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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 areas on issues such as "moral, 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 Aragones’ proposal for a return to natural law centers around the proposition that the cultural and religious, “differences or 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. 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 the language of the 1990-1991 Fordham Law School Bulletin, "the SBA serves as a channel of communication between the students and the faculty administration. It promotes student participation in the investigative 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...

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?

In a case 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 Geogheen 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 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 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’ 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.

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 "eck" (synonym for rooster that rhymes with stock),
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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 purported 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 to 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 what the professor mentioned 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 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, "sharpen the mind by making it think." If so, will this new programmed response of the aggressive adversarial at least be our key to being, if not the best people, surely the best lawyers around.

Strange enough, according to a very successful attorney, the Chairman of a firm that makes up the Allied-Prudential, the Trades Council went on strike against the Daily News. For months preceding the strike, the Trades Council attempted to bargain with the new owner 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, very likely, 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.

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 vs. them" battle than truly servicing clients need. He warns us not to take ourselves too seriously and that not every problem requires a complete cateched analysis. While we are often any way relieved of our duty to research and prepare, we should discharge that duty as an ester better than as an obstacle to our cause. We should look for ways to remind ourselves that it is not seeking our opponent's weaknesses but thinking about litigation to resolve the issue at hand.

Lately, Kuehn extolled the virtues of two essential qualities. He counselled lawyers to keep "at the back of our minds 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 are these merely platitudes. Everyone knows this stuff. No one can really be a successful attorney and act as this way?" Then, the characteristic that upset and confounds the non-lawyer public took over — I switched sides in a flash. If a truly successful, experienced constitutional attorney such as Mr. Kuehn espouses this philosophy, could it be valid?

Could I be 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 motives are at work. As 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.

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-

The Simplest Solutions

by Rebecca Landon Touz

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

by Joseph Cartafalsa

This past October nine of the ten unions that make up the Allied-Prudential, the Trades Council went on strike against the Daily News. For months preceding the strike, the Trades Council attempted to bargain with the new owner 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, very likely, 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.

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To the News' draconian 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 established according to procedure, the unions walked out. The News quickly helped this "strike" a replacement workers on the site within forty-five minutes. The union members knew they could be permanently replaced, but put the first, alternative. According to the indignities imposed on them by the company. One labor commentator analyzed 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 its part in 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 if the strike was a fallback, could blame the financial problems to the News' draconian offers which would take away the unions' say in the workplace, something that took decades of struggle 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 established according to procedure, the unions walked out. The News quickly helped this "strike" a replacement workers on the site within forty-five minutes. The union members knew they could be permanently replaced, but put the first, alternative. According to the indignities imposed on them by the company. One labor commentator analyzed 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.

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Student Exclusion from decision-making

continued from page 4

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 a vote was never held. 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. "Assuming we get the decisions and that 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 faculty meeting is nothing like 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 policy making process." says Daly. "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 affect all students are made.

There is one other committee which seems to address the student needs and concerns of the student body. The Student Faculty Committee (SFC) 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 representatives 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 answer. 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. But even 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 meetings."

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? To 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 Faculty Senate, 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 had 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 of Students has committees that are not open to students," states Dean Feerick. The Dean believes that these areas involve such a degree of confidentiality and are so strictly proprietary of the faculty that student representatives were allowed to participate simply because, "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's 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 SBA 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," says Sharon Town, Manager of the NYU SBA Office. The same applies to the tenure committee. NYU's second and third year student can vote. We don't have a vote on the Appointment Committee, but representatives get to interview potential professors or about issues that might be put forth.

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 student body and they can vote. We don't have a vote on the Appointment Committee, but representatives get to interview potential professors or about issues that might be put forth."

New York Law School also has student representation on the faculty committees. "We sit on all the committees and have a Student Advisory 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 Demos.

Cardozo also allows for student representation, though in a much more limited capacity. "We don't have a vote, but we can try to influence the SBA President, can sit in on most committee meetings, but she does not vote. Since she is the only student allowed to sit on committees, she has to be selective about which meetings she tries to attend. If she has 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 put forth."

