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In The Jesuit Tradition: Have You Ever Thought About Volunteering?

This year marks the first major opportunity for the Office of the Chaplain to exist in a dedicated and accessible office, with four chaplains. It is for personal advising, and to serve the students of the Law School in a new way. The office, which is between the SBA office and Career Planning, will serve as the center for volunteer service information. These will be non-credit opportunities sent to us from time to time by people and agencies needing help. The time requested can be as little as one hour per week, once a month, or it can be as much as it is possible for you to make it. So, we are not talking about a major commitment. It could be work related to legal assistance or it could be time spent feeding and caring for the homeless at St. Paul the Apostle (265-3209 Westside) or St. Ignatius (268-3588 Eastside). I might even add joining the folk group at the Law School Mass on Wednesdays at 12:30 in the Lowenstein Chapel: delightful type of pro bono activity.

For those interested, a binder will be left in the chaplain’s office containing what we get in the mail, and we will soon have a bulletin board where we will begin posting notices. Also available to us from the Commission on Volunteer Service and Action is a catalogue of volunteer opportunities called Invest Yourself 1985.

This article is also a call to those law students who have done volunteer work (such as Jesuit volunteer corps, the Peace Corps) and/or who are presently doing some volunteer work to identify themselves to me by a visit or note (612 Law School or 224 Lawwesent) or call me at 841-5160 (ext. 160 on inside phone). I need your help in seeing with clarity what we can honestly do together to raise consciousness in the matter of conscience and moral responsibility as enunciated by Supreme Court Justices Sandra Day O’Connor at the dedication on October 24, 1984.

I have been assured by a group of students that there is interest in such a venture among a small group of students. If we could get a community service group started, we might just be able to foster a worthwhile, hands-on “distur• tion” as one person termed it. This could be an opportunity to grow in a way which offers some relief in the intractability of the study of law. This can also be a way of getting to know other law students, and building contacts outside of the law school. It would certainly provide a fresh entry on tired resumes.

Along those lines, I can report that our first experience of this community service occurred with the successful Ethiopian Relief Drive which netted approximately $1,000.00 in donations and pledges. Bob Altman and Laura Blackman, together with Dean Hanlon, Rabbi Belzer, and twelve students worked to achieve that success. In the near future Richard Beigen will launch into a campaign to help the homeless in the shelter at St. Paul the Apostle Church on Columbus Avenue and West 60th Street. Hopefully more suggestions and opportunities will be forthcoming.

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

CAREER PLANNING TIDBITS

Nearly 160 women students and alumnae Arleen LaBella’s presentation on February 13 entitled “Image and Personal Power” is the amphitheater. The Law Women hosted a cocktail party in the Atrium afterwards. Public speaking was unanimous in its enthusiasm for the program. The videotape of the presentation will be shown during the next two months - be sure to come if you have not watched it! Check our bulletin board for details!

A July reception for Class of ’86 & ’87 students and employers visiting the campus this Fall (and utilizing the job books) is being planned. Students will have the opportunity to pick up all published materials to help them prepare for FOCT and to meet interviewers, hiring partners and recruitment administrators at a reception in the Atrium. Watch for details!

The Annual Alumni Luncheon at the Waldorf-Astoria is to be held Saturday, March 2.

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Retrospective: Dean Feerick’s Role In The Twenty-Fifth Amendment

BY DAVID HEURES AND GLENN BUSCH

The subject of presidential succession and disability has never been one to be taken lightly. Since the dawning of the nuclear era, however, the necessity of dealing effectively with the contingencies of a presidential or vice-presidential vacancy or a president being unable to discharge his duties has been considered to be a matter of much greater urgency than it was at any other time in our history.

In the present context, people may disagree as to the likelihood of these contingencies occurring in light of President Reagan’s age. Yet no one can deny that they were germane when there was an attempt on his life four years ago. Though he survived the attack, Mr. Reagan was unconscious for a period of time after having been administered an anesthetic. Vice-President Bush was thousands of miles away, Secretary of State Haig made some ill conceived remarks about who was in charge, and Secretary of Defense Weinberger said he was next in line in the chain of military command. Vacancies did in fact occur during the Watergate crisis, when not only the president, but the vice-president as well, was forced to resign. At no other time in our history had both the president and vice-president failed to complete their terms.

During 39 of our first 178 years, there was a vacancy in the office of the vice-president for lack of a constitutional provision for vice-presidential succession. As for the eventuality of presidential disability, the relevant clause in Article II of the Constitution was difficult to interpret due to its vagueness. The main shortcoming was a failure to designate who was to make the requisite determination.

By passing the Twenty-Fifth Amendment, Congress set in motion an effective mechanism for dealing with vice-presidential succession and presidential disability. The amendment was ratified in 1967, and it worked masterfully in bringing about an orderly transition of power after the Nixon and Agnew resignations. Furthermore, in spite of Secretary Haig’s ill-advised comments, those in a position to know agree that the machinery of the executive branch was in control of the situation when President Reagan was under anesthesia. This was due to the Twenty-Fifth Amendment’s providing a specific reference point for the smooth transition of power from the president to the vice-president in the event of presidential disability.

The amendment states that the vice-president and a majority of the cabinet officers are the persons authorized to declare that the president is unable to discharge his duties. If the president later declares himself fit, and this contention is disputed by the vice-president and cabinet, Congress makes the decision.

One person who played a role in bringing about the passage of the Twenty-Fifth Amendment is none other than Dean Feerick. A recognized scholar on the presidency and vice-presidency in general, and presidential succession and disability in particular, Dean Feerick served on the ABA Committee on Presidential Liability and Succession which was formed shortly after President Kennedy’s assassination. After reaching a consensus, this twelve person committee worked closely with the Senate Subcommittee on Presidential Succession chaired by Senator Birch Bayh in drafting the amendment and bringing about its passage in Congress and ratification by the states.

During the time of his most intensive involvement with the Bayh Committee, Dean Feerick was the recent author of two works in the Fordham Law Review, both of which attracted considerable attention in the wake of the Kennedy assassination. The first article, The Problem of Presidential Disability - Will Congress Ever Solve It? (October 1963), led to his invitation to join the ABA Committee. The second, The Vice-President and the Problems of Presidential Succession and Disability, was published in March, 1964.

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Intramural Hoop Provides The Cure for The Wintertime Blues

By Gene Murphy

Bulletin boards have been secured to the walls throughout the school. Some of them display information for one of the three journals, others for the Placement Office, and still others for the moot court board. Yet, none of them, not even our newly installed mailboxes, earn the attention that the weekly posting of intramural basketball standings invariably attracts. The basement level SBA bulletin board is regularly surrounded by a group of students checking out the latest scores and discussing the previous night's battles. What is it about intramural basketball that makes it so consistently popular each year and just how close was this league from joining the not so exclusive ranks of "the defunct?"

In the wake of this past season's demolition of Power Memorial H.S., the league was faced with the difficult task of finding another suitable location for the favorite intramural of the law school. There was some talk of playing at Rosehill in the Bronx and other proposals included various Manhattan locations. Although the facilities at these potential sites were more than adequate, they generally had two substantial drawbacks too expensive and too far.

Fortunately, Intramural Basketball Commissioner Tom Ryan and SBA Treasurer Anthony Laura, after a short struggle through the municipal sea of bureaucracy, managed to arrange a deal with the city which may very well have saved the league from failing. P.S. 191, on Amsterdam Avenue and 61st Street, became the new site of intramural basketball for Fordham Law School.

Ryan and Laura's efforts resulted in each player's paying a nominal registration fee of $10. P.S. 191 clearly meets the two critical prerequisites of the students reasonable cost and close proximity to school. As Ryan points out, "P.S. 191 is a great deal. The gym is worth double what we are paying for it now."

In addition, considerable improvements have been made to the structure of the league itself. First, the league has become more competitive in extending the winning score from 20 points to the current 30 points. Further, each team plays one night a week, Wednesday or Thursday depending on what division the team is registered. Last year games had been scheduled on the weekends and even during the spring break. This caused a substantial number of conflicts for many of the league's players thus hurting the effectiveness of certain teams on a given day. This year's schedule has virtually precluded such conflicts.

One of the more unique aspects of this organized league is that there are no referees present. "Teams must call the fouls themselves and just play their game," notes Ryan. "If the opposing team makes a call, the opposing team should respect it no matter what."

This standing rule is generally followed, however, in close games arguments will inevitably arise especially when the players are a group of aspiring lawyers.

The league currently consists of 16 teams which play either Wednesday or Thursday night between 6:00 and 10:00. The Wednesday division consists of Diversity Jurisdiction, the Geeks, the Thunder, Tioche's Dogs, the Nighthawks, the Whitifish, International Shoe, and The Curse. The Thursday division teams include the Buffalo Soldiers, P.U. Law, Vanilla Thunder, Foot's It, Gorax, the Fudgepackers, Team Six, and Van Halen.

Each team is scheduled to play at least one game against each of the other teams in its division and then the top four teams of each division will compete in an interdivisional playoff. Commissioner Ryan also hopes to get several volunteer referees for the duration of the playoffs.

Setting the standard for the rest of the league, and their fellow second year students, Diversity Jurisdiction plays topnotch competitors like Sam Watkins and Tim Coleman. Being the defending champions of last year, Diversity Jurisdiction has been marked as the team to beat. Those willing to take that challenge include other second year teams such as the Brethren and Barox.

