SHOOTING SCALIA
A Critical Examination of the Supreme Court’s Contentious Conservative

by Hansen Alexander
Features Editor

If the guy next to you in a bar took a couple swigs of his beer and declared that nine people randomly selected from the Kansas City telephone directory could decide when life is worth living as well as the United States Supreme Court, you wouldn’t think it was such a big deal.

But this comment wasn’t made in a bar. It was made in Cruzan v. Director, Missouri Department of Health, by an Associate Justice of the Supreme Court, Antonin Scalia.

"Scalia’s lack of civility on the Court is disturbing,” said Dean Harry Wellington in a 1997 interview.

Scalia’s pugnacious discourse is a symptom of the larger breakdown of civility in Washington, which cannot be measured along ideological lines. For example, Scalia did not attend the public funeral of his colleague William Brennan, a liberal republican, at St. Matthews Cathedral in Washington last summer. The only member of the Court’s right wing who paid his respect to Brennan was Clarence Thomas. And the only conservative member of Congress among the 1,000 mourners was Senator Orrin Hatch of Utah.

Antonin Scalia’s demeaning sarcasm for many of the opinions expressed by his Supreme Court colleagues, however, is contrasted by a gregarious kindness for many other people with which he comes into contact.

John Merlino, a 3L from Staten Island, told of Scalia’s old fashioned kindness in answering a letter. In an era when letter writing has become all but extinct, Scalia, who maintains a hectic schedule of lecturing when he is not working on his cases, answered Merlino with a personal letter within two weeks.

David Weaver, another 3L, spoke of meeting Scalia at a cocktail party. Scalia put his arm around Weaver and told him he had enjoyed his visit to New York Law School in 1996, and looked forward to seeing the students here in the future.

Nadine Strossen, New York Law School professor and President of the American Civil Liberties Union, who is friendly with and appears frequently with Scalia on panel discussions and debates, said that while Scalia is very generous with his time speaking with law students and the public, he is fanatical in attempting to control what is written about him.

She gave as examples his angry response to a Fordham Law journal request to publish remarks he had made at the school and his visit to New York Law School in 1996, where his visit was contingent on his approval of the reporters who could cover the Moot Court competition in which he participated.

Scalia exhibits the traits of a European aristocrat: Kindness to his inferiors and contempt for colleagues with different opinions. There are mixed viewpoints on how well Scalia actually continued on page 10
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April/May 1998
Mr. Worth Street
NYLS Alumni John Marshall Harlan 1899 - 1971

by Bert Ross
Staff Editor

When the weather's not too gloomy and you're not dodging crazy bike messengers and suicidal cabbies, you may have noticed the green sign on the corner of Worth and Church proclaiming the street that runs in front of New York Law School as "Justice Harlan Way." Who was John Marshall Harlan?

Well, in addition to being an Associate Justice of the United States Supreme Court for sixteen years, he was also a member of New York Law School's graduating class of '24. Justice Harlan was known for his detailed reasoning, for his firm adherence to stare decisis, and for being a conservative voice on a Supreme Court embroiled in social change.

Take a look at him. His picture hangs in B building in the collage chronicling the first 100 years of New York Law School. His face, framed by several imposing legal tomes, is highlighted by the twinkling eyes of the man who was eulogized as having "good humor and gracious affection and kindly generosity; for sadness met without surrender, and weakness endured without defeat."

Born in Chicago on May 20, 1899, and named for his famous grandfather, John Marshall Harlan was from a long line of lawyerly stock. Before entry into New York Law School, Harlan joined the firm of Root, Clark, Buckner & Howland. Emory Buckner, a partner in the firm, suggested Harlan prepare for practice in New York with American training. Harlan enrolled in New York Law School in 1923 and completed the two year program in a single year. In 1925, after passing the New York Bar, Emory Buckner took him under his wing.

From 1925-1927, Buckner was United States Attorney for the Southern District of New York. He made Harlan the head of the Prohibition Unit. Although Buckner's work was mostly aimed at fraud, encounters with bootleggers by "Buckner's Boy Scouts", as they were dubbed by the press, got most of the publicity. The Boy Scouts embarked upon a program of padlocking high-profile Manhattan clubs and restaurants that served liquor. Harlan's main job while working with the Boy Scouts was to prepare cases and guide them through trial. His father was a lawyer, his great-grandfather was a lawyer, and his grandfather sat on the Supreme Court for 34 years.

Attending Princeton, John Marshall Harlan was class president and received good, but not spectacular grades. A Rhodes Scholar, Harlan received his basic legal training at Balliol College in Oxford. Among those convicted by the Boy Scouts were "Big Bill" Dwyer, a notorious Bootlegger, and the Mayor of New York.

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The Reporter welcomes submissions from all students, faculty, alumni, staff, and other members of the NYLS community. Authors of articles submitted to The Reporter are ultimately responsible for the veracity of any article submitted and accepted for publication.

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April/May 1998
Introducing English novelist
Graham Swift
by Daniel Oertel

You have been excited by the Spice Girls. You saw "The Full Monty." You have heard about the resurgent theatre in the West End.

These days not only London is swinging again—when it comes to music, dance, drama, and literature, the entire British Isles rule.

So does Graham Swift, England's most promising contemporary novelist. The 48-year-old has composed six novels to date—Waterland and Last Orders were bestsellers in Europe. Unfortunately, Swift has been more of a critical than old has composed six novels to date—Waterland and Last Orders were bestsellers in Europe. Fortunately, Swift has been more of a critical success than an old has composed six novels to date—Waterland and Last Orders were bestsellers in Europe. Fortunately, Swift has been more of a critical success than an old has composed six novels to date—Waterland and Last Orders were bestsellers in Europe. Fortunately, Swift has been more of a critical success than an old has composed six novels to date—Waterland and Last Orders were bestsellers in Europe.

Waterland the dark and complex history of a family set against public events spanning more than a century, it is World War II in Last Orders, or to be more precise: the North-African territory besieged by the Germans, where two of the main characters, Ray and Jack, meet.

Almost half a century later Ray and the three other guys are en route to Margate, carrying Jack's ashes along in a shoe box.

All the characters recall their past, their own history, and by that the reader gradually learns how their lives are linked together, how they all have their own bits and pieces of secrets and unfulfilled dreams.

What makes Graham Swift's latest novel unique and highly entertaining, besides the unpredictable plot and his refreshingly witty tone, are the different angles from which the story is told. Ray, the insurance clerk, does the lion's share of narrating, but besides that, all of his friends and also their wives and children narrate alternately.

By this the reader never has the chance to receive a coherent piece of information and a chronological storyline. The reader is compelled to keep the different information in the mind to integrate it at a later point of the novel. At the end of the book, on top of the mountain, so to speak, the reader will be able to put the story together like a jigsaw puzzle—which is an adventure and at times a quite challenging experience.

These structural aspects of Last Orders as well as the fact that it deals with a journey on which a dead person is taken somewhere, led an Australian literature professor to the notion that Mr. Swift's ideas were borrowed from a renowned southern modernist writer, William Faulkner. The academic didn't call it plagiarism, but rather a "close imitation" of Faulkner's I Lay Dying. Debate over debate ensued in the British press. The pros and cons were exchanged—with not much result.

Mr. Swift had the last word on the issue. He acknowledged that "the basic story is the same, how the living deal with the dead, but it's told very differently and such a story doesn't belong to Faulkner or to me. "It belongs to all of us."

