Lounge Nears Completion

by Steve Simpson

The long wait for the new student lounge is almost over. The renovation of the basement area is nearing completion, with some finishing touches, like the placement of lockers, telephones and vending machines, recently completed. The used furniture from the former lounge has been brought back from the dead to furnish the new quarters, but only temporarily. The administration promises that new furniture will be purchased to complete the decorating scheme.

Read My Quips:
The Death of Memorable Political Speech

by David Sigmund

"The world will little note nor long remember what we say here," Abraham Lincoln said in the Gettysburg address. Lincoln, of course, was wrong. Although Lincoln's words endure, no one would bother remembering what present-day politicians and speech-makers have to say. And why would anyone? For unless you count "read my lips, no new taxes" as inspired oratory, there has not been one major political speech in the past twenty years that would hold its own in a history textbook. Nor is there one that would make the cut in one of those "I have a dream?" Ask not what your country can do for you" sound bite montages of the 1960's heard on "classic rock" radio stations.

The memorable political speech seems today to be nothing more than an echo of another time. What is missing is speech that has power and sweep, speech that resonates with the issues and events of today and links them to the great events in history. Where are the speeches that define who we are as a people, that look to our shared destiny, and question the relationship between the individual and the common good? The missing quality has become so scarce that even the word eloquence seems antiquated. Contemporary political speech is not only divisive, but disparaging. It is base in tone, and its lack of historical perspective and vision has robbed public service of its dignity, its grandeur and, yes, its occasional majesty. Perhaps most importantly, what has been lost is this: great political oratory's tendency to elevate and ennable humankind.

President Bush's acceptance speech at the Republican National Convention was notable for its want of any appeal to the common good or the higher self. In other words, it was quintessential modern-day campaign rhetoric. When Bill Clinton took the podium here in New York, he drew the greatest applause when preaching unity to a fractured nation. "There is no 'them', only an 'us,'" he said. On the whole, though, his speech was overly personal, and at times verged on the corny.

This impoverishment of political rhetoric has, not surprisingly, filtered down into the realm of protest politics, where it manifests itself in a guise even uglier and more unsparing. The speeches made at last spring's abortion-rights march in Washington bring to mind some of the worst examples of the lack of style in today's rhetoric. Though the crowd was huge, and their devotion to the cause fervent, the relentless bombardment from the self-righteous speakers left many listeners queasy, not to say unsatisfied.

Only one speaker, a Latin American clergyman, conveyed the wrenching moral dilemma that abortion poses for many. His quiet, understated delivery contrasted sharply with those of others who stepped up to the microphone. Have Americans simply lost the ability of composing truly moving, thoughtful addresses? Are we content merely...
Who among us hasn’t had this conversation? The confusion and embarrassment that this exchange invariably brings with it is reason enough to urge a name change for NYLS. But there’s a better reason: a prominent alumnus and Supreme Court justice whose name the school could take. John Marshall Harlan served with distinction as an Associate Justice of the United States Supreme Court for sixteen years, and wrote some of the most powerful and analytically sound opinions for the Court during that time. Even those who disagree with his judicial philosophy recognize Justice Harlan’s contribution and the value of the conservative counterweight his voice brought to the Court during its most liberal years.

But Justice Harlan was more than a legal scholar. He defended our form of government by vigilantly monitoring the balance between state and federal powers. And, legally blind from 1964 on, he exhibited extraordinary courage by remaining on the Court until 1971, writing with the same acuity he had always demonstrated. Perhaps most important, he was respected by his colleagues and those who worked with him on the Court. In sum, Justice Harlan represents the finest that New York Law School can produce.

In addition to honoring a great man, changing the school’s name would help NYLS establish an identity. The public often mistakes NYLS for NYU, and with the arrival of CUNY City University of New York, the situation only got worse: CUNY’s official name is Harlan School of Law sounds good to us. Most important, it is properly heavy, substantive and filling – a food in its own right.

Beer is to be drunk in quantity, not to become drunk, but to become rosy, loquacious, social, ruminative -- in short, to become a decent human being. Although food may be an adjunct to beer’s consumption, it is never a full partner. Properly taken, beer expands vistas, uplifts souls and often fuels a tolerance among its drinkers for both ideas and each other. It is a common, democratic drink. But beer is beer, especially in North America. Certainly the commercial American product, made mostly of water, some barley and hops, preservatives, including a large dose of formaldehyde, is poured into the consumer through the same type of marketing that so successfully sells GM automobiles: drink the stuff and you will get the blonde. As in any free-market economy, however, caveat emptor.

