3-1982

Coaltion, no. 2, March, 1982

New York Law School

COALITION

New York Law School No. 2 March 1982

Al D'Amato and the Republican Machine

by Robert Gordon

Joseph Margiotta, Nassau County's Republican political boss, finally got caught. Although his first trial ended in a hung jury, he was recently convicted on charges of extortion and mail fraud. He was sentenced to two years in prison for a scheme involving insurance commission pay-offs practiced in the county since 1969.

Evidence introduced throughout the trial indicated complicity by numerous Nassau political figures. One name is notable in its absence: Alfonse D'Amato. He was the Supervisor of Hempstead and the District Leader of Island Park before becoming Senator a year ago. It would seem unlikely that he was blind to the corruption practiced during his tenure in the Party leadership. In fact, research indicates that D'Amato was actively involved in this insurance patronage, as well as other patronage schemes involving the grant of a multi-million dollar cable television franchise, deals with local builders, and the infamous Nassau County Civil Service "one percent" kick-back plan.

The basis for the Margiotta prosecution was a report by the New York Insurance Commission on insurance patronage in the Town of Hempstead and Nassau County in general. The report described how Margiotta picked the Richard Williams Agency as the broker for the County, even though Margiotta was not a County official and had no responsibility for County insurance. He then gave Williams a list of the people to be selected as brokers and the names of the local Republican Party leaders who recommended these brokers. The amount to be paid to each of the individuals was specified by Margiotta.

According to the SIC report the brokers did "little or no work," but were all politically connected to the party organization. Joseph Reilly, a Republican Assemblymember got $48,000. Philip Healey gained $20,000. Assemblymember Henry Dwyer received $11,000.

The report indicates that D'Amato recommended the Picone Agency to Margiotta each year between 1974 and 1978 and that Picone was paid $8000 in commissions by Williams. In addition, D'Amato arranged for Williams' agency to receive all the brokerage business for the Town of Hempstead without any competitive bidding. The report concluded, "at each step in the insurance process the appropriate public officials in Nassau County have abdicated their responsibilities and left the operation of the insurance programs to individuals whose allegiance to partisan rather than public interest has prevailed." Clearly, Al D'Amato was among those who abdicated their responsibilities.

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AEQUITAS
New York Law School

by Derek Wolman

Hats off to Mitch Feld. In the short space of one year, editor Feld, and his associates Dee-Ann Delgado and Michael Greifinger, have taken the only instrument of communication for New York Law School students, Aequitas, and turned it into nothing more than an extension of Feld's huge, misguided ego. The once vibrant and responsible newspaper has become an insipid platform for "Bulldog Mitch", a man who acceded to power by bypassing the mandatory election procedure.

The four issues of Aequitas published under Feld's control are evidence of his thought-provoking, humble style: the first issue launched Mitch's new career by emblazoning his name and picture over the front page and continued with details of his life story. Regular columns by student organizations and school news were conspicuously absent. Amidst rising anger and indignation a second issue, devoid of any content except tax information, was published. At this point the Alumni Association cancelled their subscription, and Dean Shapiro appeased indignant students by cutting off funds for the paper, assuring them that Aequitas would die a natural death.

Did Shapiro underestimate Feld's resilience? Or was he just placating the students? For yet another issue of Aequitas greeted incoming students the following August, with the banner headline, "EDITOR RESCUES SINATRA'S BIRD." Feld charged the cost of printing, approximately $800, to the school and Shapiro acquiesced in paying - one last time. As if this was not enough, Feld was permitted to keep using the name Aequitas and was further rewarded with a large office. Aequitas continues its meaningless existance and has recently appeared as the "Silk Edition."

The present staff of Aequitas has stifled the voices of all the student organizations which once had regular columns by simply refusing to print their material. They have studiously avoided any controversial issues and instead have made Feld a source of controversy. That a man who illegally siezed control of our student paper and led it to folly can continue to retain his position is astounding.

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Cable Computers: Privacy Questions

by John E. Lyhus

The New York State Commission on Cable Television recently released a notice of inquiry concerning the privacy of cable television subscribers. The inquiry is in response to the cable industry's introduction of home access to computer services using the cable hook-up already installed in American homes.

Installation of the typewriter keyboard and signal decoder onto the subscriber's cable equipped television takes less than one hour. When switched on, the subscriber can have two-way communication with a high-powered computer using the television as a monitor. The system is so simple that anyone can use it without formal instruction. After access, the computer teaches the user through a series of "menus", which display the available functions. The services that this new system may perform include:

- sending electronic mail
- ordering theatre tickets
- banking
- shopping
- providing electronic newspapers
- ordering travel reservations
- responding to opinion polls, and
- operating information retrieval systems

Given the ease and reliability of this interactive cable communications system, it is conceivable that in the near future most homes in America will have such computer access through cable hookups.

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COALITION

COALITION is published in cooperation with the National Lawyer's Guild, the Legal Association for Women, the Lesbian & Gay Law Student's Association, the Criminal Law Society, and BALLSA. We welcome articles and letters from all groups and individuals within the school community.

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Robert Gordon
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Special thanks to Sylvia Trembowelski, and Lisa Murphy of the ABA-Law Students Division.

A New Face at

by Eileen Stier

Among the new faces at NYLS this year is a new Placement Director. Her arrival was quiet and subdued; if you missed the announcement in Counselor, you may not know she is here. Carol Kanarek is a young woman from the University of Michigan Law School. A 1979 graduate, she came to the Big Apple to work in a Wall Street firm, in various areas of banking and recruitment. She now finds herself on the opposite side of the table; selling, not buying.

That is exactly how she described her job, a seller of an underrated commodity. Ms. Kanarek is quick to underscore "underrated", because she firmly believes that the product she is marketing is of excellent quality.

Ms. Kanarek received her B.A. and M.A. in anthropology, and hopes to return to the university to get her Ph.D. in Anthropology as well. After graduating, Carol had the opportunity to teach undergraduate classes in Women and the Law. Much class discussion centered on the ERA, which was riding high at the time. She expresses bitter disappointment at the recent turn of events regarding the ERA. As a law student, Carol continued teaching by instructing students in the fine art of Legal Research. One of the major reasons Carol was attracted to NYLS was the opportunity to instruct a Legal Research Lab.

