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UNDER NEW MANAGEMENT

(BECAUSE THE REST OF US ARE OUT OF HERE)

ALISSA HERNANDEZ - 2L EVENING
ASHA SMITH - 2L EVENING
NERISSA COAN - 2L EVENING
ALICE KING -2L EVENING

SOCIAL REVOLUTION OR NO REVOLUTION:
Government Surveillance Lives On
by Alissa Hernandez

In the 1950's, with the help of J. Edgar Hoover, then Director of the Federal Bureau of Investigation, America's communist paranoia continued to thrive. Americans, led by Joseph McCarthy, had become unfashionable. Corrupt investigations continued. Hoover launched his Counterintelligence Program (COINTELPRO) in 1956 under the guise of preventing violent, maintaining order by "neutralizing" those perceived as political dissenters and most importantly, protecting national security. In a similar fashion, about one year ago the government implemented the Patriot Act to "deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

Over two thousand operations were conducted by COINTELPRO before its demise in April 1977, including those labeled by the FBI as "The Communist Party USA," "Socialist Worker's Party," "New Left," "Black Hate Groups," and "White Hate Groups." Groups seeking Independence for Puerto Rico, such as Movimiento Pro-Independencia de Puerto Rico (MIPP) and "Grupo de Indepedencia," were not overlooked, mostly due to support of their cause offered from Hikid. Castro. The Communist Party of Mexico was also under the Bureau's

GUILTY- THE MARTHA STEWART STORY
by Asha Smith

In their initial and subsequent discussions with Securities Exchange Commission (SEC) and FBI investigators, both MS and Peter Bacolod, (her broker, hereafter PB) stated that they had spoken on a previous occasion about selling MS' Imclone stock if the price of the stock dropped below a certain point. Neither MS nor Peter Bacolod ever wavered from this version of events.

So why was the prosecution's evidence against Martha so convincing to the jury? The trading assistant, Douglas Farrell (hereafter DF), the prosecution's star witness, had a credibility issue. According to various media reports, DF said he came forward because his "conscience told him was the right thing to do." But little mention is made of the deal he cut with prosecutors to avoid jail time, because of his illegal behavior. DF testified that PB told him to tell MS that Sam Waksal (former founder and CEO of Imclone, who is serving a 87 month prison sentence for "insider trading" and "fraud") was selling his stock, thus disclosing to her information that supposedly was not available to the general public. But the prosecution was not able to prove that MS sold her stock based on information that supposedly was not available to the general public. But the prosecution was not able to prove that MS sold her stock based

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LEARNING IS THE ONLY WEALTH TYRANTS CANNOT DESPOIL. ONLY DEATH CAN DIM THE LAMP OF KNOWLEDGE THAT IS WITHIN YOU. THE TRUE WEALTH OF A NATION LIES NOT IN ITS GOLD OR SILVER BUT IN ITS LEARNING, WISDOM, AND IN THE UPRIGHTNESS OF ITS SONS.

- KAHLIL GIBRAN
Luis Moreno Ocampo & The International Criminal Court.

On March 24, 2004 Independent Prosecutor, Luis Moreno Ocampo, spoke at the 2004 Otto L. Wolf Lecture, presented by the NYLS Center for International Law. Mr. Ocampo is the Chief Prosecutor for the International Criminal Court (ICC). Mr. Ocampo has been involved in high profile public interest cases, including the extradition from Argentina to Italy of Nazi officer Erich Priebke, and the trial of Chilean secret police for the murder of Carlos Prats.

The ICC was established by the Rome Statute of the International Criminal Court on July 17, 1998. States participating in the “United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court” adopted the Statute, which has been ratified by over 90 States Parties. The ICC was created to try persons accused of genocide, crimes against humanity, war crimes, or crimes against humanity.

In addition to the independent prosecutor, Mr. Ocampo, the Court is composed of 18 judges, who are permanent members of the Court, and are elected by the Assembly of States Parties (a body composed of all parties to the Statute), in a secret ballot election. The judges are selected for their competence in criminal law and procedures, or in relevant areas of international law, such as international humanitarian law, and the law of human rights.