The seasoned drinker will look to the Canadian brewers: Indian Pale Ale has long been a favorite, Moosehead of Maritime fame is now getting far more exposure, and the favorite Lethbridge Pils retains its sentimental position. The products of Labatts and Molson need be written off as too common--like sit-coms. A proper beer will reflect its culture and clime. Singha of Thailand is exemplary in its ability to cut the Bangkok smog, and Red Stripe of Jamaica offers its mix of fluid and malt at just the right degree to complement the sun on the beach.

That being said, beer does remain beer and should not be overly elevated. Its position is universal and stable. Much like the sun that always rises and sets, it will be with us always, happily and amen.

-Name and Address Withheld

Byron Johnson, a die-hard Steelers fan, spends Saturdays working in his garden.
If you're standing at the registrar's counter some day and you hear the strains of "Swing Low, Sweet Chariot" drifting around the corner, it won't be Dean Wellington singing his way to work. Dorothy Spencer, the school's cashier, is a soprano and she's probably around the corner making sure students get their financial aid checks. She and Bob Cook staff the Accounting Office, where the motto is evidently, "Service with a Smile."

"Students are not here to interrupt our function," Bob says, "they are our function." Bob and Dorothy are eager to help students and they truly enjoy their work; indeed students who have occasion to deal with Bob and Dorothy know that a friendly, personal greeting awaits them each time they find themselves at the Accounting window. "We treat students the way we want to be treated," Dorothy explains.

So the next time you're grumbling about some bureaucratic nightmare, like the ones Dean Farrago used to have to deal with when he went to pick up your badly needed financial aid checks, you meet two talented, pleasant people who are happy to help you out.

Dorothy is always glad to belt out a song or two, and she lends her talents to the school from time to time by singing at staff events and luncheons. She began singing at the Friendly Baptist Church, or in the DJ's booth at WWJD where she sometimes spins gospel tunes. Dorothy is always glad to belt out a song or two, and she lends her talents to the school from time to time by singing at staff events and luncheons.

"Students are not here to interrupt our function, they are our function."

Maybe it's a touch of Southern hospitality that one senses from these two transplants. Bob is from Jacksonville, Fla., which he describes as "a cultural wasteland." He came to New York hoping to make a living as an artist, but reality demanded that he earn a regular paycheck, so he took the job as the school's accountant. He still does drawings, though, and periodically sells his caricatures to literary magazines and other publications, including the Filthy Voice. His work has also appeared in the law school's public service announcements.

Dorothy hails from Alabama, where she began singing at age seven. In her free time, Dorothy can be found up in the Bronx in the choir loft of the Friendly Baptist Church, or in the DJ's booth at WWJD where she sometimes spins gospel tunes.

Louise, from page 1
PUT THE KNOWLEDGE
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PIEPER REPS.: Marc Lewis, Cindy Pressman & Cheryl Williams
to shout at one another?

Compare the rhetoric at virtually any recent demonstration with that of the first large anti-war protest in Washington in 1965. One of the speakers was a veteran of the civil rights struggles in the South, and he told the crowd, "Listen and think. Don't clap please ... Don't use Mississippi as a moral light­ning rod. Use it as a looking glass. Look into it and see what it tells you about all of America." "Listen and think." There are no more moral crusades like the civil rights movement, but there is a growing crisis of disunity in this country that demands a language of understanding, reflection and rec­conciliation.

Which is why this Presidential election was so important. More than any other position, the presi­dency is symbolic. The president's words and attitudes set the tone for the entire nation. It is perhaps not surprising, then, that in the absence of inspiring oratory and perspicac­ious vision in public affairs, there has been a commensurate rise in the coarseness and abrasiveness of everyday speech. Perhaps the general public have been so bludgeoned by the torrent of insanity and brutality spouting forth from the fountains of popu­lar culture that they wouldn't rec­ognize great political speech if it came out of their televisions and slapped the channel clickers out of their hands.

Yet we all instinctively recog­nize greatness, no matter what the endeavor, football or fiction. There is a deep-seated yearning in the human heart for something that stirs the higher self, be it a beautiful mountain vista or the ocean's lim­itless expanse. Great leaders throughout the ages have always spoken to this yearning. But most of the speech heard today, volu­minous as it is, goes straight back where it belongs: into the ozone.

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Bar, from page 1

February because it entails relearn­ing much of the material learned for the New York exam.

