Closed Selection Process Evokes Anger

Although the Board may believe that D'Amato meets this criteria, some students point to the fact that he has really achieved very little. He is a first-year, first term Senator with minimal political accomplishments prior to achieving senatorial status. During the past year D'Amato has been accused of various illegal business dealings in connection with his position as Hempstead Township Supervisor. It is widely known that the Nassau County Republicans require that public employees kick-back one percent of their salary to the party as an annual "contribution." In 1980, Newsday uncovered a letter written by D'Amato indicating that a county worker had to "take care of the one percent" if he wanted a raise.

Federal Courts Under Attack

On March 2, the U.S. Senate passed by a wide margin a measure designed to withdraw from federal courts the jurisdiction to issue certain remedial orders involving busing in school segregation cases. Referred to a decisive victory for conservative and far right wing members of Congress, the measure is not just an isolated attack on Supreme Court busing rulings but is part of a concerted effort on their "social agenda" to attack numerous Supreme Court decisions. There are approximately 30 bills before Congress which would either divest the federal judiciary of jurisdiction to hear certain claims arising under the Constitution or would prohibit any effective remedy for violations of selected rights.
Not All Fun and Games

Saturday night, March 27th, New York Law School presented its "5th Annual Law Revue" and, to the surprise of many, it was actually quite good. The performers exhibited previously unknown talents; the writers created many humorous jokes and skits, a few even touching on professional quality; the band excelled.

So why, you may ask, were some people surprised about the show's success? The reason is that each of these people knew, either firsthand or through a member of the show, how the show was actually being run. While this article could easily be filled with praise for the final product created that Saturday night, it's time that the student body of this school, for whom this show was supposedly produced, became aware of how their show was created. There were definite reasons why the show was subtitled "Joke, why are they all quitting?"

In January, signs were posted announcing the first meeting of the Revue all but begging for writers, actors, singers, etc. There was quite a turn-out at this meeting. The end result was the dismissal of all but writers until February, when auditions were scheduled to be held. Once the room was cleared, the writers were informed by the four "executive producers" - Teddy Del Valle, Jon Cardon, Frank Palillo, and Joe D'Avanzo - that they had picked the theme for the show (a telethon to raise money for the school's new building) and the writers were to write around this theme.

There was only one small restriction: they were the "producers" and they had absolute veto power over any script that they didn't want in their show. The writers soon found out that these four intended to exercise their power to the fullest. Numerous scripts - excellent scripts - were submitted and praised, only to disappear without explanation. When queried, the only excuse offered by the "producers" was that the same material had been used in the previous year's show.

As they watched quality material being discarded, the writers soon figured out the only sure way to get their material accepted, collaborate on a script with a "producer." This was a successful ruse, but one can't help wondering why the "producers" had open call for a writing staff when they had no intention of letting the staff work as a team to create the best possible script for the show.

Collaborating with a "producer" on a script elicited another strange phenomenon. As characters were created, they were cast (this occurred prior to auditions). No mention was made of having these pre-cast performances audition, and none of them ever did. The script was simply written with a certain person in mind, and that person got the part - regardless of whether or not he was member of the student body.

The oddities didn't end once the script was written. Open auditions were announced thereafter by posted signs "First and only audition Thursday," "Second and last audition Monday" and "First rehearsal Wednesday - all actors must attend whether auditioned or not." cont. on p. 5

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COALITION

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

EDITORS
Chris Souris Pamela Goldberg Donna Lieberman
Bob Montgomery Andrea Coleman Eileen Stier
Julie Fosbinder Michael Konopka Douglas Bern
Robert Gordon Gary Rappaport Derek Wolman
Donna Thurston Lou Spinelli Andrew Lupu
The debate surrounding the current anti-nuclear weapons campaign is frighteningly narrow and possibly misguided. Much, if not all of the “discussion” centers around such terms as “freeze,” “limited nuclear war,” “deterrence,” and “disarmament.” The more technical among us talk about SS-20’s, Pershing missiles, or “first strike capacity.” Next year there will be different letters and numbers identifying added or mobile weaponry.

It is conventional to say that of course everyone should try to understand the terms of these endless debates about “Defense.” But this type of thinking has gotten us where we are today. As Einstein warned, “the splitting of the atom has changed everything save man’s mode of thinking—thus we drift toward unparalleled catastrophe...”

Change in thinking begins with a gradual withdrawal from the familiar patterns of belief or acceptance that are associated with the policy of drift, going on as we are now. We need a world in which no one would even consider destruction and slaughter on the scale of nuclear mass murder but we have no idea how to get it. Spreading fear is not the way to get it. Fear is the reason we have those weapons now and why we are preparing to use them. Perhaps, to make a start, it is time to stop taking seriously the endless debates about the “political and strategic choice flowing relentlessly from mutual Soviet-American possession of the bomb.” The argument never changes. It accomplishes nothing except to make us see that it is senseless. It numbs our minds and dulls our senses.

