by Gerard Mackey

Unnamed sources within the NYLS administration report that the formal search for a replacement for Dean James F. Simon has been postponed while Harry H. Wellington is wooed for the job. Although the administration is quiet about the situation, it looks as though the school will make an offer of the dean's position to Wellington. If he accepts, Wellington will take office after Simon steps down at the end of this academic year.

The New York Law Journal reported on August 30th that Wellington was unsure if he would accept such an offer; however, he was interested enough to spend a few days last month on campus interviewing and meeting faculty members. A faculty vote on extending the offer is expected soon. Wellington, a visiting professor at NYLS a few years ago and a member of the board of trustees since 1989, is the Sterling professor of law at Yale University. He also served two five-year terms as the dean of the law school there beginning in 1975. A native of New Haven, he did his undergraduate work at the University of Pennsylvania and earned his law degree at Harvard. He also clerked for two distinguished federal judges, including a stint with Supreme Court Justice Felix Frankfurter.

Professor Wellington has written extensively on labor law and has many articles and books to his credit. In recent years, his interest has turned more to constitutional law and legal theory, and he is now working on a study of constitutional adjudication. He has published in the area of contracts as well.

Wellington's view of legal scholarship might be summarized by a comment he made while addressing Harvard University's 350th anniversary celebration in 1986. He said, was that it "assumes that the separate but equal," Marshall once said, was that it "assumes that the two things are equal." Throughout his tenure on the Supreme Court, Marshall would favor the individual against the state, the weak and disabled against the strong, the federal government against the states and the regulations against the regulated.

"You either work to improve society, or you become a parasite on it."

Yet after nearly a quarter of a century of service on the Supreme Court, the man who vowed never to retire tendered his resignation to President Bush earlier this summer. His resignation was viewed by many as the culmination of years of frustration caused by the Court's increasing conservative majority. Born in Baltimore, Maryland in 1908, Marshall was the son of a school teacher and a club steward. His father had a great influence on him. Marshall often told of how his father would say to him, "Son, if anyone ever calls you a nigger, you not only get my money, but you get my order to fight him." He attended Lincoln University, considered in Marshall's day one of the best black college preparatory schools. Financing his education by working as a grocery clerk and waiter, he excelled at undergraduate debate and was graduated cum laude in 1930.

Excluded because of his race from the University of Maryland Law School, Marshall enrolled to study law at Howard University in Washington, D.C. in 1933. Marshall graduated first in his class from Howard, became a member of the Maryland bar in 1933, and in the course of establishing a law practice served as counsel to the National Association for the Advancement of Colored People's Baltimore branch from 1933 to 1936.

In 1936 he moved to New York to become an assistant to NAACP special counsel Charles H. Houston, whom Marshall had met at Howard when Houston was vice dean of the law school. A year later, the NAACP Legal Defense Fund was formed, with Marshall as its head, to employ systematic litigation as a strategy for the achievement of civil rights for black people. Over the next 25 years, Marshall engineered the legal campaigns of the civil rights movement. He crusaded the South annually, appearing in numerous courthouses to lend support to beleaguered civil rights attorneys.

The culmination of his service in this position came in 1954 when he argued the case of Brown v. Board of Education and won the Supreme Court decision outlawing racially segregated public schools.

See, MARSHALL, p.3

A Dedication to Justice Marshall

by Ann Kenny

On his desk lay a small block of translucent plastic similar to those collected by corporate attorneys to counterfeit and sue the regulated. The regulators against the regulated. The government against the states and their families a rare opportunity - the chance to get something, for $0.10 a gallon. Admission was free and there was a pro bono showing of Professor Blecker's play, "Vote No." In addition, the school gave each student five dollars worth of tickets redeemable at food concessions, and a styrofoam hot dog. The carnival organizers should be soon hearing from the Environmental Law Society! Unfortunately, not everything was cost-free: beer cost $2.00 and games 25 cents. Although the carnival's total receipts are unknown as we go to press, I think it safe to say that the beer and games generated a fair amount of revenue. Among the many attractions under the big tent were live bands, assorted games, food and drink, and a dunking booth. Monica Coen (from Student Services) got dunked a few times, but I was disappointed that none of the school's deans appeared on the dunking stool, as was advertised. At one point, I noticed a dummy with one of the dean's names pinned on it perched up there, but that was a close as we got to enjoying that sport. Though the chance to dunk a dean was lost, the game drew a good crowd.