The most troubling part of the change in dates is that individu­als who have yet to find a job by July may have difficulty de­ciding what bar exam to take. If, for example, one takes the New Jersey bar, it may be difficult getting a job with a New York employer. Likewise, an individual who takes the New York bar may be at a disadvantage in New Jer­sey and Connecticut. The bar examiners’ decision to change the date makes it that much more difficult to find a job under con­ditions that can already be de­scribed as gloomy.

At this point, the students who want to take both the New York and either the Connecticut or New Jersey bars should write the bar examiners to express their dis­content with the rescheduling of the New York exam. For any­one who does not have the time to write an individual letter to the bar examiners, one may pick up a prepared letter in the new student lounge, sign it and mail it to:

James Fuller
Executive Secretary
State Board of Law Examiners
7 Executive Center Place
Wilkes-Barre, New York 12203

There must be a better solution to this dilemma. Please write to the bar and offer your opinion.
Construction Halted as Digging Unearths Deans

by J.P. Ashe and Gerry Graves

Construction on the New York Law School Student Center came to an abrupt halt last month when an Acme Construction Company employee

Rocky D’Annunzio, discovered human remains in front of the school, beneath the Worth Street sidewalk. Archaeologists called in by the school have determined that the site was a

cemetery for former NYLS deans.

“I thought one of the crew had thrown Kentucky Fried leftovers in the But when I looked closer,” he added, “I saw a shoo-tin-pee stop a roting skull and knew it weren’t no chicken I was looking at. The schools administration, chanced with the characteristic sang-froid. “Deans, Schmeans! Let’s just get on with the dig,” one source close to Dean Wellington said.

In the meantime, a local group of radical historians, New Yorkers for the Preservation of Haerelied Legal Theories, has been protesting the continued construction. “This is a historically important site,” said Shirley Humphreys, the group’s president. “New York Law School makes no contribution to this city. We should close the damn school and open a museum, that way, someone would benefit.”

In spite of the protests, work resumed the week following the gruesome find, after all the human remains had been exhumed and placed safely in a student locker. The last body removed was evidently interred only last spring, and was remarkable for its diminutive size. “First I thought it was a little kid, the skull was so tiny,” said Vinny Goldblum, an Acme worker. “There wasn’t much thinking going on in that head, I’ll tell you that.”

Today the sidewalk area is once again intact. A new layer of concrete has been poured, leaving no trace of what was once hallowed ground. Yet some devout soul has respectfully scrawled R.I.P. into the freshly laid concrete.

PRISONER SOUGHT

Summer City, Nov. 23 — Prison officials at the Cramer Correctional Facility announced today that an inmate escaped last night by sawing through the bars of his cell window with a nail file. The inmate, Stanley Carlos, was serving a 5-year sentence for murder.

Articles I. Little-known dispositions of cases.

Garratt v. Dailey—On remand to the trial court, the jury agreed that Brian did have the requisite intent to perform a battery. They awarded damages of $350,000 to Mrs. Garratt, “to teach that little punk a lesson.” Defense counsel protested that even if Brian’s paper route was attached for the rest of his minority he could never pay the full amount. A year later, the state supreme court ruled that little Brian did have the requisite rear end to be “roundly spanked till he coughed up quarters like a slot machine.”

Hawkins v. McGee—The trial court reversed itself and awarded Hawkins the value of a new $350,000 for Mrs. Garratt’s house. “I always suspected that Irma had the hots for that slightly built immigrant. When we get them, it’ll be like two dogs barking up a bee’s nest.”

Pennoyer v. Neff—Five years passed before the Oregon courts were satisfied that it understood the Supreme Court’s opinion. By that time, Mitchell was Oregon Chief Justice, and Pennoyer was his nonresident landlord. Attachment followed rent hike 16 or 17 times before the two agreed to meet in the public pasture and “settle this like men.” But Pennoyer peremptorily decked Mitchell, Mitchell sued for battery, and eventually the Oregon Supreme Court, Chief Justice Neff presiding, ruled that it had no jurisdiction over the suit.

Lake River v. Carborundum—Lake River Corp. mysteriously dropped the suit and relocated to Medellin, Colombia. Carborundum never saw its 125 bags of “Ferro-Carbo” again.

COURT OF LAST RETORT

by Al Myers

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Article II. Sports extra. The New York Law School football team pummeled NYU yesterday, 38-14. The Writs of Certiorari are now 2-0, while the Rams fall to 0-2. In other news, NYLS now offers intramural racquetball (school officials having denied motions to squash). If interested, file a brief with Dean Wellington.