While Carol stressed the selling aspect of her job, she also emphasized the internal role of the Placement Office. She is well aware of the long-standing preconceptions regarding the Office, and the ill will felt by some students toward it. A typical expression of student sentiment is a cartoon on the Placement Office door which shows the Placement Office retitled to read "Law Review". Yet there may well be light at the end of the tunnel.

Carol expresses her frustration at being unable to extend on-campus recrutiment to every student, but explains, "If we don't play the game by their rules (Law Firms) then we don't play." Carol views the situation as a matter of getting these large firms which participate in the interviewing circuit, to realize that NYLS is worth looking at as a whole. She hopes to convince these firms to broaden their interviewing requirements; considering applicants in the top 20% coupled with relevant experience or school activities. While grades will always be important, any legal writing experience, moot court participation or school activity demonstrating organizational skills are also positive factors when job hunting. In another approach, Carol is currently finding out where recent NYLS graduates are employed so that she can use this information as a selling point for enlarging the number of firms actively hiring from NYLS.

On-campus recruitment is a small part of what the placement office has to offer. Carol wants students to know the benefits of using the resources of the placement office and to realize that the office does not just cater to the top 10%. Because she does not have the time to meet each student individually, Carol has devised what whe calls Mass Meetings, stressing the 'how to' aspect of job hunting and has made attendance by 1st year students a prerequisite for individual counseling. The response has been good, giving Carol the opportunity to meet students. She plans to hold similar meetings for 2nd year, 3rd year, and evening students. Carol finds nothing more frustrating than having a 3rd year student walk into the placement office and say they want to work in corporate law and yet lack the right academic background.

Placement

If you have a particular area of law in mind you must have an academic program to support it. Yet there should be room for flexibility. For instance, many students are interested in entertainment law, a lucrative area with limited opportunities. So it is best to cultivate alternative choices and not put all your eggs in one basket. Flexibility is the key because competition is stiff in the Metropolitan area and people who are very qualified are not getting the positions they deserve. Carol attributes this partly to the refusal of students to look outside New York and suggests that students who expand their geographical range could get better positions.

As a woman attorney, Carol has experienced the unnerving situation of entering a room of business men whom she must represent while realizing they must be asking themselves, who is this "little girl"? By being well prepared, and maintaining her professionalism, she was able to dispel this attitude. Carol believes that her awareness of sexual prejudices in the legal profession probably made her a better attorney because she had to be that much more prepared than her male counterparts. She also encountered a difficult situation in the office setting. The usual problems that attend a new arrival were multiplied because she was female. She noted that a woman attorney may often find herself in a supervisory position over other women, frequently an unprecedented situation for both parties. From Carol's experience it is obvious that a women must still prove her "mettle" and be "extra professional" to get the same respect her male counterpart starts out with. Carol intends to have panels designed to aid women in dealing with these situations they will confront as attorneys.

Carol Kanarek has definite goals planned for NYLS and a game plan to achieve them. She is also very receptive to any suggestions from student on how the placement office can better serve them. Carol enjoys her work. Between running the Placement Office and teaching, she is putting in as much time here as she was at the firm, but she is exhilarated by all the activity and excited by the caliber of the students she has met. Whether she will succeed in changing student's attitudes about the Placement Office and NYLS's competitive status on the job market are questions that only time can answer. She seems to be aware of the many currents in the job market and is quickly learning about the ones in NYLS. It remains to be seen whether her goals can withstand the opposition from within and without NYLS. I wish her luck and welcome her to NYLS.

Truth or Illusion?

Client Counseling in the Reagan Era

by Gary Rappaport

Jane Doe has been convicted of murdering her eight-week-old fetus. She was the first woman charged with embryocide, a new crime created by the recent passage of the Human Life Bill, which outlaws all abortions. The rape victim claimed that carrying the fetus to full term would threaten her health, and cause her emotional and psychological distress. She obtained an abortion through an underground network of doctors, health workers and women's rights activists who have organized to provide safe abortions for women who choose to have them.

Doe and several members of the pro-choice underground were arrested when their secret clinic was raided in a warrantless search by law enforcement officers. The officers were tipped off by the FBI and the local police red squad, which have been conducting constant surveillance on pro-choice advocates since passage of the Human Life Bill. Evidence seized in the illegal search was not excluded from the trial because the state legislature passed a recent bill nullifying use of the exclusionary rule in criminal cases. Attorneys representing Doe said that the constitutionality of the Human Life Bill cannot be tested in the federal courts since they no longer have jurisdiction to review laws relating to abortion, school prayer, and school desegregation. Doe faces sentencing next month and may be subject to the newly reinstated death penalty.

This is not a far-fetched hypothetical. Each of these events could come to pass by means of the legislation outlined below.

1. "Human Life Bill" (S.158, S.1741) sponsored by Jesse Helms (R-NC) and Alfonse D'Amato (R-NY): The bill declares that human life begins at conception: this would make all abortions illegal without consideration for the mother's age, health, ability to care for children, or the likelihood of the physical defects in the fetus. The bill would also make illegal certain birth control devices such as the intra-uterine device. Senator D'Amato is on record favoring the individual's right to choose concerning birth control. If so, why is he still sponsoring this bill? S.158 has been strongly criticized as unconstitutional as an attempt to overturn Roe v. Wade by a simple Congressional majority. (See, Coalition 12/81) Is not Senator D'Amato violating Article 6, clause 3, of the Constitution by introducing this flagrantly unconstitutional bill? Is not Senator D'Amato, an alleged conservative, flouting the law and the Constitution?

2. "Rape" (S.1630 - a revised version of the new federal criminal code), sponsored by Sen. Strom Thurmond (R-SC) originally contained the following amendments endorsed by the "Moral Majority" and sponsored by Sen. Jeremiah Denton (R-AL):
   a. spousal immunity from rape prosecutions
   b. a bar to crime compensation for rape victims who have abortions.

