After nearly thirty years within the ivy-covered walls of Yale University Law School, Harry H. Wellington has agreed to lead New York Law School into the next century as our fourteenth dean. Although Mr. Wellington has high aspirations for the future of NYLS, and vows to attempt to resolve our current identity crisis, he realizes that the tasks before him are considerable.

He admits, "I don't have the expectation that NYLS can be a Columbia or a N.Y.U., let alone Yale," Wellington told the New York Observer in a recent interview, "but I would like to see it clearly regarded as an important and strong urban law center, with students who come out as first-rate lawyers and take important positions in New York City and elsewhere, with a faculty that is known for its intellectual accomplishments and its scholarly productions. And I think all of that is possible."

Born in New Haven, Connecticut, Wellington received his undergraduate degree from the University of Pennsylvania and his law degree from Harvard University. Subsequently, he clerked for two distinguished federal judges, U.S. Circuit Judge Calvertraguer (1955-54) and Supreme Court Justice Felix Frankfurter (1955).

After teaching for a year at the Stanford School of Law, Wellington joined the faculty of Yale Law School in 1956 as an assistant professor of law. In July of 1975 he became Dean of the Yale Law School, and in 1978 he was named a Professor of Law. In 1979 he was named Dean of Duke University Law School, and in 1985 he was named Dean of the University of California, Berkeley School of Law.

In July of 1991, he will certainly have to deal with an electorate that has grown wise to the false promises of his 1988 campaign. And those failures may be stired into a veritable feeding frenzy by the individual Democratic campaigns. If this sounds like good news for the Democrats among you, think again. In order to beat Bush, a viable Demo­cratic candidate has to exist. Though more than seven aspirants have already officially entered the running, the chances right now that any of them will mount a successful challenge run from slim to none. This doesn't reflect so much on the candidates as individuals, as it does on their party as a whole.

Profoundly weakened by more than a decade of battling a strong and increasingly autocratic Republican White House, the Democratic Party is now generally regarded as a disorganized rabble of wishful thinkers. They are consistently outwitted and outmaneuvered by the smooth-running Republican machine.

The recent lackluster performance by Democratic Senators Howell Heflin, Howard Metzenbaum, Joe Biden, and Ted Kennedy, during the confirmation hearings of Supreme Court nominee Clarence Thomas, only reinforces this idea. The Democrats are incapable of forming a cohesive response to Bush's agenda, let alone attacking his policies affirmatively. Although they have nominal control over the Congress, the Democratic leadership has let slip one opportunity to challenge Bush after another; the Thomas hearings, the Gates hearings, the battle over the Federal budget, even the war on Iraq, were all easy targets and gave the Democrats
Several weeks ago, Frolic & Detour discovered that articles in the Reporter's October edition were plagiarized, and decided to confront the newspaper's editors. Faced with these serious charges, the Reporter's editors refused to own up to their responsibility or dismiss the guilty parties, and continued to conduct business as usual.

A faculty member who independently discovered the plagiarism informed the administration, which is now conducting an investigation. With this shadow hanging over them, the Reporter staff went to press with the November edition. The Reporter made up a partial explanation under the title "Corrections and Credits." This column, which insults the reader's intelligence, should have been called, "Lies and Deceit!" Here's the real story.

The Economist Article

The Reporter stated that this article was "pulled from a lexicon search...copied to disk for later use as background material for another article, but in the process of layout was mistaken as an actual student article." If this is so, then why were the first two sentences added and dozens of words throughout the article altered? (See box, top of page 3). And if it were copied to disk where is the information that appears on Lexion, such as author and citation.

According to the corrections column, the student writer "was not connected with the article published in his name in any way." The column also states that the Layout Editor is ultimately responsible for "what gets put down on each page." The Layout Editor is a good friend of this student writer. So why would the Layout Editor allow his friend's name to be put both on the article and in the table of contents, if the friend had nothing to do with it?

The Omni Magazine Article

The Reporter's editors next apologized for the appearance in the paper of an article that was "apparently accidentally scanned in from Omni magazine." How does one accidentally scan an article from a professional publication into one's own? The process of scanning is not nearly as sterile as the editors claim. As the scanner reads the material, it typically makes scores of mistakes that require the user to proofread the document for errors. Moreover, if this article was merely "scanned in," why was its title changed?

