by Melba Feliberty ('97)

Irene Thomas, a third year evening student at Fordham, has recently been chosen as an arbitration panelist under the North American Free Trade Agreement (NAFTA). Ms. Thomas, who previously submitted her resume to the U.S. Department of Labor, division for International Affairs, was chosen from over nine hundred "highly qualified" applicants. As a panelist, Ms. Thomas explained, her job will be to resolve "matters related to the implementation of the North American Agreement on Labor Cooperation (NAALC), the labor side agreement to the NAFTA." Ms. Thomas intends to transfer her skills from serving as a labor arbitrator with both the New York State Employment Relations Board and the NAALC panels in New York City's Office of Collective Bargaining.

Ms. Thomas' diverse 20 year history in labor relations has prepared her for this position. In addition to being a labor arbitrator for the past five years, she served in various elected positions in labor such as shop steward and local union president. In addition, she has served as a union organizer and as a union business representative. Presently, Ms. Thomas is an adjunct professor of Industrial Relations at Cornell University, where she teaches Theory and Practice of Labor Relations and Collective Bargaining. She was recently appointed to teach at an Organizing Institute sponsored jointly by the State University of New York and the Central Labor Council in New York City.

According to Ms. Thomas, some disputes between labor unions and management arise under collective bargaining agreements. The conflicts concern the interpretation or the implementation of a written agreement. Usually, collective bargaining agreements represent a compromise between the parties based on their relative bargaining strength.

When the parties are unable to resolve a dispute concerning what the parties intended at the bargaining table, or when the parties do not agree that disciplinary measures were meted out according to the contract, an arbitrator is called. In situations that call for arbitration, labor and management jointly select the arbitrator. Under the NAALC, the appointment of Irene she has been pre-approved to arbitrate labor disputes.

When asked about the most difficult part of arbitrating, Ms. Thomas noted two tasks, maintaining control (so that each party has an opportunity to present their evidence and arguments), and being fair. Fairness must be based on the contract and "industrial fairness." "Industrial fairness" is required because the parties must continue to work together. A good arbitrator "walks into the hearing with a clean slate," according to Thomas.

Ms. Thomas feels that combining her prior experience with her law school education has helped her arbitration skills in writing and analysis. She already wrote in a style similar to IRAC (Issue, Rule, Analysis, Conclusion) and discovered that in arbitration she was similarly taking a "given rule" and applying it to a "new set of facts." She has taken courses related to arbitration including contracts, which she found to be her most useful first year course. She has also taken National Labor Relations Board procedures and is now taking employment discrimination coursework in unfair labor practices, labor management relations and discrimination is useful.

Ms. Thomas looks forward to the possibility of serving as a panelist on an international matter. She admits this appointment is an achievement of which she is very proud. As an African-American woman, she finds that she does not fit the usual perception of the average arbitrator. There are very few female arbitrators and even less African-Americans. Also, the average arbitrator tends to be older because many arbitrators begin this new career after retirement from their respective field. As an already experienced labor arbitrator, this new placement as an NAALC panelist is an important step towards Ms. Thomas' goal of becoming a full-time arbitrator.

Ms. Thomas is currently under consideration to serve as a panelist for the U.S. Postal Service in the New York metropolitan area and is awaiting a tentative appointment. At Fordham, she is a Stein scholar, has served as Administrative Manager for the AEP program, and was a semi-finalist in last year's Mulligan Moot Court Competition. She is willing to mentor students interested in labor relations.

INSIDE:
IRELAND HUMAN RIGHTS-PAGE 2
LETTER TO THE EDITOR-PAGE 4
CROSSWORD PUZZLE-PAGE 5
ROUNDTABLE DISCUSSION-PAGE 6
SBA BUDGET-PAGE 11
AND MUCH, MUCH MORE!!
Northern Ireland Human Rights at Fordham

On September 19, the Stein Program, Amnesty International and Clan na Gael sponsored speakers Jane Winter of British Irish Rights Watch and Professor Martin Flaherty, who spoke concerning "Human Rights and Legal Issues in Northern Ireland."

Jane Winter is the director of British Irish Rights Watch (BIRW), an independent non-governmental organization based in London, which monitors the human rights situation in Northern Ireland. BIRW researches alleged human rights violations, sends independent observers to trials, publishes "and reports, provides consultancy services to lawyers and makes third-party interventions and representations in cases and to bodies such as the United Nations Human Rights Committee.

Professor Martin Flaherty teaches Constitutional Law, Constitutional Theory and International Human Rights at Fordham Law. Flaherty took part in the Lawyers Committee fact-finding mission to Northern Ireland in June, and is co-authoring the subsequent report to be released later this year.

Winter began the session by giving a detailed background description of the "troubles" in Northern Ireland, and the role of human rights when analyzing the conflict. She pointed out that the conflict in Northern Ireland over the past 25 years has cost over 3,300 lives, and that Northern Ireland is currently at a crucial point in its history, with "the first opportunity for peace within a generation."

Winter outlined the conflict in Northern Ireland, pointing out that it has been about the legitimacy of the Northern Ireland state as being part of the United Kingdom. The conflict is not about religion as is commonly thought (due to the anti-Catholic discrimination by the Protestant majority), or even about human rights. Yet human rights have been another cause of the conflict according to Winter.

Institutionalized anti-Catholic discrimination and emergency legislation implemented by the British government have served as flashpoints for the conflict. Catholics began protesting in 1969 and some of their concerns (such as unfair allocations of public housing) have been addressed. The initial Catholic peaceful protests drew extremely violent reactions from extremist Protestant populations in Northern Ireland, and the Royal Ulster Constabulary (R.U.C.), Northern Ireland's police force, failed to defend the Catholic population from the increased sectarian attacks.