A major benefit of the carnival was that it gave students' families the chance to get something, for $0.10 a gallon. Admission was free and there was a pro bono showing of Professor Blecker's play, "Vote No." In addition, the school gave each student five dollars worth of tickets redeemable at food concessions, and a styrofoam hot dog. The carnival organizers should be soon hearing from the Environmental Law Society! Unfortunately, not everything was cost-free: beer cost $2.00 and games 25 cents. Although the carnival's total receipts are unknown as we go to press, I think it safe to say that the beer and games generated a fair amount of revenue. Among the many attractions under the big tent were live bands, assorted games, food and drink, and a dunking booth. Monica Coen (from Student Services) got dunked a few times, but I was disappointed that none of the school's deans appeared on the dunking stool, as was advertised. At one point, I noticed a dummy with one of the dean's names pinned on it perched up there, but that was a close as we got to enjoying that sport. Though the chance to dunk a dean was lost, the game drew a good crowd.

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From the Editors

Democracy in the SBA

Recently, we attended the SBA budget meeting in order to receive money for the production of this newspaper. An SBA representative informed us prior to this meeting that any monies allocated to Frolic & Detour would be held in abeyance, until such time as the senate could ratify our constitution. As this meeting was only to be a budgetary meeting, only one member of the editorial board was present. However, without notice to any member of the newspaper, the SBA Executive Board decided to precipitously vote on each new organization that night. When Frolic & Detour came up for ratification, one SBA board member, who apparently was authorized to run this part of the meeting, recommended that the constitution not be ratified since he had trouble with a particular clause in it. This person read the preamble to the constitution aloud, stated that he believed a competing newspaper would be beneficial for the school, and then paraphrased the clause he had difficulty with.

The SBA permitted Frolic & Detour two minutes in which to respond to the clause that was deemed to be problematic. The floor was then opened up for questioning, at which time two non-SBA members were given the opportunity to speak, in spite of the fact that the Frolic & Detour representative was previously cut off at the two minute mark. Senators also asked questions about the clause in question and the concessions that we were willing to make. Since the editor could not act without the other members of the editorial board, he stated, although perhaps too ardently, that no concessions would be made. A vote was then taken which rejected our constitution as it stood.

The clause stated that the editors-in-chief would be selected by the preceding editors. This, the SBA representative said, was problematic since it was undemocratic. However, we believe the SBA was unreasonable for several reasons. The suggestion for improving our constitution that was offered would make no realistic change in the running of the newspaper and would actually result in a worse publication. If F & D were to allow a democratic vote to all persons who wrote, for example, two articles, while reserving the right not to print any article, then the editors could still effectively determine who would vote. The difference would be that an editor, in that scenario, could accept an article of lesser quality from a friend, simply because he or she could expect a vote from that person, rather than accept an excellent piece from an individual with whom the editor is less collegial.

As we see it, the entire SBA ratification process was completely biased and undemocratic. The individual who recommended that the senate reject our group unless we change the procedure for electing editors was on the editorial staff of the Sagamore, clearly a conflict-of-interest, especially in light of the discord that existed between the two papers last year. This suggestion clearly swayed the senate since none of the senators who voted had even read our constitution. Apparently, the SBA's version of democracy does not include informed decision-making.

Additionally, because we were concerned with the continuity of a project that we had put a lot of time and effort into, and because we believe that a school publication can be a reflection of its student body, our constitution was drafted carefully so that subsequent individuals who become leaders of the paper could have definite guidelines and procedures to follow; for without such a document there is a greater likelihood that the organization will cease to exist.

Also, it is not that we believe that a group of individuals could not select effective individuals to become the next editors, but experience has shown that, because of studies, many individuals don't have substantial time and effort to dedicate to the paper, and therefore wouldn't appreciate who among the first years is appropriate to become editors. (As a side note, the constitution stated that the editors would be chosen from among the pool of students one year behind the current editors. The criteria used for selecting editors are the quality and level of commitment that one is willing to make).

Furthermore, if one looks at the constitutions of other clubs, F & D's is certainly as detailed, if not more so, than most. And because some of the constitutions are rather scant, little or no direction is given as to leadership or voting. This is not necessarily a bad thing, however, since these constitutions permit each organization the flexibility needed to perform more effectively. However, the SBA must, at least, be consistent in its application of policy. Neither of the two organizations that were offered for ratification at the SBA meeting, namely the Sports and Entertainment Law Society (''S & E'') and the New York Law School Basketball Team, had provisions which explicitly defined a democratic voting process. The basketball team's constitution simply states that "[t]he officers shall be selected each spring in preparation for the following fall season," although by whom and by what process is unknown. The S & E constitution reads that "[t]he Events Officer will be responsible for the election procedure." It does go on to say that a "majority vote will be declared winners," however, it does not define who shall vote, etc.