Editor's note: Daniel Oertel is a literature student at Fordham University and at the University of Cologne, Germany.

April/May 1998
Who's Who at NYLS

by Lisa Miller
Staff Editor

As of March 27th I still had no luck getting an interview for my March 27th deadline. I was frantically running around the school with my tape recorder trying to get someone to talk to me. After calling Dave [Drossman] and telling him to cancel my column, I walked into the audio-visual control room which was overflowing with staff members and students watching a boxing video. One of the boxers was New York Law School’s own Dorothea Coleman of the Office of Information Technology. I immediately asked her for an interview and she declined. After pleading with her, Dorothea granted me the pleasure of an interview. And a pleasure it was. She is one of the most balanced, insightful persons I have met in law school. Following is a portion of our conversation:

Reporter How long have you worked at NYLS?

Coleman Officially, 7 1/2 years. I think the law school is a good environment.

R What are your interests outside of work?

C Outside of here my primary interest is my family. I have a three year old son and a husband. Oh! and the boxing thing.

R How long have you been boxing?

C Since July—I still have a lot to learn.

R You looked pretty professional on that tape. What was that anyway?

C That was 1998 Golden Gloves Semi-Finals. It was my first amateur bout and I made a lot of amateur mistakes, but I didn’t let it get me down. What I want to do is develop those mistakes into something positive. Next year I will win the Gold Gloves.

C At first I was pretty traumatized by being separated from the institution. I have always considered New York Law School an extension of my family. When we were released it was like being kicked out of the family. In the beginning I thought it would be bad for us, but that was selfish thinking.

R How do you feel about Collegis now?

C I feel pretty comfortable with them. There are a lot of potential opportunities for all of us (OIT) with Collegis. The direction they want to take the school is very good and many positive things have been accomplished since their arrival. They have greater things planned for NYLS in the future.

On that note, our conversation ended. I walked away from the interview with a new perspective on law school and life in general. Everything is a matter of perspective. Change is good and if you just have the willingness to get in the ring, you have won the hardest part of the fight.
The Republican Press and the Summer of '67

by Hansen Alexander
Features Editor

For the first time in its 130-year history, the Republican Party's presidential candidate did not receive the support of the majority of America's newspapers in 1996.

This historical fact of Republican dominance of America's editorial pages may go a long way to explain the vicious pounding that President Clinton has endured from the press, and the quick exit from the 1988 presidential campaign made by Senator Gary Hart after reports of his adultery were made public.

Even before the creation of the Republican Party, a Democratic President, Thomas Jefferson, was hammered by the Federalist press (ancestors of the Republicans) in the election of 1800 because of his alleged affair with a slave, Sally Hemmings. [Ed.- See Professor Gordon-Reed's book on that subject]

Since the creation of the modern day Republican Party, Democratic Presidents Grover Cleveland, Franklin Roosevelt, John F. Kennedy, Lyndon Johnson, and Bill Clinton have been maligned for their sex lives. Lincoln's visits to prostitutes and Eisenhower's life with his wartime mistress have been conveniently ignored.

The idea, by the way, often repeated on network talk shows, that Jack Kennedy's sexual exploits were unknown when he ran for president in 1960, is absolutely false. Rumors of Kennedy's sex life were in fact widely discussed during the '60 campaign.

One respected reporter, the late Henry Brandon of The Times of London, even went so far as to suggest that these rumors about Kennedy's affairs gave him a virile image and helped to elect him.

To be sure, Kenneth Starr's investigation is very serious indeed, as is the possibility that Clinton committed perjury by lying about a sexual relationship with Monica Lewinsky, although the probability of proving a sexual relationship between the President and Lewinsky seems to be growing more unlikely with each passing week.

Yet the harsh attacks, often based on the wildest, unfounded innuendos and rumors, go back to the 1992 presidential campaign, and even before. Arkansas gadfly Cliff Jacobson, who played a major role both in unveiling the Gennifer Flowers charges and encouraging Paula Jones, has waged a personal vendetta against Mr. Clinton for nearly a quarter of a century.

Republican partisans complained all winter that a Republican Presi-tenant in President Clinton's circumstances would have been forced from office, presumably by the press.

But is this so?

Let us contrast the way the press has treated the personal lives of recent Democratic and Republican presidential candidates.


On the Democratic side, Senator Kennedy's personal life, replete with detailed accounts of his adulteries and drinking, was a major campaign issue, Jimmy Carter's off the record comment to The New York Times during the election before, 1976, that he "had lusted in his heart," was widely discussed in the press, even though this former Naval Academy Midshipman and Baptist Sunday School teacher had never done anything more controversial in his life than grow peanuts.

On the Republican side, Ronald Reagan offered enough controversy in his personal life to feed the frenzy of American gossip columnists. Here was a former movie star whose sexual exploits were not a secret in Hollywood, who was a divorced politician (divorce was considered a serious political liability until recent times), who had proposed marriage to his wife on the same night his marriage proposal to another woman was rejected, whose bride was three months pregnant and who had a sexual reputation of her own in Hollywood, and who had weathered the biggest homosexual scandal in American political history when eight male assistants resigned after reports of a weekend orgy during the summer of 1967 while he was Governor of California.

Not a word of any of these facts was uttered by the American press during the 1980 campaign. Nor did any reports of the Reagans' exotic past filter into the 1984 campaign. Only after Reagan's re-election in 1984 did the report surface about an alleged White House tryst between the First Lady and Frank Sinatra.

Senator Gary Hart's biggest mistake was not cavorting with Donna Rice in 1988, but rather living with a Washington Post editor before 1988 when Hart and the editor were going through separations from their wives. For it was the Post report, written by the editor/roommate, revealing other relationships by Senator Hart in the separation period, that forced Hart out of the race, not the Donna Rice scandal.

Governor Bill Clinton was greeted in the 1992 snows of New Hampshire by charges that he had carried on a continuous and systematic 12-year affair with Gennifer Flowers. The press was not greatly impressed by the fact that Flowers had testified under oath in a 1989 lawsuit that she had never been sexually involved with Clinton or by the fact that Flowers had lived for eight of the 12 years in California, (as a nondomiciliary of Arkansas), far away from Little Rock.

To its credit, the press did get all over Flowers when her tape

continued on page 7
recordings of conversations with Clinton proved to be doctored.

But the doctored tapes did not spare the Arkansas Governor the weekly “character” evaluation by network correspondents or prevent the circulation of increasingly lurid stories of Hillary Rodham Clinton engaging in wild lesbian affairs.

The spirits of the Clinton campaign were nevertheless lifted one week before the 1992 election when Barron’s reported that an SEC investigation into possible illegalities in Mexico of George Bush’s company, Zapata Oil, was abruptly stopped when Bush became Vice President, because the files were mysteriously destroyed.

The reaction to the Barron’s story, however, was as if somebody had passed gas in church. The establishment press simply would not touch the story. Clinton must have known at this moment that, if elected, he was in for a rough presidency.

In 1996 the Republicans offered a ticket where both candidates had controversial pasts. Senator Bob Dole had committed adultery. Jack Kemp had been named as a participant in the California homosexual scandal of ’67 by some of the Reagan aides who had resigned. Kemp, at the end of his professional football career with the Buffalo Bills at the time, was a volunteer Reagan aide in off season.

Conservative New York Times columnist William Safire had dared the Democrats (or his fellow members of the press for that matter) to mention the rumors about Kemp’s participation in the homosexual orgy. No one accepted his dare. The Washington Post, on the other hand, was ready to publish its story about Senator Dole’s adultery.