This conflict led the British government to deploy troops to Northern Ireland in 1969 to protect the Catholic population. Yet, Winter said, "by January 1972, the army's role had changed from being that of their protector to part of the solution to being part of the problem." This culminated in the events on the streets of Derry in January 1972 referred to as "Bloody Sunday." When 13 unarmed demonstrators were shot and killed by the British Army.

Particularly prolonging the conflict is the plethora of emergency legislation, ranging from internment without trial to trial without jury. "These laws have given rise to countless allegations of human rights violations," said Winter. These allegations have brought international attention to the situation in Northern Ireland from groups such as Amnesty International, the Lawyers Committee, the United Nations Human Rights Committee and the Committee against Torture, and the European Commission and Court of Human Rights. These groups have all repeatedly criticized the United Kingdom for failing to uphold its international human rights standards. Most recently, the U.N. Human Rights Committee met in Geneva this past July and was extremely critical of the United Kingdom for its emergency laws.

Winter listed several ongoing human rights abuses in Northern Ireland, including the use of plastic bullets, drawing adverse inferences from a defendant's silence in custody or at trial, prolonged detention without prosecution before a court, trial without jury, lower standards of admissibility of confession evidence and refusal to transfer prisoners from Britain to Ireland.

Individual situations may include being arrested and detained under the Prevention of Terrorism Act and kept for seven days without charges being brought, being released and then being picked up only a week or two later and being held again for seven days without charges, etc. For some individuals this has been almost a constant cycle of harassment inflicted by the R.U.C.

Conditions while in detention are another major concern, and it is significant that not one complaint by a defendant or former detainee at Castlereagh has been upheld. Winters said that "the ceasefires are rock-solid, but there is quite a lot of tension on the ground."

The situation as it does not "threaten the life of the nation," and as such it no longer justifies the United Kingdom's derogations from its human rights obligations under international treaties such as the European Convention on Human Rights. There is also no continued justification for the massive amounts of troops stationed in Northern Ireland, particularly since they have been confined to barracks, and could be ready at a moment's notice even if stationed in England.

Winters said the situation in Northern Ireland since the ceasefire is "ripe for bringing about particularly imaginative improvements in human rights, but unfortunately that opportunity has not been grasped." Although improvements have been made such as the opening of roads, removal of checkpoints at the borders with the Republic of Ireland, lifting of the broadcasting ban, and exclusion orders being lifted on 20 of 38 individuals, Winters said this must be supplemented by lifting the emergency legislation, since there is no longer an emergency situation.

Professor Martin Flaherty spoke next, addressing the complexity of the legal and human rights situation in Northern Ireland, calling it "a thicket and a quagmire" of issues to be examined. Flaherty detailed aspects of his part in the recent June mission of the Lawyers Committee for Human Rights, a New York-based organization that focuses particularly on human rights issues involving lawyers and judges throughout the world.

This summer's mission primarily addressed three areas: the intimidation of defense lawyers, the maintenance of emergency legislation in a non-emergency situation, and biases of the judiciary, including composition and appointment issues.

The first area was actually a follow-up to an earlier mission which was the focus of a 1993 Lawyers Committee report. This report focused on the intimidation by the security forces of defense lawyers, and the murder of solicitor Patrick Finucane. Routinely threats would be made to detainees (held under the seven day provision without contact with their families or lawyers) that their families and their lawyer would be killed if their lawyer continued to represent them.

These were not taken seriously until 1989 when Patrick Finucane, continued on page 3
Reflections on Government and Politics in Zimbabwe

by David Bowen

I hope that you found my first article to be fascinating and informative. I did not want to give the wrong impression and make it seem that Zimbabwe is in chaos, because it is not. However, university students are very political and, it seemed to me they would demonstrate, at times, at the drop of a hat. Hmmm... all this political talk has placed my mind into a very political mood. I'd like to give you a brief rundown on the Zimbabwean political system and share some of my observations with you.

As you may or may not know, Zimbabwe is a one party state ruled by the Zimbabwe African National Union - Patriotic Front (ZANU-PF). ZANU was one of two wings that comprised the rebel Patriotic Front that fought against the white-minority Rhodesian government in 1970. ZANU-PF's leader, Robert Mugabe, served as the country's prime minister from 1980 to 1988, after which he became Zimbabwe's president. The party has always dominated the political life of that nation since independence. During my stay, I learned that ZANU-PF has taken several measures to ensure that dominance.

In the mid-1980s, ZANU and its other wing ZAPU, the Zimbabwe African People's Union, had irreconcilable differences that were going to erupt into serious conflict. ZANU was still and is still dominated by the Shonas, the ethnic group making up about 70% of the population. ZAPU, on the other hand, was controlled by Ndebeles, a minority ethnic group comprising a bit less than 30% of the population. Ndebeles felt that the ZANU dominated government unfairly geared its policies towards the Shona majority. As a result, Matabeleland (the region where Ndebeles live) became a hotbed of political dissident activity.

At first the government tried to suppress the dissident activity by force: it sent Central Intelligence Organization (CIO) agents and a North Korean trained army unit, the 5th Brigade, to seek out and destroy all anti-government activity. However, this didn't work - it couldn't work. As the number of human rights violations grew, so did the scrutiny of various national and international human rights groups. The government was in danger of losing respect in the international arena, therefore the ZANU leadership decided to proceed along the route of reconciliation. ZANU opened the door a bit wider for Ndebele participation into the political life of the nation. Even further, the ZANU leadership was able to merge ZANU and ZAPU to form an even more powerful ZANU in 1988. Hence, ZANU overcame its first obstacle to political preeminence.

ZANU's next hurdle came in 1990, when Parliament allowed the state of emergency to lapse; the state of emergency was a throwback to the days of the white-minority government when it was at war with the black nationalists in the 1970s. The party used the state of emergency to consolidate its power during the first ten years of Zimbabwe's independence. When the state of emergency expired there was a real possibility that opposition parties would be formed to question ZANU's program during the first ten years. Foreseeing problems, the ZANU leadership decided to act before it was too late: in 1992 it passed legislation which permitted only parties that had over 15 seats in Parliament to receive subsidies for election campaigns. Now guess which was the only party that had over 15 seats in Parliament at the time? With no subsidies, the chance for an effective political opposition was destroyed.