In 1961 President Eisenhower described “the immense military-industrial complex” whose influence—economic, political, even spiritual—is felt in every city, every state house, every office of the Federal government. We can reject that influence. We can fill our minds with other themes, and determine to find news with meaning that at least isn’t anti-human, and focus on that. A passage from the January edition of Rain illustrates what we should try to do.

“Our next project is to try to visualize peace. If peace broke out, what would it look like? What would life be like for us next week? How would our clothing be different? What would be be doing differently in school? What kind of jobs would we have? What would be the nature of business? What would be the nature of government? What would it be like, given the fact that the U.N. now records 5,000 religions on this planet? (How do you strike some common sense resource balance and then picture it?) How would we proceed? As the author concludes, “I’m convinced that we can’t move in that direction until we see where we’re moving. Madison Avenue has known this forever; lay the image out and people will go for it.”

Gary Rappaport
MEMORANDUM

TO: All Continuing Students

RE: New Course Offerings for the Fall, 1982 Semester

Alternatives to the Legal Career 4 cr. M, W 1-2, 40 Dean Bean

This course is designed for those who have been in law school for at least one year, and have no background or interest in law. Topics to be covered include: fields open to those who want jobs, where to find a wealthy lover, and best beaches in the New York area. Enrollment will be limited to 200, and preference will be given to those with a demonstrated non-interest in law. Student should bring letters of academic probation.

Hermaphroditic Law 3 cr. T, Th 1-2, 40 TBA

This course will examine some of the legal problems facing the hermaphroditic in society. The rights of the hermaphroditic will be discussed, and students will be given the opportunity to debate whether a hermaphroditic requires two attorneys. Final papers will be expected to argue both sides of the selected issue.

Law and the Gothic Novel 3 cr. T, Th 2-3, 30 Mary Stewart/ Prof. Martel

This course will be divided into two sub-courses. The first will concentrate on the problems facing the novelist, such as copyrights, publishing contracts, and lack of writing ability. The second part of the course, to be taught by Prof. Martel, will take several leading Goths and examine their plots for literary and legal firms. No grades will be given.

Other Worldly Forums 2 cr. eternally John Milton

Prof. Milton will return from the dead for one semester to share his expertise with students interested in practicing law in other worlds. Issues slated for discussion include personal jurisdiction, conflicts of laws, service of process, and enforcement of judgments. Class will be held on the roof of A Building. Physical attendance is not required.

Pre-Byzantine Law 3 cr. eternally Prof. Bleeker

This course will examine the events that preceded the establishment of the Byzantine legal system. Students will study ancient newspaper clippings and stone tablets in order to gain a better understanding of the period and how it has influenced Anglo-American law. Mullane v. Wiltz will be discussed.

Clinic

The Animal as Plaintiff 4 cr. T, Th 12:34-2:21 a real dog

Students interested in this new and growing field will spend 8-10 hours per week working for ASPCA Legal Services*, under the supervision of a practicing attorney. The class will meet once a week to discuss currently pending cases and legislation, including the landmark decision of Puppy v. NYLS Law Revue. Permission of your pet is required.

* An organization that provides legal counsel for indigent animals.

Changes in Existing Courses

Legal Ethics will be expanded to Ethics: Pros and Cons.

In response to student demand for additional sections of Corporations, Prof. Rice has agreed to teach a section on Saturday evenings, from 9-12 PM. There will be a ten minute break at 10:15.

Commercial Transactions, Wills, Trusts and Future Interests and Conflicts will be combined in one 12 credit course, to be taught in Madison Square Garden after the departure of the circus. All three professors will lecture simultaneously, and there will be a single, two-day exam.

Note: This office has announced a new policy in regard to closed courses. Any third-year, second-semester student who is closed out of a bar course will be guaranteed a place in that course the following semester.

ANY ADDITIONAL CHANGES IN COURSES WILL BE POSTED IN THE 3rd FLOOR MEN'S ROOM, B BUILDING.

by Donna Lieberman
Show Time continued from page 2

Conflicting reports were given on exactly how many turned out for these auditions. According to a "producer", there was a constant influx of people during both auditions. So many were supposed to have turned out that several people could only be offered small, non-speaking parts. At the time these bit parts were given out, however, the "producers" admitted that casting was not complete. In fact, parts were being assigned one week before the show. Another report revealed that the 10 to 15 people who showed up during the first hour of the first audition were about the only people who did show up. In the end, there were over 30 members in the cast, yet it remains a mystery as to when and where they auditioned, or even if they auditioned at all.