The Brethren, who also compete in the intramural football league during the fall, just missed a shot at Diversity Jurisdiction in the finals last year. New additions such as third year Paul Parada and second year Dave Sinidinos have become the most popular activity at the school of law! Diversity Jurisdiction further emphasizes, "it provides the students with a means to release the pressures of law school especially for the first year students. It gives them a chance to get physical and take a breath from their constant study of the law."

Finally, these games can be as much fun from the stands as they are on the court. Ryan and Laura encourage other students and faculty to come on down and join the fun. After a few minutes as a spectator you will see why this has become the most popular activity at the school of law!

DON'T JUST SIT THERE!

By Robert Altman

As the school begins to come to a close, I cannot help but notice a difference between this school year and the last one. The previous school year had a number of student organizations sponsoring a number of events. This year while there have been a fair number of fine events, school organizations have not had anywhere near the amount of events they had last year. Some organizations look as if they are in danger of extinction. Why?

Last year the class of '85 came into their second year with a burst of enthusiasm and drive that no succeeding class may ever match. Fordham Follies, Entertainment and Sports Law Council and the Fordham Democratic Student Association all provided the school with new and different perspectives. Entertainment and Sports Law had 300 people attend an event. The Fordham Follies produced an overwhelmingly successful play. The F.D.L.S.A. brought a number of fine politicians to the school. The Advocate changed from a pathetic leaflet to a legitimate school newspaper. Other school organizations continued their past activities.

This year the bubble burst. New members are tough to find. The Advocate can't seem to find any new blood to take over the paper. There are few events from all student organizations. The S.B.A. had resignations from Weddings and secrecy. Some organizations exist only in name. I think I know a few reasons why.

First of all, many of the leaders of student organizations (myself included) are consumed in a job search. Many do this while they work and go to school. Less time is then spent with a student organization. Work and school consume a decent quantity of time.

A second reason is the failure of non-graduating students to take up the slack. I recently heard from a member of the administration that some students in their first and second year wonder why more isn't happening.

The Second Annual Fordham Follies will be held on April 2nd and 3rd at 8:00 p.m. in Pope Auditorium. The Follies is a student-run organization which produces an original musical comedy satirizing life at Fordham Law School. It may be surprising to realize that our student body is comprised of many talented men and women. This event enables us to work together on something other than traditional law school activities, and to have fun in the process.

Auditions for this year's show were held in late February, and the major roles have been cast. However, anyone who is interested in being in the chorus or assisting in any capacity (e.g., stage work, selling tickets, etc.) may contact Jennifer Parada at 212-722-0442 or Louise Firestone at 212-749-7496, or leave a note in one of their mailboxes.

Tickets for the show will be $3.00, and will be available in advance and at the door. There will be a TANG following the April 3rd performance. We're looking forward to a great show DON'T MISS IT!
The SBA: A Call To Action

The time for elections to the Student Bar Association has rolled around once again, with its attendant discussion and debate. There has been considerable criticism of the SBA over the past year. At the same time, there are increasing complaints about student apathy.

One problem which everyone must recognize is the difficulty in reaching a consensus about what functions FLS student government should perform. Some people maintain that the "school spirit" of high school and undergraduate institutions cannot be present in the same fashion at law school, particularly an urban commuter school such as Fordham. Consequently, the scope of the SBA's activities will necessarily be limited. Others disagree on specific points, such as whether there should be off campus parties or whether the SBA should be more involved in matters affecting the campus.

Nevertheless, most people contend that the SBA should have done more over the last year. Those who talk about the problem of "school spirit" must note something which follows directly from the very point they are making about the difference between law schools and other institutions. It is not a question of high school parties; rather, it is a question of law school functions. As prospective young professionals, we are aware that our future social life will in many respects overlap with, or, better put, reflect our professional life. When we attend events such as career symposia or cocktail parties in the arium, or listen to visitors speak on campus, most of us are not going just for the refreshments.

Moreover, it is hard to contend that when students feel strongly about academic or administrative matters there is anything wrong with having an SBA which will effectively voice student concerns to the administration.

At this point, it is appropriate to discuss briefly some of the areas in which the SBA should expand its role and other ideas for improving its performance.

Speakers on Campus

In the last year, the SBA has not invited anyone to speak at the Lincoln Center campus and in fact formally closed its speaker's forum. Those who have come have done so through the independent efforts of other student organizations such as the Entertainment and Sports Law Council, the Fordham Democratic Law Students Association, and the Environmental Law Council. At other law schools, the SBA takes a more active role in arranging for campus visits by practicing lawyers and other prominent individuals. Social Gatherings

Perhaps FANGS are better than nothing at all, and maybe they provide an opportunity for social intercourse and relaxation. But to many students, these key parties are of limited fulfillment; at least, the feeling is that there should be other functions. Most seniors had a good time at the recent 100 Nights Party at the Discovery in Soho, but this was a twofold reality: an off campus event with more available than beer. Again, other law school SBAs sponsor more functions away from their campuses for student social gatherings. The SBA should also attempt to sponsor wine and cheese and cocktail parties with alumni, faculty and professionals. The Placement Office is now becoming more active in this regard, and the combined efforts of the SBA and Placement might yield more effective results.

Academic Affairs

It is not always easy to convince any administration to adopt a particular policy or introduce a course or clinical. Yet the present administration is noted for its openness, and it has responded to various student desires in recent years. Certainly student opinion, largely through the Entertainment and Sports Law Council, led to the introduction of the course in sports law, for example. One SBA member's proposal for revising the first year curriculum is being given serious consideration by the faculty. The SBA might consider using questionnaires and surveys when there is evidence of strong student feeling on academic issues. One area law school's SBA is pushing for a committee to have professors account for grades which students feel are unfair.

Textbook and Resume Services

The FLS student body deserves an arrangement whereby upper-classmen could sell their textbooks to the SBA for resale to other students. This would certainly be more efficient than the current poster/phone number system for used book sales, which engenders much unnecessary wasted time and does not maximize opportunities sell and buy.

The SBA should also look into providing a resume and/or general word processing service to students as a service to students. One or more professionals could be hired for this purpose. They would be paid a bulk sum by the SBA, which would raise the needed money from students wishing to utilize the program. As with all group financial arrangements, the per capita rate would be lower, and the SBA would also monitor for quality before selecting the appropriate professionals.

Other Student Activities

The SBA provides the funding for student groups, but there has not been enough interaction between SBA members and individuals in these groups. Yes, there is some student apathy, but is it a two-way street: one of the qualities of a leader is the ability to stir up interest among others. This is something SBA members should be able, or attempt, to do. It might also be noted that there have been very few articles written for The Advocate by SBA members over the last year. Finally, the SBA should consider coordinating some volunteer legal service programs, and lead the way in seeking to find solutions to students' mounting financial aid problems.
CUOMO UNCOVERS
SBA DIRECTORIES

After a six month investigation carried out by city and state law enforcement officials and the FBI, the FLS Student Directories were discovered at the East Side Hillary last week by none other than Governor Cuomo himself during a mid-day helicopter landing.

"I had been putting a great deal of time into the investigation," the governor said, "although I must confess I wasn't engaged in it at the particular moment. During helicopter flights to and from Albany, I usually deal with less important affairs of state. I had been spending half of my time in my downtown offices organizing and expanding my special task forces for the search."

The quest for the directories has been a matter of concern to authorities at all levels of government since an SBA member reported missing this fall. When asked whether they had in fact not been printed, and the SBA was just taking the scene to convince people otherwise, the SBA member angrily rebuked the questioner. Well, now we know the SBA member was telling the truth.

Actually, the discovery of the directories at the East Side Hillary was something of an anticlimax. The search had initially been limited to the vicinity of New York City, but subsequent evidence caused it to be expanded to other areas. Among the locations given special attention were Fort Lauderdale, Florida, and Wauke
gan, Illinois, and territories occupied by the contras in Nicaragua.

The governor expressed his feeling of relief that the long investigation had finally reached a successful conclusion. When asked whether his accomplishment wasn't engaged in it the third change... for the 1983 Democratic Presidential nomination, he replied, "What nomination?"

DON'T JUST SIT THERE!
(Continued from page 3)

with student organizations. Well folks my response to you is to get off your butt and help the student organization of your choice. If they're not doing anything I'm sure they'll let you do something. Events at school do not occur by miracles and if you want an event or a speaker you have to ask and help.

A final reason I feel student organizations are lacking this year is fear by potential members. Fear of committing their time. Fear that if they commit their time their grades will suffer. I once had this fear, and there's no reality to it. In fact, each semester I have stretched myself a little thinner. Have my grades suffered? No, they went up instead. I won't list my accomplishments here because they should schedule their other activities around that meeting. This leads into the third change... for the 1983 Democratic Presidential nomination, he replied, "What nomination?"

An Outline For Change

BY N.J. FENGOS

Springtime at Fordham Law School brings with it many interesting events. Among the annual events is the Student Bar Association election. To say that the SBA is a controversial organ at Fordham Law School is to make an understatement. The truth is Student Government is always controversial.