Recently, there have been allegations of election fraud on the part of ZANU-PF; during my visit, a case was pending before the High Court in which the plaintiff claimed that ZANU used various techniques to stymie her campaign. Her allegations included: ZANU bussing its supporters from other constituencies to vote, ballot stuffing, the use of questionable voter registration lists and the unauthorized extension of polling hours. Personally, I believe her allegations stand water since it is ZANU-PF officials who monitorballoting.

To the visitor, it would appear that democratic pluralism is alive and well in Zimbabwe: there is a good deal of open political discussion. However, if one reads between the lines, one would realize that democracy is a mere illusion. If you visit Harare, you should see the Parliament building: it is a small, relatively obscure structure that sits nestled between a church and a row of more impressive government buildings. Compare that to ZANU-PF headquarters: a tall, imposing structure that is visible from the other side of the downtown area. That large brown building stands alone with letters spelling "ZANU PF" and a seal of a huge black rooster on top. I couldn't help but think that there was something very Orwellian about that scene.

NEW FORDHAM PROFESSOR HONORED AT RECEPTION

by Jeffrey Jackson

On Wednesday, September 20th, the Fordham Black Law Student Association formally welcomed Professor Ruth Jones during a reception held in the Atrium. The reception, saw an attendance of over sixty people from various student organizations, and included addresses by Professor James Cohen, Richard Gadsby, Chairperson of BLSA, and Professor Jones. Ruth Jones, a graduate of Smith College and UCLA Law School, began teaching the Domestic Violence Clinic in the Spring of 1995. Before coming to Fordham she served as a Manhattan District Attorney, and also worked for the NOW legal defense fund. She can also be seen on CBS news and Court TV, where she gives commentary on current legal issues.

Professor Jones is presently one of three full-time black professors at Fordham. The need for role models is one of the reasons that BLSA held this event. Says Richard Gadsby, "Even though we as black people are supposed to be able to achieve the goals that we want to achieve, this isn't reality. Therefore, it is important to see people like Professor Jones in positions that we as black law students may strive for in the future." Gadsby further comments, "It is important to recognize her presence and make it known. Sometimes clinical professors are unknown, therefore recognizing her makes her known to us and to the Fordham community."
To the Editor:

It has come to our attention that in late October, the Judge Advocate General (JAG) Corps will be given accommodations at the law school for the purpose of recruiting Fordham students. The JAG Corps is a sub-division of the Armed Forces and, as such, adheres to the "Don't Ask, Don't Tell" policy with regard to the hiring, retention and promotion of gay men and lesbians. Many of our members are "out" on their resumes because they are active participants in GALLA. This admission disqualifies them from consideration for employment by the JAG Corps. By facilitating the JAG Corps in its recruitment effort, Fordham is sanctioning overt discrimination against members of its own student body. Therefore, we perceive Fordham's invitation of JAG to campus as a personal attack on GALLA, and an embarrassment to our school.

GALLA has vigorously protested JAG's invitation for three straight years and fully intends to continue the fight. We have been unsuccessful in our attempt to ban JAG from Fordham largely because of the efforts of a few antagonistic alumni who have threatened to withhold contributions to the school if GALLA's request is granted. The Dean has buckled under financial and political pressure, siding with the alumni and against his own students.

We feel that it is essential that our school's non-discrimination policy be applied in deed. Apparently it is merely a hypocritical and self-soothing symbol of inclusion and equality. Are we really as good a school as Columbia or NYU, schools whose Deans are willing to say proudly that they are opposed to all discrimination, and that they will not accommodate prospective employers who engage in it?

If our Dean is not prepared to tell a few wealthy alumni that he cares deeply about all of his students and will not be swayed by withheld donations, then Fordham is truly destined for mediocrity.

As the 90th anniversary of our law school draws near, it is important for us all to reflect upon those principles and values which have helped make Fordham so strong. At a GALLA ceremony honoring openly lesbian Federal Judge and Fordham Professor Deborah Batts last spring, Dean Feerick waxed poetic about Fordham's long and enduring tradition of fairness, inclusion and equality. Inviting JAG to recruit on campus is incongruent with those principles to which the Dean claims Fordham has so steadfastly adhered. As students and future alumni, we are deeply disappointed that we are not considered members of equal standing of the Fordham Family.

To the Editor:

During my first week of Law School it was impressed upon me by the law school administration that Fordham University made ethics a high priority. One of the most important points stressed to me was that as we begin our professional lives we should be unwaveringly ethical, and be prepared to reject the politically expedient, financially beneficial and morally comfortable.

By inviting the Judge Advocate General to campus, the administration has forced me to re-evaluate Fordham Law School's ethical priorities. If another public organization systemically and openly discriminated against any other law student population (women, Italians, Jews or Catholics) the matter would not be a question. The organization would not be welcome at our school.

The United States Armed Forces dishonorably discharge service members for stating who they are. This is not right and should not be supported by an institution dedicated to justice, equality and inclusion. Fordham Law School should rescind its invitation to the Judge Advocate General.

The Advocate

Editor's Notes

Why Future Black Lawyers Owe Their Time and Energies to Save the Life of Mumia Abu-Jamal

For many of us the law school experience will be the launching pad to new careers in corporate and entertainment law, the district attorney's office and many other fields. Black law students like other students, have worked diligently to succeed in the academic world. However many of us have forgotten about the hard work that our elders have put in to give us access to higher education. Many of us believe that our undergraduate GPA's, LSAT scores, and personal statements are the only reasons why we have gotten into these institutions. We must remember that only 25 to 30 years ago these schools would not even consider accepting Black people. Let's keep it real, do you really think that you are any smarter than your parents or grandparents who were denied opportunities at higher education in vast numbers?