States Parties and the United Nations Security Council can refer cases to the Office of the Prosecutor. Because the ICC is a court of last resort, it can only hear cases that States Parties are unable or unwilling to hear. Their jurisdiction reach is limited by the residency of the individual to be tried. For the ICC to gain jurisdiction over an individual, that individual must be a national of a Signatory State. The ICC also has jurisdiction over individuals from a State Party, for crimes committed elsewhere.

Ocampo stated that the ICC’s objective is to get referrals from States Parties to handle international clients of signatory states, or international victims. Without referrals, the ICC cannot initiate an investigation. Once a referral is obtained from a State Party or the UN Security Council, an investigation may begin. The Office of the Prosecutor is divided into three key areas, one of which is the Investigation Division. The Investigation Division will include staff members who are nationals of the countries that are being investigated. This method has two results. First, it will help weed out individuals whose background or political affiliation would create a conflict of interest. Second, it will give the ICC a better understanding of the cultural and social norms of the State where an investigation may take place.

The ICC’s investigative methods are similar to those employed in the investigation of any crime. For example, Ocampo described following a money trail to determine not only that a crime had been committed, but also to determine the leadership that is responsible for the crime.

In the case of mass crimes, such as genocide, Ocampo described the dilemma that face the ICC: uncertainty as to how to compensate the victims; where the compensation should come from; what form the compensation should take. According to Ocampo, “the victims don’t need money. They need education, food, and peace.” He suggested that the way to get these necessities into countries like Uganda and the Democratic Republic of the Congo is to organize the business community to become involved in international markets. Instead of limiting themselves to commerce in the American, European, and Japanese markets.

With each passing year, advances in technology and communication increased awareness of human injustice all over the globe. The formation of the ICC is a natural response to this increased knowledge of genocide, crimes against humanity, and war crimes. The goal of the ICC is to ensure that those gravest international crimes do not go unpunished. It will be interesting to see how that first case unfolds.

As a first year student with professors, predetermined mandatory classes, Faculty Presentation Day was an opportunity to see and listen to professors whom I might want to take classes with in the future. The school sends you a faculty face/bio book at the beginning of your first year in law school with these authors pictures and their list of credentials, but seeing a professor as a living breathing human being is substantially more informative than a two dimensional picture and a paragraph of two about their accomplishments.

Unfortunately, I didn’t see too many of my classmates there, nor did I see a lot of students nearby. But at my table, for each event, there were students, alumni and faculty, so there was a good mix. One alumna told me which professors he thought was good and to get Gannon for Civil Pro (N.B: already had it!), and talked about how much she was doing after graduation. Then we listened so attentively to the faculty as they gave their presentations. I was only able to see two presentations: “Sexuality and the Law” and “The Impact of Brown v. Board of Education.” I did not stay for the full lectures at each event, but certain presentations stand out for providing me with a new or entirely different outlook on various issues.

At “Sexuality,” Professor Newman did a presentation on Melzer v. Board of Education. Melzer was a teacher in New York State who lost his job and had his right to privacy violated after it was discovered that he did not believe that sexual relationships between men and boys should be illegal. Melzer, of course, never engaged in any harmful behavior towards his students (he was a public school teacher), yet he was vilified in the media and lost his job, because of his private beliefs.

An interesting fact I learned from Professor Leonard’s lecture is that other countries consider decisions that our Supreme Court makes as persuasive, while the United States’ judicial system has thus far refused to consider high court opinions from other developed countries as persuasive. I can’t say that I was surprised that our judiciary would not consider the legal opinion from other countries, but was surprised to learn that other judicial systems lacked that prejudice.

At “Brown,” Professor Benson spoke about various legal/illegal resident statuses that exist for people from different countries who currently reside in the United States. I had no idea that there were so many different issues in immigration law. Other than the infrrequent situations on news reports about those in immigration limbo, I would have never known that such a myriad of the designated. Professor Ellman spoke at length about the fact that Justice Brown of the Supreme Court that decided Brown really wanted to vote in opposition to the other members of the bench. Ellman discussed the possible concessions that were made by the various Justices in order to issue an unanimous opinion. Again, I learned something new.

