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# THE OPINION



Volume 33, No.8

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

December 1, 1992

## Arthur Schlesinger, Jr. Speaks on Multiethnicity

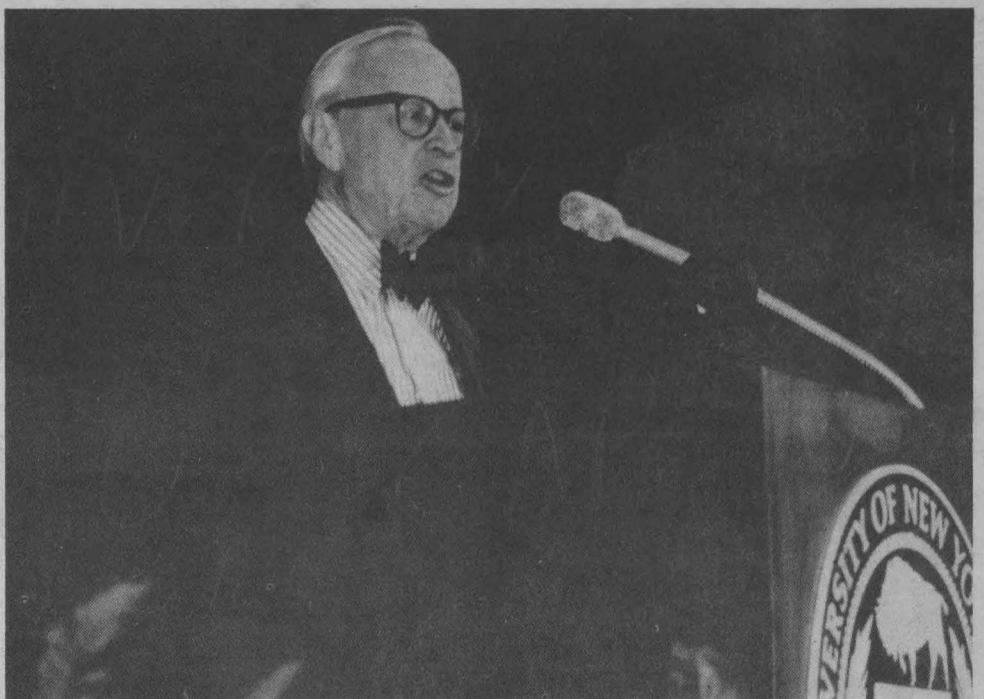
by Paul Roalsvig, Photo Editor

Two-time Pulitzer Prize winning author (*The Age of Jackson*, *JFK: A Thousand Days*), former special assistant under John F. Kennedy, political activist, and historian Arthur M. Schlesinger Jr. spoke to a crowd of two thousand at the Alumni Arena on November 11, 1992. The message that Schlesinger brought to the audience at UB was a reflection of the thoughts he had elaborated upon in his latest book, *The Disuniting of America*.

He first gave a short historical perspective on the changes that had occurred during this century, for example the triumphs of democracy over fascism and totalitarianism, and expressed concern that the collapse of the Soviet Union has created an uneasy situation in Eastern Europe. "Liberal democracy is triumphant for the moment," but, he added, "if liberal democracy fails us, we invite fascism and totalitarianism to gain a foothold again." The people of the world and the various world governments must stand on guard, he noted, for it is very easy in the modern world for one set of hatreds to simply replace the other. The reason such hatreds could so easily surface in nations struggling with democracy, according to Schlesinger, was that the global economy was poor and an ideological vacuum had been created recently; left behind in the wake of the demise of Marxism-Leninism. "With com-

munism gone tribalism is coming back," noted Schlesinger.

Multiethnicity, which has played a large role in shaping much of our two hundred year history, is suffering today from a renewed and over-bearing cry for nationalism and regionalism that spans the entire globe. These new increases in nationalism and regionalism represent an explosive issue today, said Schlesinger. The precarious situation in Europe is evidence of a potentially dangerous new intolerance of ethnic groups towards each other. He noted that this ideology can explain many recent events, such as the "ethnic cleansing" in Yugoslavia, the warring between former Soviet republics, the return of neo-Nazi protests in Germany, and the creation of the new Czech and Slovak nations. The hostility of ethnic groups in Europe has had to yield considerably in light of the general trend towards a united Europe (as exemplified by the EEC). But the net result of the clash of these two cultural movements, according to Schlesinger, was that Europeans were currently undergoing an "identity crisis." To whom did these new Europeans owe allegiance? To their ethnic group and country, or to the ideals of a united Europe? Schlesinger also warned that if the countries of Europe persisted in pressing their nationalistic and regional agendas, the hopes for a unified Europe may not survive.



Arthur Schlesinger, Jr. speaks about multiethnicity and the "melting pot" process, which he elaborated upon in his latest book, *The Disuniting of America*

Photo: Paul Roalsvig

Schlesinger called this new tribalism the "AIDS of international politics" and Europe a "tangle of squabbling nationalities."