Do you really believe that white institutions woke up one day with some new found moral courage and said ok it's time we gave a few of them a chance. I don't think so, but many of us are miseducated enough in these places to walk around here thinking that we earned our way in with good grades. We have no concept of the fact that our people have put their lives on the line for this society to change the little that it has. Power conceals nothing without struggle, but how many of us today continue on with that struggle and how many of us are trying to fill the few slots that have been allotted for us.

Many of the freedom fighters involved in the social movements of the 60's and 70's are still languishing in american prisons, but we don't know about them because we are too busy trying to get that good job, to stop and find out. Mumia Abu-Jamal is one of those freedom fighters. Mumia is a former Black Panther Party member and an award winning journalist from Philadelphia. Mumia was well known in Philadelphia for his critical reporting on police brutality and government misdeeds. He has been fighting for the human rights of Africans in america since he was a teenager and now Mumia is fighting for his own life.

In 1982 Mumia was falsely convicted for the killing of a police officer. The circumstances surrounding the incident and subsequent trial lead to Mumia being railroaded into jail and sentenced to death. On the night of December 9, 1981 Mumia was moonlighting as a cab driver when he saw his brother Billy being beaten by a cop. Mumia was shot in the stomach as he rushed to help his brother. The cop was found dead at the scene. Witnesses said another man shot the cop and ran off. However when other police came on the scene and noticed that Mumia Abu-Jamal was the person shot and lying next to a barrel of gun, he was immediately arrested and beaten. Even though Mumia needed immediate medical attention, he was brutalized by cops and after being taken to the hospital.

At the trial Mumia was denied the right to represent himself or have an attorney of his choosing. Mumia's incompetent court-appointed defense attorney was allotted only $150 dollars, for the complete pre-trial investigation. This made it evident that he was fighting a losing battle. In a city which is 40% black, only 2 blacks were chosen for the jury, one of which was replaced by a white. Eleven potential black jurors were struck down. The presiding judge, Judge Sabo is a life time member of the Fraternal Order of Police has sentenced more people to death (31) than any other judge in the country (29 of them people of color). He refused to let in evidence obtained under the Freedom of Information Act, from the files of the FBI, that proved Mumia has been a target of harassment since he was a teenager.

The District Attorney did not make ballistics evidence available to the defense. Officer Faulkner had been shot and killed with a .44 caliber hand gun, but Mumia had a licensed .38, and there was no powder residue on Mumia's palm. At Mumia's sentencing the evidence presented included Mumia being a member of the Black Panther Party and that he had used the term "Power to the People." Also the D.A. brought into evidence that Mumia quoted Mao by saying that "political power grows out of the barrel of a gun." All of this was supposed to suggest that Mumia has been looking to kill a cop since he was a teenager.

Now after 13 years on death row the Governor of Pennsylvania has signed Mumia's death warrant. Mumia was scheduled to be executed August 17th on Marcus Garvey's birthday. However the public outpour of support led to Mumia getting a stay of execution. Subsequently Mumia's appeal for a new trial has been turned down and

continued on next page
Question: What is the "Best Stuff on Earth?"

by Kathi Denise Lang-Thors

There are several reasons why I read "Hot Copy" in the Daily News. First, it is a great source of accurate information; the rest of the paper barely scratches the surface of the intimate goings-on of the rich, famous and superficial. The details these people's lives reinforce my decision to work in public interest law, and to pay 21% interest because my courtroom ensembles are from the new softer side of Sears. Second, I have seen one of the writers, A. J. Benza, on the "Gossip Show" on E! channel, and he is an oily, close-to-hunky, Brooklyn dream. (Well, one woman's dream is another woman's nightmare!) Third, when my mind begins to turn toward change, I can always count on seeing one of the Fordham law students mentioned in "Hot Copy". A. J. Benza, and Michael Lewittes, Daily News. Friday, August 25, 1995, p. 20.

Hey now, this was different. This was someone I probably see everyday. The subject of this snippet was a Fordham student; she wasn't rich and famous (wait — didn't Chris Cuomo graduate last year?) So, your intrepid reporter reached out to the subject and her attorney.

Of course, Toni Mele could not speak with me under advise of counsel, but she referred me to her attorney, Glenn Shore. Mr. Shore, a graduate of Syracuse University College of Law, gave me the following statement: "At this point, there has been no offer to settle made by either Snapple or its bottler. Suit is commenced, and until verdict is reached, we will proceed all the way to trial."

He verified that there had been contact with the respondents in the suit, but that no offer was currently on the table. Mr. Shore was confident in asserting that he "knows that we will get a verdict favorable to Ms. Mele." The Coca-Cola case mentioned in the article was won at trial, so he has recent experience to back up his claim.

Let this be a lesson to all of you who want to consume only good things from the good Earth — be careful what you swallow!

continued from previous page

must now proceed to the Pennsylvania Supreme Court.

Mumia has been sentenced to death not because they believed he killed a cop but because Mumia is an uncompromising freedom fighter in the struggle for justice for African American people in America. As noted before, like so many activists of the 60's, Mumia has been under surveillance by the FBI since he was a teenager in the Panther Party. Mumia was watched, like Dr. King, Malcolm X, Huey Newton, Stokely Carmichael, and Fannie Lou Hammmer, not because they were guilty of any crime, but for daring to speak up against police brutality, racism, government corruption and challenging of the merit of a society that puts profits in front of humanity. If Mumia is killed then that makes it easier for one of us to be next when we decide to stand up and struggle for our human rights. We must get involved to save Mumia's life.