The Post, an arguably liberal paper with a close relationship with President Johnson, but which had feuded endlessly with Jimmy Carter and which had demonstrated no reluctance in putting an end to Senator Gary Hart’s career, or in reporting every rumor about the Clintons, agonized over whether to run the story on Dole’s adultery.

With only one week to go in the 1996 campaign and rationalizing that a story about Dole’s adultery would not really matter in the campaign with Clinton so far ahead in the polls, the Post decided not to publish the story.

In the context of the continued coverage of Clinton’s sex life, it is hard to justify the Post decision not to publish an account of Dole’s adultery, or even allude to the rumors about Jack Kemp’s alleged foibles in the summer of ’67.

Editor’s Note: Hansen Alexander, a Democrat, worked for President Clinton in the 1992 campaign and served as a scheduler for the president’s family during the 1993 inaugural.
I was sitting on a bar stool in a local pub the other day sipping a Half n' Half when I overheard a conversation between two cheesy young wannabe Manhattanites with Rachel from Friends old haircuts. Over their trendy blue cocktails, they were discussing the one woman's doctor boyfriend while bad-mouthing the former lawyer boyfriend. The one with the doctor boyfriend was grinning from ear to ear and this forced me to ponder the public's perception of the medical and legal professions.

For all of you who feel socially inferior to doctors listen up. Doctors are just like auto mechanics, both necessary for human existence and not dissimilar. The human body is like a car. All you have to do is study where everything is and when something breaks, replace it, fix it, or remove it. Prescribing medicine isn't rocket science either (we're all inferior to rocket scientists). It is like determining what kind of oil to use in winter.

Lawyers, on the other hand, control the interactions of people. Humans are social beings, and the more we interact with one another, the more trouble we get ourselves into. Lawyers are there to straighten things out, give advice, and take precautions, so we stay out of trouble in the future. Lawyers help when we kill each other and when we buy things from each other. The law is the backbone of a civil society, and the most noble participants are the lawyers who dedicate their lives to studying, arguing, and interpreting that law. Our Founding Fathers were all lawyers, yet how many 18th Century doctors can you name?

Lawyers have to think analytically, while doctors only memorize and practice. Lawyers can be creative, while doctors are stifled and limited by what they can do with their imagination. Doctors and lawyers both save lives, yet doctors get all the glory. I don't know why this is the case, because Law & Order, The Practice, and Ally McBeal are just as popular as E.R. and Chicago Hope. Not every doctor is a world renowned life saving brain surgeon, yet there are no really good doctor jokes. There is an upside and a downside to both professions, but you rarely hear the adjectives "sleazy" or "dirtbag" attached to a doctor. Even, Lionel Hutz, Esq. seems more believable than Dr. Nick Riviera. [Ed.- Both are characters on the cartoon The Simpsons]

Our ambulance chasers are equivalent to their plastic surgeons. Real estate law seems just as boring as podiatry. Our tax lawyers are similar in scope to their proctologists. We have Johnnie Cochran and they have Jack Kevorkian.

Maybe I'm just jealous because nobody is going to take their clothes off in my office. There are no sexual implications to being a lawyer as a kid. The moral of the story is to take pride in what you are embarking upon because in the end if either of us [lawyers or doctors] gets into trouble we need each other. We have to co-exist peacefully, yet start making up some doctor jokes and mention the mechanic thing to the grinning bimbo in bars.

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ally gets along with his colleagues. Professor Strossen, a liberal civil libertarian who shares the conservative Scalia’s passion for the opera, classical music, and good wine, sees Scalia’s relationship with the rest of the Court quite benignly. Others detect a particularly icy distance between Scalia and fellow conservatives Sandra Day O’Connor (whose opinions Scalia has harshly attacked in many cases), David Souter, and Anthony Kennedy.

Justice Scalia believes that law should be narrowly defined and rule-based, a liberal idea of the Enlightenment period in 17th and 18th century Europe, in the view of political philosopher Richard Brishin, author of the recently published book, Justice Antonin Scalia and the Conservative Revival.

Like a chef who adores his own cooking, Scalia is a lawyer who greatly admires his own opinions. His superiority complex is woven through his opinions. He taunts the logical or legal inconsistencies of his colleagues with relish and amusement. Although NYLS professors cringe when they hear the idea, Scalia exhibits all the attributes of a sophist, the ancient teachers of philosophy and rhetoric who were skilled in clever and sometimes fallacious reasoning.

Scalia also shows a disturbing tendency to play fast and loose with statistics. During his 1996 Moot Court appearance here, Scalia stubbornly refused to acknowledge his incorrect assertion on the number of states holding suicide to be an indictable crime when confronted with the actual numbers by Professor Strossen and 3L Lisa Ferlazzo, a student who argued for assisted suicide in the competition.

In his impassioned dissent in Romer v. Evans, the Supreme Court’s most far-reaching recognition of homosexual rights, Scalia cited a 1992 New York Times poll regarding the number of homosexuals in the United States. Not only did the poll absurdly underestimate the percentage of gays in the populace, but more importantly, the accuracy of the poll had been immediately and explicitly discounted by the polling organization the very day it was published.

But much of the time Scalia is just plain insulting. Since many of the insults have been edited out of the Constitutional Law textbooks, Scalia’s opinions appear much milder and more reasonable in tone than they really are.

A flavor of Scalia’s contentious comments about his liberal colleague William Brennan appeared in a footnote in Burnham v. Superior Court of California (where the Court allowed California to serve a visiting, nondomiciliary husband in a divorce proceeding), when Scalia wrote, “The cases cited by Justice Brennan . . . do not remotely support his point.”

An unhappy observer of gains made by American women in the last generation, Scalia offered this bitter dissent in United States v. Virginia, as the Supreme Court struck down single-sex education at Virginia Military Institute, “The Court today . . . relies on a series of contentions that are irrelevant or erroneous as a matter of law.”

When the Court incorrectly referred to “the Charlottesville campus” of the University of Virginia, where Scalia began his teaching career, he could not resist this condescending dig: “The Court, unfamiliar with the Commonwealth’s policy of diverse and independent institutions, and in any event careless of state and local traditions, must be forgiven by Virginians.”

Scalia’s loose tongue has provided liberal writers with their most enjoyable target since Dan Quayle. If one of them has not taken a shot at Scalia today it is probably only because he hasn’t gotten up yet.

Like a chef who adores his own cooking, Scalia is a lawyer who greatly admires his own opinions. His superiority complex is woven through his opinions. He taunts the logical or legal inconsistencies of his colleagues with relish and amusement.

Hero to a generation of conservatives who currently maintain a Web Site on the Internet to praise him, Scalia was born in 1936 in Trenton, New Jersey. His mother was a schoolteacher in a school with a Latin motto, “Amor vincit omnia.” His father became a professor of Romance Languages at Brooklyn College. His uncle, a district attorney, was active in local Democratic politics.

Scalia, unlike his uncle, would be active in Republican politics, and not just Republican politics, but conservative Republican politics.

Scalia’s conservatism and reverence for literal meanings have been variously attributed to the influence of his father’s work with linguistic texts, the influence of pre-Vatican II Catholic teachings in his childhood, and the influence of conservative political theorists he met at Harvard Law School.