Ten Inexpensive Wines

The editors state that this article was "improperly credited." If it was improperly credited, then who wrote it? The Reporter fails to clue us in. Although the byline reads "Reporter Features Staff," the table of contents credits this article to a writer who told us that she did not write the piece. What student reviews a wine and calls it a "quintessential [sic] muscadet: fresh, sharp, witty, with an almost palpable sea tang?" No law student we know.

Also, what law student would take time of out his or her busy schedule to write a wine review and in the table of contents, if the friend had nothing to do with it?

Clarence Thomas and Time Magazine

Although Frolic & Detour told four Reporter editors that we had discovered a piece pirated mostly from Time magazine in an earlier edition (see box, top of page 3), the corrections column failed to mention this at all. We specifically told them that it was the Clarence Thomas story that was problematic, so they have no excuse for not having addressed it. This article, which was credited to the "Reporter News Staff," implicates the entire editorial board.

David Kessler and New York Times Magazine

Similarly, the Reporter editors were informed that the article on David Kessler contained many passages which were stolen from The New York Times Magazine. Once again, they chose to omit this fact from the corrections column.

The S2O Notebook

This article was mostly taken from an Olivetti news release and credited to the Layout and Features Staff, whose byline reads "Reporter Features Staff." Several other articles in the 48-page issue also appear to have taken from other sources. Two music reviews, for example, exhibit a knowledge and fluency not often found in the Reporter's pages, and a handful of other stories are simply paraphrased from columns which have appeared in local newspapers, including the New York Law Journal.

The previous (August) edition of the Reporter contained at least one plagiarized article as well. Published shortly after the fall term began, the paper contained a story on the nomination of Clarence Thomas to the Supreme Court that was credited to the "Reporter News Staff." The piece was, in fact, taken largely from Time magazine.

By date, the Reporter has resisted any suggestion that the appropriate response to this grave ethical lapse is the dismissal of the blame-worthy reporters and the removal of the editorial board. With the exception of the Features Editor, who resigned voluntarily due to her dismay with the flagrant plagiarism and inadequate response, all staff members are still on the job, working on a next edition.

Plagiarism in some instances constitutes copyright infringement. As an official organ of NYLS, the paper has placed itself at risk of lawsuit from the owners of copyright in the pirated articles. The individual plagiarists are of course also liable. And, because the paper is the school's mouthpiece, the small group of editors responsible for the misappropriations has exposed the entire student body to ridicule and embarrassment.
Den of Thieves

by Michael Bressler

The mid 1980's was a memorable time on Wall Street and James B. Stewart's new book, Den of Thieves, which chronicles that era, shatters all illusions I had about what went on during those years. Like many, I was a Michael Milken fan. Here was a guy who seemed to be shy and self-effacing, but who was in reality a financial genius. Milken rocked Wall Street, determining that high yield, high risk bonds were undervalued. By raising money for small and mid-sized companies, he made a fortune for himself and his firm, Drexel Burnham Lambert. Milken was a hero to Stewart and it was he who worked hard -- steal a lot and they'll make you a king.

The book also tells of the work of the United States Attorney's Office and the Securities and Exchange Commission (SEC). The latter comes off better than the former. Former U.S. District Attorney Rudolph Giuliani appears eager to have his name in print and is overly concerned about election to higher office. And Asst. U.S. Attorney Charles Carberry secured guilty pleas from Levine and Boesky, but overreached with very public arrests of three arbitrageurs without sufficient evidence.

Gary Lynch, the SEC's chief of enforcement, is a hero to Stewart and it was he who worked hard...
Faculty Interview: Professor Quintin Johnstone

Professor Quintin Johnstone has been teaching Property to law students for almost 45 years. On October 22, Rich Del Vacchio had the pleasure of interviewing him and discussing some of his philosophies, experiences, and impressions of New York Law School.

Frolic & Detour: Professor, after you graduated from the University of Chicago Law School, where did you begin your work in the legal profession?

Quintin Johnstone: “I worked for a small law firm in Chicago.”

F&D: Did you enjoy working for a small firm?

QJ: “Not particularly.”

F&D: Why did you leave the firm and turn to teaching law?