   Fortunately, these amendments were defeated or tabled in the Judiciary Committee. However, Sen. Denton plans to offer these amendment again on the Senate floor. This is the same Jeremiah Denton whom President Reagan called a "hero" in his State of the Union address!

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Gil`s of Worth St.

by Donna Lieberman

This lower Manhattan hideaway has always boasted a loyal following among both local residents and out-of-towners in the know. Originally a basement, a few charming touches have virtually transformed it into what all of its patrons agree is one of the most distinguishable restaurants in New York.

Upon entering, the senses are devastated by a decor that suggests the many personalities of the restaurant's "regulars". Two walls are decorated in public and private notices, while a third seems to show a post-Impressionist influence in its muted colors and quiet nature scenes. The round tables and small chairs evoke a turn-of-the-century schoolroom, while the music ranges from popular contemporary tunes to unpopular ones.

The menu is as difficult to capture as the ambiance. The food is traditional lower Manhattan fare, but with an untraditional touch which may explain the restaurant's growing reputation. There is an extensive selection, ranging from the dependable bagel to sandwiches and salads that challenge both the palate and the imagination. Some of the daily specials are a must for the gourmet with a sense of adventure, the chili being particularly worth of mention. And Gil's coffee is always an experience.

The quality of the foods seems to have achieved a remarkable level of consistency, but seasoned patrons did voice one complaint. They note that one of Gil's most acclaimed items, the Snickers Bar, sometimes seems to be in short supply. Gil was not available for comment, but the shortage may be traceable to the harsh winters that have been destroying crops in so many parts of the country.

Gils' is always crowded, and although reservations are not accepted, the staff does its best to accommodate large parties. Dress of some sort is required, but what sort is left up to the individual tastes. Blue or gray pinstripe is sure to create a sensation. The restaurant is open five days a week, Monday through Thursday from breakfast to late-night snack, and Friday for breakfast and lunch only. A la carte prices range from .30 to $2.25, with a yearly cover charge of $5,080.00 soon to increase to $5,800.00. Checks are accepted, but only if signed.

CRITIC`S CHOICE ???

★ FAIR

★★ GOOD

★★★ EXCELLENT

? DEFIES CATEGORIZATION

Freedom of Information and the Blue Book

by Andrea Coleman

Although our law school is referred to as a learning institution, one wonders if the appellation is appropriate, in view of some school policies that seem antithetical to the purposes of such an institution. On of the most glaring examples is the school policy that bestows the privilege of seeing one's exam and discussing it with a professor only to those lucky enough to have failed. While not all teachers abide by this policy, an informal survey conducted by the author clearly indicated that many do, to the severe detriment of many students.

A student's interest in understanding the deficiencies of an exam is two-fold. First, the student's desire to understand and be capable of analyzing legal problems is thwarted by lack of feedback from an authoritative source. Second, one's future job opportunities rest precariously on the results of that intense three hour period we each endure as a finale to most courses. We earnestly, and justifiably, hope that those results will accurately reflect our intelligence and understanding of the subject matter. But how can we know without a critique?

To many students, the grading process in law school is an inscrutable, mystical linking of the contents of a little blue book to a solid, immutable, and often unpleasant letter that somehow has great effect on one's future career prospects. Most law students work conscientiously and proceed toward their exams with a sense of having accumulated and understood a large body of information. Many, therefore, are baffled by the grades they receive. In what respect did they fail (so to speak)? Did they over-generalize or spout a summary of the subject instead of answering the particular question asked? Did they give a concise answer that was correct in every respect by lacked sufficient analysis of the problem? Did they misunderstand the law? Did they write in a confusing manner? Unless the particular flaw is discovered, the student is unable to correct his or her approach to studying or exam-taking. The result of non-discovery is often a consistent, frustrating, cycle of hard work followed by mediocre grades.

The professor's interest, protected by school policy, is presumably his or her desire not to be swamped by 200 students, hooting, hollering and demanding extensive explanations of what a great exam should have included, that theirs did not. First of all it is unrealistic to assume that every student would avail themselves of the opportunity to discuss their exam with professors, given the opportunity. Even if the demand were great, however, professors could easily diminish the anticipated inundation: one solution would entail passing out exams during one class and specifying what they required, handling any unsolved individual problems later. Most importantly, however, the burden to professors posed by a change of policy is irrelevant, no matter how great. Their primary obligation is to teach, and if students don't understand what it is that they didn't learn correctly, the teachers have failed to perform that obligation.

Students pay too dearly in time, effort, and money to tolerate the treatment they now receive. We urge a change in policy requiring teachers to reveal and discuss exams with any student who so desires. Otherwise, this learning institution does not deserve that distinguished name.

Students who agree with the view expressed in this article are urged to make their opinion known to the Administration.

LEAVE IT TO BEAVER

(HE CAN HELP)

Hey Beave:

I'm a first year student who needs some test taking tips. During my first semester I spent nine hours a day studying. My roommate studied only three hours all semester, devoting the remainder of his time to his two hobbies: playing the bongos and neglecting the elderly. I did miserably while he distinguished himself. Obviously, there is a trick to this. Can you help?

C. Orlower

Dear Inadequate,

Your letter shows great perception and insight. You are a credit to your percentile.

Here are some tricks that will help you do well by psyching out your competition. First, always keep a statue of your patron saint or deity of your choice at your desk during exams. If you can't find one, an appropriately attired Barbie doll will do. It's also helpful to forego textbooks and outlines for more conventional test taking aids. I always bring the daily racing form and a cyanide capsule with me to exams. Use as many blue books as you can even if it means writing only one word on every page. This will endear you to your professors who love clarity, and is guaranteed to freak out the guy next to you - causing him to scribble frantically and fail.

Dear Beaver,

I'm more perplexed than I ever thought I could be. Throughout my life, others have always commented on my sound judgement. But now that I am in law school, I have become anxious and confused. The other students are very involved and I just seem unable to decide. Beaver, as a law student do they really expect me to shepardize? And if I start does it mean that I have to go all the way?

