students and writers were all minorities, clearly no one could object. Under such a scenario the Law Review would serve the school as well as it currently does and has.

If the editorial board is concerned that there are minorities in the upper part of the top 25% who should be on Law Review, then it could cancel the writing competition and simply take the fifty highest GPAs. Distinguishable candidates with nearly identical averages would prove no more difficult than under the new policy when more than one minority student is permitted to join the Law Review. Indeed, such a system would enhance the merit-based procedure of selection, rather than detract from it as this new policy will. If the editorial board seeks a Law Review based on proportional representation rather than merit, then it should inform the students to allay their disappointment at not being selected and inform the employers so students whose resumes are one line shorter than others are not disadvantaged.

The most unfortunate result of the new policy is that those minority students who earned their place on the Law Review and those minority students who earned their place in the top 25%, will probably not receive the respect for their outstanding accomplishments which they deserve. Rather, because these separate accomplishments will be impossible to discern, those students will be lumped together with an "asterisk" and will receive the disdain of jealous students who probably did worse their first year. This no one deserves.

The efforts of past discrimination must never be forgotten. The horrors perpetrated on fellow Americans can never be fully remedied. Our society will continue to ache from our dis eased past. Whether the cure lies in programs benefiting those in a certain race or in programs distinguishing among economic classes is a task for another day. The problem of how to determine membership on the Law Review is far easier. Future editors of the Law Review I ask you finally to consider this: prior to this year, members of the Law Review were judged by the content of their blue books, now they will be judged by the color of their skin. Which method do you support?

-Grant Esposito

Prejudice is the reason - of our fears.
- Voltaire
Servy And Bernice 4-Ever

Theater Review

By Meg Gari Kirschner

Servy and Bernice 4-Ever, now playing Off-Broadway at the Provincetown Playhouse, is the latest in the ever-growing line of unrequited love stories. It is the 90's version of West Side Story, and it works.

Bernice is an aspiring black model, who seeks out the protective. In the projects of Alvin Ailey City and meets a Boston to pave her way into the world. Ashamed of her background, she creates a facade and for herself. She describes a lifestyle filled with money, esteem, education, and love, quite similar to that of the Hamiltons she so envied at all similar to her own. She is living with, and off of at the moment, her best friend Caria. Caria is a wealthy Bostonian born, WASPy family. She is a bright, rebellious girl with a true zest for life.

The action of the play begins with Bernice awaiting the arrival of her homeboy, sweetheart Servy. Servy, a "Vanilla Ice" type, is from the same projects as Bernice. The only white boy in his group of friends, he's also the only thief. He is visiting Bernice while on parole and comes with his best friend Scotty. While Scotty is a true friend to Servy and tries to look out for his best interest, there is a tinge of jealousy when Servy comes visiting Bernice while on parole and tries to look out for his best interest, there is a tinge of jealousy. She is living with, and off of the moment, her best friend Caria. Caria is a wealthy Bostonian born, WASPy family. She is a bright, rebellious girl with a true zest for life.

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The story unfolds and we see Bernice's two worlds coming together. We watch Servy and Servy receive each other's love, their friends, and their differences. We see them come together, and fall apart. At the same time Caria and Scotty discover "something" between the two of them. Whether it's a rebellion on Caria's part, a challenge to Scotty, or just great sex between the two of them, they connect and become a very interesting subplot. Caria also discovers the truth about Bernard and is left feeling hurt and betrayed.

The writing is wonderful. The author, Seth Zvi Rosenfeld, captures each character and develops them to the fullest. He makes us care about these characters.

Bernice's performance as Bernice is exceptional. He brings Servy to life, and we want that life to be a good one. We find ourselves empathizing with Servy. We want him to do his thing, but we also want to work it out for him. Eldard makes a tough street kid, sweet and gentle and we see a bit of ourselves in him.

Also outstanding is Cynthia Nixon as Caria. She's fun, fabulous, we want to be her friend. Her performance is lively and exciting. One of the best monologues in the play is done by Nixon when she describes Caria's first night with Scotty and her first sexual experience with a black man. We feel as though we're in the room with her during this story, and we want to be there. Caria is a "good time." She would definitely be someone to tackle the upper west side bars with. We feel as though we're in the room with her during this story, and we want to be there. Caria is a "good time." She would definitely be someone to tackle the upper west side bars with.

Free Speech at Risk

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including affirmative action. If BLSA chooses not to enter the forum, that's its choice but neither it nor anyone else has the right to expect opposing opinions to be silenced because they choose silence for themselves. BLSA has no right to expect individuals to have their rights to free speech abridged because of its expression of bias. Theoretically, any strongly held views and we see Bernice's two worlds coming together. We watch Servy and Servy receive each other's love, their friends, and their differences. We see them come together, and fall apart. At the same time Caria and Scotty discover "something" between the two of them. Whether it's a rebellion on Caria's part, a challenge to Scotty, or just great sex between the two of them, they connect and become a very interesting subplot. Caria also

left with the suspicion that BLSA is less desirous of "balance" than the suppression of an opinion on affirmative action that it disputes.