QJ: “Teaching is the best part of the legal profession!”

F&D: Professor, I have picked up on a teaching philosophy of yours that takes an interdisciplinary approach to learning the law. Could you describe your views towards this approach.

QJ: “I am strongly in favor of an interdisciplinary approach to the law. However, one must remember that this is a law school and the emphasis should be on how the other disciplines, (sociology, history, economics, psychology, etc.), can enrich the study of law and help us as students and scholars improve the law.”

F&D: Do you think that NYLS has applied the interdisciplinary approach to law?

QJ: “The interdisciplinary approach is essential to the work of many law professors at NYLS. As you know, several professors at NYLS even have their PhDs in other disciplines which is very helpful to them and also to the rest of us. An interdisciplinary approach allows the faculty to move more effectively with the major trends in legal scholarship.”

F&D: How many years did you teach at Yale Law School?

QJ: “I spent 30 years at Yale teaching property-related courses and one or two other fields, but essentially I was brought on to teach Property.”

F&D: In 1967, you left Yale to teach at Haile Sellassie University, (now Addis Ababa University). Can you tell us about your experiences in Ethiopia?

QJ: “I was there; the foreign faculty was treated particularly well.”

F&D: What type of law did you teach?

QJ: “The underlying law at the end of World War II became mostly French and Swiss civil codes. We were teaching the French codes in English by Americans and this irritated the French to no end. But we really had a great law school going and the school is still a healthy and viable place today.”

F&D: Were the students very responsive?

QJ: “The students were excellent. It helped us Americans that English was the language of instruction back through high school. The law school drew heavily from the educated elites of the society and attracted many outstanding students.”

F&D: How did you feel about the regime of Haile Sellassie?

QJ: “We saw Haile Sellassie as a benign dictator. I met with him on several occasions and he fully cooperated with everything we were trying to do at the law school. But the threat of revolution was always present.”

F&D: That sounds like it was a very interesting time of your life. Is it true, Professor, that you have attended almost every Yale basketball game in recent years?

QJ: “That’s right! Almost every home Yale basketball and football game in recent years. And still do.”

F&D: How does Yale’s team look this year? (both laugh)

QJ: “Basketball looks pretty good, but the football program has declined dramatically with all the professionals moving to a small number of colleges.”

F&D: How do you feel about schools lowering academic standards for skilled athletes?

QJ: “Totally opposed. I was captain of the track team at Chicago University in their Big Ten days and athletics are important to me, but turning the colleges into semi-professional sports operations I find abhorrent.”

F&D: Do you think that the Knicks will win an NBA championship with Pat Riley as their coach?

QJ: “Possibly in the year 2010.” (both laugh)

F&D: How many years have you been teaching at NYLS?

QJ: “I’ve been teaching here for 5 years.”

F&D: How would you describe the atmosphere of Yale in comparison to NYLS?

QJ: “Well, Yale has a much smaller student body and a larger faculty which makes a big difference in the teaching process. As far as the students are concerned, I find NYLS students to be surprisingly good. Motivation is high and they are really quite an able group of people. Students take law very seriously at NYLS and they are a very upward mobile lot. However, I have one problem with many of the students.”

F&D: What problem is that?

QJ: “Many students are quite good orally, but they just don’t write very well. It is similar to a good field/no hit ball player who spends all his time practicing fielding, but cannot hit the ball. Writing is a painful process. The hardest work a law professor does is writing. It takes a concentrated effort to write and there are no easy shortcuts. This applies to students as well.”

F&D: What would you recommend as a remedy to the writing problems at NYLS?

QJ: “The writing program at NYLS, given all of its problems, is helpful and effective. But I hope that we will see more and more faculty members taking papers as a part of course requirements. However, there is an obligation on the students’ part. The students must recognize their writing problems and put a tremendous amount of time and effort into improving their skills. They all can learn to write better, and to some this is absolutely necessary, if they are to become competent lawyers.”

F&D: Professor, while you were at Yale, Harry Wellington was dean of the law school. What can NYLS expect from Dean Wellington?