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If so, please contact the office of

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ARE YOU LOOKING FOR A DENTIST? One you can have confidence in?
From left to right: Dershowitz, Green and Armstrong.

The Story Behind the Story

by William Bruno

The McNally Amphitheatre was the site of the Armstrong-Dershowitz debate on January 17 was the result of a unusual chance 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.

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 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 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 “absolutely 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 toward 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 his nomination on the basis of his unethical behavior. Dershowitz was against ethical rules which discouraged him; he would "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] liked[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, most of the heckling, booping 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 of the members of the New York bar have for Dershowitz.

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Dershowitz and Armstrong Sling Mud in Grand Style

by Paul Cavanaugh
HE'S GOT TO HUCK 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 and ways to take preventive measures to ensure that your PC does not become infected.

Like its biological counterpart, computer virus infection that attaches themselves to a program file of part of a disk and then forces the host to replicate the virus code. Many of these viruses are called the Trojan Horse, whereby the virus masquerades as a useful utility or product but then wreaks havoc on your computer when you least expect it. An 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 the disk. This type of computer terrorism has been blamed on everything from the "cyber punk" mentality to intellectual property theft. Congress has deemed the problem serious enough to pass the Computer Fraud and Abuse Act of 1984 that makes it a felony to intentionally 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 a virus at 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 useless. 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 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 Times Virus, which randomly plays 1 of 8 German folk tunes on the system speaker. It appears to have no destructive code. On the other hand of the spectrum is the Dark Avenger, a particularly virulent virus which will erase all of part of your disk if it is not immediately destroyed. The 12 viruses and their damage levels are such that many computer users do not even know they are infected.

In all reported PC infections, the most damaging is the Dark Avenger, a virus that attacks your hard drive. You should read the following.

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 biological 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 DLL files or booting 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 Lowestienstein Computer Center) before installing it on your hard drive. You should 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 files. This is particularly crucial for the PC such as the FAT table. If your system is infected, you can reform 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" message, you are undoubtedly someone 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 told you long ago, "the best medicine is preventative vaccine."

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 any application software, 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 disk, 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 viruses infecting your system. The Scan program will clearly tell you what disease your system was originally infected with. 

If you have a generic boot sector or partition table virus such as Stoned, the Pakistani Brain, Den Zuck, or any other such virus, you must use program utility tool used to control the DOS and MDISK.exe. At the A:> prompt type "MD33.exe." 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 Office, attn: Guy Higgins or call McAfee Associates directly at (408) 988-3832 - voice. You can also download antivirus files and information from their BBS at (408) 988-4004.

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, for 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.

Is Too Little Too Much?

FORDHAM'S ENVIRONMENTAL EFFORTS LACK DRIVE AND SUBSTANCE.

by Andy Burke

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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 assistance 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, 1 pound of energy that normally 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 this type of recycling that 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.

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 states of affairs, "We Care" counts for a heck of a lot!
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 relied on the brave few to protect the many. Mr. Daly, a reserve Marine, is a prime example of just 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, Amored/ 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 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- Tienmen Square Chinese have.) Syria's Assad, Hussein's brother, whose 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.

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 debate by creating voluntary pro bono programs fueled by ethics and pride rather than administrative money and coercion. Such programs have involved a vast majority of the students and portrayed the students' commitment to legal services for the poor.

Fordham Law students should consider committing themselves by performing twenty hours of legally related service to the indigent before graduation. Such a commitment would produce an average of over 4000 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 represents, 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

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 war. The War became more tangible to me the day I was told by my roommate and peer at Fordham, a Marine reservist, "Boom", a great kid.

"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 confines 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

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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The War in the Gulf

SWATTERING 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, 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 assemble, the issue is whether one should 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 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 continued on page 12

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

WAR! WAR! WHAT IS IT GOOD FOR? ABSOLUTELY 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 become 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 1986, I received the news of the shootings of Reagan, The Pope and Saddam, 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 topic we were discussing, 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 Patrick's, and was told it was closed.