Attending Faculty Presentation Day, I got a better understanding of the scholarship in which some of the professors here are engaged. It’s good to know.
De Novo enters the stock market, to make the cost of a Starbucks venti latte. compared to her net worth is that it is possible that losses might loss of less than $60,000, which comparable to you and me losing. that require documentation of plausible that MS and Peter Stock Exchange (NYSE), have rules there was no prior documentation of the trade instructions. However, these are the sometimes occur. These are the era, that brokerage firms are being discuss. It is only in the Post-Enron era, that brokerage firms are being watched under a microscope. Now, industry insiders are much more careful in transaction business. Trades (buy and sell stocks for brokers or large institutions) and brokers (buy and sell stocks on behalf of their clients) share information with each other. Brokers share information with their clients. If someone has been your client for ten years, the level of trust between the client and the client is high. That client believes that the broker understands the market, is able to make wise recommendations based on that knowledge and is in general working hard for the client in exchanging for the service (depending on the amount fracked/invested in the account).

While it is true that a broker and client agreement stating what the broker is allowed to do as well as being prohibited from doing on the clients behalf, sometimes brokers do act outside of the agreement. Imagine this scenario: a broker has a friend who attended the same school. One day the friend comes to her and says that she would like to start investing in the stock market. The broker, not wanting the friend to lose any money, "modified" the losses from the friend's account to her own. This is illegal. But, well it has happened. The client/friend was not consulted before the broker took this action. Do you think the friend minded that her broker/friend "looked out" for her interests? Does this scenario seem like it could actually happen or does it seem just like a fanciful tale? Based on how you answered the last question, you should know that it was possible that PB had an order to sell MS's Imclone stock when it dropped below a certain price and PB wanted to alter such a document to reflect a trade after it was made. A bigger issue here, ignored by the media, is that large are the real industry practices, as opposed to what the law says must occur. For the large part, there is no problem with this, as long as the trade is not at the brokerage firm or the trading firm every day. The government and the various stock exchanges monitor this and the actions of its employees. There is another culture here, which is not mentioned about it before, during or after trial. What really goes on in the industry? Who are the brokers and customers? What do those relationships look like? If there are other "practices" in the financial services industry that sometimes occur. These are the questions that no one wants to discuss. It is only in the Post-Enron era, that brokerage firms are being watched under a microscope. Now, industry insiders are much more careful in transaction business. Trades (buy and sell stocks for brokers or large institutions) and brokers (buy and sell stocks on behalf of their clients) share information with each other. Brokers share information with their clients. If someone has been your client for ten years, the level of trust between the client and the client is high. That client believes that the broker understands the market, is able to make wise recommendations based on that knowledge and is in general working hard for the client in exchanging for the service (depending on the amount fracked/invested in the account).

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When I first began to write this article about "same-sex marriage," I thought I would approach it from a legal standpoint. A year-long investigation of "What is the issue?" and store deciders interfered with my straightforward opinion. Then I decided that since the matter is likely to be tied up in the courts for years to come, I could always discuss the issue on its legal merits at some point in the future. This article is a starting point for the future discussions.

I am very curious to know if people are opposed to the idea of a marriage between same-sex partners because in their mind a marriage is man + woman. I have been reading news reports and watching various television reports on the subject and it seems that some people are opposed to "gay marriage" on that front. When asked if "marriage" between two members of the same sex were called a "civil union," and if such a union would provide the exact same benefits and privileges as "marriage" would there be any difference? Some people say yes. Others say that they would still be opposed to such unions. That's the part that I can't figure out. If a "civil union" does the same thing as "marriage," that is, gives same sex partners the same rights as heterosexual married couples, but is provided by another name, then there is essentially no problem: A problem arises if "civil unions" do not do the same thing as "marriage" or a "civil union." It seems to me that some people say a gay marriage society is that "you are not the same/equal to (us) and therefore you are not entitled to the same rights." Personally, I don't particularly care if it is called "marriage" or a "civil union." It seems weird to me to be calling it a "gay marriage." It's like saying marriage between blacks should be called "black marriage" or a marriage between whites should be called "white marriage."
Social Revolution: How Much Has Really Changed?