QJ: “Harry Wellington was an excellent dean at Yale. He has high standards of legal scholarship and he will apply those standards with the cooperation of both faculty and the student body. NYLS

See, JOHNSTONE, next page
F&D: Professor, is it true that while you were at Yale you had the pleasure of teaching Judge Thomas and Anita Hill?
QJ: "Yes, I had both Thomas and Hill as students. I don't remember Ms. Hill, but I do remember Thomas very well. He did a long writing piece for me and attended a small seminar of mine."
F&D: Was Judge Thomas a good student?
QJ: "He was an average student, but very serious. Thomas had an excellent undergraduate record at Holy Cross and is a person who continued to improve intellectually after he left law school. He has the potential to be a very able justice."
F&D: Do you think that the recent nomination process was handled properly?
QJ: "The process obviously has problems. The court is a political institution and in a democratic order, political considerations can be appropriate in the selection of justices. But Senate hearings on recent candidates for the Supreme Court have too often focused on sensationalism and character assassination and too little on legal aptitude to perform competently as a judge. The process needs a more responsible White House and a more responsible Senate."
F&D: I agree that there needs to be more emphasis on the legal merits of the candidates to climb the judicial ladder. Speaking of climbing ladders, how do you feel about the elevator system at NVLS? (both laugh)
QJ: "I admire so many of the students who are keeping themselves in shape by walking up the steps. So to them, it may be a long-time life saver. For me, who uses the elevators, it leaves a great deal to be desired."
F&D: Thank you for your time, Professor.
QJ: Thank You.

WELLINGTON, from page 1

How to Get an "A" the Easy Way
by Erik Jacobs

Finals. You're studying and you go to the library to look up old exams your professor has placed on file. If they haven't already been stolen, you copy them and share them with your study group. Then, you hear that the professor has yanked all the exams from the files. No problem, you and your friends already have them. Exam day. Unbelievable! You're looking at a question that you and your study group debated just yesterday.

If you don't have a story like the one above -- tough luck! Lots of students do. But maybe you never noticed because the purpose of this article is to make sure that all professors write original exams every semester -- and earn their entire salary. The worst story of this type that I've heard is one from the class that began in January 1989. They took a Theory of Federalism test with Professor Wellington. The professor gave the test to one student in the class was a stack of old exams by a student who had taken the test before, and he shared them with his study group. Next year, another student in the class specifically remembers Wellington telling the class that there were no old exams on file and that they wouldn't need them anyway.

The day the exam was given, the four students in this study group were shocked to see an exact replica of one of the old tests; all of the questions were the same. Word of this "coincidence" spread after the test and some students went to see the Dean. Was a new exam given? Was a letter written to all professors directing them not to reuse old exams? No! The worst story of this type that I've heard is one from the class that began in January 1989. They took a Theory of Federalism test with Professor Wellington. The professor gave the test to one student in the class was a stack of old exams by a student who had taken the test before, and he shared them with his study group. Next year, another student in the class specifically remembers Wellington telling the class that there were no old exams on file and that they wouldn't need them anyway.

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Avoid Even the Appearance of Professional Impropriety.

The Path of The Law

by Gerard Mackey

Bucking a trend set by their western neighbors, voters in Washington state last month rejected a ballot initiative that set term limits on the state judiciary. The measure was aimed at all elected officials and was part of a movement to limit the terms of U.S. Senators and Representatives; the laws of the other states restrict only those who serve locally.

On October 11, 1991, California's highest court upheld that state's term limitations legislation, in a 5-4 decision in California v. March Fong Eu, 1991 WL 202618 (Cal. 1991). State lawyers had argued that the state's retroactive provision and the fact that it ended the career of House Speaker Thomas very well. He did a long writing piece for me and attended a small seminar of mine."
F&D: Was Judge Thomas a good student?
QJ: "He was an average student, but very seri-
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Curse of the Trumpet Man

by Josh Porter

Once upon a time, there was a trumpeter. He was black, and very cool. These bare essentials about the life of Miles Davis should be reserved for arty conversation at cocktail parties.

Finish reading this (the second) paragraph, glance at a few more articles and pictures, and return to your studies.

I don't mean to sound hostile, but I'm hurt because an idol of mine has died and no one seems to care. While I am not the sole glimmer at a few more articles and pictures, many of us in the same way.