Scalia’s nostalgia for the past in unspeakable. “We indeed live in a vulgar age,” he wrote in 1992. Like his conservative Supreme Court colleague, Chief Justice William Rehnquist, Scalia’s judicial decisions are less a result of philosophical conservatism than a reaction against the civil liberties-minded Warren Court.

In a sense, Scalia was groomed like a thoroughbred race horse to take a conservative seat on the Supreme Court. Graduating first in his class at Saint Francis Xavier Military Academy in New York City and Georgetown University in Washington, D.C., he was note editor of the law review at Harvard.

After six years at Cleveland’s largest firm, Jones, Day, Cockley & Reavis, representing major corporate clients such as General Motors, Westinghouse, and Sherwin-Williams, Scalia joined the faculty at the University of Virginia Law School in 1967, teaching contracts, commercial law, and comparative law.

In 1971 he took a leave of absence to join the Nixon Administration, an administration firmly committed to rolling back the liberal political and legal developments that had taken hold in the United States since the Great Depression. He became general counsel in the Office of Telecommunications Policy at the White House.

In 1974, Scalia was named Assistant Attorney General at the Department of Justice, in charge of the Office of Legal Counsel, drafting opinions for Attorney General Edward Levi. After the election of Jimmy Carter in 1976, Scalia joined the American Enterprise Institute, an ultra-right-wing think tank.

From 1977 through 1982, Scalia wrote mostly political articles, as he went from American Heritage to Chicago and Stanford, two law schools known for their conservative political bent. Scalia’s articles, says Richard Brishin, advocated that government should not interfere in private sector choices about human relations, employment, and the education of children.

In 1982, President Reagan nominated Scalia to the U.S. Court of Appeals for the District of Columbia Circuit. Scalia was nominated to the Supreme Court in the summer of 1986 and was confirmed by the Senate 99-0. Scalia is the first bearded Justice since Charles Evans Hughes, former NYLS professor, and Chief Justice from 1919-1934.

Since joining the Supreme Court in 1986, Scalia has been known for his well-written, intellectually stimulating, conservative, biting opinions, particularly his caustic attacks on abortion, homosexual rights, the right of doctors to hasten the death of critically ill patients, and criminal defendants.

An opera fan, Scalia’s opinions are laced with melodramatic metaphors. When the Court held that a prayer at a high school graduation was unconstitutional, Lee v. Weisman, 505 U.S. 577, Scalia wrote, “As its instrument of destruction, the bulldozer of its social engineering, the Court invents a boundless, and boundlessly manipulable, test of psychological coercion.”

And commenting on a case in which the Court invali­dated a holiday nativity display, County of Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter, 492 U.S. 573, Scalia said, “I find it a sufficient embarrassment that our Establishment Clause jurisprudence regarding holiday displays...has come to ‘requir[e] scrutiny more commonly associated with interior decorators than with the judiciary.”

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A FAREWELL TO HARMS

by Hansen Alexander and David Drossman
Retiring Staff

The deathly breakfast sat coldly in the mourning cafeteria in those days.
It was the turn of the century.
It was long ago.
The classes tended to put you to sleep and you survived honestly and bravely and with great courage with either the outlines you bought at great expense in the bookstore or the ones you conned out of your friends with vague promises of future favors, but you were young and vigorous and ate many pizzas and drank many expensive beers at neighborhood bars and were often revived from your boredom and hangovers by the loud talking in every nook and cranny of Mendik Library.

In between the commuting to and from the noncampus and the endless flyers to join this or that, or to pay money to sign up for this or that, which would raise your grade to an A, money back guaranteed, you once in a while found time to actually study the rules of law.

Once you practiced in the real world you came to the disturbing realization that you could quickly forget the rules of law since they were all listed accurately and truly and in good taste anyway on Lexis and Westlaw and those thick volumes gathered dust in your office. What you kept on your bookshelves in those post El-Nino years were old clippings of writing contests in Alabama and scholarships for Minnesota residents.

What really amazed you as the years went by was that nobody ever got impeached in those controversial turn-of-the-century days, either at the White House or in the Office of Academic Affairs.

It's true that despite your grace under pressure in the courtroom, not to mention at your in-laws, you still had nightmares of the humiliation of searching for your grades with all your friends standing around next to you, of your printer breaking down the night before major writing assignments were due, of trying to make an appointment with a professor, of realizing a semester too late that it's not the cases you're really reading but the rules.

You kissed a lot of ass in those days, it was the thing to do and showed respect for authority and demonstrated good networking skills. But then you looked back on it and wondered whether that had been your downfall in life, or whether the downfall had resulted from an incomprehensible system that required you to be at school from 9 to 9 in order to meet some requirement that you had to have so many classes on so many consecutive days before 6 p.m. or after 6 p.m. or not on Saturday or Sunday.

Like the doctor who took the cowardly way out and committed suicide, our courage did not always manifest itself in line with the statute of limitations, and we watched without protest as professor "A" advertised a state of sexual availability in class, as professor "B" used an advisory position to improve dating prospects, and the bullshit all hit the fan on Saturday night at Blackacre.

But alas, that attempt was foiled by a short-sighted administration concerned only about keeping their jobs and not improving the school (They all lost their jobs in the year 2001 in the "great purge" of NYLS administrators for their consistent and repeated failure to address student concerns such as computerized grading and phone-in registration—that was just before the Chinese war).

The computers broke down. The professors talked too fast. The alumni were even more pissed off about the school than we were. Truly. And it was all a long time ago.

You used a lot of people in those days to get ahead. Unfortunately, as the years went by your troubles mounted and this simple method of solving problems failed miserably. Worse, the people you used seemed to come back into your life at the worst possible time, like Hamlet's ghost. And Jim Crow's ghost walked the basement corridor.

But positive changes had occurred over the years, too. The school newspaper, sometimes deficient with typos in the old days, had become typo-free and hence much more prestigious, if not more entertaining, when the school required its editing to be conducted by a committee of law review editors, retired deans, and federal judges.

I remember that this was a welcome change from the hard-line repressive anti-student position that the NYLS administration took during those years. Back in the 1990s, I recall that an attempt was made to increase alumni awareness and participation in school activities and to create stronger bonds with alumni and students by sending the newspaper to alumni via mail service. [Back then we still had a mail system whereby documents written on paper were actually delivered by hand to the recipients]

Yes, the eggs went cold. The classrooms reeked of too much heat or too much cold. The grading resembled an Atlantic City crap game on a rainy afternoon in May. The professors talked too fast. The alumni were even more pissed off about the school than we were. Truly. And it was all a long time ago.
Edgewater, New Jersey, who was convicted of facilitating the landing of liquor on New Jersey shores.

Of the high profile cases on which he worked, perhaps none was as showy as the prosecution of Earl Carroll. Carroll, a Broadway producer, organized what was described as an "all night bacchanalian orgy." The party featured two jazz bands, tables loaded with food, and several vats filled with "iced liquid."

The evening's true highlight came at 4:00 a.m., when gentlemen in attendance were invited to fill their glasses from a tub—possibly filled with champagne—but definitely filled with the naked Miss Joyce Hawley who was nicknamed "the bathtub Venus" at Carroll's trial.

Carroll vehemently denied any wrongdoing in front of two grand juries. He claimed that there was no alcohol in the tub and, furthermore, there was no naked lady bathing therein. Because his testimony was refuted, Carroll was subsequently charged with perjury.