No — Mike Tyson was not a political prisoner but Dhruva Bin Wahad and Angela Davis were. No — Tupac Shakur is not a political prisoner but Geronomial Pratt and Mumia Abu Jamal are. Ask yourself why the former names are much more familiar to you than the latter, and what we can do to change that.

— Carl Franklin '98
Stein Scholars Program Holds First Roundtable Discussion

by Kathi Denise Lang-Thorbs

The Stein Scholars Program in Public Interest Law & Ethics hosted their first roundtable discussion for the new school year. On September 13, 1995, the Stein Scholars and their guests discussed "Poverty Law in An Era of Retrenchment". The discussion was moderated by Stein Scholars Ron Rossi and Derrick Denckla, and the panelists were Edgar Cahn, William Fry, and Judith Goldiner.

Edgar Cahn, Co-Dean and Professor of Law at Antioch School of Law, and his wife were responsible for the creation of the national legal services program. He is the co-author of "The War on Poverty: A Civilian Perspective", which was the blueprint for the Legal Services Program.

Cahn discussed the time dollar network, which works like a barter system of services. Individuals could volunteer services to the community, which would translate into banked time dollars. The time dollars could be used at a later date to purchase services from other members of the program, such as other community organizations, or the time dollars could be given to others. ("Time Dollars' Gain Currency in Helping Needy", by Richard Louv, The San Diego Union-Tribune, May 31, 1995, p. A-2.)

William Fry is the Executive Director of HALT, An Organization of Americans for Legal Reform. HALT is a member-supported §501(c)(3) organization working to change the legal system for the benefit of consumers, by promoting greater access to rights and the courts through the use of independent paralegals, self-help, and the simplification and reform of small claims, probate, tort law and lawyer discipline.

His commitment to legal services for the poor has been demonstrated throughout his career, including acting as General Counsel to the New York City anti-poverty agency, founding the National Paralegal Institute in Washington which trained paralegals for work in legal services for the poor; and creating the National Public Law Training Center which trained nonlawyer advocates from nonprofit projects serving the elderly, handicapped and disadvantaged.

Fry's discussion concentrated on the implications of federal cutbacks in funding the legal assistance corporation, and the impact of the cutbacks on the poor.

Judith Goldiner is a staff attorney with the Civil Division, Civil Appeals & Law Reform Unit of the Legal Aid Society in New York City. She specializes in landlord-tenant litigation, benefits work with emphasis on foster care benefits, and advocates for the rights of people with mental disabilities. She also trains new attorneys at Legal Aid on general housing issues, and trains more experienced advocates on the Rehabilitation and Fair Housing Acts.

There was a difference in ideology between Cahn and Goldiner. Cahn asserted the Legal Aid services should be replaced with a time dollar system for legal services, while Goldiner, from her perspective as a lawyer with Legal Aid, objected to time dollar programs. She commented that time dollar seemed more like "workfare", and that the difference between practice and theory of time-dollar is that Legal Aid clients are already too busy trying to exist to participate in such a program.

The Stein Scholars Program was established in 1992, and is a three year program for specially selected law students who want to work in public interest law and concentrate on academic work in legal ethics. The Stein Scholars Program topics for the remainder of the semester are contemporary and controversial. Anyone interested in the state of public interest law in the country today should try to attend as many discussions as possible. The discussions are held on Wednesdays from 4:30 p.m. to 6:20 p.m. in the Faculty Reading Room, Room 410, and are open to both students and faculty.

Litigating Domestic Violence/Sexism and the Law
October 11, 1995
Moderator: Robyn Watts

International Human Rights
November 15, 1995
Moderator: Peggy Healy

Prosecutors & the Media
November 29, 1995
Moderator: Rita Galvin

The Academic Enrichment Program Teaching Assistants will conduct evaluations for all study group sessions from October 10 to November 3rd. Look for our upcoming advertisement in the next issue of The Advocate.
co-founder of Belfast firm Madden & Finucane, was killed "in circumstances that strongly suggest collusion by the security forces" following such threats. Flaherty said that the ceasefires have improved this situation in that the number of detentions are down, and thus the threats have reduced in number as well, although they still occur.

Flaherty stated that while this is a positive change, there is a definite negative in that nothing has been done to change the system which allows these events to occur. Thus if the ceasefires do not hold and the conflict resumes, there is no safeguard to prevent more incidents from happening. Flaherty also stressed the need for an independent inquiry into the murder of Patrick Finucane.

The second area focused on questions of international human rights obligations and "when a regime can or cannot maintain a derogation from human rights standards in light of an emergency."

Flaherty pointed out that there has been nothing demonstrated by the United Kingdom concerning Northern Ireland that comes even close to a situation "threatening the life of the nation" that would justify continued derogation from human rights obligations.

The third area of the mission dealing with the judiciary is significant in that "the judiciary in Northern Ireland has largely escaped scrutiny." The committee examined issues relating to the judiciary's record in implementing the emergency laws, and concerns that the judiciary has not fully examined human rights violations in the cases that come before it. The committee also found that the judiciary engaged in several miscarriages of justice, both through not overturning previous decisions or actually furthering the miscarriages. Flaherty noted that a positive change was a new openness among the judges to talk to lawyers and human rights organizations since the ceasefires. Flaherty stressed that the human rights community hoped to make the judges realize that they will be scrutinized for their actions, but to also encourage a continuing dialogue.