I agreed even though I had something in common. On that day, the United States was taking an aggressive stance against Iraq and 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 never close allies with Iraq, selling arms and supporting the fight against Iran. Some- how 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 Iraq's income. At the anniversary speech, Hussein threatened Kuwait and the United Arab Emirates, "Iraqis will not forget the day 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 unmentioned. When pressed for a response, 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 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 along the Kuwaiti border, numbers of troops began 100,000 a week later. On July 25th, April Gladsky, 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, other Arab leaders had 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 avoided any criticism of Iraq. Continued on page 12

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 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 didn'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 yuppy 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 attack, I purchased an oversized, overpriced, sweatshirt decorated with Old Glory. I bet that flag burning amendment would pass now! Everyone who is gathering near and far are saying we had something in common. Strangers on the train would look up from their papers and share comments on the events. Continued on page 15
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 student-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 the ability of 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 Jack D. Fuchsberg Law Center at Touro College in Huntington, New York, became the first school in New York to do so, according to the National Association for Public Interest Law (NAPIL).
Student Decision Making Concluded

continued from page 4

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 list 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

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 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 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 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."

NYU has perhaps the most active student involvement

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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. Such measures 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 the programs are justifiable 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.
 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 continued without guarantees? Her response was stony silence.

The marketplace of ideas—A vital demand on the part of the general population, I find it interesting that a disproportionate number of people of color are fighting this outburst. If you 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 not enough to win their rights. The argument is thatif 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 one word of concern for our leaders: Where will the parade be held? And what time will it start?

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 in Saudi Arabia. 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

I'm sure Saddam Hussein out of Kuwait. The Constitution that over time Americans will not be able to amend their participation in the whole world,” I'm sure Hussein out of Kuwait. The Constitution that over time Americans will not be able to amend their participation in the whole world,” I'm sure

In fact, it stiffened. The protest for the mere sake of protesting, the act I would not discuss it if I

I know it. I don't know, it stiffened. Life IS

Could 'have challenged 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 taken and a decision was announced. Such became the position of the United States of America. If you did not see 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."

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Hamlet: Movie Most Foul!

Directed by: Franco Zeffirelli
Screenplay by: F. Zeffirelli and C. De Vore
(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 Shakespeare’s play, but the excitement level of his newest film falls far short of the suspense found in the lan-

ROSECRANTZ 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 until a bloody demise at the end of the play (of course, who didn’t?), In Rosencrantz and Guildenstern are Dead, 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 dexterous script trying unsuccessfully, to rationalize their surroundings through the confusions and try to gain a measure of control over their fate, the Player reveals, in his actions, being at thebeck 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 analogy 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 peripheral of the graphed 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 you are missing out. 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 revives a character similar to the one she played in Sex, Lies, and Videotape. Her character, Bronte, is a horticulturist who is content with her stable, predictable life. The only 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 rigidness 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 characters—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 complements Depardieu’s. While the biggest mystery in this movie may be how well such a character would fit in an American 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 Calhoun—actually being married—adds a fresh dimension to the plot.

FROLIC and DETOUR

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 Knittedge 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 idea of "star fucking" then begins.

Ouisa Kittredge, the wife of a private art dealer, is coned, along with her husband, Alan (John Cunningham) and some of their high-society friends, by the stranger pretending to be Poitier’s son. These East Side socialites 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 compells the audience to invest itself emotionally. Stockard Channing does an excellent job in bringing Ouisa’s life to life. Such an excellent job, in fact, that the only weakness of the play is when she is on stage. We find ourselves wanting for her return with some form of momentum 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, ‘[we’re a terrible match]’, we feel the pain she’s feeling. And when she tells him, ‘[it’s times like these I could take a knife and dig out my 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.

For the next six months, the Vic’s recently renovated stage has been used to stage both the Tony Award-winning play, A View from the Bridge, and its original production, The Advocate.

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The Advocate

For the next six months, the Vic’s recently renovated stage has been used to stage both the Tony Award-winning play, A View from the Bridge, and its original production, The Advocate.