We are not suggesting that no organization be permitted to operate in this fashion, since, at times, the effectiveness of the organization depends on it. All of the journals, as well as the Moot Court Association operate in this fashion. Other SBA-accredited organizations operate undemocratically, by excluding certain groups. For example, the Latino Law Society justifiably will not select effective individuals to become the next editors, but experience has shown that, because of studies, many individuals don't have substantial time and effort to dedicate to the paper, and therefore won't appreciate who among the first years is appropriate to become editors. (As a side note, the constitution stated that the editors would be chosen from among the pool of students one year behind the current editors. The criteria used for selecting editors are the quality and level of commitment that one is willing to make).

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We are just suggesting that we should have been treated as equally as any other group which the SBA sanctions and grants funds to each year. Also, it is time for the SBA to consider making drastic changes in the way it operates. Those who argue relentlessly that the SBA is democratic since members are elected from the entire school are slightly idealistic and missing the point. One-third of the SBA is elected in the first few days of school when first-year students have had little if any exposure to those seeking a senate position. Also, the SBA does not make an active effort to involve the student body, as a whole, in the policy-making process. Neither is there true representation since student-representative interaction is minimal, and it is hard to believe that senators fear reprisal enough to conform to the wishes of his or her constituency.

Frolic & Detour

Editors-in-chief
Nick Caputo
Josh Porter
Samuel Mizrahi
Gerard Mackey
Ann Kenny
Gary Assia
Mike Cifelli

Managing Editors
Joseph Brennan, Nick Caputo, Laura Casulli, Mike Cifelli, John Dillon, Bernadette Dono, Jay Glickman, Ann Kenny, Gerard Mackey, Samuel Mizrahi, Ed O'Connor, Josh Porter, Paul Salvatore

Associate Editors

Special Thanks to Peter Salvatore who was indispensable to the paper's beginning.

Articles herein reflect the views of the writers and not necessarily those of Frolic and Detour.
THE SUMMER JOB I NEVER HAD

by Gerard Mackey

"Would you be able to come in for an interview this week?" the lawyer asked me over the telephone.

Ordinarily, these words are music to the ears of a law student just finishing first year and looking for a summer job. But this attorney had already interviewed me. Did he not remember that he had once offered me a job? I suppose that I should have expected that, at 85 years old, this guy might be a brick or two shy of a full load, but it seemed unlikely that he had forgotten that I had spent half a day in his office a month ago.

I had started my job search late, but two days after I sent out a mailing I had a response and an interview with a solo practitioner named Henry Billings. I felt lucky and rather pleased with myself. Maybe this wasn't the ideal job, working for a lawyer whose practice was withering away, but I'd make some money and maybe learn something useful. After all, he had over 60 years of experience; he'd know a lot and have the time to teach me.

He was a slight man with a kindly face and wispy strands of white hair carefully combed over his mostly bald head. He greeted me wearing a buttoned-up cardigan under his suit coat and led me into a small room filled with New York Sup's; his library. We sat opposite each other at a conference table and he began to talk. And talk. And talk.

I learned how he usually hired students from NYU Law because "they're such a bright bunch." And about the "nice Irish girl" who took care of him after his bypass operation a few years ago. I listened to the story of how he and his wife had an audience with Pope John XXIII during a trip to Italy in 1960. And heard about how, on D-Day, he brought to the high court, and for this he will long be admired.

Then, the Friday before exams started, he called to say he was going into the hospital. His doctor was unsure if he would be able to return to work, so he encouraged me to look for another position for the summer. He didn't want to "prejudice" me.

One morning at 8:15, the phone rang. He wanted to discuss his computer system. "They tell me it's perfect," he announced. "Do you know anything about that?" I suspected that he had WordPerfect software, assured that I was familiar with it, and hung up. My doubts about having accepted the job grew deeper.

Finally, he offered me the job. In retrospect, I felt as if we were traveling backwards in time and I realized that I had been sitting there for almost three hours and had missed lunch. Finally, he offered me the job. In retrospect, I like to think I accepted because I was weak but accept I did. We settled on a starting date and, after a brief tour of his office, I escaped.

Over the next ten days, he called me every other day. I wasn't scheduled to start work until the beginning of June and it was only late April. Yet he called me from home and from the office, over the weekend and late at night. By now we were friends, I guess, because he told me bad jokes and asked questions about my personal life.

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"Easy come, easy go," I thought, although I was disappointed and angry for having spent so much time talking to him.

Weeks later, during a break from working temporary jobs, I came home from the grocery store one afternoon to find a phone message. "George," it began, although my name happens to be Gerard, "this is Henry Billings. Please give me a call." "No, Henry," I decided, "I don't think so." As I put the groceries away, I fantasized about suing him or at least billing him for my time. Learning to think like a lawyer, I suppose.

CARNIVAL, from page 1

occasion to visit the school and meet the faculty, school employees, and other students. The carnival was a frolicking way to start off the new semester; let's hope we don't have to wait hundred years for the next one. We could have one every September to welcome new students and their families and to boost school spirit. Happy birthday New York Law School!