Perhaps some of the newly converted Davis fans are motivated by a sincere interest in discovering something about a man who accomplished more in jazz than anyone. But critics have been cautious with their praise. The New York Times wrote that, barring the arrival of a musical genius in jazz musicians throughout the 60's. By the end of that decade, Miles, ever the musical chameleon, came forward with a new style: fusion. Miles steered what may have been the greatest jazz band ever--tenor saxophonist Wayne Shorter, pianist Herbie Hancock, bassist Ron Carter, and drummer Tony Williams--toward a novel electric sound. Together they recorded "Bitches Brew," a best-selling album.

As the world's biggest Miles fan, I have so much more to say. But the editors have decided to limit Miles and me to this tight space. Like Miles, I guess, my time is quick and wholesome breakfast or lunch.

The Good Times Are Killing Me

by Jeryl S. Brunner

When writing about lost childhood, most writers succumb to convention. Adolescence is seldom portrayed with the sensitivity and insight of Lynda Barry's "The Good Times Are Killing Me," currently playing off Broadway at the Minetta Lane Theater.

The play is a poignant account of a young girl's life during the Sixties, as seen through the eyes of the main character, Edna Arkins. The play documents the growing affection and interdependency between her and her neighbor, Bonna Willis, the first black child she has ever really known. The playwright, a syndicated cartoonist with a sarcastic streak, comically details the young girl's lives in a series of vignettes, tied together at the final curtain.

The girls live in a working-class neighborhood in an indifferent city during the mid to late 1960's. There is irony in the fact that, while Edna and Bonna nurture their bond, the racist adults (mostly portrayed as goons) pull them apart.

Barry succeeds in making us laugh because all of her characters are easily recognizable. There is Edna's guilt-ridden but witless Aunt Margaret, who invites the underprivileged Bonna on a family camping trip so she may experience the joys of nature. And there is the girl scout leader who embezzles the money that her charges have earned by selling cookies.

Most of Edna's memories, like our own, are rooted in music. As she reminds us, a song can make "the past rise up and stick in your brain." And so the play is defined by music--pop, soul, and gospel. "The Good Times Are Killing Me" tells a witty yet tragic tale of childhood, and shows us just how painful growing up can be.
Thomas is Qualified

by Joseph Brennan

From his nomination through his confirmation, opponents of Clarence Thomas stressed his lack of qualifications as their basis of opposition. Many repeatedly said that Thomas was unqualified, as if repetition proves the point. Few provided justification for that conclusion though some backed up their claim by pointing to his lack of judicial experience. Before we determine whether Thomas was qualified to be a Supreme Court Justice, we should be clear about what those qualifications are.

"[I]t would be capricious to attribute acknowledged greatness in the Court's history either to the fact that a justice has had judicial experience or that he had been without it."

- Felix Frankfurter

Given that there are no specific qualifications, it hardly seems cogent to argue that Thomas is unqualified. Those who are charged with selecting justices can nominate and confirm persons with qualities which they feel are desirable on the Court. But what qualities are desirable in a justice? In the view of the American Bar Association's Standing Committee on the Judiciary, a nominee should possess integrity, professional competence, a judicial temperament, and the ability to satisfactorily perform the responsibilities of a justice. The ABA Committee rates nominees as either "well qualified," "qualified," or "not qualified."

Those who fault Thomas for his lack of judicial experience should note that Earl Warren, Felix Frankfurter, William Rehnquist, and at least 28 other Supreme Court justices had no judicial experience before sitting on the Court. It is, therefore, not surprising that Justice Frankfurter once said that "it would be capricious to attribute acknowledged greatness in the Court's history either to the fact that a justice has had judicial experience or that he had been without it."

Some argue that the best jurist or legal scholar should be nominated to sit. However, there are three problems with such a proposition. First, how can we decide who is "the best" in any objective sense? Second, there can only be one who is "the best," yet we need nine justices; all of them cannot be the best simultaneously. Third, it may not be desirable for all nine justices to possess the same qualities.

This may be why the Constitution is silent on the qualifications of justices. Again to quote Justice Frankfurter: "Greatness in the law is not a standardized quality, nor are the elements that combine to attain it." Whatever qualities the President and the Senate thought would be good additions to the Court, Thomas must have had them because he was confirmed.