COLD FEET

Dear Reluctant,

Shepardizing is nothing to feel guilty about. All litigators agree that it's a necessary part of being a lawyer. Many law students indulge regularly. Shepardizing has its origins in those lonely frontier days at Brigham Young Law School, and is now a well accepted practice throughout the nation. Still, it's good manners to be discrete, so when Shepardizing use a private study room.

Women, Race, and Class

ANGELA DAVIS

by John Chellino

The Civil Rights movement and the Women's Rights movement were the most important struggles of the 60's and the 70's, respectively. As the Reagan programs unfold in the 80's, these issues are certain to remain at the center of U.S. politics.

The origins of those two issues are confronted in Angela Davis' new book, Women, Race and Class. Davis analyzes the condition of black women during slavery, and although her unflinching observations are not pleasant, that cannot detract from their significance. She states, "The slave system defined black people as chattel. Since women, no less than men, were viewed as profitable labor-units, they might as well have been genderless as far as the slaveholders were concerned." Davis portrays the domestic life of slaves as one manifesting sexual equality due to the oppression suffered by both slave women and men.

At the time black women were fighting for survival and emancipation of their people, industrial capitalism nourished the ideology of "feminity", upholding the wife and mother as supreme women's roles. As productive work was severed from the home and removed to the factories, the myth of female inferiority was cultivated by means of enforced isolation from the public economy.

Thus, obvious qualitative disparities existed between the relative forms of oppression experienced by black women and white middle class women. Ironically, the latter were confined to the home at a time when less was to be done there. Yet, Davis acknowledges the important role and contribution of many middle class white women in the Abolitionist movement. Implicit in those activities was, of course, the struggle for their own social and political equality. The author also examines the reluctance of working women to embrace the cause of woman suffrage. "As working women knew all too well, their fathers, brothers, husbands and sons who exercised the right to vote continued to be miserably exploited by their wealthy employers. Political equality did not open the door to economic equality." Class exploitation, just as racist oppression, did not discriminate between the sexes.

The last decade of the 19th century constituted a critical juncture in the rise of racism. While between one and two hundred recorded lynchings occurred annually, the National American Woman Suffrage Association adopted an officially 'neutral' stance on racism. Although Davis searches for an explanation of that, a satisfactory one is not to be found. In the same era, "the sexist cult of motherhood crept into the very movement whose announced aim was the elimination of male supremacy." Motherhood was depicted as crucial to the struggle of maintaining white supremacy. Hence racism and sexism entered into a mutually reinforcing alliance.

Rape is the subject of considerable analysis in Women Race and Class. One of the fastest-growing violent crimes, it is also, according to Davis, "one of the telling dysfunctions of present-day capitalist society." Historically, rape was an essential element in the social relations of the slaveocracy. Slaveowners claimed rights over the bodies of female slaves as an expression of control over property. Davis notes that during slavery, lynchings were aimed more often at white abolitionists than at blacks, because the former had no cash-value. However, after the Civil War, lynching became an institutionalized exemplification of racism, and the rape charge was contrived as the most effective justification for racist terrorism. Not until 1930 did Southern white women wage a campaign to prevent lynching mobs.

Davis censures today's anti-rape movement for its indifferent stance toward the frame-up rape charge as an incitement to racist violence. She criticizes the movement for focusing only on rapists who are reported and arrested. She argues further that the class structure of capitalism provides an incentive to rape. Noting the declining wages of women workers, she states: "The attack on women mirrors the deteriorating situation of workers of color and the rising influence of racism . . . in the government's posture of studied neglect . . . The threat of rape will continue to exist as long as the overall oppression of women remains an essential crutch for capitalism." Although Davis concedes the "complexity of the social context of rape today," the haste with which she blames capitalism does not allow for sufficient elaboration. Nevertheless, her analysis of the rather confusing dynamics of racism in the rape question is so intelligent and clarifying that it cannot be ignored.

Recognizing that the birth control movement has had difficulty uniting women of different social backgrounds, Davis condemns the Hyde Amendment's effective denial of legal abortion to poor women. She also attacks the contradiction of surgical sterilizations which remain federally funded, free on demand, and often performed in abuse of informed consent. In her call for a broad campaign to defend the reproductive rights of all women, it becomes resoundingly clear that, for the sake of strategy as well as principle, this must be the scope of the demand.

Davis consistently refrains from inducing or exploiting middle class guilt in her approach to these issues. It is conceivably implicit in her analysis that the disenfranchised middle class could share an increasing commonality of political interests with the poorer working class. Common interests include declining power over working conditions, and in political arena. However muted, the suggestion would be that the middle class is a potentially pivotal element in shifting political winds. If tactics of polarization cease to function effectively, the ramifications could be very interesting indeed. Recent backlash to the contrary, can there be much doubt that racism and sexism are on the way out? The notion that capitalism requires racism and sexism in not completely persuasive.

Women Race and Class is a decisive victory for the forces of unity. A minor problem is the final chapter on the "approaching obsolescence of housework." Although Davis seems to regard the Wages for Housework Movement as marginal, it is baffling why she devotes so much space to refuting it. A greater deficiency might be the academic distance created by the toned-down rhetoric. The book's neutrality of form may not provoke the wide debate which its content definity merits. It is difficult to fault the correctness of many of Davis' analyses, and the dispassionate style is no doubt intentional, but that choice may itself be mistaken. It may be bourgeois to long for amplification of that strong and personal voice submerged in the text. But I know it's there, and we need to hear it.

FEAR AND LOATHING AT NEW YORK LAW SCHOOL

by Eric Smith

Most of us would like to believe that a law school is somehow more ethical than the 'outside world', yet the reality, at least for me, has been that the ideals which the law strives to achieve are often nothing more than words which are written or spoken and not practiced. As a gay individual I can speak of the discrimination of growing up gay in a hostile environment. As a law student I can speak of the egregious deprivation of gay and lesbian's fundamental rights, that the rest of society enjoys. I have learned, to my dismay, that the legal system supports and maintains this hostility toward gays and lesbians.