MARSHALL, from page 1

In 1961 President Kennedy named Marshall to the U.S. Court of Appeals for the Second Circuit. Opposition from Southern senators blocked his confirmation for almost a year. In 1966 President Johnson chose Marshall to serve as solicitor general, the first black person to hold that post. The solicitor general is the federal government's chief advocate before the Supreme Court, and in that capacity Marshall argued numerous times before his brethren-to-be.

"I believe he has already earned his place in history," President Lyndon Johnson said in 1967 when he nominated Marshall to be an associate justice of the Supreme Court, "but I think it will be greatly enhanced by his service on the Court." To no one's surprise, Marshall's performance on the Supreme Court has been guided by the same dedication to racial justice and the rights of poor people that he displayed as an advocate. On almost all issues of civil liberties, he consistently adopted broad readings of the Bill of Rights and the Fourteenth Amendment. His view of the lawyer's role has been unwavering: "You either work to improve society, or you become a parasite on it."

Regardless of whether one agrees with Justice Marshall's judicial philosophy, he or she must recognize the sincere dedication and desire for social improvement that he brought to the high court, and for this he will long be admired.

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Faculty Profile: Professor Nadine Strossen

by Laura Casulli

In the course of her career, Nadine Strossen has clerked with the Minnesota Supreme Court, worked as an associate for Lindquist & Vennum and Sullivan & Cromwell, and been a partner at Harvis & Zeichner. After eight years in the private sector, she joined New York University School of Law as Assistant Professor of Clinical Law. Then, in 1989, she joined the faculty of NYLS. She is currently a Professor of Law.

Throughout her career, Strossen has been active in numerous organizations and projects which focus on civil liberties and international human rights. Among them are Asia Watch, Coalition to Free Soviet Jews, the National Coalition Against Censorship, the Fund For Free Expression, and, most notably, the American Civil Liberties Union of which she became president last January.

Looking at her achievements as an attorney, one might be curious about her performance as a student at Harvard Law. Was she a competitive bookworm who was over-prepared for every class? Did she live in the library? Strossen cheerfully revealed that she was not such a student. Instead, she plays down the importance of attending classes and emphasizes the value of active involvement in law related extra-curricular activities. She did, however, make law review.

As a student, Strossen devoted much of her time to legal assistance programs such as the Legal Aid Bureau and a Prisoners Legal Assistance Program. She explained that while classes and assigned readings taught her the law, participation in these programs trained her to be a lawyer. In addition to school obligations and her contributions to the community, Strossen recalls that she managed to have a social life as well.

Strossen’s characteristic enthusiasm, determination, and energy will surely make her presidency of the ACLU a dynamic one. While she has not planned any major changes in the direction or policies of the organization, she discussed three goals on which she will focus the organization’s resources.

First, the ACLU will endeavor to educate the American public about civil liberties, starting with the basics: what they are and why they’re important. Citing the results of a recent public opinion survey which shows that 40% of Americans do not know what the Bill of Rights is, Strossen expressed concern that Americans lack appreciation for the liberties they enjoy and fail to realize that these liberties can be lost.

Second, Strossen intends to increase the diversity of the ACLU’s membership. By educating the public, Strossen hopes to increase individual participation in preserving and expanding civil rights. She emphasized that the constant agitation of independent organizations such as the ACLU has the effect of giving life to the Bill of Rights. This, in turn, keeps America the freest society in the world.

Second, Strossen intends to increase the diversity of the ACLU’s membership. Her goal is to attract conservative members by stressing that the ACLU protects the civil rights of all people in all contexts, not just liberals. For example, conservative clients have included a neo-Nazi group and Colonel Oliver North. The organization would also like to establish chapters at law schools throughout the country.

Third, Strossen hopes to integrate the ACLU into the international community. While it will continue to focus on human rights concerns here in the United States, the ACLU will share its 71 years of expertise with fledgling human rights organizations in countries which have only recently started such movements. Strossen’s goal is to establish a systematic communications network to facilitate the exchange of information.

When asked what the ACLU’s most important achievement has been, Strossen thought for a moment. "Its courage and conviction to defend causes that at the time were unpopular and unpatriotic, but that have withstood the test of time," she said. For example, the ACLU was the only national organization to oppose the internment of Japanese-Americans during World War II.

Looking to the future, Strossen plans to stay on as president of the ACLU for ten years, giving her time to achieve her goals and grow in the position. After that, she will step aside and let new leadership re-energize the organization.

On Natural Law...

"Higher law is the only alternative to the willfulness of both runamok majorities and runamok judges." —Clarence Thomas

"I see no reason for attributing to man a significance different in kind from that which belongs to a baboon or grain of sand."