ANNOUNCEMENT
A Roundtable Discussion:

NEW ISSUES IN LITIGATING DOMESTIC VIOLENCE
on Wednesday, October 11, 1995
at 4:30 p.m.
in the Faculty Reading Room on the 4th floor

Speakers:
Cheryl Chambers, State Criminal Court Judge
Marjory Fisher, Chief, Special Victims Bureau, Queens D.A.
Holly Maguian, Professor at N.Y.U. Law School
Elizabeth Schneider, Professor of Law at Brooklyn Law School

Sponsored by:
The Stein Scholars Program

ALL ARE INVITED!!!
Belfast - A Year After the Ceasefire

Explosions came one after the other in rapid succession. Then, sharp crashes and a crackling noise which I realized was the snapping of flames when I opened my eyes to a red-orange glow in my room. The scene out the window was even more disturbing - individuals crashing vehicles and throwing "petrol bombs" (malatov cocktails) inside them, resulting in massive explosions. Others had large blunt objects and were smashing in windshields and hoods. Occasionally a vehicle owner or observer would protest and the people turned on each other. They were screaming and running everywhere. Large, thick clouds of black smoke and stray sparks filled the air. Then, a dull whirring became deafening as a helicopter flew over the house, circled the area, and returned to hover over the house. The helicopter searchlight cast a bright bluish glow inside all the rooms of the house for over two hours. Eventually the crowd dispersed, the fires died down, and I returned to bed.

The scene was comparable to many others occurring in the years before the I.R.A. ceasefire in Northern Ireland. The difference was that this occurred on July 3, 1995 - almost a year AFTER the ceasefire of August 31, 1994. The ceasefire began an era of 'peace' for Northern Ireland, long suffering from the 'troubles' between nationalists (primarily the Catholic population desiring political union with the Republic of Ireland), and unionists (primarily the Protestant population desiring preservation of the rule of the United Kingdom over Northern Ireland).

This particularisode occurred in response to Britain's early sentencing review and subsequent release of British soldier Lee Clegg, who had been serving a life sentence for the 1990 murder of West Belfast Catholic teenager Karen Reilly. Reilly had been a passenger in a car taken for a 'joyride' and run through an army checkpoint.

Allegations were made that the release was a carefully orchestrated move by Prime Minister John Major to win election votes, and that if the British government could review Clegg's sentence and release him they must also review the sentences of hundreds of I.R.A. prisoners in British jails.

This early review and release seemed to many Belfast nationalists a direct slap in the face from the British government. It was particularly bitter after many refusals by the British government to name a date for all-party (including Sinn Fein, the legal political party counterpart of the I.R.A.) talks, and little difference having been made in the treatment of Northern Ireland's citizens.

The next day, the charred and smoking remains from the bombs and riots resembled a massive vehicle graveyard. In the midst of the remnants there appeared large messages painted on the walls of the city - "Lee Clegg is a child murderer", "One out - all out", "No two-tier Brit justice". When confronted with such scenes, the true meaning of the ceasefire comes into question. A year later, what exactly has the ceasefire changed? What kind of 'peace' has been brought to the people of Northern Ireland?

Thankfully, scenes like the one described above have become rare. The locals told of past climbs up Cave Hill, a mountain overlooking Belfast, when one could simply sit all day and listen to successive explosions and watch great clouds of smoke erupt from various locations throughout the city below. This phenomenon disappeared after the ceasefire. Also absent was the continual presence of the British Army on patrol, marching in formation in full combat gear and arms through residential areas on a virtually continuous basis. After the ceasefire, the Army has been confined to barracks, leaving the Royal Ulster Constabulary (R.U.C.) to police the area. Several roads that had been blocked off were opened, and checkpoints were virtually nonexistent. People became more relaxed and enjoyed going about their daily routines, without having to give continuous thought and concern to the political situation or the dangers lurking around the corner.

I was able to observe the city and the situation throughout the summer as a result of my summer internship with Madden & Finucane, the most prominent defense firm in Northern Ireland. I witnessed first-hand the results of continuing civil rights violations by the R.U.C., and biases of the judiciary in the "Diplock" juryless courts when dealing with those offenses. In addition, I had the opportunity as an assistant to the Lawyers Committee for Human Rights to interview several former Castlereagh Interrogation Center detainees. The detainees revealed shocking stories of mistreatment and continual harassment by the R.U.C., both in and out of Castlereagh. These experiences must be contrasted with general "on-the-street" observations above the gap of pictures of what changes peace has brought to Northern Ireland, particularly Belfast.

As an outside observer in the beginning of the summer, I was impressed by the city - in appearance and attitude. Belfast did not resemble the ghetto-like abomination I had envisioned watching "In the Name of the Father". The center of Belfast resembled any other commercial center, complete with new foreign investors - several banks, offices, communications centers and even a Disney store. The people were laid-back and friendly; talkative and generous to a fault. They seemed as a collective whole extremely pleased to once again see tourists and visitors in their city. After so many years of foreign tourists visiting Northern Ireland and particularly Belfast, this summer's rush of tourism came as a pleasant change.

Another welcome change was reflected in a series of television commercials titled "On the Bright Side" which displayed Catholic and Protestant children playing together, and also highlighted the beautiful scenery of Northern Ireland; the end caption read "Life As It Should Be." This attitude of openness between communities did appear to transcend the borders represented by the large 'peace wall' separating the Catholic and Protestant areas. Residents from both sides of the wall, whether from the Shankill Road (Protestant) or the Falls Road (Catholic) would meet in the middle of town to play snooker, darts, toss back a few pints or watch their children's teams play a friendly match of Gaelic football.

This sort of community intermingling would have been inconceivable before the ceasefire.

The people as a whole were the most friendly, light-hearted and generous folk I have ever had the pleasure to meet. The best example of this was the local cab driver who returned to my house 4 days after I had used the cab to return a pound (about $1.50) of my fare. He said that at the time he wasn't sure how much the fare across town was (they didn't use meters) but he found out later that he had overcharged me and wanted to return my money! I somehow can't imagine that happening in New York!

Yet as the summer wore on, the faces became increasingly tense, showing the stress of a straining peace process giving signs of an imminent collapse. No new all-party talks were scheduled and people were beginning to think that preservation of the ceasefire was only a stalling maneuver of the British government. The British government made no effort to curb the civil rights violations being inflicted on the citizens by the R.U.C.; violations which had occurred on a continual basis before the ceasefire and had not lessened significantly since the ceasefire.