Complaints concerning the SBA are widespread and varied. The SBA officers have been called egotistical and uninterested. It is felt that the SBA has operated with a "business as usual" attitude and that there is not much that can be done. The SBA for many years has suffered from a lack of leadership. No matter how hard successive SBA administrations have tried they have not been able to create positive, constructive positions of responsibility which the rest of the Law School community can look up to with pride.

How can students at FLS expect to have their critiques of an FLS education taken seriously by the Administration if they cannot even operate a responsible student government? I will not expect the FLS Administration to take seriously the future evolution of Student Government at Fordham Law School. Our SBA elections should be more than popular contests. They should be exercises in our ability to choose leadership which will improve FLS not simply permit things to remain in a perpetually mediocre state.

Those who want to participate in Student Government have a serious task in front of them. I hope they have not stopped forward prematurely. It behooves everyone at Fordham Law School to take the SBA seriously because along with a strong SBA there comes a strong Law School.

- Establish a Housing Clearinghouse for students who need roommates and for students who need housing.
- Establish a Course Evaluation Guide. This can be done inexpensive on newprint.
- Establish a network of FLS students who can go to their respective colleges and recruit with the admissions office for higher quality applicants.
- Establish a Used Book Exchange.
- Have a Holiday Raffle to raise money.
- Establish a closer, working relationship with The Advocate, the FLS newspaper.
- The SBA should sponsor a debate among FLS Presidential candidates.
- Have a Springtime Boat Ride to raise money. People would go at twenty dollars a person.

These suggestions by no means exhaust the possibilities which the SBA can explore. They are only meant to add to the continuing debate concerning the future evolution of Student Government at Fordham Law School. Our SBA elections should be more than popular contests. They should be exercises in our ability to choose leadership which will improve FLS not simply permit things to remain in a perpetually mediocre state.

THE S.B.A.

(Reprinted from last month)

BY ROBERT ALTMAN

Because of the upcoming S.B.A. election, I decided to write a column on ideas which I've always thought the S.B.A. should adopt. Most of the ideas simply concern themselves with little logistical problems, but I feel these logistical problems sometimes prevent the S.B.A. from being truly effective. Only one idea presents any difficulty in implementation (the first); the rest can all be done at the next S.B.A. meeting. Anyway here are ten ways to improve the S.B.A.

1. Make the S.B.A. smaller. I'd rather have fourteen S.B.A. people who were committed primarily to the S.B.A. rather than any other group, because some are on a journal or some other student activity. If only one student was elected from each section, as well as the executive team of four elected by the entire student body, we'd have an S.B.A. that would be smaller and more accountable. Presently, with three reps per section and thirty-four S.B.A. members there is the potential for a lot of deadwood. With fourteen S.B.A. members any deadwood had better resign.

2. Pick a uniform day and time for S.B.A. meetings before anyone runs for office. With this no one can claim they had to run for a committeefor, because they should schedule their other activities around that meeting. This leads into the third change... for the 1983 Democratic Presidential nomination, he replied, "What nomination?"

3. Mandatory Attendance. Miss S.B.A. meetings and you're bye-bye. The person who finished behind you takes your place. Hey, the S.B.A. is student representation, not an optional party; attendance is the most basic part of representation.

4. Post S.B.A. meeting attendance with the minutes - and make sure the minutes are posted: Another step towards accountability.

5. Print the minutes in The Advocate. Each section elected to the board has a chance to see the progress the S.B.A. has made over time.

6. Post the agenda for S.B.A. meetings before hand so...

7. Students can attend an open meeting of the S.B.A. and voice their concerns before the meetings before the reps take over should be sufficient time to allow non-elected students to have their opinion heard. With the new wing addition finding a room shouldn't be difficult either.

8. A student rep hour: Student reps should submit their report in The Advocate during the week in which they will be in the Student Activities Office to field questions. The section the student represents should then choose one of the three - this method combines convenience for the student and rep for the section. This also allows students who can't attend the S.B.A. meeting to let their opinion be heard.

9. Make a definite time when the officers change. I talked with some S.B.A. officials last year who didn't know if their term started after elections, after graduation or in August. This leads to great accountability from April to August.

10. Officials from the S.B.A. should liberal- ly submit to The Advocate. Students see campaign nonsense in The Advocate during elections and then nothing else. Hey folks, unless you write something defamatory The Advocate will put it in! Let us know how you feel on an issue. If there's a proposal for a curriculum change which is close to passing, tell us. There are a whole bunch of people that don't actually know you - and they want to know you. Here's your chance to tell the school what you do.

None of these ideas are any problems to the truly dedicated S.B.A. official and thus present no problem to any present S.B.A. official.

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THE BOAT RIDE: One of the SBA's Successful Events

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TEN WAYS TO IMPROVE THE S.B.A.

The Advocate
Dave Motola
1. What should be the S.B.A.'s role at Fordham Law School?

The S.B.A. is an organization which represents the interests of all students enrolled at Fordham Law School. Primarily the S.B.A. performs a very important social function, planning and organizing various events which allow the students to unwind and enjoy the beautiful scenery of the New York City area. These events also provide the opportunity for the students to network and thereby acquire courses, and running functions (as well as others not listed) play a significant role in the S.B.A.'s resources next year as the manner in which the S.B.A. has been run in the past.

2. Aside from the free tuition, why are you running?

I feel that I possess the necessary characteristics and experience (as the present Vice-President of section 2B) to provide the type of leadership for the S.B.A. that will make it a more important and integral part of student life at Fordham. I realize that there are long hours and numerous problems to be dealt with as President of the S.B.A., but I also think that there can be much satisfaction derived from doing the job right. I look forward to the opportunity to prove that I can bring about the change and growth that will make student life at Fordham not only a 'break' from the heavy and rigorous academic coursework. However, the S.B.A. also takes an active role in the educational process at Fordham, including participating in student-faculty meetings, providing copies of exams in all required courses, and running orientation for incoming students. These social and educational functions (as well as others not listed) play a significant role in the S.B.A.'s resources next year as the manner in which the S.B.A. has been run in the past.

3. What would be your reaction to a requirement that the S.B.A. President not be allowed to hold down a part time job?

I realize that there are some people that feel that this is the most deplorable example of the present incompetence of the current S.B.A. leadership. I believe we are blessed here at Fordham with a cooperative and caring administration. If we can just inject some vitality into the S.B.A., I believe that this requirement will function well with the present administration.

4. What has the S.B.A. done effectively over the past year?

The S.B.A. has been quite successful in terms of running events conducted by the S.B.A. during the past semester were Orientation and the Boat Ride. Other than these two events, the S.B.A. has had a fairly uneventful semester. This is not to say that some of the events have not been successful; the S.B.A. has done an efficient and organized job of running the S.B.A. But, I am not adverse to a requirement that the S.B.A. President not be allowed to hold down a part-time job.

5. What do you think that FLS students are happy with the incumbent S.B.A., and whatever the opinions are, are they justified?

I feel that, particularly with regards to first semester, there has been student dissatisfaction with the S.B.A. The discontent is certainly justifiable, as at times it appeared that the S.B.A. was not doing anything. There should be a change in the second semester, but there could be more.

With regularly scheduled bi-weekly meetings, the S.B.A. could work on the part of the representatives, I believe that the S.B.A. can be very effective in dealing with the concerns of the students. This year there was far too much apathy on the part of a number of S.B.A. representatives, e.g. missing meetings and not participating in the meetings that the S.B.A. has been involved in. I feel that the students of Fordham have every right to ask the S.B.A. to make an accounting of what has been done and will be done to accommodate them.

6. Do you think the S.B.A. should sponsor social functions besides TANGS and the Boat Ride?

My primary concern is whether or not any other functions are desirable. As the S.B.A. President, I plan to try expand the scope of the available student activities. Why not start with the incep­tion of discounted trips to Lincoln Center performances?

7. What would you do to improve the S.B.A.'s relationship with the administration?

I believe we are blessed here at Fordham with a cooperative and caring administration. If we can just inject some vitality into the S.B.A., I believe that this requirement will function well with the present administration.

8. What other new ideas would you put into effect?

I believe that many new policies could improve the S.B.A. For example, if a section rep misses more than two meetings per semester, they should be dismissed. The minutes of each S.B.A. meeting should be published in the Advocate, and budget of the S.B.A. should be made public.

Robert Reyd
1. What should be the S.B.A.'s role at Fordham Law School?

The S.B.A. should serve as both aggressive student protector and inventive social organizer. It is the responsibility of the S.B.A. to be sensitive to the needs of the students. Many students seek the addition of the Yom Kippur holiday to our fall calendar. The S.B.A. should address and attempt to clarify this desire. Furthermore, I believe that the S.B.A. should try to expand the scope of the available student activities. Why not start with the inception of discounted trips to Lincoln Center performances?

2. Aside from the free tuition, why are you running?

Because I have watched my own section representatives (Dave Motola and Sam Watkins) sit silently by while I and my fellow classmates were upset by a midsemester class schedule change. On this occasion neither Dave did anything to make us believe that they were anything more than apathetic.

3. What would you do to your reaction to a requirement that the S.B.A. President not be allowed to hold down a part time job?