BY ALICE NIES

I must admit that until I saw the colorful flyors picturing a dour-faced, bespectacled woman advertising the Justice Action Center (JAC) on the Pan Pacific Hotel's billboards, I never heard of Emma Goldman. I had never heard of Emma Goldman, a Russian immigrant, (Goldman, 1869-1940) was an influential anarchist, journalist, author, and lecturer. Since learning more about her, I have become intrigued and never come up in previous history or government classes. She was an early advocate of free speech, women's equality, and union organization and an opponent of compulsory military service.

Declares Emma Goldman's Words

On March 2, 2004, Professor Benson and some of his students presented dramatic scenes from the trials of Emma Goldman in the Stiefel Theatre. The students had authored the dramatic readings with portions adapted from trial transcripts, actual speeches, and contemporary news accounts. The highlights of Goldman's "rap sheet" include being convicted of inciting a riot, accused of inspiring the Haymarket bomb, but because of evidence, the judge at the trials called Goldman "depraved" and "those who entertain the same deportations".

Goldman's fame grew. On speaking tours, she was sometimes arrested before she could even begin to speak. The charges were usually dropped as she returned to the courtroom. Goldman became internationally famous after the assassination of President McKinley. In 1914, President Wilson signed the Espionage Act into law. This act declares Emma Goldman's Words "Drove Him to Murder." Goldman was arrested but never formally charged. She was released when the government dropped the charges. However, the government directly participated in the assassination. As a result of the McKinley assassination, Congress passed another anti-immigration law in 1898. This law excluded the admission of new anarchists even though the assassin, Leon Czolgosz, was born in America.

Professor Benson describes Goldman as "a woman impossible to reduce to her occupations, achievements, or public reputation as the "most dangerous woman in America."

Although Goldman later re-assessed her views. In her early years, she sometimes assisted in the overthrow of the government. Once, a reason Professor Benson finds Goldman to be an important figure in Immigration Reform. Today's Immigration laws were directly inspired by Goldman and her colleagues. The legislation that was based on the 1917 Immigration Act, which was passed...
deportation of anarchists and others who advocated violent overthrow of the U.S. government. The immigration laws also contain provisions aimed at radical speech or members of communist organizations.

In a post-9/11 iteration of immigration law, a person can be deported or imprisoned, under the statutory definition, for support of a terrorist cause, or advocates acts of terror. Current laws also authorize severe immigration sanctions for deportation or repatriation of others. Interestingly, Goldman used the term "terrorist" in her famous phrase: "Liberty caresses with generous affections ... (those) who have emptied in the name of security." How quickly do we deteriorate into an Orwellian society where some of the U.S. government, a person can be deported under the provisions aimed at radical speech and liberty caresses with generous affections ...

The formal charges were flimsy charges. The similarities between laws that would arise from the release of "terrorists" to be deported for minor offenses, the government has been able to make the issue of deportations. Interestingly, Goldman used the term 'terrorist' in her famous phrase: "Liberty caresses with generous affections ... (those) who ... have emptied in the name of security." How quickly do we deteriorate into an Orwellian society where some of the U.S. government, a person can be deported under the provisions aimed at radical speech and liberty caresses with generous affections ...

The practice of sending American jobs overseas, where labor is cheaper, doesn't bother most people until their own jobs are in danger. After all, overseas outsourcing saves money. And saving money increases profits and shareholder wealth. And, if investors are happy, it must be good for the economy, right? Well, anyway, the House is expected to be favor of the growing trend towards overseas outsourcing. Goldman used the term 'terrorist' in her famous phrase: "Liberty caresses with generous affections ... (those) who ... have emptied in the name of security." How quickly do we deteriorate into an Orwellian society where some of the U.S. government, a person can be deported under the provisions aimed at radical speech and liberty caresses with generous affections ...