Because there are no precise qualifications for the bench, it is particularly interesting that so many people have questioned Thomas' qualifications. Perhaps Thomas' opponents used the word "unqualified" because they did not feel comfortable voicing their real objections. Thomas' qualifications have been questioned more often than have the qualifications of any other recent nominee. Could this be a subtle form of racism?

A Lexis search (admittedly not a very scientific study) of newspaper and magazine articles found 36 articles in which the question of Thomas' qualifications was raised, and 11 of these were editorials claiming he is unqualified. In contrast, searches on David Souter and Anthony Kennedy produced only three articles on each which questioned their qualifications.

Souter's nomination brings this issue into sharp focus because, like Thomas, he did not distinguish himself through legal scholarship before his nomination. In fact, Thomas has been a more prolific writer than Souter. Yet the ABA Committee unanimously rated Souter "well qualified," while Thomas received a "qualified" rating with two members of the Committee voting "not qualified." There seems to be a double standard at work here.

Enter Anita Hill and allegations of sexual harassment. Some argued that, if the allegations are true, Thomas' behavior of ten years ago should prevent him from being confirmed. However, revelations that Hugo Black had been a member of the Ku Klux Klan ten years before his nomination did not prevent his confirmation. This makes it arguable that Thomas should have been confirmed even if he did what Hill said he did.

But we do not have to reach this issue because Anita Hill did not meet the burden of proving her allegations by a preponderance of the evidence, the lowest standard of proof. Granted, the confirmation hearings were not held in court, but to allow Hill's allegations to prevent Thomas from taking his seat on the court would set a dangerous precedent whereby a single person, with unproven allegations, could sink any nomination.

Clarence Thomas met the qualifications for a Supreme Court justice, and the debate over this issue seems to have been a stand-in for a debate over some other quality of his that Americans don't want to discuss publicly.

Thomas' writings show that he has seriously considered the proposition that the rights of the individual are superior to the powers of the government, and that's one quality which is sorely needed on this Court. Thomas may surprise even George Bush. By confirming him, the right result was reached.

NYLS Crushes NYU

The New York Law School Moot Court team of Iovonne Prieto and Bill Thomas made the final round of the New York City Bar Assoc. Regional Moot Court Competition. They will soon compete in the National Championship. Congratulations!
In the Aftermath of Confirmation...

Thomas' Qualifications are Questionable

by Samuel Mizrahi

The position of Associate Justice of the United States Supreme Court is one of the highest positions an attorney can achieve in his or her career, and the nomination and confirmation process is not to be taken lightly. There are only nine justices and all are given lifetime positions. Accordingly, only the most qualified legal scholars in the country should be considered for the position, and Justice Clarence Thomas is certainly not one of them.

Although Thomas appears to have an impressive background, a look beneath the surface reveals otherwise. Thomas went to Holy Cross College, and graduated, without distinction, from Yale Law School in 1974. He has held very few legal positions since then. He was an employee in the attorney general's office in Missouri for three years, a member of the legal staff of Monsanto Co. for two years, and a judge on the United States Court of Appeals for the District of Columbia for the past four years. In addition, he was an Assistant Secretary for Civil Rights at the United States Department of Education, and later Chairman of the Equal Employment Opportunity Commission.

Over this seventy year period of employment, Thomas has never argued a case in federal court and has had little experience dealing with the broad legal issues that come before the Supreme Court. And, although he had many weeks to prepare for the confirmation hearings, he did not seem to know much about the Court's recent decisions.

Thomas only succeeded in insulting our intelligence.

Moreover, he denied ever having discussed or held an opinion about Roe v. Wade, a highly controversial case. His lack of preparedness and his effort to hide his personal beliefs and judicial philosophy, Thomas only succeeded in insulting our intelligence. Whether he believes in abortion or not is not so important, but his judicial philosophy and his legal reasoning abilities are. By failing to be candid, Thomas has raised doubts about his fitness for this very prestigious position.

As an Associate Justice, Thomas is no longer bound by precedent in the same way he was while a judge on the court of appeals. Thomas has written various articles and made numerous speeches favoring "natural law," yet when asked about this at the hearings, he refused to put his cards on the table. He claimed that "natural law" would not affect his decisions as a Supreme Court justice. He may, in fact, use it to justify overturning widely accepted Supreme Court doctrine.