I believe that the S.B.A. President should be allowed to participate in one of the various clinical internship programs that the school offers. To deprive the President of this opportunity would be unfair. However, I do not believe that the S.B.A. President should be allowed to hold down a part-time job simply for money. "Do unto others as you would have them do unto you." If he or she should need money, they may obtain a loan much like any of the rest of us. The point is that their free time outside of academic pursuits belong to the students. They should always remember that they have a full time obligation to serve their fellow students.

4. What has the S.B.A. done effectively over the past year?

Very little of practical importance has been accomplished in the past year. They only ran three events (one of which ran short of beer). They have not even been able to publish a student directory.

5. What do you think that FLS students are happy with the incumbent S.B.A., and whatever the opinions are, are they justified?

No, they are not. I believe that Dave Motola, Anthony Laura and Sam Watkins are the responsible parties. In my classes these people sat by and did nothing while important student interests were compromised. For example, this spring's 2B's class schedule was changed in midsemester. This caused a lot of convenience. Dave, Anthony and Sam, our own classmates, stood by and did nothing. Their concern is the S.B.A. calendar, not a full-time job, and it should be treated as such.

(Continued on page 9)
Keep Those Atrium Cocktail Parties Coming.
2 alumni in corporations, practicing labor and commodities
2 alumni in District Attorney’s offices, doing state criminal law, trial advocacy
29 alumni in law firms, practicing: admiralty, administrative, antitrust, appellate, banking, corporate, commercial, civil & criminal litigation, construction, copyright, contracts, energy, environmental, estates, general practice, health, industrial development bonds, labor, leveraged leasing, litigations, maritime, matrimonial, medical malpractice, negligence, nonprofit, patent, public finance, public utility, product liability, personal injury, real estate, securities, secured transactions, tax trademark, trusts, unsecured lending, and zoning law.

Sprang On Campus Interviews are being arranged on a daily basis. Thusfar, the following employers are visiting, in addition to those whose invitations will follow:
- **“Tale of Two High Schools.”** The two high schools are Great Neck South and any typical inner-city public high school. Both public schools, but miles apart in the quality of education. However, to make a long tale short, let me just say that the amount of money spent per pupil in Great Neck is substantially more than the money spent per pupil in New York City. Hence the question. Public schools are funded partially through the state, but mostly through local property taxes. Since the tax base in suburban towns like Great Neck can afford more money spent per pupil than New York City, Great Neck goes ahead and spends more. State aid doesn’t make up the difference between the two systems and in some cases may exacerbate the problem. The result is unbelievably disproportionate amounts of money spent on the pupil in Great Neck versus the pupil in the inner-city. Since education is a state responsibility and unequal amounts are being spent on pupils (leading to an unequal system), we would seem to have a problem. Of course, the equal protection clause here. Not according to the Supreme Court. In San Antonio v. Rodriguez (1973), the Court’s worst decision since Plessy v. Ferguson (1896), the Court by Justice Powell ruled as unconstitutional this inequality.

The Court blew it and there are so many reasons why. First, it felt that if a correction was to be made the State Legislatures could make it. With such brilliant logic, I will never accuse Justice Powell of having any political knowledge, ability or anything else political. Such a statement is politically naive to the point of childishness. Since suburbs dominate the legislatures, what self-interested, suburban politician would vote to equalize education funding? None. Why? Because only two methods really provide a solution — raising taxes or depriving the suburban schools of much of the state funding they receive. No one wants to raise taxes, and if it’s done, no one wants to raise them to help someone else without charging him his own piece of the pie. As for depriving local suburban school boards of state aid — well Governor Cuomo tried this “Robin Hood” program when he should have had the most success — right after his inauguration. Result failure. Why? A school teacher from Long Island presented the prevailing viewpoint — “We’re not saying don’t increase aid to the cities’ schools — just don’t cut ours.” Not a feasible way to reach equality without a huge tax increase. What finally happened? Money for both suburban and city schools was raised slightly, but the wide disparity remained.

The Supreme Court also ignored (Justice Marshall in a surprisingly logical dissent did not) the effect education has on our entire society. Recent studies show what common sense has known for ages. The way out of poverty is through education. However, can we expect our inner-city youth to climb out of their impoverished status without a decent education, at least as decent as their suburban counter-parts? Inequality in education is unjust. Not only is it just within its own mechanism, but by its own injustice it creates an injustice which permeates throughout our entire system. I don’t think I’m being farfetched if I say that going to school at Great Neck South is a hell of a lot nicer than attending Jamaica High School. Money can’t buy pride, but it can help to give students a high school education. And I don’t think that even if an inner-city youth graduates high school what are his chances of attending college — let alone law school. If they taxed their citizens much more they would have existed without an inner-city youth graduating high school. What are his chances of doing business in the suburbs? We must exist without the suburban schools but, the reverse has never been true.

(Continued on page 14)
Moreover, there are categories of legal issues and trade law. However, there are a number of interests, and consequently for American lawyers, the EEC has given rise to sharp criticism in the European press, with consequent echoes in American business in the United States. It will take some time before the application of these decisions becomes relatively well-known in practice.

Moreover, there are categories of legal arrangements, some of them closely related to the new regulations, which are not covered at all, and whose fate remains very much in the grey area. One obvious example is the field of know-how licensing which today perhaps is more important in commercial practice than anti-dumping, but which has not been covered as such under the new patent licensing agreement regulation. American lawyers, because they have not been the subject of any case law or regulatory coverage, despite its rapid growth, in the European market scene.

There are other areas of ECC antitrust law which are in a process of fermentation and evolution, and which offer great opportunities to American lawyers. In recent precedents, such as the AEG-Teltefunk decision, the Commission has indicated (and its policy view has been confirmed by subsequent decisions) that it can find that an attempt to “influence” retail price levels will be a violation of ECC law, and subject to severe fines. This seems particularly true in view of the recent questioning in the U.S. Supreme Court decisions interpreting the Commerce Clause.

For the international business lawyer the two areas of legal interest are the current evolution of the ECC antitrust law and ECC trade law. However, there are a number of other sectors of interest for which the ECC is less well known, but which have the greatest practical importance for American business interests. These areas are the Common Market as a customs union, and the EEC as a whole.

An American multinational corporation, whether it is engaged in confrontation on the front of international trade, or whether it is engaged in a process of fermentation and evolution, and which offer great opportunities to American lawyers. In recent precedents, such as the AEG-Teltefunk decision, the Commission has indicated (and its policy view has been confirmed by subsequent decisions) that it can find that an attempt to “influence” retail price levels will be a violation of ECC law, and subject to severe fines. This seems particularly true in view of the recent questioning in the U.S. Supreme Court decisions interpreting the Commerce Clause.

The ECC Commission, which is essentially the center of the administrative bureaucracy, and the ECC, Council, which represents the member states, have together produced a massive body of regulation which harmonizes and controls the economic life of the Common Market. Indeed, it is sometimes said that it is the American multinationals that have benefited most from the European Common Market, even more than their large European competitors.

In the patterns of trade which has elapsed since the Common Market was established by the Treaty of Rome on March 25, 1957, the six original member states of the EEC have engaged in a process of fermentation and evolution, and which offer great opportunities to American lawyers. In recent precedents, such as the AEG-Teltefunk decision, the Commission has indicated (and its policy view has been confirmed by subsequent decisions) that it can find that an attempt to “influence” retail price levels will be a violation of ECC law, and subject to severe fines. This seems particularly true in view of the recent questioning in the U.S. Supreme Court decisions interpreting the Commerce Clause.

The EEC antitrust law is the one area of legal interest which is the critical factor in an anti-dumping proceeding. Indeed, in some cases the new duty is so substantial as to virtually destroy competition in the trade area.

Furthermore, there is the additional legal problem which is the critical factor in an anti-dumping proceeding. Indeed, in some cases the new duty is so substantial as to virtually destroy competition in the trade area.

The resolution of many of these issues must suffice. The case law is unfortunately not the sort of thing which can be studied in a day. Consequently, the American lawyer must be particularly careful not to assume that EEC rules are the same as those developed in the United States. It is therefore particularly important for American lawyers to read and understand. Both in concept and approach, they are based upon prior decisional law which is not at all the same as that developed in the United States. It will take some time before the application of these decisions becomes relatively well-known in practice.

American businessmen who trade with the EEC today need an understanding of the impor-
SBA Election Supplement

FORDHAM FORUM

KATHY KARAVELLAS - Treasurer

Life at Fordham has undoubtedly had its share of ups and downs this past year as we have all had it with construction, drilling and a persistent lack of space. Now that Fordham is physically at its best, however, it is time to emerge from our ruts and enjoy, to the best of every student's capacity—both inside and outside the Fordham Community.

As SBA President, I will do my best to place the SBA where it belongs—leading a more vibrant & encouraged student body. As my record indicates, I have the ability to take that leadership role and make the SBA more effective in the eyes of the students and the administration. The Fordham Forum ticket (David Otto - Vice President, Kathy Karavellas - Treasurer, Beth Edds - Secretary) realizes that the SBA must make our Fordham education much more than classroom instruction; it can and should be a complete experience, reaching beyond lecture and study.

In reaching out the SBA should reach in to its most important resource—the students. The SBA is not made of elected representatives. Every student who pays his dues is a member of the Student Bar Association. That is why we must take it upon ourselves collectively to become an integral part of the SBA and make the Fordham experience as meaningful as possible. I will dedicate myself, as I have as IA President and SBA Treasurer, to tap the SBA’s most important resource and to bring to us the sense of pride, accomplishment and enjoyment which we as Fordham Law Students deserve.