BLSA's letter reminds me of Aesop's fable of the dog in the manger that doesn't want to eat the straw but doesn't want to allow anyone else at it either. The Advocate provides an open forum, if BLSA doesn't want to enter, it doesn't have to, but it doesn't have the right to expect anyone else to enter, and to have that articulation imposed on them by a faculty advisor.

BLSA's demand appears to consist of the following implied ultimatum. Someone who has an opinion BLSA is opposed to is neither likely to happen. If the Advocate doesn't publish a letter (which is unlikely to happen), the Advocate shouldn't print such an opinion on a controversial issue at all which would be a breach of a sort. If the Advocate doesn't publish a letter (which is unlikely to happen), the Advocate shouldn't print such an opinion on a controversial issue at all which would be a breach of a sort.

Cobra's exact plans are a key isue. Dean Vairo's statement in the article that she doesn't "view [COBA] as an attempt to monitor or witch-hunt" is, given COBA's clear statement that it will "monitor bias..." and redress "grievances," a misread of COBA's letter COBA is clearly doing no more than, as Dean Vairo put it, "trying to begin a dialogue about the problem." The article indicates that COBA has channelled grievances to COBA's list of faculty members the article also suggests that such discussions may have just consisted of a conveyance of the moral塞尔维亚, facilitating the community to such individuals. If that was all, fine. However, nothing in COBA's letter or in the article suggests that redress is aware of the existence of a line between that and the application of official sanctions or an acknowledgement that such a line ought not to be crossed. A mechanism designed to use official power to label certain statements and beliefs as impermissible and to bar them through force majeure is a mechanism for censorship and the shadow of that looms over Fordham.

It is disturbing that Ms. Buhl, the President of Fordham Law Women, one of COBA's constituent groups, clamously disavows that by contending that "if anyone's being censored, it's the student's thoughts," censored, apparently by the intimidating effect of bias. Theoretically, any strongly expressed statement could intimidate a listener. It could happen because of the terrors of her expression or simply because of its expression of disapproval of the listener. Such statements may make the listener less inclined to respond, they do not forbid a reponse or an opinion. If COBA's definition of censorship is to be believed, any statement which
Seventy-eight! He wants to be a major league club and will be active in the free agent market," Cashen explained recently. "Our stated purpose is to return to the top spot in the National League." At least he was honest.

It seems that Major League Baseball owners have been spending too much time listening to George Bush; they don't seem to realize that there's a recession going on. People will be spending less of their precious earn­ings on live entertainment but the makers of such statements can be labeled as an act of censorship, a definition which doesn't mean to say that they represent obnoxious beliefs

One day recently, Frank Cashen, the Mets' general manager, explained why the Mets would raise their ticket prices. Cashen pointed out that it would cost the Mets $12.00 for a sportschannel ticket for the 16-ounce watered-down beer at Shea, and cable TV, $12.00 for a cable TV bill. Cashen's reasoning was that they would add an extra tier of playoff games. In the World Series, the owners and to the networks to make a million dollars again. "Adding an extra tier of playoff games will mean an extra six playoff games, and an 8-8 team might make the playoffs. This year the NFL added two more wild-card teams to its Super Bowl system, for a total of twelve teams, and an 8-8 team might make the playoffs."

Big Money Might Lead to More Playoffs in Baseball

By Rich DeAgazio

There's been an awful lot of money-talk in sports these days. And the jaded sports fan says what else is new and doesn't flinch an inch at the sight of the gaudy numbers being tossed about loosely the past few weeks. And the sports fan also says, so what if some guy who goes to the mound 36 days a year makes four million and the owner of the Philadelphia Athletics makes six thousand dollars more than I do? It ain't my money, and besides, the fat-cat owners can afford it, right? Wrong. Patrick Ewing gets a whop­ping two-year-$18.8 million extension; 36-year old Eddie Murray gets $7.5 million for two years; Bobby Burke, the COBA negotiator, gets $2.75 for a frank and $4.00 for a 16-ounce watered-down beer at Shea, and cable TV, $12.00 for a sportschannel. To exemplify further, in 1985 mezzanine seats at Shea cost $5.70, and most recently, $12.00. Apparently the increase was justified by the Mets' beating the Expos for last place this season. A few weeks ago, Frank Cashen announced that the Mets would raise all ticket prices again. Meanwhile the losses were $11 to $12, while field seating went up to $15 from $14. Apparently, the in­crease was justified by the Mets beat­ing the Expos for last place this past season.

Cashen, thought, preferred to justify the increase by his desire to make the Mets the premier team in the National League again. "We will be making changes, too, of our major league club and will be active in the free agent market," Cashen explained recently. "Our stated purpose is to return to the top spot in the National League." At least he was honest.

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