Article III. September 14, 2016. The Senate today confirmed the appointment of Robert T. Brewmeister as an associate justice of the Supreme Court, overcoming objections from some Senators that his views were vague. Brewmeister, 43, is a billionaire real estate developer who rose from the abject poverty of his native Montana to a hockey scholar-ship at Harvard, to editor-in-chief of the Harvard Corporate Law Review, thence on to a federal judgeship with the District Court of Hawaii. (From minutes of the confirmation hearings)

Senator T’Omsato, New York. Judge Brewmeister, how would you describe your qualifications to sit on the Supreme Court?

Judge Brewmeister. Well, Senator, that’s an interesting question, because well, having given the matter much earnest consideration in the days and weeks since learning of my appointment, it’s really very clear to me that, notwithstanding your genuine interest—and I’m sure it’s very sincere, Senator—notwithstanding that genuine interest, a just and temperate course for me, here, might be to quell the nascent forces of partisanship before us on this momentous occasion and forbear from that level of specificity which might, in another nominee or another nexus in our history, render whatever future impartiality I, as a member of the High Court, might have, render that impartiality compromised.

Senator T’Omsato. Another mint, Judge?

Judge Brewmeister. Please.

Article IV. Readers’ poll. Here’s your chance to declare every week an Occasional Weekly Week. Simply answer these questions and return your questionnaire to PUBLIX. (If you want to read the fine print, Frollic & Detour, merely photocopy this form onto 30-pound bonded ivory-laid resume paper before submitting.)

Is this the funniest thing you’ve ever read?

If not, what is?

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The Executive Branch: Robbing Democracy of Its Legitimacy

by Nathaniel Barber

The hallmark of the Reagan-Bush years has been contempt for the law. In his August 18th New York Times column, Anthony Lewis described the general contours of that contempt when he cited the making of policy, a legislative function under the Constitution, by an unelected and unaccountable organ of the executive branch: the President's Council on Competitiveness.

The Council improperly meddles in the policy-making that Congress properly delegates to agencies, a clear violation of the constitutional mandate that the government's legislative and executive powers remain separate. Moreover, the Council's secrecy and unaccountability make it more than unconstitutional; they make it illegitimate. In creating the Council, Bush continued Reagan's systematic effort of appropriating to the executive branch powers that it does not legitimately have.

Pulitzer and Johnson have written, "[I]f a large extent public acceptance of law rests upon a belief that legal institutions ... are legitimate, and legitimacy cannot exist unless decisions are reasoned." In order to accept government authority, a society must at least be able to examine the government's reasoning.

Justice O'Connor, Kennedy and Souter explicitly recognized the fundamental need for legitimacy in Planned Parenthood v. Southeastern Pennsylvania v. Casey. "[A] decision without principle justification would be no judicial act at all," they observed. The Court must "speak and act in ways that allow people to accept its decisions on the terms the Court claims for them, as grounded truly in principle, not as compromises with social and political pressures." Without an explicit and public statement of its reasoning the Court loses its legitimacy; it loses "the people's acceptance of the Judiciary as fit to determine what the nation's law means and declare what it demands."

The legitimacy of Congress and of the executive branch depend as well on substance and the people's perception of those bodies as fit to write and execute the nation's laws. Although Congress can, to some extent, "buy support for its decisions by spending money," and the executive branch can "coerce obedience to its decrees," legitimacy ultimately has its roots in the people's perception of competence and accountability. These principles require that decisions be reasoned and that the reasoning be made explicit and public.

It is significant that in championing legitimate government the Justices leave a record of their reasoning — a written decision. The Council on Competitiveness, in contrast, produces no record of its proceedings: its hearings are held in secret. No one is able to review the Council's reasons for the policies it promotes. And the Council repeatedly shapes national policy, most recently by rewriting the EPA regulations which should have implemented the 1990 amendments to the Clean Air Act.

The same day it reported the Planned Parenthood decision, the Times profiled the executive director of the Council, David McIntosh. Mr. McIntosh came to politics because he was inspired by a speech he heard Dan Quayle deliver. "I remember him focusing on the need to make Government more accountable to the people." Mr. McIntosh said, and not to unelected representatives here making decisions for people back in Indiana. "The people in Indiana, and everywhere else, should note that we are not elected to represent the people."

This year, there is a widespread perception that the political branches of government are not fit to govern. George Will and Joseph Califano point respectively to perpetual inciency and the influence of PACs as the underlying cause of Congressional unfitness, and they see term limits and campaign finance reform as salutary. Justice Blackmun, in Planned Parenthood, dispelled any assumption that the judicial branch is certain to remain fit to define the meaning and demands of the law.