Even at this Law School, where we learn the concepts of equal protection and due process under the Constitution, we learn as well, that these protections are somehow not available to gays and lesbians. It is no wonder that I have come across 'homophobia' from the administration, the faculty, and students, our future lawmakers.

What is 'homophobia'? Dr. Weinberg, in his book, Society and the Healthy Homosexual, defines homophobia as the dread of being in close quarters with homosexuals. Many gays believe that this goes far beyond fear and results in hatred.

I have experienced homophobia in a number of instances at this law school. In a discussion with a Dean about forming a Lesbian-Gay Law Student Group I was asked if we could change our name to something more neutral: Homophobia! When I asked a professor of Family Law why gays were denied the fundamental right of marriage, I was told that there were 'obvious' differences between a homosexual marriage and a heterosexual one (NY domestic relations law, however, defines marriage as a 'civil contract' and not in terms of the old, procreative notions of marriage.) Not only did this Professor evince a lack of sympathy for gays; I felt a true sense of hostility and contempt for what I had to say; Homophobia! The most visible signs of homophobia, however, have come from a minority of students, whose activities have included the following: threatening to monitor all students who attend the meetings held by our organization (a tactic similar to the ones used by McCarthy during the 1950's), threatening to prevent our student senate from funding this organization; writing hostile notes on our bulletin board such as "Lesbian-Gay Law Students are Sick" and making anti-gay remarks about students and professors at this school. How often does a professor take the initiative to address the problems and concerns of gays? I understand that only one constitutional law professor has done so with any sense of compassion for our cause!

There are probably several causes of homophobic feelings and attitudes. The mandate, by many religions, of procreative sex, and the condemnation of sexual practices like sodomy and masturbation have long been ingrained in our social customs and laws. Homosexuals are seen as a threat to this procreative concept of family, children and marriage. In reality, many heterosexuals also choose not to get married, not to have children, and to engage in (god-forbid!) non-precreational sex.

The general population is probably threatened most by the gays who transgress traditional sex roles. People who are brought up to believe that a man should be tough and a woman passive, are upset by two men kissing, or a woman asserting herself. Gay men are seen as sissies; as people who give up their god-given powerful position as men, to act like their inferiors, women. Lesbians are seen as seizing male perogatives; they are trying to get some of the privileges and power which men are accorded in our society. Even though only some gay people deviate from the stereotyped sex roles, heterosexuals generally see all homosexuals this way. As traditional sex roles disappear, there should be less hostility toward homosexuals.

The explanation for the hatred and hostility toward gays transcends ignorance and is often deeply rooted in a fear of what lies within oneself. Many times, when a person knows (at some level) that he or she might be attracted to a person of the same sex, the fear and belief that something is wrong with these feelings is submerged, and the internal anger and shame is directed at those whom they perceive to be acting out the feelings they fear and repress. This has often been the reason for the persecution, violence and hatred directed against gays throughout history. The cruel result has been the extermination of gays in Nazi camps, and more recently, the increase in murders and the brutal beatings of gays in New York City. The reasons for homophobia are complex and the above explanation is meant in no way to be exhaustive; rather, it presents a limited insight into the reasons that people react with ignorance and hostility toward gays and lesbians.

As future attorneys, we all have an ethical responsibility to attempt to reach the ideals written in our laws and to make them a reality for all people. As long as religion, morals, and the laws are used to perpetuate bigotry and ignorance these ideals can never be achieved.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

A Day In Court

The Criminal Law Society will be co-sponsoring a program entitled "A Day in Court" on Monday, April 12, with the assistance of the A.B.A. Section on Criminal Justice, Student Division. All those students who would like to spend a full or half day at the Supreme Court, Criminal Term, being guided through various phases of a criminal case by a practicing attorney, a law professor, and a judge or two, please contact Carol Novak, Criminal Law Society, C308; phone: 966-3500 ext. 722. We will be sending invitations to law schools in the New York area and need to get an idea of how many students will be attending. First-year students are especially welcome, and there will be a reception for participants at the end of the day.

☆ ☆ ☆ ☆ ☆ ☆ ☆ ☆ ☆ ☆

Counseling continued from page 3

3. Exclusionary Rule - Urged on by the recommendations of the Attorney General's Task Force on Violent Crime, the Senate is considering two bills (S.101 and S.751) that would weaken or abolish the exclusionary rule, which holds that evidence obtained in violation of the Fourth Amendment's prohibition against searches and seizures may not be used in a criminal proceeding. Although only a small percentage of violent crime is covered under federal law, the Reagan Administration has symbolically fused enactment of criminal code revision to public fear over the increase in violent crime. Supporters of the two bills claim that the exclusionary rule prevents the courts from bringing criminals to justice. The facts do not support their claims. No large numbers of guilty men and women are going free because of the exclusionary rule. A 1979 General Accounting Office study of federal criminal prosecutions, for example, revealed that in only 1.3 percent of 2,084 cases studied was evidence excluded as a result of a Fourth Amendment motion. An exclusionary rule problem was the primary reason for a decision not to prosecute in only .4 percent of the cases in which such a decision was reached.

4. Increased Gov't Surveillance - In December, the administration expanded the authority of the CIA, FBI, and other intelligence agencies to conduct surveillance of law-abiding Americans when it issued a new executive order on intelligence activities. While the government is seeking wider surveillance powers, it is pushing for greater secrecy by creating broad exemptions for the CIA and the FBI from the Freedom of Information Act. It should be recalled that last April, President Reagan granted pardons to two former high ranking FBI officials who had been convicted of illegally breaking into the homes of innocent citizens not even suspected of criminal activity.

5. Access to Federal Court - The second section of S.158/S.1741 (Human Life Statute) would strip the lower federal courts of their jurisdiction to issue injunctions in abortion cases. A woman who is denied her constitutional right to choose to have an abortion could not seek federal court protection of her rights. The American Bar Association strongly opposes any bill which restricts federal court jurisdiction to issue remedies in constitutional cases involving abortion, school desegregation and school prayer, viewing such bills as threats to the constitutional safeguards of individual rights and to the balance of power between Congress, the courts, and the executive branch. On January 29, 1982, the Conference of Chief Justices of the highest state courts unanimously adopted a resolution calling the jurisdictional proposals "a hazardous experiment with the vulnerable fabric of the nation's judicial system."