At trial, Harlan was unable to positively prove that the liquid in the bathtub was alcoholic in nature. The certainty of prosecution thus hinged on the testimony of the "bathtub Venus" and her testimony that she was indeed naked in the tub. Harlan faced the further problem that Miss Hawley was not an entirely credible witness. Her employer card at the theater listed her as a "D.D."—or Dumb Dora. A "D.D." could neither sing nor dance, but still qualified as a "showgirl."

However disreputable the tag of "showgirl" was to a blushing ingenue in the 1920s, this was not Miss Hawley's main problem with credibility. Harlan was confronted, on the eve of her appearance at trial, with the fact that after initially giving her name as "Joyce Hawley" and her age as 21, she claimed that her name was actually Teresa Daugelos, and that she was only seventeen. After some quick work, Harlan was able to secure an copy of the "bathtub Venus" birth certificate proving that she was, in fact, the seventeen year old Miss Daugelos. The resolution of the trial was, at best, a only a partial success. Harlan was unable to prove the liquor charges against Carroll, but Buckner's Boy Scouts won conviction when the jury found that the producer lied to the Grand Jury not once, but twice, about the "bathtub Venus."

John Marshall Harlan's life as a public servant was put on hold when Emory Buckner finished his term as United States Attorney. In 1928, John Marshall Harlan married Ethel Andrews, and together they had a daughter, Eve. He continued with the firm of Root, Clark, Buckner & Howland, and his reputation in the legal community steadily increased.

In 1941, Emory Buckner died, and Harlan became the chief trial lawyer for Root, Clark, Buckner & Howland. In this capacity, he continued to distinguish himself as a litigator. Harlan's practice was one of unusual range and complexity. He represented famous clients including former heavyweight boxing champion Gene Tunney, and the eccentric Miss Ella Wendel, whose extensive fortune was the subject of a multi-million dollar lawsuit.

On a court embroiled in rapid social and political change, he was a restraining force; a conservative conscience to a highly active Court.

At trial, Harlan was unable to positively prove that the liquid in the bathtub was alcoholic in nature. The certainty of prosecution thus hinged on the testimony of the "bathtub Venus" and her testimony that she was indeed naked in the tub.

-set out the objections best: "Judge Harlan... has been on the National Advisory Council of the Atlantic Union since 1952. The Atlantic Union is dedicated to the abolition of the United States... because [it] is to formulate and weld a single nation out of the British community and the United States."

The Atlantic Union had, as one of its tenets, the aim of transferring some powers of the National government to the Union government. This naturally caused great consternation to the Judiciary Committee. It did not want to nominate a man to the post of a Supreme Court Justice who could potentially destroy America! Harlan made it clear to the committee that he joined the Atlantic Union without full knowledge of its aims, and specifically rejected them.

When the roll was finally called on March 17, 1955, Harlan was confirmed 71 to 11 with 14 Senators not voting. John Marshall Harlan formally took his seat as Associate Justice of the Supreme Court on March 28, 1955.

During his sixteen year tenure on the Court, Justice John Marshall Harlan had, much as his famous grandfather, the reputation of a "great dissenter."

On a court embroiled in rapid social and political change, he was a restraining force; a conservative conscience to a highly active Court. In addition to his firm adherence to stare decisis, Justice Harlan held the conservative view of the Supreme Court's role in the federal system. His theory of federalism could be viewed as rooted in a skeptical view of the ability of courts to preserve a free society, or even to do much that is useful in this respect. As he once stated himself: "the men who wrote the Constitution recognized with unmatched political wisdom, that true liberty can rise no higher or be make more secure than the spirit of a people to achieve and maintain it."

Justice Harlan's tenure on the bench was a testament to the precision and detail he brought to his entire legal career. His analytical and judgmental powers were at their peak as he neared the end of his term 1971. In Cohen v. California, a petitioner was convicted of "maliciously and willfully disturbing the peace" by appearing in the Los Angeles County Courthouse with a jacket with the words "Fuck the Draft" on it. Harlan's opinion, reversing the lower court, said: "The Constitutional right of free expression is powerful medicine in a society as diverse and populous as ours. It is designed and intended to remove governmental restraints from the arena of public discussion, putting the decision as to what views shall be voided largely into the hands of each of us, in the hope that use of such freedom will ultimately..."
humming

by catboy
e.s.e.

puerto rico

so here i am in puerto rico with a drama student, a masseuse, a graphic
designer, a stripper, two grrrls from arizona, a grrrl from ohio, and a guy
named larry who’s trying to start his own business. the stripper has a
teddy bear made out of mink, and when i hold it, it scares me. the masseuse
has been drinking, so she’s talking about spirituality and religion. one of
the grrrls from arizona is in love, so she gets on the phone with her boy­
friend and is done for the night. i have a cross-cultural conversation about
fashion with the other arizona grrrl, and the ohio grrrl tells me
that the graphic designer is just her friend. “he’s really just a
friend.”

we go to a bar called dave’s living room. char lie’s an­
gels and eric estrada posters are on the wall. the jukebox has
kool & the gang, barry white, etc. you get three plays for a
quarter and four drinks for seven dollars.

i buy three large colorful balls covered with stars. i
give one to the stripper and one to the grrrl from ohio. i bounce
my ball while i dance, and i play double catch with the ohio
grrrl as well. i stop thinking. i think. people on vacation just
weird my out.

ny

i eat an entire chocolate bar be­
fore getting on the subway, and i
have nothing to drink to wash it
down.

romance

i don’t see this grrrl for five years,
and then one night she stops by
for a visit. after we hang out for
a few hours, she
says: “i only came
to see you to ex­
amine how i was five years ago.”

“yes,” i say, “but i’ve changed and evolved like a normal
human being.”

“yeah,” she responds, “that makes things more complicated.”

party

tamari throws a party at the sound factory one night. i attend, and mr.
haskell accompanies me. although only i am on “the list,” i tell the door­

he asks, “can i lick your asshole?” “no,”
i tell him. i’m not sure what to do.
should i yell? should i get up and switch
cars (i am really tired)? does he have
any weapons with him? since i’m suf­
ciently disturbed by the comment, i
start wearing headphones. the head­
phones are large. they tune out the
noise, the people, and the reality. i’m
in my own movie with my
own soundtrack. i don’t
look at anyone and i don’t
hear anyone. i take the
headphones off, but i still
hear the music.

Mr. Worth Street, continued from page 12

mately produce a more capable citizenry and more perfect polity...”

His health failing and nearly blind, Justice Harlan ended his career
on the Bench while in George Washington University Hospital. Diag­
nosed with cancer of the spine and hospitalized since mid-August, Justice
Harlan wrote President Nixon September 24rd, 1971, informing him of
his immediate resignation.

Through the last two months of his life, Justice Harlan was in great
pain and paralyzed on one side of his body. But through it all he remained
mentally active and keenly interested in the Court and the nominations
then underway. Finally, wracked with pain and barely able to communi­
cate with those around him, John Marshall Harlan died on December 29,
1971, at the age of 72.

REFERENCES:
John Marshall Harlan: Great Dissenter of the Warren Court. Tinsley E.

The Justices of the United States Supreme Court: Their Lives and Major
Opinions, Vol. IV. Leon Friedman & Frank L. Israel, Ed. Chelsea House
The Supreme Court of the United States Nominations: Hearings and
Reports of Successful and Unsuccessful Nominations of Supreme Court
Justices by the Senate Judiciary Committee 1916-1975, Vol. 6. Compiled
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The Reporter
Wishes Everyone a happy & Healthy Summer

April/May 1998
Spice World

by catboy

e.s.e.