THE VICE PRESIDENT OF THE STUDENT BAR ASSOCIATION

The Vice President of the Student Bar Association is primarily responsible for the proficient operation of the Student-Faculty Committee, which can be instrumental in the distribution of satisfactions among students at every level. It is my intention, as Vice President, to eschew neutrality about ends in favor of particular goals.

Of course, it is not possible to affirm certain goals as fundamental without embracing some vision of the good life, without endorsing some ends over others. These ends, then, include increasing academic interaction between students and faculty, maximizing the advantages of attending law school in New York City, and developing a social agenda consistent with the diverse desires of the student body. Reflecting upon my first year as a class representative I feel a new faith must be found in the Student Bar Association. This faith begins with the claim that we are individual persons each with our own aims and interests; it then seeks a framework that will enable each student to realize his or her capacity as a member of the larger community. The Student-Faculty Committee is the vehicle with which to create this framework.

If we are partly defined by the community we inhabit, then we must also be implicated in the purposes and ends characteristic of this community. This candidacy, indeed each Fordham Forum Candidate - Anthony Laura, President; Kathy Karavellas, Treasurer; Beth Edds, Secretary - seeks to develop the discourse and activities implicit in a legal education, and give this community a more vital public life.

ANTHONY LAURA - President

The word that best describes this past year at Fordham is TRANSITION. The additions to the building have disrupted classes, study & the ability of students to enjoy life at the Law School. This transition period is at an end, and it is the job of the SBA to encourage and enable the Law School to live up to its newly found prestige, brilliance and responsibility both inside and outside the Fordham Community.

As SBA President, I will do my best to place the SBA where it belongs—leading a more vibrant & encouraged student body. As my record indicates, I have the ability to take that leadership role and make the SBA more effective in the eyes of the students and the administration. The Fordham Forum ticket (David Otto - Vice President, Kathy Karavellas - Treasurer, Beth Edds - Secretary) realizes that the SBA must make our Fordham education much more than classroom instruction; it can and should be a complete experience, reaching beyond lecture and study.

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BETH EDDS - Secretary

Hi! I’m Beth Edds. I am 27 years old and I come from the Midwest (Indiana). After graduating from Indiana University as a Musical Theater Major, I moved to New York to pursue performing. My theatrical background taught me to communicate effectively with all types of people on many levels. For the past year I have served as president of section 2E and as a member of the Student Faculty Committee.

The SBA is an organization which, when operating effectively, should be a conduit between the students and the administration. Currently, there seems to be confusion as to what the SBA has accomplished this year. The problem is not that SBA has been inactive—many members have worked diligently. The problem is that the process used to convey information is inadequate resulting in “communication gaps” at various stages. In addition to the traditional responsibilities of the Secretary—publishing a student directory and posting the minutes of the SBA meetings— the Secretary should follow up the individual reps encouraging them to discover the major concerns of their groups and voice these concerns at SBA meetings. The SBA resolutions should be reported to each class regularly either verbally or in the form of a newsletter. Instituting a schedule where SBA reps are assigned office hours, installing a student suggestion box, and utilizing the new student mail boxes are three ways to increase the opportunities for effective communication.

I share with my running mates Anthony Laura, David Otto, and Kathy Karavellas the desire to make SBA a dynamic organization. I believe effective communication is essential to accomplish that goal, and that a creative communicator in the role of Secretary is crucial. From my background and experience I believe that I am that person.
**SBA Election Supplement**

**Young Barristers Party**

**STEPHEN MITCHELL - President**

As SBA president I plan to expand Fordham’s student government influence beyond the walls of the school. My goal is to enhance the reputation of Fordham Law and its graduates by making the school a well recognized center for law student participation in community political and legal affairs. One way I will accomplish this is by arranging for Fordham Law to sponsor a televised debate among the 1985 mayoral candidates. My administration will also develop a strong and well organized law student lobby force to fight the threatened federal cuts in financial aid.

There is a need to give recent law graduates greater career flexibility and increase the competitiveness for and the genuine interest in public service law. (i.e. District Attorney Office or Legal Aid) I will propose legislation in which the state would forgive each recent law graduate one year of student loan payments for every two years of public service. Although it is unlikely that this idea could be accomplishment within a year with my leadership the need can be planted.

I also propose that the requirements for selection to the Fordham Law Review be changed. In order to emphasize writing skills and open the competition to more students, the top fifty percent of the first year class should be invited to submit writing samples. Finally, many of our student drive into school and need all day parking. I plan to investigate whether or not group parking rates are available at the parking facilities adjacent to our school.

**PEGGY O’BRIEN - Vice-President**

An active and vital Student Bar Association should be one of the best parts of Fordham Law School. This past year the leadership of the SBA proved only that they could be one of the most silent and inactive parts of the law school.

We must act together now to ensure that next year the SBA will be a useful force for the students. The simple goals of Bob, Lauren Mike and myself are to improve student life and provide the protective representation they deserve. Together, we can add Yom Kippur to our calendar, run discounted trips to Lincoln Center, and serve wine and soda at Tangs. All we need is your support to make these things possible.

**LAUREN McSPEDON - Treasurer**

The Student Bar Association should serve the students both as protective advocate and social coordinator. During this past year, the SBA has failed to publish a Student Directory, they have given only three Tangs (two of which ran short of beer), and have ignored growing student discontent.

I believe that Bob, Peggy, Mike and myself will bring new vitality to the SBA. We will run better Tangs, add Yom Kippur to the fall calendar, and run discounted trips to Lincoln Center. So please vote for us and we will make sure that next year is the best ever.

**Liberty Party**

**ROBERT REIDY - President**

This past year the Student Bar Association earned a “do nothing” reputation among the students. I believe the ineffectual leadership is responsible. In my own class, I have seen SBA representatives stand silent while important disputes arose between the students and Biblio Juris. Later, class schedules were changed in midsession without consulting the students. Again, the SBA did nothing.

Why has the SBA failed so in so many areas? Why despite great student discontent, has nobody ever proposed the addition of the Yom Kippur holiday to our fall schedule? Why has nobody ever set up a discounted student trip to Lincoln Center? Why do cans and bottles litter our school when redemption for their deposit could supplement SBA funds? Why aren’t wine or soda served at the Tangs? Why does Tang run out of beer at 10:00 p.m.?

It will be my task as President to answer these questions. Together we can put Yom Kippur on the fall calendar, we can use the money generated by the redemption of deposit bottles to run discounted trips to Lincoln Center, and we can serve sufficient quantities of beer, wine and soda at next year’s Tangs.

These are not wild or novel ideas. They are simply good ones. It is the shame of the present SBA administration that they have not yet been employed. Next year, if elected, I will do these things and I assure you the students of Fordham Law School will lack neither protective representation nor beer, wine and soda at the next Tang.

**MIKE BOLTON - Secretary**

Communication is the key to any organization hoping to represent students. The SBA must keep students informed about its activities and make the student government more responsive to student needs, suggestions and concerns. This is the role the secretary must play.

But there is another type of communication the SBA as a whole must concern itself with. Classes, sections and individuals are entitled to an atmosphere that fosters friendship, interdependence and a sense of who we are as a school. It would be a shame if Fordham, in becoming a “National Law School,” lost its traditional strength; we are, and have been, a law school that describes the “all for oneself” attitude present in many of our sister institutions. The SBA must enable students now, as in the past, to exist in a community rather than as isolated individuals. As a result, the emotional burdens of law school will be eased just as the tension of finding a job can be eased by keeping ties with Fordham men and women who have gone beyond the bounds of this institution.

In short, Fordham has been not only a place to get a degree but a place to form ties, grow in maturity and learn some of the lessons about becoming a lawyer not taught in the classroom. The SBA answer these needs. Once these lines of communication are opened we can be a little more proud of what we are as a law school.
Hello, my name is Kimberley Martin and I am running for the office of Treasurer for the Student Bar Association. I am presently the President of the first year evening school.

I have been told that the SBA has expanded greatly in the past few years and I believe with the expansion of the new wing we too can expand the student life at Fordham.

I feel that being a member of the SBA is an important position and becoming it's Treasurer would be both rewarding and exciting. I have always been the type of person who likes to get involved and this year I have become involved with the concerns of both the day and evening students.

I have spoken with the Treasurers of the past two years and am fully aware of what the job entails. I see the Treasurer's position as more than a check writing, book balancing position. I see it as being a responsible position needing dedication and ability to reach this goal.

Please feel free to talk to me if you have any questions, ideas or suggestion. GO FOR THE BASICS.

KIMBERLEY MARTIN - Treasurer

The basic premise on which our party is founded is to continue to continue to foster the friendly atmosphere which pervades our school. Undoubtedly, it is this air of congeniality which has always distinguished Fordham Law School from other law schools. However, the cozy Fordham environment has not come about by accident. It reflects in no small way the considerable efforts of the people who comprise this community. I'd like to believe that the SBA assumes an important role in setting the tone for the school year. Indeed, the school takes the lead from the faculty and SBA representatives.