The situation in Congress with respect to the Bill of Rights can not be viewed as anything less than a state of siege. As the 1982 elections draw near, pressure will build for Congress to vote on the agenda of the radical right. The challenge to defenders of civil liberties is enormous. Congressmen are watching their mail very carefully, seeking to get the opinions of their own constituents rather than those of professional lobbyists. With the danger so real and so imminent, it's never been more important for the advocates of liberty to make their voices heard. A flood of letters to U.S. Senators and Representatives could make a real difference.

Editors Note:

S.158 (the Human Life Bill) was reintroduced as S.1741 by Sen. Jesse Helms through a little known Senate maneuver and has been placed on the Senate Calendar so that it can be debated at any time by the full Senate. However, it still seems that the Hatch Amendment (S.J. Res. 110), see Coalition, 12/81, will be voted on first. The challenge for pro-choice forces is to inform senators that the Hatch approach is not moderate and that the Helms/D'Amato bill is unconstitutional. The House has an identical "Human Life Statute" (H.R. 900) which is sponsored by Rep. Henry Hyde (R-IL).

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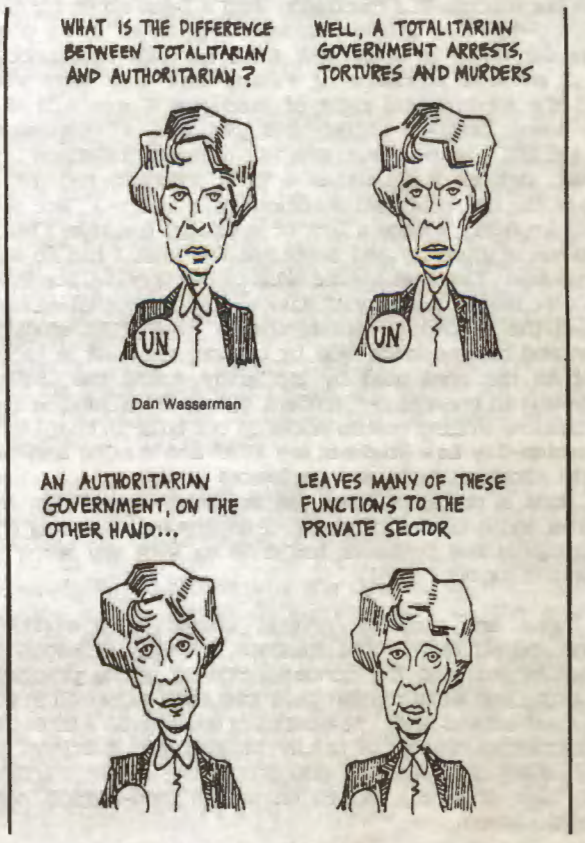

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D'Amato continued from page 1

The D'Amato-Margiotta connection appears to have influenced other decisions, such as in the granting of the Hempstead cable television franchise to Cox Cable of New York, Inc.. In 1980, while D'Amato was Presiding Supervisor, the Hempstead Town Board transferred a franchise potentially worth millions - without any competitive bidding, public hearings, or even debate. Interestingly, Margiotta's law firm owned 16 percent of the shares in Cox Cable, and a local builder, Fred DeMatteis, owned 4 percent.

The Village Voice asserts that DeMatteis also received a "sweetheart deal" through D'Amato which enabled him to rent town land for use as an office tower on Mitchell Field at 6 percent of its value. DeMatteis and his associates contributed $3000 to the Senator's campaign.

D'Amato has not been satisfied to rely on Margiotta for his patronage deals. In 1972 the Hempstead Town Board signed a long-term contract to build a sewage plant capable of producing electricity from refuse. D'Amato candidly admitted to Newsday in 1979 that "we had a great opportunity for patronage in hiring the architect and engineering firm and in staffing the operation of the plant." D'Amato argued that he did not take advantage of this opportunity. However, one of his aides described the contrary situation to the Voice. In one incident she alleged, "I was sitting on the couch in Al's office in Town Hall . . . (Carl) Landegger (then the president of the building company) was meeting with him. At one point, Landegger looked over at me and Al said 'That's all right, she's in the family.' Landegger handed him a check and left. Al held up the check - which was blank - and said, 'I can write any number on it I want.'"

Another practice which has become a notorious scheme of the Nassau Republicans is the requirement that public employees kick-back one percent of their salaries to the Party as an annual "contribution." During the Senate campaign Newsday uncovered a letter written by D'Amato indicating that he understood that a sanitation worker had to "take care of the one percent" if he wanted a raise, and that the one percent would be paid to Margiotta. D'Amato went before the grand jury, which was examining the pay-offs in 1975, but never became a government witness in any of the federal or state prosecutions which resulted from that inquiry.

All of the officials convicted in this scam were from Hempstead and worked under D'Amato. The appellate brief of Nassau D.A. Dennis Dillon in the case against Hempstead Highway Commissioner Harold Haff describes how the Maintenance Supervisor "would compute the one percent of each employee and tell them how much it was. He did this at Haff's instructions . . . then waited for the men to bring back the checks." As a result of this institutionalized corruption, the New York Civil Service Commission found Hempstead the worst violator of civil service regulations in the state. However, D'Amato once again escaped prosecution.

With such a record of corruption, D'Amato would seem a likely target for the FBI's Abscam "stings". In fact, during taped conversations between bribery convict Alfred Carpentier and FBI "sheiks" D'Amato was described as "a guy you can relate to." Carpentier explained, "Now, with D'Amato, I would like if possible for you to meet him. By the way, the guy is definitely taking contributions. He's on the take. If you want to give him something we'll weigh that when the time comes. You make your analysis based on what he's giving us."