Any movie about rock and roll is cool, and any movie with five female protagonists is revolutionary. *Spice World* "cartoonizes" the Spice Grrrls, satirizes their "world," and challenges pretentiousness. The film mocks the music industry, critics, politics, society, artists, and art. It encourages its viewers to take nothing on face-value and to lighten-up. Moreover, *Spice World* pokes fun at the Spice Grrrls themselves and the hype surrounding them.

*Spice World* is made for children, but like Sesame Street, adults may appreciate the film on a whole other level. For example, the caricatures of the Spice Grrrls' manager, road crew, etc. are right on point. Furthermore, the film is extremely colorful and quite tacky. It's a fun movie overall.

The Spice Grrrls are a revolutionary, new and improved, and more-fun version of the Beatles: They may not be "politically correct" per se, but they are a definitely a step beyond Celine-"I'm everything I am because you loved me"-Dion. The Spice Grrrls do whatever they want, and they are more entertaining and creative than the generic cock-rock which gets repetitive air-play on American radio these days. Moreover, anything that makes little grrrls say, "grrrl-power!!," is a good thing.

Put your daughters and sons in touch with grrrl-power. Let children know that they can grow up to be whatever they want to be. And unless you're intent on growing old, you should see this movie too, and laugh.

By the way, Spice Grrrl lollipops come in excellent packaging and look really cool. My friend Pam told me that the lollipops taste very good too.

April/May 1998
by Bob Ward
Audio-Visual Manager

sang out Eve (second year student, Bianca Soprano) at the fourth historical-fictional, and now, biblical mock trial.

But singing and dancing like Fiona Apple was not all Eve did. She opened the question surrounding the oldest alleged crime in history:

The first crime, for which no trial was ever conducted; for which a woman was given the law second-hand (from Adam) and was punished for all eternity, including all of her offspring (us), and, as an extra whammy, all women would have pain in child birth. Was this fair?

The prosecution thought so, consisting of fourth year evening student Leah Wigren, second year Baruch Cohen, Heather Keane '97, and I. Brice Moses '93. Together, they mounted an attack that was straightforward:

"She knew the rules - she disobeyed."

The defense, consisting of third year Aliaa Abdelrahman, third year Yvens Nelson, second year David Spiegelman, and Arnold Levine '93, said, "Hey wait, God didn't tell her directly, and how culpable was she before eating of the Tree of Knowledge?"

To decide, the jury, consisting of the audience, listened to some pretty impressive witnesses, Arc Angel Michael (Raafat Toss '95), who threw them out as an author might do when presented with their book. But then she got serious, taking the oath of truth and began giving testimony as to how Adam and Eve both knew it was wrong to disobey. Testimony turned to highly charged verbal wrestling however, on cross examination, as defense counsel (adjunct professor and alumni, Arnold Levine '93) brought up questions of who exactly did God tell about the tree: "You didn't tell Eve directly?" To which God responded, "Adam and Eve are of the same flesh - telling Adam was telling Eve."

The question of mental competence also arose: How could they know right from wrong prior to eating of the Tree of Knowledge of Good and Bad? God's opinion was that obedience is following orders and commands, not intelligence or knowledge. Both prosecution and defense brought in psychiatrists to testify. Defense's Psychiatrist (second year Drew Sfouggatakis) said Eve was like an innocent child prior to eating of the tree and could not be held responsible, but prosecution psychiatrist (third year Corinne Robinson) disagreed and even gave some indication that the Tree of Knowledge actually gave sexual knowledge, because they already had to have some rudimentary knowledge in order to survive.

As far as the second charge of solicitation and enticing Adam to eat and thereby commit the same crime committed by some other women, the question was raised of whether Adam was misled by a woman. Although he sang "When a man loves a woman," it became impossible for the prosecution to separate these two for the jury and lay all the blame on Eve.

The prosecution's star witness, God, entered. When presented with a Bible for sworn testimony, the question was raised of whether Adam the type of man to be misled by a woman. Although he sang "When a man loves a woman," it became impossible for the prosecution to separate these two for the jury and lay all the blame on Eve.

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THE RIVEN

Anonymous

It 'twas a dark and dreary Monday
With endless classes stretching out before;
Torts and contracts and civ. procedure
Made me fearful, Evermore.

I hiked my books up flights of stairs
trudging up to the fifth floor.
I knew I would not last an hour
My need for sleep was Evermore.

I set my books upon the table
And thought sweet thoughts of dear Lenore.
She was safe, asleep in Brooklyn,
And need not waken on that distant shore.

The classroom filled up, and I pondered
"what's the chance that I'd be called on?"
It had not happened in days before.
I decided I would take my chances
And get some sleep there, Evermore.

The Prof' then entered and the lecture started
On some minutiae, what a bore!
As cables were removed, folded, and packed;
I grimly watched, my jaw clenched tightly
To wait for sleep... Evermore.

My eyes did flutter in exhaustion
My brain sought rest right then for sure.
I placed my head upon the desktop
To wait for sleep... Evermore.

My synapses did shut down lightly
As I drifted off to some forgotten shore;
With dreams of glorious Tahitian sunsets
And Margaritas... Evermore.

But then my nap was interrupted
By some small thing not there before...
It was a light insistent rapping;
Rapping, tapping, Evermore.

I raised my head to find the source
Of this sharp noise so direct and pure...

But I could not tell from whence the rapping,
Tapping came from... Evermore.

I thought, at first, it might be some late student
Gaining entry by the classroom door,
But through the window I saw no-one rapping,
No-one trying to seek the floor.

My brain was heated, it made me crazy
To hear this tapping more and more.
I thought of black birds lightly pecking
On my hollowed skull, Evermore!

Was I asleep and did not know it,
Still close at hand to sweet Lenore?
I did not think so... I rode the "R" train
with its endless stopping... Evermore!

No, I was awake and not now napping
This incessant sound invaded my very pore!
It made me anxious, tense and nervous
And cut me to my very core!

From where did this sound so confounding
Over my frayed nerves so harshly pour?
Was it in the walls, or on the ceiling,
Or some small thing forgotten on the floor?

I surveyed my classmates with furrowed brow;
Had their hearing become so dulled and poor
That they could not hear this rapping, tapping
This aural madness... Evermore?

Then, a question from a student.
The tapping stopped.
The silence was so clear and restful
Perhaps the noise would return Nevermore.

From where did this sound so confounding
Over my frayed nerves so harshly pour?
Was it in the walls, or on the ceiling,
Or some small thing forgotten on the floor?

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Then, a question from a student.
The tapping stopped.
The silence was so clear and restful
Perhaps the noise would return Nevermore.

My mind relaxed. Yes, I would make it.
Once again to see my sweet Lenore.
I would take the "R" train back to Brooklyn,
My tired spirits began to soar.

But then the Prof. talked on and the tapping
Started in faster than before!
The nightmarish clicking, clacking was more in-
sistent,
It had become a deafening roar!

My wild eyes they sought the clock;
Only five minutes to go 'til four.
If I could last those few slim seconds
I would be free... Evermore.

Then, before my fevered brain snapped,
I discovered the source of this mental sore;
It was a LAPTOP madly clacking
With fingers flashing Evermore!!

A keyboard pacing with the lecture
Transcribing every nuance from the fore;
This noisesome clicking, pecking, ticking
Was what I had been hearing Evermore.

My mind cried out "please stop that noise;
Get pen and paper at the store!
Write your notes in blessed silence
As students did in days of Yore!!