Lawyers and future lawyers: Beware. First, it was the garment industry. Then, low skill, low wage jobs went overseas. Then, it was manufacturing. Recently, $35,000-a-year customer service jobs moved overseas. Now, support positions have been exported to countries like India, Australia, New Zealand, and the Phillipines. English speaking workers are hired for a fraction of the cost of American workers. Now, there is growing concern with regard to outsourcing legal work overseas.

The cost factor is also driving the increase in outsourcing of legal services overseas. Patent filing is one example. The average cost of a complex patent application is $11,000 if prepared by an American firm but only $4,000 to $5,000 when drafted by Indian lawyers. Mindcrest reports that business is booming for basic research and "low-end" work usually done by paralegals and junior lawyers.

Why isn't there more of an outcry from the legal profession? Maybe, because law students and junior associates are "they" to most of the legal profession. Why worry about them? We don't worry about the garment industry jobs that went overseas, or the manufacturing jobs, or the customer service and technology jobs. As long as our $60-an-hour fees are safe, we don't need to worry. "They" are the ones who should worry, not "us." I just hope that some of "us" will worry because there's no telling how soon "they" will become "us."
result is that employees continue to view the job as costly - and therefore less desirable - as employees, because employers expect that women will take more leave.

Both of these gender-typed responsibilities, child raising and family care, result in increased absenteeism from work, which result in lower pay. Women in the workforce are less likely to work a full time and full duty calendar to leave the labor force longer for than men, further suppressing their wages. These differing work patterns have an even more significant impact between men and women, suggesting that working women are penalized for their dual roles as wage earners and as family caregivers.

Additional elements of the wage gap are the Glass Elevator and the Glass Ceiling. The Glass Elevator refers to the relative infrequency with which women are promoted to higher paying jobs. The Glass Ceiling is more casual and describe the pattern of women remaining in low paying positions while their male counterparts are promoted to higher paying jobs. The Glass Ceiling describes the phenomenon that, if promoted, are only promoted to intermediate level positions. The Glass Ceiling is the 79% of top U.S. executives being male.

This difference in pay increases over a woman’s lifetime in the job market. To get a glimpse of how this discrimination effects you, look at the gender wage gap in NYC. Although, the ratio of males to females in NYC is 5:1, and up.

If you don’t like numbers, don’t feel bad, knowing the pattern of the relative lack of representation of women and minorities is not really necessary here. Just look at the gender split in your own office, school, post office, or wherever you work. Research has shown that in the continuing refusal to acknowledge women equal to men has actually created the potential earning power of American women, and as a result, American CEOs, and the US economy.

J.B. Rosener, author of America’s competitive secret: Utilizing women as a management strategy, argues that the need to place women in management is not only a matter of equity, but also economics. She describes American working women as an unappreciated labor force that will give America a competitive edge in today’s fast-changing service-oriented world of business. Rosener believes that the situation in management style between women and men is merely the beginning of a discriminatory practice, but the first step is acknowledging that the inequality exists. She has offered a simple solution to this problem, wherever, and whenever it appears. Just look around. Although the proof is right in our faces, we don’t want to see it. The real issue, then, a problem created by human beings working, regardless of the employment environment, ask yourself, why are all the bosses men?
The wage gap isn't just a women's issue. Equal pay for women raises family income, and the whole family benefits.

In 2002, women earned 77 cents for every dollar men received. That's $23 less to spend on groceries, housing, child care and all other expenses for every $100 worth of work done. Nationwide, working families lose $200 billion of income annually to the wage gap. At the current rate, equal pay won't be realized until 2050.

The wage gap is even worse for most women of color. Latinas earn 56 cents and African American women earn 68 cents for every dollar men earn, while Asian American and Pacific Islander women earn 80 cents.*

*CPS, 2004

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