As the Secretary/Treasurer of IB and as the student body. Many students will have to decide if they deserve; such as, clocks working, copy machines working, copy machines working, TANGs, the Boat Ride, intramural hoops, etc. Are the basic services you feel are lacking. I look forward to that job and ask for your vote.

MATT McKinley - Secretary

My name is Matt McKinley and I am a candidate for Secretary of the S.B.A. I am running on the BASICS ticket with Dave Motola for President, Sam Watkins for Vice-President and Kim Martin for Treasurer. Together, we hope to make an impact on student government.

We are greatly concerned with the fact that tuition at school will probably increase $1,000 for the next year's student. This, combined with a possible decrease in federal student loan money, poses a direct threat to our student body. Many students will have to decide if they are still able to afford law school.

What can student government do? We intend to work closely with the administration to try to find the answers to such problems as where money can be found for those who fear they will be unable to return to Fordham. At the very least, when tuition increases $1,000 and there is nothing to show for these additional dollars, government must make sure that students receive the BASIC services they deserve. Such as, clocks working, copy machines that function a full day instead of half a day and even that beer at TANGs does not run out before night students finish classes.

The Secretary must keep the lines of communication open between students and government. This is the only way we will know what basic services you feel are lacking. I look forward to that job and ask for your vote. VOTE FOR THE BASICS.
SBA Election Supplement

VOTE... VOTE... VOTE... VOTE... VOTE... VOTE...

DON'T FORGET TO VOTE IN THE SBA ELECTIONS

TUESDAY • WEDNESDAY • THURSDAY

MARCH 12th MARCH 13th MARCH 14th

BIBLIO JURIS

(The Law School Bookstore)

INVITES FIRST YEAR STUDENTS

Interested In Working At The Bookstore

TO SUBMIT RESUMES

To The Registrar’s Office

By Monday March 25th.

(but preferably before)
...EEC Practical Importance...American Lawyer... EEC Practical Importance...American Lawyer

(Continued from page 8)

...EEC Practical Importance...American Lawyer... EEC Practical Importance...American Lawyer

4. What has the SBA done effectively over the past year?

It is fair to assert that the SBA’s effectiveness, like many other aspects of the con-
tinuous construction during the past year. Despite the annoyance, SBA has been especially
effective in several areas. First year orientation went off without a hitch, and the Boat Ride was
its usual success. Now that the cafeteria is usable, Tangs have been sensational (it should
be done at The Met. Problems of a
administration?

Anthony Laura
(Continued from page 5)

6. Do you think the SBA should sponsor social
activities besides Tangs and the Boat Ride?

Consider Fordham’s location, the SBA’s non-use of Lincoln Center amazes me. As
far as next year is concerned, I have already con-
tacted officials at the Phi AlphaDiamond concerning student discount seating. More of the
problems should be tied to The Met. Problems of a
computer

8. What other new ideas would you put
forward?

Paper? The publisher received the final order
published?

9. When will the student directory be
printed?

When all new addresses are submit-
ted and the directory is printed, the new
directory will be distributed bi-weekly, keep-
ing all of us abreast of current matters of in-
terest (as done now in L.A. by my running mate
Kathy Karavela).
In an Order of December 26, 1984, Federal District Court Judge Richard F. Freeman denied dismissal of a suit against Georgia State University administrators. It was the administrators' second, and final, attempt — the first being on December 21, 1983 — to dismiss by motion the suit brought against them on June 6, 1982, by Jeffrey M. Duban.

Duban, a second year law student at Fordham, received his B.A. and M.A. from Brown University and his Ph.D. in classics from The Johns Hopkins University. He joined the Georgia State University faculty in 1978 as an assistant professor of foreign languages, with primary teaching responsibilities in classics. Initially enrolled at Emory University Law School, Duban transferred to Fordham when his wife received a job offer in the New York City area.

In May 1982, the promotion and tenure committee of the Department of Foreign Languages recommended Duban for promotion to associate professor with tenure. The departmental committee conveyed its recommendation to the Dean's advisory committee on promotion and tenure for review at the college level.

In August 1982, while Duban's candidacy was still pending before the Dean's advisory committee, the Dean issued Duban a letter of non-renewal. The letter was to be effective as of June 1983, the end of the academic year then commencing. Duban claims that the letter was issued in response to criticism, voiced shortly before the letter's issuance, on matters of public concern relevant to the students of classics offerings at the public university.

In December 1982, the Dean's advisory committee recommended Duban for promotion to associate professor with tenure. The committee reached its decision based on the positive recommendation of Duban's departmental committee, the positive reports of outside evaluators, and its own review of Duban's dossier.

The Dean, however, refused to consider the committee's recommendation, on grounds that his letter of non-renewal, issued even as promotion and tenure consideration was underway, would take automatic precedence over any committee recommendation. Though it is within the Dean's discretion to retract a previously issued letter of nonrenewal, the Dean had informed Duban from the outset that the letter was final and irrevocable. Duban protested that the Dean's action entirely mooted the promotion and tenure process, while setting a dangerous precedent for academic freedom. The Dean maintained that he was motivated solely by budgetary considerations.

While the Dean is in no way bound by a recommendation from his advisory committee, he is at least obligated to consider it. When the Dean gives a professor notice before receiving this recommendation, he asserts a questionable prerogative to preemptorily foreclose the promotion and tenure consideration of any candidate for any reason. In cases where the Dean exercise his unquestioned prerogative of refusing a positive recommendation, the candidate not only loses the academic year in progress, but also becomes an additional "gray area," thereafter. Duban is claiming the salary of that year's employment as an element of his damages.

Having failed to acquire redress from the Dean, Duban sought relief from the Georgia State University Vice President of Academic Affairs, Provost, and President. Review of the Dean's decision was then sought, and denied, from the Board of Regents in May 1983. Having exhausted all internal administrative remedies, Duban filed suit on two federal and three pendent state claims: (1) violation of free speech under the first amendment, (2) lack of due process under the fourteenth amendment, and (3) unfair competition (by one competitor to eliminate another). Following Judge Freeman's Order of December 26, 1984, all but the second claim will be tried.

During the pretrial stages, Duban's attorney subpoenaed and examined GSU faculty in no way bound by a recommendation from the Dean's advisory committee, he is at least obligated to consider it. When the Dean gives a professor notice before receiving this recommendation, he asserts a questionable prerogative to preemptorily foreclose the promotion and tenure consideration of any candidate for any reason. In cases where the Dean exercise his unquestioned prerogative of refusing a positive recommendation, the candidate not only loses the academic year in progress, but also becomes an additional "gray area," thereafter. Duban is claiming the salary of that year's employment as an element of his damages.

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During the pretrial stages, Duban's attorney subpoenaed and examined GSU administrators. Duban's own informal correspondence was taken on the claim as main claim on the counterclaim alleging libel filed against him by one of the defendants. Named as codefendants in the federal suit are Marion L. Kuntz, professor of classics and former chairman of The Foreign Language Department; Clyde W. Faulkner, Dean of the College of Arts and Sciences; Thomas B. Brewer, Vice President for Academic Affairs; William M. Suttles, Executive Vice President and Provost; and Noah Langdale, Jr., President.

Triail date has been requested for June.

The suit brought against them on June 26, 1983, in superior Court of Dekalb County, State of Georgia, Marion L. Kuntz, defendant in the federal action, refilled, as plaintiff in state court, her prior federal counterclaim. In response, Duban, plaintiff in the federal action, refilled, as defendant in state court, his prior federal claim (though, in the state action, limiting it to state court plaintiff Kuntz).

The suit has practically required a change in the law in the teaching profession. After taking so publicized a stand against the university in federal court, it was Duban's Atlanta attorney who first suggested that he apply to law school, because of the group he felt Duban had of the issues in the case. Duban applied and was accepted at Emory University School of Law just as the suit was getting under way.

While the Dean is in no way bound by a recommendation from the advisory committee, he is at least obligated to consider it. When the Dean gives a professor notice before receiving this recommendation, he asserts a questionable prerogative to preemptorily foreclose the promotion and tenure consideration of any candidate for any reason. In cases where the Dean exercise his unquestioned prerogative of refusing a positive recommendation, the candidate not only loses the academic year in progress, but also becomes an additional "gray area," thereafter. Duban is claiming the salary of that year's employment as an element of his damages.

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Duban is a second year law student at Fordham, received his B.A. and M.A. from Brown University and his Ph.D. in classics from The Johns Hopkins University. He joined the Georgia State University faculty in 1978 as an assistant professor of foreign languages, with primary teaching responsibilities in classics. Initially enrolled at Emory University Law School, Duban transferred to Fordham when his wife received a job offer in the New York City area.

In May 1982, the promotion and tenure committee of the Department of Foreign Languages recommended Duban for promotion to associate professor with tenure. The departmental committee conveyed its recommendation to the Dean's advisory committee on promotion and tenure for review at the college level.

In August 1982, while Duban's candidacy was still pending before the Dean's advisory committee, the Dean issued Duban a letter of non-renewal. The letter was to be effective as of June 1983, the end of the academic year then commencing. Duban claims that the letter was issued in response to criticism, voiced shortly before the letter's issuance, on matters of public concern relevant to the students of classics offerings at the public university.

In December 1982, the Dean's advisory committee recommended Duban for promotion to associate professor with tenure. The committee reached its decision based on the positive recommendation of Duban's departmental committee, the positive reports of outside evaluators, and its own review of Duban's dossier.