"This laptop clacking is so distracting
Just leave the classroom I do implore;
And take your cursed laptop with you... mar not my studies Evermore!!"

Yet I did not cry out, and the lecture ended.
The tapping ceased and it was quiet as before.
I grimly watched, my jaw clenched tightly
As cables were removed, folded, and packed;
Man, what a chore.

What can I do? Clicking keys are here to stay;
Handwritten notes are part of ancient lore.
How can I cope with this new distraction
And soothe my soul... Evermore?

Well, to keep my brain from fever,
I scour the classifieds with my sweet Lenore;
It's a clicking laptop I now seek
To take my notes on... Evermore.

Adam & Eve, continued from page 16

Adam, also from dirt,
(some say from lesser valued dirt) and for this reason, God used a piece of Adam (his rib) to create Eve, so the "cloning" wouldn't be rejected.

For the defense, Satan came to give his input to the problem. "This is all a big misunderstanding." As for who he is, he said, "I'm a friend to mankind, I'm there to help him, I'm that little voice that helps you do what you want to do, to get past the guilt and have fun.

In the end after all the testimony, singing and dancing, the jury found Eve Not Guilty of either count with votes of 9 to 16.

Adam & Eve, continued from page 16

"This laptop clacking is so distracting
Just leave the classroom I do implore;
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April/May 1998
Despite his self-promoting theory of jurisprudence called textualism, which has been analyzed extensively by legal scholars and which will be discussed in this article, Scalia's biggest influence on the Court may be in the area of burden shifting.

Scalia, like Rehnquist, realized quickly that the surest method of undoing the Warren Court's civil liberties legacy was to simply shift the burdens around. Their burden shifting has succeeded most famously in the areas of remedial arbitrary searches and seizures of Boston homes.

Scalia's Supreme Court opinions, seemingly so rule based, are written in effect to mask the political nature of his jurisprudence. That might explain some of the contradictions in Scalia's opinions, such as his "liberal" sympathy for free speech and his vigorous advocacy of a defendant's Sixth Amendment right to face his accusers, while he is generally antagonistic to people arguing for individual liberties.

Professor Strossen and others, however, think that Scalia's sympathy for free speech merely indicates that he is a Darwinian, and believes speech is like the toughest animal in the jungle: The fittest speech will survive.

Scalia is almost taunting, if not chilling, when he dismisses those who wage battles for civil liberties, "...for individual rights disfavored by the majority, I think there are hard times ahead," he wrote in his book, A Matter of Interpretation.

Scalia's desire for rule-based law may be a way to distance himself from the emotional guilt or pain one would ordinarily feel for people who have been injured when denied their constitutional rights. "Justice Scalia has no real sympathy or acceptance of real world problems," says Professor Strossen.

For Scalia, the death penalty is merely "a bloodless imposition of physical violence," writes Richard Brisbin. Scalia's desire to appear rule-based, objective, non-legislative, compelled him to invent his own theory of deciding cases. The theory is called textualism.

The theory of textualism, as expounded by Scalia, means a justice decides a constitutional case by first examining the words of the U.S. Constitution in the context of the issue under discussion. To Scalia, the context includes historical criteria. Historical criteria includes both English and American Common Law, treatises, articles, constitutional records such as the Federalist Papers and accounts of the Constitutional Convention of 1787. Scalia generally uses these historical sources because they are more likely to support his conservative views and reinforce his opposition to changes in a modern world.

More recent historical traditions, such as records of congressional debates or committee hearings, are usually resisted by Scalia because their very newness demonstrates, quite often, a break with tradition, or an expanded role for government that Scalia opposes on principle.

Reflecting the Anglophile prejudices of American conservatives, Scalia's historical criteria does not distinguish between English Common Law rights accepted by the Constitution's framers and rights created in opposition to the traumatic British occupation of the Colonies, such as parts of the Fourth and Fifth Amendments, written with the haunting memory of the arbitrary searches and seizures of Boston homes.

Scalia's textualism therefore ignores the Revolutionary War and, as Justice William Brennan suggested in a Michael H. v. Gerald D. dissent, "acts as though English treatises and the American Law Reports always have provided the sole source of our constitutional principles."

Brennan in fact supplied one of the most compelling arguments against Scalia's historical origins method in Michael H. when he wrote, "Even if we could agree, moreover, on the content and significance of particular traditions, we still would be forced to identify the point at which a tradition becomes firm enough to be relevant to our definition of liberty and the moment at which it becomes too obsolete to be relevant any longer."

A strong argument against Scalia's overall theory of textualism was set forth last summer by Richard S. Arnold in volume 72 NYUL Rev. 267. Arnold, Chief Judge of the U.S. Court of Appeals for the Eight Circuit, wrote that the Constitution's primary author, James Madison, "ended up almost entirely negating the subjective intention of the delegates at Philadelphia as a consideration of any importance in constitutional interpretation."

When Madison used the Constitution's text later in life to argue for a particular policy he invoked "what he saw as its overall plan, 'spirit,' or 'intention... reference to 'intention' seems to refer to the theme of the whole document rather than to what may have been in the minds of its drafters," Judge Arnold wrote.

Scalia thinks that his decisions and his theory of textualism exhibit judicial restraint, a reluctance to make policy decisions that should be made by the legislative branch of government.

Madison, on the other hand, worried about legislative restraint because he considered it the "most dangerous branch," according to Judge Arnold. If the legislative branch represents a majority view that is not moral or naturally just, Scalia's view is tough luck for the minority, says Richard Brisbin.

Scalia believes judicial restraint will promote a more vigorous and effective American democracy. He thinks that judicial activism leads to atrophy in the legislative branch of government.

Despite his theory of judicial restraint, Scalia, who cares deeply about the effectiveness of our democracy, fears that the legislative branch may already have become too atrophied to do its job. In A Matter of Interpretation, he wrote, "Perhaps I overestimate the democratic vigor of our institutions." "Or perhaps, because I am usually addressing my remarks to the powerful few themselves (those who belong to, or are in training for, the legal elite), I am biased in favor of majority control as the likely outcome, because that is the only thing that will strike fear into their hearts."

Scalia's judicial philosophy of textualism can be demonstrated in the area called due process. Part of both the Fifth and Fourteenth Amendments to the Constitution, due process guarantees that the government cannot take an action against a citizen without providing the citizen with all the legal processes of American law.

In the 20th century the protection of due process has extended beyond the process itself to specific acts such as a right to do certain things with one's body. Abortion is an example.

In principle, Justice Scalia does not accept the extension of due process to specific acts. Nevertheless when the Supreme Court evaluates such acts, called "substantive due process," Scalia uses his historical origins theory to examine whether the person bringing the case can demonstrate that the government has deprived him of a right historically and traditionally protected.

In principle, Justice Scalia does not accept the extension of due process to specific acts. Nevertheless when the Supreme Court evaluates such acts, called "substantive due process," Scalia uses his historical origins theory to examine whether the person bringing the case can demonstrate that the government has deprived him of a right historically and traditionally protected. A punitive damages case, Pacific Mutual Life Insurance Co. v. Haslip, provides the best case to demonstrate Scalia's historical traditions method. It is in this case that Scalia is most faithful to his method.