Rehearsals also offered some points of interest, most notably the continued absence of many of the cast, including the "producers". The director, Patti Gannan, obviously had the potential and knowledge to conduct the rehearsals with a level of professionalism. Yet this potential was never realized because absences were overlooked, the use of props was rarely discouraged, and no attempt was made to coordinate rehearsals with the cast's available time. No effort was made to rehearse scenes in order of presentation, leaving the cast members who did attend rehearsals with no sense of continuity.

The first time the show was ever rehearsed in order and in its entirety, was about four hours before showtime. At this dress rehearsal, several members of the cast were seen for the first time. In fact, one "producer" was seen for the second time ever. And, it was also discovered, there really was a band.

The dress rehearsal allowed the cast to rehearse scenes which had never been rehearsed previously, most notably the telephone scenes, which should have been the strongest part of the show, but, due to lack of concern, were the weakest. Halfway through this rehearsal, another discovery was made: a stage crew was needed. Fortunately, four volunteers stepped in to assist and did an admirable job, considering the circumstances. Without these people, some of whom had no other connection with the show, the production wouldn't have been quite as successful as it was.

As said before, the show was quite good, especially considering the difficulties outlined above. Unfortunately, it could have been much better and more enjoyable for all had it been conducted in a manner which fostered cooperation, respect and, most importantly, fun, because fun is what this show is all about. Somewhere along the line, someone has lost sight of this objective. The Revue is not meant to be a showcase for the supposed talents of a self-selected few, though that is what, it seems, it became. The goal is to give the students - all the students - a chance to relax and laugh at themselves, the faculty and administration and the way of life they have chosen. THE SHOW IS FOR YOU. Let's hope that next year the returning members will have the wisdom and maturity to set aside past differences, have fun together, encourage and truly desire the participate of new members, and work together both respectfully and respectfully to create a production which every student can enjoy and be proud of.

by Donna Thurston

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**Student Newspaper Created, Finally**

The Student Bar Association acting at the request of Coalition has taken a giant step toward solving the problem of instituting a viable student newspaper at New York Law School. On Thursday, April 22, the SBA voted to refund the charter of Equitas which that body created 10 years ago, and in its place it chartered by-laws for a new student newspaper which is to begin-publication next fall. Elections for editorial positions of the new paper, which is yet to be named, were held soon afterwards. Votes were cast for candidates who were nominated at an open meeting of interested students on the previous Tuesday.

The SBA agreed to take such drastic action after being convinced that Equitas could not be successfully revived as presently constituted. It has resolved to make the new publication New York Law School's official student newspaper and to seek the support of the administration for its action. It is hoped that such support will precipitate action on the part of the alumni association to take out a subscription to the new paper. Graduates of NYLS have been cut off from the student body since the alumni association stopped sending Equitas out to the n last year.

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**Student Newspaper Created, Finally**

The new student paper will be open to all students who wish to get involved in the heady task of publishing student news on a regular basis. Reporters, photographers, writers, graphic artists and many others are needed. All students who are interested should contact members of the new editorial staff in room 309 or 310, 47 Worth Street, or call 966-3500 extension 722.

Elected to editorial positions on the new student paper were:

Derek Wolman - Editor-In-Chief
Julie Fosbinder - Features Editor
Chris Souris - News Editor
Robert Montgomery - Technical Editor
Douglas Bern - Business Manager
A number of the bills would remove Supreme Court and lower court jurisdiction to hear cases arising out of state law relating to "voluntary" prayer in public schools. One would remove Supreme Court jurisdiction to hear cases challenging the constitutionality of qualifications imposed by a state for public school teachers. Several other bills would remove lower court jurisdiction to issue any restraining order, injunction, or declaratory judgment prior to final Supreme Court review, or remove such power altogether from lower courts or even broadly remove Supreme Court jurisdiction to hear any case relating to state action in the area of abortion rights. There are still other bills pending which would restrict federal court power to provide the remedy of busing, and one would broadly prohibit any federal court remedy for unconstitutionally segregated schools. Other bills would remove Supreme and lower court jurisdiction to hear constitutional challenges to sex-based classifications in duty assignments and in the composition of the armed forces.

The jurisdiction of the Supreme Court as well as lower courts is the subject of many of the bills. The Supreme Court's judicial power derives from a direct grant in Art. III, as do the bills' proponents point to the "exceptions" clause as a source of congressional power over the Court. A widely accepted interpretation first offered by Professor Henry Hart, however, suggests that permissible exceptions are those which do not destroy the essential function of the Judiciary in the federal system. Supreme Court appellate review of state and federal action performs several vital functions including operation as a constitutional check on the power of the other two federal branches, assurance of the national supremacy of the Constitution, the ultimate interpretation of federal law, and the resolution of conflicts among lower federal courts and state courts. Changes in this system as major as those proposed in the bills would fundamentally alter the Supreme Court's essential functions and clearly involve much more than mere "exceptions" to the grant of jurisdiction in Art. III. As such they should not be capable of accomplishment by a simple majority in Congress, but only by following the constitutional amendment process in Art. V.