Margiotta will now appeal his conviction. He already has arranged with the Board of Elections to maintain his Republican enrollment even though state election law requires convicted felons to lose their right to vote. He has also had Party by-laws amended to allow him to keep his position as County leader. If Margiotta gets away and D'Amato can hide his past, there will be little motivation for other unprincipled officials to act conscienciously.

"Never mind the 'I frequently ask myself the same question.' Just answer yes or no."

GREED

SPLITTING 8-1, the Court upheld the constitutionality of a federal program for the redistribution of wealth. Under the program, which is known as "horizontal divestiture," rich people are asked to lie down, and poor people then divest them of their money. Justice Happold, dissenting, said that the program would diminish the impact of a standing Court order requiring that income in excess of $8,000 a year be bused across state lines to achieve bank-account balances.

TAX TIPS CONTINUED

I. Feld

The administration has been of little assistance in trying to maintain a credible newspaper. While disavowing the current Aequitas by withdrawing funding, it has ignored student petitions demanding action and refused to take the crucial steps of preventing use of the Aequitas bannerhead or the newspaper's office. We can only speculate as to what venal purpose the administration has in allowing this situation to go on, but without them the students are powerless to put an end to the embarrassment.

Currently, certain members of the S.B.A. and many individual students are deluding themselves by believing that the crisis will be over this spring when Feld graduates. Aequitas will not right itself with his departure. Dee-Ann Delgado and Michael Greifinger have offered to take over the paper. These are the same people who have been helping Mitch Feld destroy Aequitas.

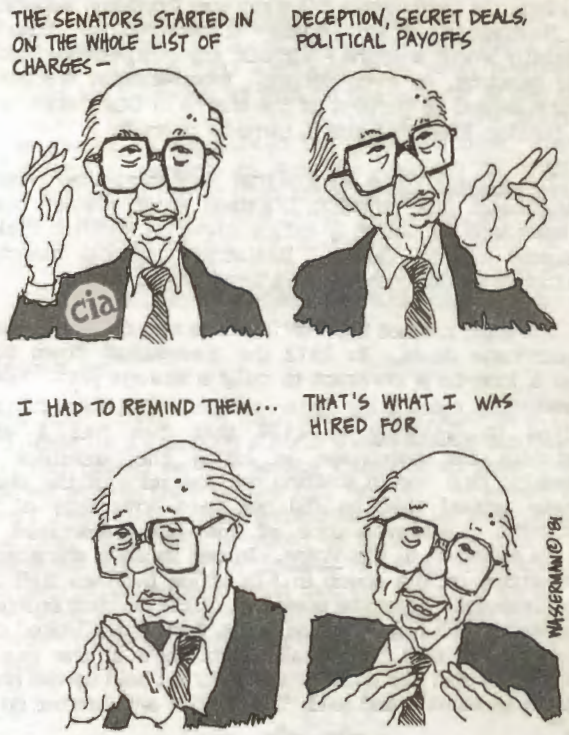
While all others left the Aequitas staff because they could no longer in good conscience continue to work for Feld, these two had no such qualms and continue to be accomplices in the Feld conspiracy. At the height of the turmoil, after Feld's first edition of Aequitas, Dee-Ann expressed her journalistic ethics by responding to questions of concern about the quality of Aequitas with, "What do I care, just as long as we publish something."

To discover that Feld's cohorts are unscrupulous and irresponsible is no great revelation. But we hope that students act responsibly in assuring that a replay of Feldism does not plague New York Law School again next year. Already the time period in which new elections for Aequitas editors are to be held is passing. Dee-Ann and Michael would, no doubt, have us forget. **DON'T.** Demand elections in full accordance with Aequitas by-laws. Aequitas belongs to you.

Michael Grifinger

Bee-Ann Delgado

FOLLOWING THE REACTIONARIES



Reagan's January 19, 1982 press conference offered the President an opportunity to expound upon his philosophy towards abortion.

REPORTER: Mr. President, this Congress has attached the most restrictive anti-abortion language to the Health and Human Services money bill. It would ban abortions of low-income women, except if the mother's life would be endangered by completing the pregnancy and it would make no exceptions for rape or incest . . . Would you agree with this law?

REAGAN: . . . I once approved the law in California that allowed that (rape) as a justification in the line of self-defense, just as a mother has a right, in my view, to protect her own life at the expense of the life of the unborn child. I am very concerned because I have found out since that that was used as a gigantic loophope in the law and it was just. . . it literally led to abortion on demand, on the plea of rape.

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Roy Cohn gave his assessment of the reasons for Ed Koch's extraordinary popularity the other day. He explained, "Koch's greatest strength is the way in which he has dealt with a couple of New York's ethnic groups. Koch stood up to them and is regarded as a no-nonsense man when it comes to dealing with ethnic pressure groups. They like that ability upstate."

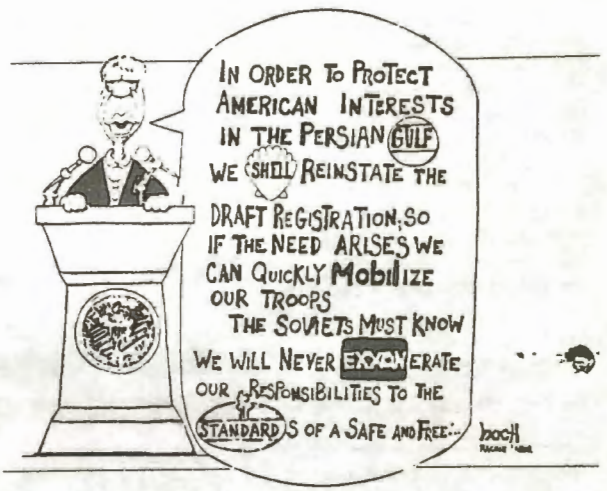
Cable continued from page 2

The Commission on Cable Television is concerned about the potential misuse of information used and produced by these Systems. The greatest danger from the cable systems is the fact that various aspects of an individual's life such as his finances, shopping habits, and other preferences are stored in one place in a convenient form and thus, are easily exploitable. Compiling, aggregating and comparing the multitude of information travelling to and from a subscriber's home will provide a "dossier-like profile" of the user.