In Haslip, an insurance salesmen misappropriated premiums sold to customers. The Supreme Court upheld a punitive damages award against Pacific Mutual Life Insurance Company that was more than four times the amount of damages claimed by the injured party. Scalia noted that "it has been the traditional practice of American courts to leave punitive damages to the discretion of the jury" where the evidence satisfied the legal requirements for imposing them. He wrote that the principle that juries may impose a severer verdict than a strict line of compensation where gross fraud appeared, was set down by the English expert on damages, Theodore Sedgwick, in 1847, and has been followed ever since. Scalia concluded that, "In 1868, therefore, when the Fourteenth Amendment was adopted, punitive damages were undoubtedly an established part of the American common law of torts.

Scalia took umbrage at the other members of the Court, majority and dissenters alike, who did not buy his theory that the common law system of awarding punitive damages is so deeply rooted in history that it is disposable for due process purposes. "In my view," Scalia wrote testily, "it is not for the Members of this Court to decide from time to time whether a process approved by the legal traditions of our people is..."
due process, nor do I believe such a rootless analysis to be dictated by our predecessors."

He invoked the eminent English treatise writer Sir Edward Coke, who traced the history of due process as only a "procedural" rule all the way back to the Magna Carta, signed by King John in 1215. Scalia also invoked the legal authorities Blackstone and Kent, who maintained that the procedural only interpretation was incorporated by the First Congress into the Fifth Amendment.

The extra punishment concept of punitive damages seems close to the traditionalist, conservative heart of Scalia, the father of a West Point graduate, who, according to Professor Strossen, says "Well, tough luck" often when he is listening to petitioners before the Supreme Court.

Scalia's theory of textualism is least convincing when applied to abortion. Webster v. Reproductive Health Services, in 1988, provided Scalia with his first opportunity to lecture his fellow justices about abortion when the Court upheld several restrictions imposed on abortions by Missouri, thus chipping away at Roe v. Wade, the 1973 landmark case that gave women a fundamental right to have an abortion.

While resisting an attack on abortion through his textualist arsenal of methods, Scalia wasted no time in insulting fellow conservative Justice Sandra Day O'Connor's opinion, when he wrote, "Justice O'Connor's assertion... that a fundamental rule of judicial restraint requires us to avoid reconsidering Roe, cannot be taken seriously."

Equally biting was Scalia's footnote that declared, "Similarly irrational is the new concept that Justice O'Connor introduces into the law in order to achieve her result when the notion of a state's interest in potential life viability is possible."

Rather than take solace in the erosion of Roe, or even restrict his insults to O'Connor, Scalia tossed sarcasm at all the other members of the Supreme Court when he declared, "I have not identified with certainty the first instance of our deciding a case on broader constitutional grounds than absolutely necessary, but it is assuredly no later than Marbury v. Madison," which was the Supreme Court's first major case.

The insult to his colleagues in his next comment could not have been plainer, "Ordinarily, speaking no more broadly than is absolutely required avoids throwing settled law into confusion; doing so today preserves a chaos that is evident to anyone who can read and count."

Insult seemed to be Scalia's goal in Webster, for he saved his textualist ammunition for another day when he said, "Since today we contrive to avoid doing it, indeed to avoid almost any decision of national import, I need not set forth my reasons."

A year after Webster, 1989, Scalia advanced his textualist argument for the first time in an abortion case in a brief concurrence. The case was Ohio v. Akron Center for Reproductive Health. The Court upheld an Ohio statute requiring minors seeking an abortion to notify one parent or obtain approval of a court, further eroding Roe.

Scalia made three points, the first two relating to his insistence that evidence of constitutionality be contained either in the text, "the Constitution contains no right to abortion," or history, "It is not found in the longstanding traditions of our society." Scalia's third point insisted abortion be left to "the political process."

Justice Antonin Scalia is clearly the most flamboyant, dramatic member of the United States Supreme Court; he may be the most recognized and most admired conservative in the U.S.

Ironically, of course, abortion has been decided by the political process, although not with the result Scalia would like. Exit polls published by The New York Times showed that American women helped to elect President Clinton in 1992, ending 12 years of Republican rule, in part because Clinton supported abortion while President Bush opposed it.

Nineteen ninety-two was the year the Supreme Court reaffirmed a right to abortion, but downgraded it from a "fundamental right," a right demanding the highest deference from the government, in Planned Parenthood v. Casey, when it upheld several Pennsylvania restrictions.

The test for abortion laws became undue burden, an elusive concept that roughly means that states can make restrictions on abortion unless the restrictions leave a woman with no real choice in the matter. The opinion was written by the only woman then on the court, Justice Sandra Day O'Connor.

Rather than recognizing O'Connor's pains in crafting a difficult decision that weakened Roe by upholding Pennsylvania restrictions such as parental consent, a 24 hour waiting period, and the right of the state to offer alternatives to abortion, whether the patient wants to hear the alternatives or not, Scalia scathingly insisted on his absolutist view when he wrote, "It is difficult to maintain the illusion that we are interpreting a Constitution rather than inventing one, when we amend its provisions so breezily."

Scalia wrote a highly emotional 23-page dissent against abortion, but it was not a textualist argument. He made two broad points that he never took the time to explain: 1) The Constitution says absolutely nothing about abortion, 2) Historical traditions have criminalized abortion.

He cited his own opinion in Akron for evidence of the historical origins on the American prohibition on abortion, an extremely weak presentation compared to the careful evidence on the history of abortion that Justice Blackmun gathered at the Mayo Clinic to establish the right to abortion in Roe v. Wade.

Because Scalia argued that abortion had not really taken hold after Roe, in a bold contradiction to the O'Connor opinion, Scalia could have challenged the Roe history itself as never having been accepted. Inexplicably, Scalia chose not to challenge that history in Casey, an omission that could likely haunt his abortion jurisprudence forever, particularly if the issue of abortion, at some future time, were to turn on the question of its history.

Furthermore, Scalia's lack of challenge, or at least lengthy discussion of, the Roe history, when presented with such an opportunity in Casey, calls into question the usefulness of an historical method that does not completely analyze, in historical terms, a practice that may have been prohibited as early as the Persian Empire in 525 B.C.

Scalia concluded his opinion by declaring that Casey would foreclose "all democratic outlets for the deep passions this issue arouses, by banishing the issue from the political forum."

In fact, as the politically astute Scalia well understood, Casey encouraged the political process because it permitted states to create restrictions to abortion that were not "an undue burden."

Justice Antonin Scalia is clearly the most flamboyant, dramatic member of the United States Supreme Court. Next to President Reagan and the writer William F. Buckley, Jr., he may be the most recognized and most admired conservative in the United States.

By his racial burden shifting, Scalia has done more for the South than its great rationalizer of slavery, John C. Calhoun. Scalia has helped to turn the law around on remedial racial legislation and point it back towards the "separate but equal" doctrine of Plessy v. Ferguson. And no doubt Scalia's stature will one day take its place in the pantheon of heroes to the South in Richmond, to stand alongside Stonewall Jackson, Jeb Stuart, Jefferson Davis, and Ronald Reagan.

Yet the delightful impression lingers that Antonin Scalia could have done far more for his conservative beliefs had he exercised a lot more respect and a lot less abrasiveness toward his fellow members of the United States Supreme Court. As constitutional scholar and NYLS professor James F. Simon observed in his book, The Center Holds, by insulting O'Connor in Webster, Scalia demonstrated that he was not the kind of consensus builder who could form court majorities to advance his conservative views or textualist theory.
### NEW YORK COURSE SUMMER 1998 LOCATION INFORMATION

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### MANHATTAN LOCATIONS

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April/May 1998