—Justice Oliver Wendell Holmes

32 Harv. L. Rev. 40, 252 (1918)

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Frolic & Detour fall of 1991 10%
by Peter Salvage

"Troy Dorris" said he ran away from his Detroit home at age nine and joined a circus as a ticket collector on the "Indiana scooter-cars." Now Dorris works a different type of circus - New York City's Times Square. He hands out fliers for peep shows; sells stolen electronics, and smokes crack on the street.

"I'm for real, guy. You can trust me. Here, I'll even show you my I.D." said Dorris as he pumped peep-show fliers into the hands of 42nd Street pedestrians. He wanted to sell a ticket to a live sex show for $10.

The salesman slid an "Approved Identification" card from his tattered black wallet and held it up with his shaky, calloused left hand. The card had his picture, a small dark face with a missing tooth. The photographer had left too much head-room and the type on the card ran crooked.

"I Smoke Crack. I Smoke Weed." The I.D. called him "Troy Dorris" and said he was 26-years-old. Several shops around Times Square sell similar identification cards, also poorly photographed and type-set. Purchasers decide what name they want on the card, date them, and address them. No verification is required; "approval" is granted for $15.

Dorris stood on the sidewalk near the derelict Times Square Theater, on 42nd Street halfway between Seventh and Eighth Avenues. He leaned against a wooden graffiti covered barrier, underneath the abandoned theater's broken windows, Ionic columns dripping with soot. Jasmine incense from a street vendor temporarily masked the smell of automobile exhaust. Dorris, a skinny African-American, moves with a pronounced limp. His swaying gait takes weight from his damaged left leg. He said he twisted his leg years ago but would not say how. His frequent smiles reveal a missing left front tooth. Worn overs and a patchy beard sprout from his chin.

"You see that? All day people are coming up to me. "Dorris said the man would have to pay $7 for the number. The man would only pay $5. Dorris walked away without a deal but with his ego boosted.

"You see that? All day people are coming up to me and asking me for stuff. And I can get it for them - anything," Dorris said grinning proudly.

"With crack, it's the craving and desire that gets you. If you can beat the craving and desire, you won't do it again," he said. Dorris insisted he is not addicted. "I've been smoking it so long, I could do with it or without it," he said.

Dorris may be able to stop smoking crack, but he makes part of his living off those who can't. He said people come to him every day to buy the drug. During a two afternoon hours, Dorris took money from four different people who approached him on the street. He sold them all crack, he said. Dorris' most lucrative business venture is selling stolen merchandise, he said. The vendor said his most typical transaction in "hot" equipment, selling a Canon EOS R50-SLR 35 millimeter camera worth about $300, usually nets him $75.

"I work out on the sidewalk and my connection, in the electronics store, works inside. He steals the camera and I sell it for about $150. We split the money," he said, waving his arm at a pigeon pecking at a day-glow colored pack of Cool menthol cigarettes.

"Most of them are like guys that are married, have on professional sports at 5:00pm Tuesday, October 1 and November 15, 1991 in the faculty dining room.

Among the speakers will be:

Mr. David Checketts - President, New York Knickerbockers
Mr. Lou DiBella - Executive General Counsel, Time Warner Sports
Mr. Donald Fehr - Executive Director, Major League Baseball Players Association
Mr. Jay Moyer - Executive Vice President & League Counsel, National Football League
Mr. Neil Smith - General Manager, New York Rangers

The question and answer session during the symposium will allow you to ask all the panel members all those burning questions you've been storing up for years. Immediately following the symposia a cocktail reception will be held so that all those members you've been meaning to meet will have an opportunity to speak informally with the speakers.

If you would like to join the New York Law School Sports & Entertainment Law Society please leave a note in the mail folder of Robert Grossman or Larry Kriebstein.

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News of the nomination of Judge Clarence Thomas to replace Thurgood Marshall on the Supreme Court broke while I was attending a seminar in political economy given by the Cato Institute, a libertarian think tank. As an African American, I have long admired Justice Marshall as a role model and a symbol of the growing participation of African Americans in our society. Although I was pleased that President Bush chose to maintain an African American presence on the Court, as a libertarian I began to wonder how Thomas stands on civil and economic liberties.

I made inquiries into Thomas' background among the other seminar participants. David Boaz, the Executive Vice President of the Cato Institute, felt that Thomas held some libertarian views and I was intrigued by this possibility. I learned that a photograph of Judge Thomas at a Cato Forum appeared in a periodical popular with libertarians, and had addressed various libertarian groups.

While attending the Libertarian Party's presidential nominating convention, I had the opportunity to speak with Richard Boddie, the most prominent African American member of the party and a candidate for its presidential nomination. I asked Boddie if he was familiar with Thomas' views. Boddie assured me that the judge was a "closet" libertarian. He claimed that Thomas couldn't openly identify himself as such because he would jeopardize his standing with an administration for which he used to work and which appointed him to the U.S. Court of Appeals for the District of Columbia.