A Public Service of The Publication Co.
The Advocate Crossword
Created by Lane Brent Forsythe and Sharyn Stein

ACROSS
1. Union certifier
20. Appealing to patrent 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
35. Statute provenance
36. Statue provenance
37. yrs.
38. Legal term for amount missing
39. Readers' Digest for law students
41. How to decide what to see?
42. Copacetic
43. House wine holder
47. Suzie
49. Algiers
50. Blood pressure promoter (Fr.)
53. Domesticated animals
54. Asterisk
56. Stein
57. Senator Hatch's state
58. Odius
59. A method
60. Return to be tried
61. Radium
62. Twelve step regimen
63. Buenos Aires
66. Ejecting
71. International trade agreement
71. Equilibrium
72. Twelve step regimen
73. Aviva
74. Riv 'er in Twelve step regimen
75. Aviv
76. Good
77. Grapes
78. He is avuncular
79. Ascend
82. Atoms
83. Airplane
84. What a litigious client shuns
85. Arafat's org.
86. "New World Order" club
87. East
88. Stylist
89. Baked dessert
90. Ham
91. The Great Artery
93. Herb
94. Prevaricator
95. Redempt coat
96. Calling
98. Arbor
100. Limit
101. Taint
102. Celebrity mayor
103. Pine nut
104. Limit
105. High school club
106. Put an end to
109. Maxwell Smart's forte
110. Coordinated body of methods
112. Aesculapius' call
113. Woodwind
114. Armed service branch
115. Tin
116. First gear
118. Cookie
119. Rationals
120. Fall without warning
121. Lms
122. "The right choice"
124. Uppermost branch
126. Stylish
127. Green Mountain State
128. Shakespeare villain
129. English commissars
130. Whisper in a corner
131. Freckle fueler
132. Prepostion
133. Fascism
134. Lacking will
135. Broadway tune
136. For illustration's sake (abb.)
137. Prevaricator
138. Goddess of dawn
139. Sad ruler
140. Method
141. Disproportion
142. Garland
143. Garnet color
144. Instrument of Fugues
145. How to decide what to see?
146. Sizzle J'
147. Method
148. Instrumet for Fugues
149. Method
150. Dolt
151. Doldrum
152. Fountain pen
153. Down payment
154. Fiscal cliff
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DOWN
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2. N. of TjgMahal
3. Lachtrina
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
15. Suggest encacy
16. Suggest encacy
17. Suggest encacy
18. Jeepl. e.
19. Regret
20. What a litigious client shuns
21. Chap
22. Photographing term (abb.)
23. Island
24. For illustration's sake (abb.)
25. Remaining over expenditures
26. Emulate Billy Johnson
27. Pedagogy aid
28. Davies' brothers' hit
29. Cheap, ill-kept brothel
30. Allied bomber nuisance (abb.)
31. St.
32. Human rights organization (abb.)
33. In sect
34. She cranky? She might be on it
35. Shooters
36. Front
37. Cuisine type
38. Doll
39. International trade agreement
40. Asterisk
41. N.W.O. concern
42. Radiation measure (abb.)
43. Senator Hanch's state
44. Chimpanzee follower
45. High fidelity software
46. Nothing (Fr.)
47. Japanese city
48. "Das Boot"
49. "The right choice"
50. Whiskers
51. Over-sized
52. Hot-weather
53. Note well (Lat. abb.)
54. Prevaricator
55. Joie de vivre
56. Colonel
57. Muckraker
58. English commissars
59. Bond girl"s (appropriated)
60. "You fat . . . lad!"
61. Nymph
62. Head
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Solutions to puzzle on page 15.
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 treat Catholic dogma and the church's historical practice of the natural law. This is not surprising since the Catholic Church is almost the only religion to draw the line between the realm of faith (dogma), which claims its authority from the revelation of Christ, and the realm of reason (natural law), where the necessity 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,"[s]entiments that would take place both in our regularly assigned classes...and in additional elective[s]." "Sermons, of course, can be given by priests and by laypeople," 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 vulgarization 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 anti-Semitism or prejudice, but rather stem from a near complete unfamiliarity with the Catholic Church and its many statements related 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 diverse religious beliefs. True, the Catholic church claims to have a Divine mission from God to proclaim "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

Our conversations with 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. The talk between men in uniforms before, but never military. My nephew and his friends, all six years old, now play a new version of the good guy-bad guy game that I know as cops and robbers. He and three friends by my estimate, and four others are scabs. 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 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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