The Dean, however, refused to consider the committee's recommendation, on grounds that his letter of non-renewal, issued even as promotion and tenure consideration was underway, would take automatic precedence over any committee recommendation. Though it is within the Dean's discretion to retract a previously issued letter of nonrenewal, the Dean had informed Duban from the outset that the letter was final and irrevocable. Duban protested that the Dean's action entirely mooted the promotion and tenure process, while setting a dangerous precedent for academic freedom. The Dean maintained that he was motivated solely by budgetary considerations.

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Duban's Atlanta attorney who first suggested that he apply to law school, because of the group he felt Duban had of the issues in the case. Duban applied and was accepted at Emory University School of Law just as the suit was getting under way. He said that, "Having a law suit while being a law student is like having your own personal laboratory experiment. Law school and lawsuit were given hand in hand, and I cannot imagine one without the other."

When asked what courses were especially illuminating, he said: "Law and evidence is the individual elements of his suit, he mentioned Civil Procedure for the federal and pendent state jurisdiction; Remedies, for the full range of compensatory, punitive, and emotional remedies he is seeking; Evidence, for the documents and the questions allowable at trial; and Contracts for an understanding of how one can look to the implied terms of a contract and not solely to what appears within the "four corners."

While individual courses have been helpful in shedding light on the legal theory of the suit and in helping Duban to follow and contribute to it, Duban is less certain as to how the regimen of preparing for and taking law school exams contributes to the skills needed for what he has seen of practice in the "real world."

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Dean Feerick's Role In The Twenty-Fifth Amendment

(Continued from page 1)

Dean Feerick spent a great deal of time testifying in Washington before the Bayh Committee and the Judiciary Committees of both houses of Congress. After playing a role in drafting its specific language, he made a number of oral and written endorsements of the amendment. Later on, he continued to work with the ABA Committee as it assisted the states in the ratification process.

Before the amendment passed Congress, Dean Feerick had also authored a book on presidential disability and succession. From Failing Hands, in which he traced the research connected with his two law review articles, was published in 1975. It traced the amendment's history from the time of its ratification onward, and offered an analysis of its implementation during the Watergate crisis.

In light of the amendment's historical importance and its vital function in a nuclear age, The Advocate decided to interview Dean Feerick to learn more about his role in bringing about the consensus to incorporate into the U.S. Constitution. We also focused on a number of related questions, such as the meaning of specific clauses of the amendment and what alternative provisions might have been used. In the process, we traced generally history of the presidency and vice presidency and his other involvement with the formulation of public policy relevant to these areas.

For a starting point, we must look back to Dean Feerick's undergraduate years at Fordham. There he became a political conserva tive, having developed an interest in government, U.S. Government in particular. This interest was sustained during law school, particularly in the area of constitutional law, and continued in which he had in fact taken his first courses in the field.

When he graduated from law school, Dean Feerick wanted to write a law review article in the area of constitutional law. Initially, he did not have a topic in mind. "Then I came upon an article on the subject of presidential disability, in one of the law journals, and that question further interested me. It involved constitutional law, the constitution, the presidency, government — so there was an area that I was interested in. And at the time, there were not many other comparably good works.

Clearly, the Kennedy assassination was the catalyst in converting some of the urgent questions of the urgen cy for a succession and disability amendment. It would be untrue, however, to say that this was not of concern at prior times in our history. Senator Estes Kefauver had been Senator Bayh's predecessor as chairman of the Subcommittee on Presidential Succession, and President Franklin Roosevelt had been affected by the three serious illnesses suffered by President Eisenhower. There was a historical perspective, too, which is brought to light most dramatically in the cases of President Eisenhower, President Reagan, and that of the cabinet of the cabinet.

With all Marshall's quirks and amiable grumblings, there were the Twenty-Fifth Amendment been in effect in 1919 in per mitting him to become acting President of the United States, the history of the world might have been changed. While Marshall was just as enthusiastic about the League of Nations as Wilson, he declared that he would have accepted the Lodge reservations which Wilson stubbornly rejected, and thus might have saved the League from defeat in the Senate. With the power and prestige of the United States in Germany, would the League have caved in before the bullying actions of Japan in Manchuria, Mussolini in Ethiopia, and Hitler from the occupation of the Rhineland onward? Would there in fact have been a Second World War?

As it happened, the Kennedy assassination triggered the show of concern which brought about the amendment's action. In addition to stirring things up in the Congress and the press, it led to the establishment of the 12-man Committee on Presidential Succession and Inability by the American Bar Association. Aside from Dean Feerick, the members included former Attorney General Herbert Brownell, future Supreme Court Justice Lewis Powell, and several professors and former ABA Presidents.

During a two-day period in January 1964, the Committee reached a consensus as to a series of recommendations on what the substance of the Twenty-Fifth Amendment should do. This consensus was similar to that held by members of the Bayh Committee at the time. Dean Feerick says that the relationship between the two committees was "very close," and that he and many others had input as to the actual language of the amendments.

"My job was to work with the Bayh Committee, to assist them in connection with the drafting of the amendment, in connection with answering questions people had about the amendment, and once Congress had approved the amendment in 1965, to assist in the ratification of the amendment.

"I was a practicing lawyer — this was sort of pro bono work — it was something I enjoyed doing. I felt it was something worth doing — something in the public interest. It's like somebody saying, what a sacrifice you made, but if you enjoy what you're doing it's no sacrifice."

The amendment's first test came during the Watergate crisis, when Vice-President Agnew resigned while President Nixon was being confronted by possible impeachment proceedings. Nixon nominated Congressmen Gerald Ford to succeed Agnew under the amendment's succession provisions, and Ford was confirmed by Congress, thus becoming our first appointed vice-president. Subsequently, Nixon resigned and Ford became the thirty-eighth president. Ford then negotiated his resignation. I did not fill the vacant vice-presidential slot, and this nomination was also confirmed under the procedures outlined by the Twenty-Fifth Amendment.

"I was very sad during that whole period. The President of the United States was dammaged, but maybe strengthened at the same time, and I was also sad about the mistakes that had been made by lawyers and other government officials. That's not to say I didn't have any positive feelings about the amendment as such other than it had to do its job after the circumstances, and I thought it did its job very well, but I would have preferred the amendment never having to work during my time."

Shortly after the attempt on President Reagan's life in 1981, the amendment became relevant once again. Reagan had suffered by President Eisenhower. There was a historical perspective, too, which is brought to light most dramatically in the cases of President Eisenhower, President Reagan, and that of the cabinet of the cabinet.

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(Continued on page 12)
The night grew long, the mind grew weary as we descended into the depths, I sat at the library, a name that had been gifted to me, with a dank musty smell of the deep dark earth. I was to function here, nothing else, till my debt was paid. The noise of books had scoured the rough stone of the stairs as we wound down. I cried out, as I knew others had done before, and so many times before as the product of a work weary mind. My cries were answered with searing cackles of laughter by the one who pushed me further down into the depths. In that awful moment of knowing one's fate is sealed, knowing that your life has been irreversiblyPhotograph by BERNIE Cahn changed and there is nothing to do, nothing save crying out in wails of unspeakable despair. I felt the past few months float by and I tried to understand.

"Hey man, you hear the new rules?"

"What's that?"

"Better bring your flashlights, cause you're going underground."

"Okay. You're going downtown boy—L.L.J. and U.J.J. been declared illegal in these here parts."

That's how it started, rather, how I first learned. In fact, I had known all along what something was amiss, something dreadfully wrong. Only I couldn't place it. I had been lucky. But then it was too late. I had moved to the Urban Law Journal in the summer of 1984, or so I thought, until I found that writing a casenote entailed endless hours curled before a stack of books trying to find a solution to a desperate legal crisis threatening the security of the free world. I had seen it coming after so much. And yet there was nothing one could do as I walked down the stacks, I heard the soles of my shoes scrape the floor and go further down into the depths.

Time seemed to float by as the copying machines hummed and the perpetual twight seemed to wrap itself around you in a soft and silky cocoon until you glanced at your watch and noticed it was time to go home. Things were smooth after the enactment of the rule, although strange things were beginning to occur. The first I can recall, was the night Dean Ferrick got "ill" during the Law Review party. "Ill" seemed rather inappropri ate at the time because he left the party early, remarking after working about nine hours as a Law Review editor, looking as if he had been quite literally scared to death. Little heed was taken of the matter, but later the Dean was back at work and laughing off a case of indigestion. Barely noticeable was the slight, in fact almost imperceptible facial twitch beginning at the corner of the right side of his mouth. Uncharacteristically, also, was his inability to look students in the eyes.

It was soon after this incident that the construction crews began appearing again. This seemed strange, because the Law School had been completed several months before. Nevertheless, they were here and no one questioned it, until it was too late. The next day, after the lunchtime conversation, the first IU member vanished. Nothing was done about it because no one knew who had vanished. I was an advisor, set up by President Pro Temp of the federal statutes. He did in fact spend a considerable amount of time in the stacks, I heard that after so many other sounds, that might be relevant to what a vote. If there is a special election, how long would it take? Maybe six to nine months, and then there may not be much time left in the term. He thinks a special election would be too cumbersome and lead to many problems.