Lower federal courts, however, receive no direct grant of power in Art. III and their creation was left to the discretion of Congress. The bills' proponents thus suggest that Congress has plenary power over lower federal courts and their jurisdiction. The lower courts, however, as well as the Supreme Court now perform vital functions within the federal judiciary. There has been a tremendous growth of the nation and federal law since 1787. Removing issues involving selected constitutional rights from lower federal court jurisdiction would leave the burden of enforcing those rights exclusively on the 50 state court systems. The potential would arise for widely conflicting interpretations and decisions by the Supreme Court, if its jurisdiction were not also removed, would be the only federal forum available to resolve them. Given the Court's present heavy caseload it could become a difficult if not impossible task for the Court to effectively accomplish.

Furthermore, as Professor Lawrence Tribe has pointed out, removing selected constitutional rights from federal judicial protection is tantamount to authorizing their deprivation. In addition, it directly invites hostile action, and can be interpreted as a violation of the Due Process Rights of those adversely affected. Removing lower court jurisdiction to hear certain constitutional claims would clearly impair the enforcement of those rights. The availability of such a forum uniquely designed to protect federal rights was of critical importance, for example, to the civil rights movement.

The implications of these bills beyond their particular jurisdictional effects are far reaching and have generated widespread criticism. The ABA and state and local associations have condemned the bills as unconstitutional and as a threat to the institutional integrity of the Judiciary. Second Circuit Judge Irving R. Kaufman has referred to them as "assaults on the Constitution itself." Even ardent critics of the Supreme Court decision subject to attack, such as Robert Bork, have condemned the bills as violating the spirit and structure of the Constitution.

The present political attack on the federal courts posed by the jurisdiction bills is precisely the type of problem the drafters of the Constitution sought to protect the courts against by providing for life tenure, undiminished compensation, and a stringent amendment process. The bills are explicit political reactions against federal courts enforcing rights guaranteed by the Constitution. They would permit simple majorities in Congress to neutralize the power of the federal courts to enforce selected constitutional rights in areas of intense public controversy. Such action would be totally antithetical to the Judiciary's role in our constitutional system.

Christopher Souris
There is a petition going around calling for the administration not to give Senator Al D'Amato an honorary degree at graduation. Although I strongly dislike D'Amato and I agree with the sentiment that he has done nothing to deserve the honor, I refuse to sign the petition. Why? One of the main reasons is that the petition in its current form is wholly inadequate. Among its chief problems is that it does not demand that the administration refrain from such unilateral action in the future.

How this defect came about is quite clear. Forgoing a broad based discussion, a few well intentioned students unilaterally decided that this petition was the best way to deal with the coming of D'Amato. (In a sense they sped the administration and came up with a similarly bad choice.)

As any graduating senior will tell you, the D'Amato controversy is just the final manifestation of a larger problem of a closed and secretive administration that seems to care little about the students.

Unfortunately those who have been trying to change this attitude have themselves embarked on a similar course. Without knowing it they have behaved in the same undemocratic way that the administration has. This is the sadness behind all of Dean Beam's smiles.

Gary Rappaport

The defective nature of the selection process is proven by the fact that this is not the first year a NYLS honorary degree recipient has been opposed by a large part of the student body. In 1978 Griffin Bell was selected and a demonstration took place outside Avery Fisher Hall. The Dean's main concern is that the graduates and their families enjoy their day. The widespread dissatisfaction with the Senator indicates that honoring such an objectionable candidate as D'Amato would fail to accomplish this goal.

Other opposition to D'Amato stems from his political record. Many feel that D'Amato, who won a three-way election in 1981 over two liberal candidates, has not represented the needs of his constituents. The opposition points to his call to end all funding for legal services, his attack on federal housing subsidies to rent-controlled cities, his support of all measures to outlaw abortion, his rejection of gun control, and his co-authoring of legislation to curtail the Freedom of Information Act.

by Julie Fosbinder
SUPREME COURT OK'S TOT DEATH PENALTY

In a rare unanimous decision, the Supreme Court today ruled in favor of a lower court decision upholding the legality of capital punishment in the nation's public schools.

The original case, The State of Alabama v. Bobby, grew out of the death-by-safety-patrol-firing-squad sentence of a six-year-old student who had been apprehended with an overdue copy of Tubby the Tuba.

Speaking in favor of the decision, Chief Justice Warren Burger observed, "There is in Anglo-Saxon jurisprudence, a long tradition that to spare the rod is to spoil the child. The court cannot help but note that many of our present generation of adults would have greatly improved their lot had they been executed in their early years."

F is for Fry: Naughty student Bobby gets ready to "ride the lightnin'" into the afterlife following flunking grade on spelling test.