Sit-down protesters at an "All Party Talks" rally were dragged and beaten by the R.U.C., as were others protesting the routing of a Protestant parade through a Catholic area. The area was forcefully cleared of protesters and then blocked off, allowing neither entry or departure of the area's Catholic residents.

While the continual presence of flak-jacketed soldiers was now absent, the R.U.C. vehicles were always to be seen about the area, as were helicopters discretely hovering directly above the city. The R.U.C. vehicles in and of themselves were unnerving, resembling armored tanks more than any conventional notion of a traditional police vehicle.

West Belfast's residents continued on next page
continued from page 8

Samantha Kearns, a third-year student who worked this summer for Madden & Finucane also spoke briefly about defense case preparation and raids and searches by the R.U.C., and arbitrary arrests and detentions. Some suspects were held for as long as six months before the R.U.C. acknowledged that there was no evidence against them to support any charges of wrongdoing.

While in custody, detainees were subject to varied forms of physical and mental torture. When I was interviewing former detainees of the Castlereagh Interrogation Center, I was told stories of being physically threatened and hit on occasion, as well as other verbal threats. One young mother was sexually molested and told in graphic detail what the officer would do to her young daughter if she did not confess. Others had heard their names, addresses and family information shouted down the halls, ostensibly with the aim of making the detainee think the police had given their information to the loyalist paramilitary death squads as a potential target. These things continued to happen after the ceasefire and were still occurring throughout the summer. As one former detainee said: "It hasn't changed there for us...it hasn't changed at all."

During hearings and trials, judges in "Diplock" courts sitting without a jury showed total disregard for the adversarial trial system and proceeded to question defendants themselves. Their questions were blatantly biased in favor of the prosecution, often ignoring several significant shortcomings in the prosecution's evidence. Several judges' rulings were contrary to all the evidence and testimony presented.

So what kind of peace has the ceasefire brought to Northern Ireland? For this peace to be a lasting one, the R.U.C. must stop badgering, harassing and torturing the citizens and in particular the detainees; this only adds resentment and stress to an already fragile situation. Reforms must be made in the judicial system to restore a true adversarial trial format. Serious talks must be held by all parties concerned regarding continued peace and implementation of a peace plan.

There have been marked and significant improvements in the day-to-day lives of the citizens, with a new openness and growing sense of community, and freedom from continual scenes like the one I experienced on July 3. Perhaps the most significant development since the ceasefire has been the way the people have responded to it, discussing a peaceful end to the situation, and how they do not want things to return to the way they were before the ceasefire. They have a new light of hope in their eyes, a hope that this time, the peace will last for always.

IN THE SPOTLIGHT

Professor Abner Greene's article on "The Pledge of Allegiance Problem" will be published by the Fordham Law Review in November. The article suggests a rethinking of the "right not to speak." Professor Greene also will be participating at an important conference at San Diego Law School dealing with "Theories of the Religion Clauses."

Professor Michael Malloy's article on bank regulatory initiatives and obligations appears in the Fordham Law Review. He has also recently been appointed Chair of the Editorial Advisory Board of the Banking Law Anthology.

Professor Terry Smith had a letter published in the Times pointing out that the decline in New York's murder rate started five years ago under Mayor Dinkins.

The writings of Professors Perillo, Thel and Yorio were prominently mentioned in the Second Edition of Professor Peter Linzer's work entitled "A Contracts Anthology." According to Professor Linzer, the book includes "Joe Perillo's moving collection of Arthur Corbin's letters to Robert Braucher, written when Corbin was in his eighties."

Professor Bruce Green has been appointed co-chair of the ABA Litigation Section's Committee on Ethics and Professionalism.


Professors Ruth Jones and James Kainen have provided comments for various news programs on the O.J. Simpson trial.

Professor James Fleming recently published the second edition of his casebook, American Constitutional Interpretation which he co-authored with Walter F. Murphy, the McCormick Professor of Jurisprudence at Princeton, and Professor Sotirios A. Barber of the University of Notre Dame.

A letter from a recent graduate said of Professor Joseph Perillo: "It says much for a school and its faculty when a student feels comfortable enough to approach a professor and ask for a helping hand. Although as a graduate of Fordham Prep '88 and Fordham University '92, I have become accustomed to this luxury, it still does not make it any less special."

Thanks to Professor Carl Felsenfeld's leadership, the School was chosen as a host site for the 50th Anniversary meeting of the International Bar Association in 1997.

THE PASSWORD:

BARRI

GET AN EDGE

IMPROVE YOUR STUDY SKILLS
IMPROVE YOUR GRADES
ONE-ON-ONE TUTORING
HELP WITH PAPER WRITING
HELP WITH STUDY SKILLS
FOR AN APPOINTMENT OR FOR MORE INFORMATION CALL THE LAW TUTORIAL SERVICE

CALL (516) 485-5133
OR (212) 886-5427

1500 Broadway
New York, N.Y. 10036
(212) 719-0200 (800) 472-8899

20 Park Plaza, Suite 951
Boston, MA 02116
(617) 695-9955 (800) 866-7277
Legal Lines

by Haydee Correa

A recent study conducted by the Association of the Bar of the City of New York found that women's chances of making partner at large Manhattan firms dropped drastically to pre-1973 levels. After reviewing the staffing decisions of eight anonymous large law firms, the study found that only 5% of female first-year associates hired between 1981-1986 were promoted to partner compared to 15% of those females hired between 1973-1981. Two factors were attributed to this downward slide: 1) the increasing importance of rainmaking coupled with firms' archaic belief that women are not as good at generating business as men are; 2) greater awareness of sexual harassment and male partners' growing concern that working too closely with women might bring harassment charges.