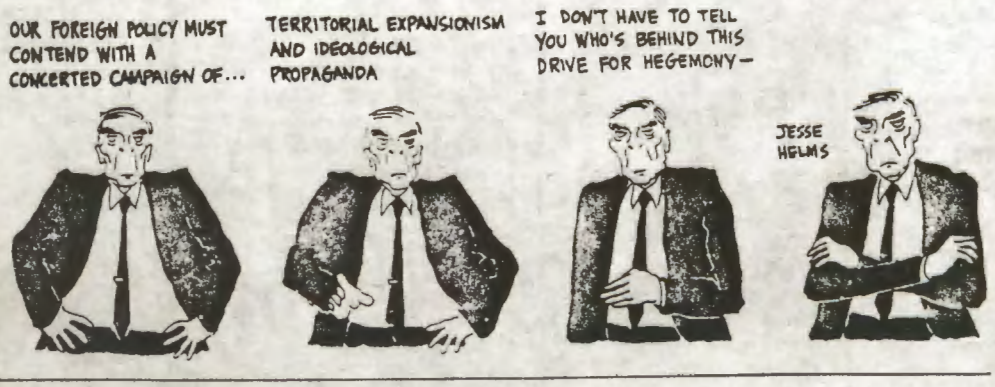
The potential for misuse may be broken down into two categories, INTERCEPTION and DIVULGENCE of communications. Interception deals with the gathering of raw data through illegal wiretaps of the information lines and linkups. Divulgence is, however, the more threatening of the two. It is the process whereby the data, already in an organized, usable form is revealed to unauthorized parties. These individual profiles would be eagerly sought by advertisers who could pinpoint a selected market for their products. Certain government agencies would also show a keen interest in being able to collect personal information about individuals easily. In either case, the gathering of information creates a substantial risk of misuse, threatening the privacy of every individual.

Divulging the individual's financial status, banking records, travelling plans, shopping preferences, and any other information considered private has been made substantially easier by storage in one computer data bank.

Safeguards have already been designed for private industry, which has always been interested in keeping its computer information secure. The typical controls used by industry to protect data are secret codewords (like those presently used in automatic bank teller machines), automatic recording of who accessed what information, and close auditing by responsible, independent agencies. Similar controls may be legislated to police and cable/computer industry. The network of the controls necessary is staggering. While private industries usually maintain a limited number of access points to their computer systems, the almost unlimited potential for illegal access exists where every home in the United States is connected to the cable system. Someday, that could mean policing to some degree the cable security of virtually every home in the United States. The Commission will be required to balance the enormous expense of absolute individual security with the value of the individual's interest in privacy. Furthermore, the Commission will have to consider the relative security importance of different information. Thus, information which, if revealed, causes little privacy damage, will deserve lower priority in the distribution of security resources. The resulting Commission regulations will be an interesting indication of what individual privacy is worth; and if unsatisfactory, may show that the benefits of these new computer systems are presently not worth the threat they pose to individual privacy.



Dan Wasserman



TEENAGE CHASTITY: A FEDERAL QUESTION?

This February, the Secretary of Health and Human Services, Richard Schweicker, implemented a regulation that would require all federally funded family planning agencies, such as Planned Parenthood, to notify (the) parents of teenagers who obtained contraceptives from these agencies. Concerned parties have 60 days to object to the regulation before it takes effect. It would be enacted under the authority of current legislation which states that "family participation in birth control should be encouraged"; a provision that one of the congressional authors, Rep. Waxman of Ca., said was never intended to require notification. (NY Times, Feb. 10, 1982, 1st sec. at 28, col.3)

There are 12 million sexually active teens in the United States, and every year 1 million of them become pregnant. Three million of these teenagers seek advice from federally funded clinics. Rep. Schroeder of Colorado estimated that 25% of these would avoid seeking services if parental notification were required, whereas only 2% of them would avoid engaging in sexual activities. Critics of the regulation maintain that it would result in many more teenage pregnancies and abortions, as well as increased parental abuse of the teenagers using contraceptives. They point out that such legislation would not affect the affluent or middle class teenager who can go to a private doctor, but rather the poor or lower middle class teen, who must take advantage of the low fees offered by federal clinics.

This regulation is a direct result of the New Right's attempt to enact sweeping legislation conditioning the use of federal funds in the controversial areas of family plnning, spousal abuse and education. Thus far, attempts to enact such legislation in the area of teenage contraceptive use have failed.

In a February 9th broadcast of ABC TV's "Nightline", a letter from President Reagan to Senator Orrin Hatch of Utah was televised in which the President promised enactment of the teenage chastity regulation precisely because legislative attempts had not succeeded.

The regulation was authored by Sen. Denton of Alabama, who claimed that current federal action has "erected a Berlin wall between parents and children," and stated that "pre-eminent is the parent's right to know what the Government is doing for and to their children." To counter fears that abortion will rise with the passage of such regulation, Denton has contrived a specious correlation between increased abortion rates and the rise in use of contraceptives. Denton has also authored the Adolescent Family Life Bill, which would require parental notice prior to counseling. This Bill, which is similar to provisions of the Family Protection Act, seeks to control the disbursment of federal funds for family planning in ways that are morally pleasing to the authors.

Of critical importance is the question of the legality of this kind of regulation and legislation. One may challenge the teenage chastity regulation as an infringement of the fundamental right of privacy, but this kind of challenge has a questionable chance of success in light of the Supreme Court's recent decisions in the area. Because this regulation affects only federally funded clinics, the Court may reason, as in the Medicaid funding cases, that the regulation does not burden the right of privacy; rather, it merely conditions the benefit conferred. Furthermore, H.L. Matheson and Carey v. Population Services International suggest that the Court might uphold a law requiring parental consent to teenage contraception use. Finally, the regulation may be challenged as going beyond the scope of the legislation that predated it. The best way, however, to ensure that it does not take effect, is to take advantage of the 60-day period to register your protest.

by Julie Fosbinder