In addition, his short tenure on the court of appeals gives us little insight into his judicial philosophy, nor does this his elevation to the Supreme Court. With the hundreds of great legal scholars in the United States, this president should not have been confused with Thomas, whose qualifications are at best debatable.

Anita Hill's accusations of Clarence Thomas sexually harassed her while working at the EEOC only added to the many reasons why he should not have been confirmed. Although one recent促进untill proves guilty, the confirmation hearings were not criminal proceedings and different standards should have applied. Since a Supreme Court position is a lifetime job, any doubt about a nominee's background should be resolved against the nominee.

Ms. Hill was a believable witness, and her allegations were very serious. When Thomas was given the opportunity to refute them, he stated that he had not watched or listened to Hill's testimony. He denied sexually harassing Anita Hill, then tried to turn a sexual harassment issue into a racial one by calling the hearings a "high tech lynch for uppity blacks." His unwillingness to face his accuser raises more doubts as to what really happened at the EEOC, and Thomas' failure to offer any motives for Hill to lie only added to these doubts.

What actually happened between Thomas and Hill, though, Thomas' lack of experience was reason enough to reject his nomination. Moreover, after most of the country watched the televised hearings, many Americans are left with a bitterness toward the process and the Court itself. Even had he been qualified, therefore, Congress should not have confirmed him. His presence on the Court will only usher joint people's opinion of the highest court in the land.

What is Justice?

by Charles Martin

What is justice? Notice cold tenants, or, be, in different verse, the old, illicit thinking notary public that's impartial to what is really the hidden truth? It has been just wanting, praying to be trusted. Their feet are faithful given to some, oh so sadistic kings. We pay for more lines to assemble the warship power. Irate upper sects inveigled meek: Come on hobos pour acetic wines. Just as man ages to somehow know wings somewhere close to divine, to heaven.

But what is justice? Notice cold tenants, or hear (Indifferent versus The Old). I'll sit thinking, "Not a republic I'm partial to." What can the underdogs do to catch up? They can start by meeting Bush free incense to every man, woman, and child.

DEMOCRATS, from page 1

ample opportunity to question the lame-brained policy being made in the Oval Office. But each of these chances was wasted because the individual candidates and Party leaders were too afraid of the media, or their constituents, or each other, to pull together and act as a strong, unified political party.

The once powerful and rebellious donkey has lost its kick. The party of the once powerful and rebellious donkey has lost its kick. The party of the once powerful and rebellious donkey has lost its kick. The party of the once powerful and rebellious donkey has lost its kick. The party of the once powerful and rebellious donkey has lost its kick. The party of the once powerful and rebellious donkey has lost its kick. The party of the once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of The once powerful and rebellious donkey has lost its kick. The party of

But fails to those who have no clothes, and know no wings and wait in line.
No Sir! I ain’t no individual.

by Steve Anico

There is no better place to start a description of the pleasures of bootcamp than a drill instructor’s first endearing sentence to his charges. “You’ve got five motherf**kin’ seconds to get your sorry asses off this bus.”

My recollection of those words is as vivid as the expressions on my fellow victims faces as we were welcomed to our temporary home.

Needless to say, my fellow Marines and I proceeded to follow this man’s instructions, and departed the friendly confines of that bus for three months of misery. Although I have left that life behind to start another, I still hear people say that the Armed Services rob the unsuspecting enlistee of all of his or her individuality.

This much is true: Upon arrival at bootcamp, you quickly realize that your opinions and personal preferences mean nothing. As my drill instructor’s next sentence revealed, we were “no good pieces of shit, who finally realized what we wanted to do with our lives.” It thus became evident that we were not going to be consulted about the many issues that concerned our lives.

I quickly learned that if I thought only of myself, instead of my platoon, it would be that rubbed off on me. To make selfless decisions concerning others was the objective, a trait that many parents also encourage in their children. Law firms also adhere to this principle when decisions must be made for the benefit of the firm at the expense of the individual.

Yes, we wore uniforms. Yet our inner spirits embraced all those immutable qualities of personality that we humans never lose. The dress code served to enhance the pride and esprit de corps within each member of the unit.