Although every revelation about Thomas seemed to weigh in favor of his being a libertarian, I began to look at positions he has taken as a further indicator. One of his most publicized positions is his endorsement of the philosophy of natural law. On the surface, such an endorsement is in keeping with libertarian principals; natural law is a cornerstone of libertarianism. Unfortunately, many who have claimed to believe in natural law have used those words to represent principals totally at odds with libertarianism.

Under natural law, as a libertarian understands it, each person owns his own life and has the right to do anything he wishes with that life provided he does not forcibly interfere with anyone else. Natural law is basically a principal of non-aggression; only activities which violate this principal are illegal.

Some who have criticized Thomas for believing in natural law also criticize the concept because the words themselves were sometimes used in the 19th century by people who used natural law in that way either did not understand it or did not really believe in it.

Today, many who take the pro-choice position on abortion are concerned that Thomas' belief in natural law indicates that he would overturn Roe v. Wade. Because natural law is not dispositive of the abortion issue, however, such concern is unfounded. Natural law gives no guidance as to when a fetus is vested with the rights of a human being; it simply determines what rights human beings possess. Thomas may favor overturning Roe, but natural law is not to blame. Most libertarians are pro-choice and use the motto, "pro-choice on everything." But libertarians do differ, and some do oppose legal abortion.

It is uncertain whether Judge Thomas understands natural law in the same way as libertarians do, though some of his past positions indicate that he may. His criticism of affirmative action, licensing and minimum wage laws, and his support for limited government and the protection of individual economic rights are in keeping with a libertarian view of natural law.

Any early celebration over Judge Thomas' libertarianism should be tempered with the realization that he does not renounce all government action in non-aggression situations. As chairman of the Equal Employment Opportunity Commission, he was perfectly willing to utilize government power against private business to redress individual claims of discrimination. In such cases, a true libertarian prefers market solutions.

It is probably fair to say that Thomas leans in a libertarian direction. But to characterize him at this point as a closet libertarian is probably wishful thinking. In spite of his "less than pure" libertarianism, Thomas should be confirmed. He is probably the best we will get from the Bush administration.

PROVENZANO'S PARKING

Special $10 for all day parking for students with an I.D.

2 Blocks from NYLS, Behind Exotic Car Showroom, near the Square Diner, on Leonard Street.
Heroin, Heroes, and Horns
by Josh Porter

Heroin was a daily staple in the diet of most great beboppers in the early 1950's. In his autobiography, Miles Davis accounts for drug abuse among musicians during this era by recounting that many believed regular heroin use might make them play as great as the master, Charlie (Bird) Parker. In his autobiography, Davis does not reveal whether or not he himself was a user, but he tells of how many of the greats never gave up heroin, except for one: Bird. Bird was able to be sober for long, drug-free periods of time. He even wrote and recorded a song about his experiences called "So What." There is no record of Davis ever being sober, but he does mention in his autobiography how much heroin he used and how much it helped him to be a better musician. I am of the opinion that Davis was a heroin user. I base this on the statement he made in his autobiography that he had been using heroin for years before he ever met Bird. It is also possible that Davis was just trying to emulate Bird's style and be as great a musician as he was. I believe that both Davis and Bird were great musicians, and that their heroin use did not detract from their ability to be great. If you are looking for a book on the history of heroin and jazz, then I would recommend "Heroin, Heroes, and Horns" by Josh Porter.
by Josh Porter

As part of their effort to prevent him from taking a seat on the Supreme Court, several Democratic senators have questioned Clarence Thomas about his past statements on natural law. In response, Thomas tried to distance himself from the past by shaping his answers in such a way as to have us believe that his past remarks were the musings of a theorist who had no intention of interpreting or adjudicating in the area of constitutional law. "At no time did I feel nor do I feel now that natural law is anything more than the background to our Constitution," Thomas said at the hearings. Do we believe him? And if not, is there cause for concern? Or alarm? From the hysteria generated at the hearings, you might think that the ranks of natural law theorists included Pol Pot and Idi Amin, rather than St. Thomas Aquinas, John Locke, and Thomas Jefferson.

But it is not his adherence to natural law that rouses Thomas' opponents so much as what he might have used natural law to accomplish. Surely, Ted Kennedy et al. do not oppose the values enshrined in the Declaration of Independence. In fact, without exception, they embrace them. The traditional idea of natural law is based on the concept that individuals are endowed with certain "inalienable rights" independent of government grant. These include the basics: life, liberty, and the pursuit of happiness. More likely, these senators are concerned about the way Thomas will use natural law to inform constitutional decision-making.