A hundred and fifty years ago, when Elisha Graves Otis was working in a factory in Yonkers trying to perfect his invention, he never imagined that one day it would be so popular. Indeed, from the looks of the lines of people waiting in the lobby at 57 Worth Street, one would imagine that Otis had just invented the elevator, and that the workers trying to perfect his invention, he never waited for a first ride on his newfangled contraption. What was always a difficult passage has become almost impossible. Construction has closed the other Worth Street entrances, so getting through the secondary effect as well: a frightening increase in the number of students not as bright who climb up to the second floor, hopeful of getting a ride sooner or later. This practice is surely indicative of another, cursing under our breath.

As a consequence of this ineptitude renovation, what was always a difficult passage has become almost impossible. Construction has closed the other Worth Street entrances, so getting through the gilded doorway near the elevators now takes the resolve of an elephant. The mass of students, faculty and staff milling about makes this journey an endurance test.

A good number of these would-be legal scholars have been scheduled in "A" building; few classes are held in C300, and B300 is always empty. Simultaneous class starting times only add to the intolerable crush.

Use Your Feet, Not Your Fingers

by Gerard Matkey

One hundred and fifty years ago, when Elisha Graves Otis was working in a factory in Yonkers trying to perfect his invention, he never imagined that one day it would be so popular. Indeed, from the looks of the lines of people waiting in the lobby at 57 Worth Street, one would imagine that Otis had just invented the elevator, and that the workers trying to perfect his invention, he never waited for a first ride on his newfangled contraption. But no -- that doesn't explain the presence of these milling masses. These young adults have seen plenty of elevators in their time, they're waiting because they are extraordinarily lazy. Putting aside the toll that obesity and heart disease take in this country, and the good a little exercise might do, these well-fed twenty-somethings, their refusal to walk up a flight or two of stairs is causing incredible congestion.

Sometimes it seems as if very little that goes on around NYLS is done with any foresight. The major construction project now underway will snarl traffic in the winter months, as memories of a dusty, soul-free environment fade with the sun's warmth. Although we were urgently exhorted to empty our lockers last spring so construction could begin right away, the sounds of the first jackhammer weren't heard until well into the summer. So this semester we are forced to make our way about school, squeezing past one another, cursing under our breath.

As a consequence of this ineptitude renovation, what was always a difficult passage has become almost impossible. Construction has closed the other Worth Street entrances, so getting through the gilded doorway near the elevators now takes the resolve of an elephant. The mass of students, faculty and staff milling about makes this journey an endurance test. But a major factor in the congestion is the un-willingness of most students to use the stairs.

The power, secrecy and unaccountability of the Council on Competitiveness is truly frightening. In these characteristics the Council bears a striking resemblance to the most undemocratic and illegitimate organs of the former Soviet Union.

If, in carrying out our domestic affairs we assume the enemy's identity, we fail to win the Cold War and to establish a new world order.
October 5, 1992

Stanley D. Chess
President

John E. Holt-Harris, Esq.
State Board of Law Examiners
c/o DeGraff, Foy, Holt-Harris & Mealey
90 State Street
Albany, N.Y. 12207

Dear Mr. Holt-Harris:

Last summer about 2,500 of the 7,400 persons who sat for the New York Bar Examination sat also for the bar exam in a second state. Of these 2,500 persons, the vast majority sat for the exams in New Jersey, Connecticut, or Massachusetts.

By scheduling the summer 1993 exam on Wednesday and Thursday, the board is inconveniencing at least 2,500 people and forcing them to take their second bar exams the following winter or another time. This will cost hundreds of thousands of dollars in lost earning power and inefficient use of time.

A solution that would work to everyone’s benefit would be to hold the New York Bar Examination on Monday and Wednesday. The incremental cost of breaking down and setting up 7,400 chairs cannot approach the cost to New York’s candidates if they are denied the opportunity to take a second exam in New Jersey, Connecticut, or Massachusetts.

We estimate that the cost of breaking down and setting up the 7,400 chairs at about $10,000. The cost in Buffalo and Albany should be far less than the cost in Manhattan.

To facilitate your decision, BAR/BRI is willing to pay the total cost of $10,000.

I hope you will reconsider your decision.

Sincerely,

PS: More than 2,000 third-year law students have already signed a petition requesting the change of the exam to Monday and Wednesday. If all 7,400 candidates could somehow be contacted, my guess is that more than 7,000 would request the Monday-Wednesday scheduling.

cc: Members, New York State Board of Law Examiners
    Deans, New York State law schools