Former federal appeals court judge A. Leon Higginbotham was one of twelve persons named to receive America's highest civilian honor, the Presidential Medal of Freedom. Mr. Higginbotham was commended for his commitment to equal and civil rights. President Clinton presented the medals at a White House ceremony on September 28.

Students having gotten call-backs from the firm of Mudge Rose Guthrie Alexander & Ferdon may be able to breathe a little easier these days. The firm has retained Arthur Olick, name partner at Anderson Kill Olick & Oshinsky. Mr. Olick specializes in representing firms in financial trouble and has already been meeting with some of the firm's major creditors to ensure that Mudge Rose isn't forced into bankruptcy. He says that he expects Mudge Rose will avoid bankruptcy.

O.J. Simpson has filed for a trademark on the name "O.J." with the U.S. Patent and Trademark Office. The trademark would enable Mr. Simpson to license and charge fees for the use of his name on products such as toys, publications, posters, etc.

A trial of original jurisdiction was delayed by the Supreme Court until April 1996. The trial, which is the culmination of a dispute between New York and New Jersey over sovereignty of Ellis Island, had been set to commence in November.

Bicycling students BEWARE! Operation SPOKE goes into effect soon. As part of the Giuliani administration's efforts to improve NYC's "quality-of-life," bicyclists are now required, at the risk of paying hefty fines, to obey all vehicular traffic laws including stopping at red lights, not going the wrong way on a one way street, and not riding on sidewalks.

Having trouble printing out documents on Westlaw lately? Take heart, it's NOT the law school's computer lab--this time. Effective September 1, Westlaw quietly limited law student access to its on-line services to 25 hours and 100,000 lines per printing per month per user. The reason? To teach students how to "budget" access to on-line research services. Journal staffers are automatically exempt.

Student Organization Report

Amnesty International works specifically for:
- the release of prisoners of conscience - men, women, and children imprisoned for their beliefs, color, sex, ethnic origin, language, or religion, provided they have neither used nor advocated violence;
- fair and prompt trials for all political prisoners;
- an end to torture, executions, political killings and "disappearances."

The Fordham Law chapter of Amnesty will take part in national letter-writing campaigns and events as well as regional events. In addition, Fordham's Amnesty chapter will sponsor several films, lectures and school events open to ALL Fordham Law students to promote education, awareness and involvement in international human rights issues.
ONE-DAY LAW STUDENT ESSAY WORKSHOP

November 11 in New York City

BAR ESSAY WORKSHOPS

Five-Session New York Small Groups

Essay Workshop
December 4-8, 1995

Three-Session Bar Essay Workshop
New York City, February 2-4, 1996

One Session Bar Essay Workshop

Mary Campbell Gallagher, J.D.
(Ph.D. of Illinois)

Author of Scoring High on Bar Exam Essays (Arco 1991, MCG 1995)

Call Mary Campbell Gallagher, J.D., Ph.D., for information: (212) 279-1980.

Dear First Year Student:

Welcome to law school!

Chances are that your first year of law school will be a bit overwhelming. And the stories you've heard about briefing cases, all night study sessions and the Socratic method don't make things any better. But rest assured, there is a way to make your first year of law school a little bit easier - BAR/BRI's First Year Review program.

The secret to success in your first year of law school is understanding the "big picture" and being able to fit loosely constructed principles of law together in a meaningful way. As a first year student you need an experienced guide to cut through the fog of details created by casebooks, hornbooks and class notes. BAR/BRI's Power of Experience® is your guide.

The First Year Review program was relied upon by more than 15,000 students nationwide last year. BAR/BRI's First Year Review Program was refused upon by more than 15,000 students nationwide. This program includes:

- The First Year Review Book (updated 1995)
- Constitutional Law Outline
- First Year Case Books with Model Answers
- True/False Questions with Explanatory Answers
- Final Exam Review Lectures
- First Year Chart Supplement at Anonm (exclusive)
- Essay Writing Techniques Lecture
- Foundation® Computer Software
- A Press on your tuition...save $$$
- Active BARRI Membership throughout law school
- BARRI Bulletin of updated information

Last year, BAR/BRI's First Year Review Program was relied upon by more than 15,000 students nationwide. This program includes:

- The First Year Review Book (updated 1995)
- Constitutional Law Outline
- First Year Case Books with Model Answers
- True/False Questions with Explanatory Answers
- Final Exam Review Lectures
- First Year Chart Supplement at Anonm (exclusive)
- Essay Writing Techniques Lecture
- Foundation® Computer Software
- A Press on your tuition...save $$$
- Active BARRI Membership throughout law school
- BARRI Bulletin of updated information

We look forward to helping you maximize your first year grades.
Bar/Bri

Last Year
Awarded More Than
$150,000 in Financial Aid
Scholarships

This Year
Bar/Bri
Will Award
Up To
$250,000
In
Scholarships
To 1996 Grads
Throughout the Northeast
(800) 472-8899

The First Annual
Barrister's Bowl

Rules:
- Competition is open to all students attending law schools in New York State.
- Each school will be represented by two 3-person teams.
- Questions test general and legal knowledge.
- All matches consist of two 15-minute halves of toss up, bonus, and final questions.
- Teams will compete in single elimination rounds with the winners advancing to the next round.
- Regional competition commences November 5, 1995.
- Quarter, semi- and final rounds will be held in New York City.
- Registration in BAR/BRI is not required.
- For more information, contact your Student Bar Association, your BAR/BRI Representatives or call BAR/BRI at (800) 472-8899.

Prizes

First Place Team
SBA Receives $2,500 Cash Award
Each Participant Receives $1,000 Cash Award

Second Place Team
SBA Receives $1,000 Cash Award
Each Participant Receives $500 Cash Award

Third/Fourth Place Team
SBA Receives $500 Cash Award
Each Participant Receives $250 Cash Award

All members of teams competing in inter-school matches who do not reach the quarter, semi- and final rounds receive a $100 New York BAR/BRI Bar Review Course discount.