Historically, however, natural law has often been used to buttress the convenient doctrine for the right. From the hysteria generated at the hearings over the past ten years. This results in a lot of noise made by a few over a minor statement or incident in a nominee's past. A nominee now knows not to reveal how he would vote on a certain issue, so the struggle takes place on such a level of abstraction that the hearings are divorced from any real meaning. Ultimately, the issue of a nominee's competence is skirted. Thus, the country is denied a highly qualified legal mind for its most important legal job.

As a final matter, I have my own meaningful reasons for rejecting Clarence Thomas: He's a Dallas Cowboys fan.

A BIGGER, FASTER COFFIN

"It's a lot bigger than the other coffin, that's for sure." Doug Hoolahan, ace technician for Gotham Elevator, made this remark in reference to the installation of "C" building's new elevator, whose dimensions (4' 6" x 5' 4") dwarf the old.

That's right, starting October 11, you can ride along at 150 feet per minute in the bigger, better car that will serve "C" building's formerly frustrated passengers. Nothing from the old system will be retained, so you can look forward to an efficient, comfortable journey.

Although the old elevator was reliable and rarely broke down, it was the bane of the NYLS community. Vinzie Camalliari, Jr., a member of the school's maintenance team, was reluctant to share his feelings on the old system. "There's a lady here - I'd rather not say nothin'," was all he ventured. The old car travelled at a mere 100 feet per minute and had, in the parlance of the trade, a poor sense of direction.

This means that the elevator used to stop when called regardless of the direction in which the passenger wished to travel. A student on the third floor wishing to go to the basement was picked up even though the elevator was going up. So, you had to get on and ride in the opposite direction, unless you knew to let the elevator pass you by and push the button again after it left.

The new car is also two feet wider than the old, which had a dummy wall, and is equipped with the latest in elevator technology. Chimes will ring out the floor number and the stainless steel push buttons have Braille markings, thereby providing for the needs of blind people. In addition, the A/C variable turbo drive setup eliminates those bumpy rides and allows the car to glide "into" a floor.

Although plans have proceeded so far without a hitch, the installation is fraught with controversy. Some professors are in arms over a proposal which would have the elevator rest on the first floor when not in service. Claiming that their need for convenience is greater than others', militant faculty forces threaten sabotage if their demand is not met. This group feels that the elevator should remain idle on the fourth floor where the faculty library is located. As we go to press, a referendum is in the works that the administration hopes will resolve the matter.

For those sentimentally inclined, the old car, which has already been removed and broomed, is currently in service at 1 World Trade Center. A ride to the top floor costs $.25 and lasts approximately 4 1/2 hours. Pack a lunch for the return trip.
NYLS Gets a Face-Lift

by Samuel Mizrahi

As everyone no doubt has noticed, major renovations are underway at New York Law School. From freshly painted halls to completely remodeled classrooms, the physical plant of the school is undergoing dramatic changes.

The most significant change to date was the addition of the Mendik library, which opened last year. It is vital to success in law school to have a well-stocked library and a comfortable place to study, and the Mendik fits the bill. Legend has it that, in the past, the library was scattered about in different buildings and doing research was an arduous task. Now all the materials are arranged in one building, with everything readily available.

The library also has computer rooms with access to Westlaw, Lexis and WordPerfect. Although the elevator is given to emitting alien sounds and space for group study can be hard to find, we have a library we can be proud of.

Now there’s the Froeesen reading room. What is architecturally a beautiful space is in a shambles. There are plans to renovate the room, but when? On the first day of school a year ago, I spotted a sign in the room saying, “Please pardon our appearance while we remodel.” Since then some changes have been made, but no improvements. At least last year you could use the space; this year you could use it to store old desks and chairs, and what was once a handy place to catch up on the day’s assignments is now off-limits. It would be nice to have it back.

But a great job was done over the summer with the classrooms in “A” building. While last spring I could feel the floor in A401 sink beneath my feet, this room, along with others, now has a new floor, ceiling, windows, etc. And it looks terrific. Moreover, acoustics are greatly improved and less street noise invades the classrooms. You can almost hear a classmate speak from across the room now. With the addition of permanent desks and chairs, these classrooms will become pleasant and practical places to learn. Let’s hope that the new seating is different from that used in the ninth floor auditorium though. A900 is a nice-looking room, but the desks attached to the seats are woefully inadequate.

Taking exams here is a nightmare. The desks are not big enough to hold exam papers, bluebook and scrap paper at once, so you have to juggle papers as you work to answer questions. Class can be even worse. The desks barely hold a notebook, so students are forced to balance heavy texts on their knees.

The space most sorely in need of work is the student lounge. It’s too big, too noisy, poorly laid out and desperately in need of new furniture. Maybe it’s next on the list for remodeling.