In nuclear age, would it have been preferable to have a successor, or is it safer to let the law in the form of a federal statute rather than a constitutional amendment? After all, circumstances change, and a future development might cause us to change our minds. Congress will set up another mechanism replacing the cabinet if circumstances should suggest that the cabinet is not workable."

Dean Ferrick's Role In The Twenty-Fifth Amendment

(Continued from page 11)

would be seeking what information they could. If the president didn't consent to the doctor's releasing the information, that would limit the facts upon which to base a vote. On the other hand, that might be relevant to what a decision should be - that there isn't cooperation and assistance from the president's office... I think it would give rise to a popular feeling that something is awry. But I don't think the amendment overrules the privilege. He pointed out that Presidents Reagan and Eisenhower went out of their way to release information when their conditions were under scrutiny.

Dean Ferrick also discussed his issues on some occasions in which the cabinet succession to the presidency versus succession in the House and Senate and his ideas for elec­ toral reform. While he maintains his position stated in The Twenty-Fifth Amendment that cabinet succession is preferable to the present system, he does add that the Speaker now and President Pro Temp of the Senate are next in line after the vice-president, he sees no present possibility of amending the system

"Looks like they're building a new dumbwaiter."

"Yeah, I believe you're right. But where does it go?"

"Don't know where it goes, but I know where it starts - Law Review Office."

What for?"

"Still got your flashlight!"

"Why so?"

"Hope you got them rechargeable kind batteries."

And so the conversation went. The dumb­ waiter was installed and led nowhere but down. Construction began, we could hear it, but no one knew where and what of it could I swear we were building something underground, but I wasn't sure. In time the construction ended. And the horror began. It started innocently, in fact rather politely. We all laughed about it June first day when we got in the office. From Law Review had actually asked a member of the ILJ to do his footing assignment. "Imagine that," I said, "in law you have your own footprint assignments."

"What gall!" spat the guy sitting next me."

"I can't say I'm surprised, those guys have been lording it over us since that party. Something ought to be done."

Times settled down after the enactment of the rule, although strange things were beginning to occur. The first I can recall, was the night Dean Ferrick got "ill" during the Law Review party. "Ill" seemed rather inapprop­ riate at the time because he left the party early, remarking after working about nine hours as a Law Review editor, looking as if he had been quite literally scared to death. Little heed was taken of the matter, but later the Dean was back at work and laughing off a case of indigestion. Barely noticeable was the slight, in fact almost imperceptible facial twitch beginning at the corner of the right side of his mouth. Uncharacteristically, also, was his inability to look students in the eye.

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"On the other hand, I think there has been a philosophy expressed in the constitution that when you are dealing with the office of the president, and the powers and duties of the president, you do not want to leave it to the political composition of Congress at the time. You want to get out of politics; that is why we have set up the rules and as a result of the role it plays in our scheme of things, and you best protect it by spelling out a lot of details in the constitution."

As for any further developments in the Twenty-Fifth Amendment, Dean Ferrick does not note anything in particular on occurring on the federal level. He feels that, though there are problems in the process of nominating vice-presidential candidates at the political conventions, he doesn't feel the mechanism of the amendment should be applicable in those settings.

On the state level, he mentioned that a number of states have adopted their own version of the amendment. He notes that the edge of constitutional issues and a vacancy in the office of lieutenant governor. In New York State, a provision deals with the question of the disability of the governor. Dean Ferrick also feels that the amendment is a workable mechanism in moving a number of state governments to address problems and gaps in their mechanisms for dealing with the possibility of a president's unfitness.
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Joanne Stevens - Fordham Representative
Towards A New Justice: Helping People Help Themselves

-A Domestic Program

(Continued from page 7)

_kill our cities and we kill ourselves. Save our cities and save ourselves. Thus, an unequal education is not only unjust, it is anti-urban and anti-American.

So what do I propose? A very simple trade-off.

First, enterprise is nice. Zones are nice. No zones include and exclude. Let's examine how by some business. Companies in the South Bronx (how about near Charlotte Street).

In this zone we want to put new business, by giving tax incentives. That's a good idea, but we have to ask who's going to work in the new business? Hopefully, local people. Afterall, the idea should help people, not a zone. If you hire local people they must meet certain qualifications. Probably a large number of them must be the actual manual labor and management. This kind of education for the company must find the community trustworthily.

Now, you may not know this but the South Bronx, like all large cities, is not known as a bastion of skilled and educated people (especially since we have weak inner-city education). Additionally, what company will invest in the zone, construct a facility, train and educate its workforce and maintain a security system adequate for its needs? Geez, that tax break better be pretty huge. I can't even foresee just constructing a facility and using non-local people.

What will happen with enterprise zones? Probably one of two things. Either business will abandon the area so much of the zone by moving into the zone, thus hurting the areas left; or the zone will have some success, but will draw drudgery from the city's business base, again hurting the outer areas. Enterprise zones are close, but "ain't the real thing.

Enterprise zones are "unslumming", and gentrification. Why do each fail?

Altman. Yes. I haven't gone crazy and I do have some assistance; other will get a lot. However, even within the community. This program should be dropped in favor of the old successful companies. Small Business Administration (how about near Charlotte Street).

Governments do not raise and use taxes to create new businesses. Investing in a hypothetical enterprise zone in the South Bronx (how about near Charlotte Street).

Enterprise zones are more interesting than urban renewal. Enterprise zones have to improve our entire community. This program does not create successful businesses in the area. Next, you provide with capital to expand by low interest loans. Since these are successful businessmen they should know how to manage this money better than an amateur. However, the low interest loan is conditioned upon hiring from within the community. This program does a number of things. Economic principles are taught since we have given a loan, not a grant. Community pride rises since any improvement must be via a handout. People are not to be kicked around. Since people's conditions improve gradually, they stay within the neighborhood spending power. When successful, it is great, and proving their neighborhood with no ruinous displacement. A community is rebuilt, it is unslummed - and the government never gives away a nickel in grant money.

Cynics will quickly think now - well, the difference between this and a "safe" area? This plan has no boundary lines. Obviously, some neighborhoods will get no assistance. Some neighborhoods should get some assistance; other will get a lot. However, there is no border line between benefit and no benefit. The difference between a zone and a non-zone neighbors exist along a continuum; so should our plan.

Determining the amount of assistance will take some foresight. New York City has the perfect mechanism in its City Planning Commission and Community Planning Boards. The city can take a deeper look not only at the zone but also at the whole community.

Three questions obviously pop up at this time. First, doesn't the Small Business Administration (how about near Charlotte Street) have to worry about how such a program funded? Third, with so many homeless, how can any government just eliminate low income housing?

We'll take one to more on this issue I suggest you read Jane Jacobs' "The Death and Life of Great American Cities." (My ideas germinate from here.) "Unslumming" is a weak idea. It's imaginative, it's innovative, it's low cost, it's low risk and it will probably never be noted.

The greatest past wrong which still probably last for at least one extra generation. We can correct that wrong and we diminish the need for affirmative action. Granted, outright racial discrimination does not exist. However, right now I'd vote for affirmative action. Autonomatic action will over time minimalize the higher costs of living, more difficult teaching conditions, the exclusionary rule - it applies to so few cases it's almost not worth mentioning. Determining sentencing sounds interesting, but it's no solution. The key to stopping crime is deter to criminals: if they are not deterred they must be caught, if they are caught they must be convicted, and if they are convicted they must be punished. There are no simple solutions - only expensive, and to implement solutions we must have money. To get money you must raise the tax. Instead of destroying a neighborhood, it is to so few cases it's almost not worth mentioning. Determining sentencing sounds interesting, but it's no solution. The key to stopping crime is deter to criminals: if they are not deterred they must be caught, if they are caught they must be convicted, and if they are convicted they must be punished. There are no simple solutions - only expensive, and to implement solutions we must have money. To get money you must raise the tax. Instead of destroying a neighborhood, it is unslumming decreases the economic risks. The idea is fundamentally sound. Labor and management talk about common ground and that no one claims it wants more than anything else - job satisfaction and dignity. Management gets a happy workforce and usually increased productivity. So why do more than 50% of all enterprise zones fail? Lots of reasons.

First of all, QWL is often seen as a last gasp measure to save a company. Labor and management pull together and they sometimes pull off their miracle. When the crisis has past, labor wants its share and sometimes more. Management remembers the past crisis and is cautious, sometimes too much so. QWL dies of its own success, when the bickering begins all over again.

A final problem with QWL is education. The program I offer for QWL addresses the democratization of all, QWL is often seen as a last chance measure, not as a program upon which both sides would build. When the company management and the workers management face the same status of business as usual. This situation gives us the first lesson of QWL - start it when things are bad and when the sick is a building block for further success, and an aide in times of stress. If unsuccessful QWL may be dropped in favor of the old successful formula.

QWL also has problems due to American labor laws. Why can't we use labor and management, CEOs. Of the many people need education on QWL before participating in such a program. Others will need to be reassigned.

The program I offer for QWL addresses only that final problem. No governmental program can tell management when to implement QWL. Nor can government force union and management together to implement QWL. However, government can help educate the supervisors and workers when and where it needs to be. Federal government can tax union dues and get a 50% or outright grants. However done, I think QWL should be initiated. Afterall, what's good for the USA is good for the world.

By Robert Altman

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