The point I am trying to make is that what was lost was our choice of clothing and the selfish motives that, from a regimental standpoint, were best suppressed. Furthermore, uniforms were required only when on duty. What you wore on your own time was, with the exception of wearing military clothing incorrectly, up to you.

Fellow students often ask, “How could you stand everyone telling you what to do?” Since I was in charge of 40 Marines and answered primarily to a Lieutenant Colonel, however, there weren’t that many people telling me what to do. But I guess I could say each of us will be able to answer that same question soon enough, when we graduate from old New York Law and join a firm. From what I hear, a private in the Marine Corps and a first year associate are mushrooms. They are both kept in the dark and fed shit all day.

Information Central

by Gerard Mackey & Josh Porter

Currently, there are three vital notices available for those willing to push their way through the hordes of unruly, information-hungry students to the oft overlooked corner of the student lounge where the communications hub of NYLS lies. For students unable to get this critical information, Frolic & Detour gladly provides it below.

Among the announcements the determined scholar will find is a timely “Thank You” from Dean Simon for the school community’s cooperation during the visit “last Wednesday” from the ABA re-accreditation team. Hundreds of copies of this moving missive, dated March 5, 1991, are still available.

For those still in a bellicose mood, there’s a reminder of the precautions necessary on Monday, June 10, 1991, because of the proximity to the school of the Desert Storm ticker-tape parade. The memo reminds us that the Post Office will not pick up any mail from the school that day.

As the accompanying exclusive photograph attests, part of the reason students throng to this corner is its natural beauty. The attractive plastic holders are available, in pairs, at Weber’s. Stock up for the Holidays.

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Coase gets Nobel Prize for Work Done in 1937

by Gary Asisa

Last spring, in a property class, the professor assigned his section the arduous task of reading 1,259 pages of a 1,260 page case book. The one page skipped included a discussion of Ronald Coase’s “The Problem of Social Cost.” Coase, Professor Emeritus at the University of Chicago, won the 1991 Nobel Prize in Economics this past October 15. In addition to citing Coase’s 1933 article, “The Problem of Social Cost,” Sweden’s Royal Academy of Sciences said it gave the award to Coase for what it called his "breakthrough in understanding the institutional structure of the economy." This innovation, detailed in Coase’s 1937 work “The Nature of the Firm,” showed that traditional economic theory was incomplete because it did not take into account business transaction costs. Transaction costs are simply those associated with haggling over a deal. In the 1930’s, while still a graduate student at the London School of Economics, Coase sought to explain why some companies bought components from outside firms and others produced them internally. He concluded that the less diciering involved in a deal, the less expensive the process is. Thus, businesses would continue to internalize production until it became cheaper to get what was needed by dealing in the marketplace. This theory was not fully understood in the 1930’s. Today, noted the prize committee chairman, it can be used to explain the decline of corporate conglomerates as well as the collapse of communist states. The overlooked page from the case book discussed a principle that was instrumental in "bringing economic theory into mainstream law schools," that is, Coase’s Theorem. In “The Problem of Social Cost,” Coase established a framework for analyzing the assignment of property rights and liabilities. If Party A inflicts harm on Party B, the common question posed is how to refrain A from the harmful conduct? Coase disagreed with this approach because he posited, the problem is of a reciprocal nature: avoiding the harm to B harms A. Coase demonstrated that regardless of which party incurred liability for an act infringing upon the rights of another, the parties would reach an efficient negotiated result. For example, suppose Party A builds a wall on her land that shades Party B’s land in a manner that prevents him from growing tomato plants. Further imagine that having the wall is worth $50 to A and that B would be willing to pay $40 to be able to grow his tomatoes. If B successfully sues A, then A will pay B a price greater than $40 but less than $50 to forego growing the tomatoes. However, if A wins the suit, B must forsake growing his tomatoes, since B would not be willing to offer A more than $40 to take down her wall. So, regardless of which party wins, the same result is reached -- no tomatoes. The power of Coase’s Theorem can be seen if applied to nuisance law. In the above example, if we substitute a polluting factory for the wall, it is obvious that just as you would not take down the wall because it was shading the tomato plants, you would not shut down the factory because it was polluting a neighboring farm.

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