Surely in the same league with the lounge is the cafeteria. Some eateries in Times Square are as inviting as is the cafeteria.

On the other hand, the LeFrak Moot Courtroom, equipped as it is with video cameras and monitors, is truly state-of-the-art. Thanks to this equipment, students were able to watch the moot court competition finals from a monitor in the lounge.

In addition to the advantages this room offers those taking part in moot court exercises, it also provides an excellent setting for trial advocacy classes.

All in all, the school is starting to look much better. Environment plays an important role in human interaction and having an inviting, comfortable place to spend three or four years can make a positive difference in our time here.

With a new paint job outside and luxurious wall carpeting indoors, we seem to be on our way to having such a space.

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* "Russian" includes all republics which previously belonged to the Soviet Union.

Enduring Optimists of Mediocrity

by John Dillon Christine O’Connor Paul Schiavone

August 20th - the summer is over. As the sun set on August 19th, so too did our last ray of hope for the better tomorrow we had once embraced. For the students of mediocrity have begun their second year in law school and we have a story to tell.

Our story begins just before the LSAT in September 1989. With visions of Columbia and NYU dancing in our heads, we put our futures in the hands of Stanley H. Kaplan. According to Kaplan propaganda, only the wretches who dared not pay $600 to his children’s trust fund were doomed to failure.

Let’s face it, in the summer we put our futures in the hands of Kaplan. According to Kaplan propaganda, only the wretches who dared not pay $600 to his children’s trust fund were doomed to failure. Kaplan promised to give us all the legal outline, tape, video and tarot card known to man. It must have been our study group.

Second semester we’d formulated a new strategy. Look for the BIG PICTURE, and the 4-0 would follow. We went briefing cases, in came outlining. We outlined Property. We outlined Contracts. We outlined Procedure - Teacher doesn’t like the Irish; Criminal Law - Professor on drugs while grading our exams; Property - Teacher doesn’t like anyone; Contracts II - see comments from Contracts I; Constitutional Law - “naff said, see John; Torts - Professor must have been on drugs while grading exams; Civil Procedure - Teacher doesn’t like the Irish; Contracts I - Stupid subject, stupid exam; Legal Method - Midterm should have counted.

When exams time neared we realized that if we aced everything we could still make Law Review. With each blue book we handed in, our goal came closer.

Then, on June 26th grade reports arrived. We began to rationalize again. Criminal Law - Professor on drugs while grading our exams; Property - Teacher doesn’t like anyone; Contracts II - see comments from Contracts I; Constitutional Law - “naff said, see John; Torts - Professor must have been on drugs while grading exams; Civil Procedure - Teacher doesn’t like the Irish; Contracts I - Stupid subject, stupid exam; Legal Method - Midterm should have counted.

At the end of first semester, we found ourselves in the middle of the omnipresent bell curve. What happened? Didn’t we sacrifice every Saturday night to memorize the Erie Doctrine? Didn’t we buy every commercial outline, tape, video and tarot card known to man? It must have been our study group.

Next change - new study group. Objective number one: discover the identities of the top ten students. Objective number two: disguise ourselves as students 11, 12 and 13 and infiltrate their study groups. Our scheme seemed to be working. We made it to the fourth interview, then our strategy was discovered. Paul cracked. Under direct questioning about the Irish hand case, Paul said the doctor might have successfully mitigated his damages had Epilady hair remover been invented. In a single stroke, one striving law student’s stab at legal genius ruined the lives of three.

So, with tails between our legs, outlines in hand, and eyes peeled for the BIG PICTURE, we crept away. Rationalization became our credo. No matter how absurd, we had to downplay our poor first semester grades for the sake of our egos.

More of us than usual scurried by in their suits like so many top-ranked students scurry by in their suits like so many squirels hunting for nuts, the students of mediocrity sympathize with how strapping Steve Antico must have felt as a kid when chosen last for the kickball team. So, fear not, rumor has it that Justice Johnny Harlan, class of ’24, only had a 2.6.

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TOURO LAW SCHOOL
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Sat., 11/2
Sun., 11/3
Sat., 11/2
Sat., 11/2
Wed., 10/30
A - Sun., 10/27 LIVE
B - Sun., 11/3
C - Thurs., 11/7
D - Sat., 11/9
E - Tues., 11/12
Sat., 11/2
Sat., 11/2
Sun., 11/3
Thurs., 11/7
Sun., 11/3
Sat., 11/2
Sun., 11/3
Sat., 11/9

9AM - 1PM
10AM - 2PM
10:30AM - 2:30 PM
11AM - 3PM
6:30PM - 10:30PM
11AM - 3PM
11AM - 3PM
6PM - 10PM
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10AM - 2PM

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