He then presented a short synopsis of the history of the people of these United States, including the various countries they had come

from and why settlers of all types had come to North America. Our ancestors, said Schlesinger, desired a better world. This hope still fills the soul of all who come here, and that

...Arthur, continued on page 6

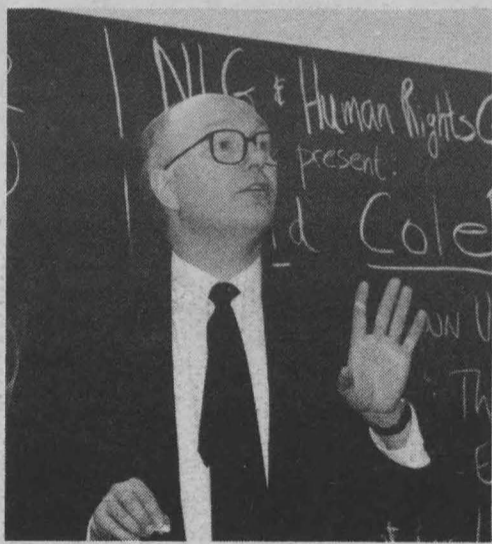
## Belgian Attorney, Louis Lafili, Discusses Maastricht Treaty

by Sharon Nosenchuck

Will the Maastricht Treaty, increasing the social, political, and economic unification of the European Community, succeed? This is the question that Belgian attorney Louis Lafili discussed in his presentation "Maastricht: A Broken Dream?" on Tuesday, November 10, sponsored by the International Law Society. Lafili spoke on the past and the future of the European Community, including the chances for success of the Maastricht Treaty.

Lafili, a partner in the Brussels firm of Lafili & Van Crombrughe, told the audience the history of the creation of the present-day European Community. He explained that at the end of World War II, the idea of a "United States of Europe" was suggested, and by 1957, the Treaty of Rome was signed. This treaty was the formal beginning of the economic integration of Europe into an economic community. However, said Lafili, not until 1984, after an American magazine did an analysis of the future of Europe, did the Europeans begin to move actively toward the post-World War II goal of a united Europe. Lafili said that the American magazine wrote that the Europeans were suffering from a disease called "Eurosclerosis," compared to a healthy, strong, and future-oriented United States. The article made Europeans angry and motivated them to look for new directions for the future. The dream of the 1957 Treaty of Rome and a European common market was revived and, thus, the 1992 Program was created, said Lafili. He noted that 1992 became a buzzword for Europeans.

Lafili told the audience that the presidency of the European Community rotates every six months. During 1991 the Dutch were presidents of the European Community, said Lafili, and the Dutch suggested that the prior plan, agreed on in 1985, was too limited and



Louis Lafili discusses whether the Maastricht Treaty is but a broken dream

Photo: Paul Roalsvig

that a more sweeping union should be proposed. Lafili elaborated, stating that the Dutch called a meeting of their European Community colleagues to write a new treaty. The Europeans then met in Maastricht, The Netherlands, creating the Maastricht Treaty.

Today, the dream of the Maastricht Treaty is seriously threatened, said Lafili, adding that the treaty will enter into force when the twelve member states have ratified it. However, Lafili further explained that the Maastricht Treaty has one fatal flaw--there is no escape clause; it does not state what will happen if not all twelve member states ratify it. Denmark held a referendum on the treaty and the Danes voted against Maastricht. "What will happen if the Danes do not deposit their ratification?" asked Lafili.

From the title of his presentation, you

...Maastricht, continued on page 7

## Sister Souljah on Empowerment

by Joe Antonecchia

Sister Souljah, formerly Lisa Williamson, spoke to a filled lecture hall on U.B.'s South Campus on November 10. Souljah, who for the past several years has lectured on racism, recently gained widespread notoriety after being condemned by President-elect Clinton at the annual convention of the Rainbow Coalition this past June. She began her lecture on racism by explaining how the "Establishment" and media attempt to undermine her fight against racism by portraying her as an "angry and irrational lady." Perhaps no episode demonstrates this more than Sister Souljah's sudden appearance in the national spotlight this past summer.

While speaking at the Rainbow Coalition Convention in June, President-elect Clinton charged that Souljah promoted racial division and hatred, referring to a statement on a music video where Souljah said that if there were any good white people, she hadn't met them yet. By selecting one sentence from her lengthy response to a Washington Post interview, regarding the violence against whites that occurred during the L.A. riots, interviewer David Mills asked Souljah, "Even the people themselves who were perpetrating that violence, did they think it was wise? Was that wise, reasoned action?" Souljah, being asked to empathize with, and express the mindset of, those who committed the violence, gave a lengthy response, but Clinton and most of the media

neither mentioned the question nor quoted her full response; "White people, this Government and that Mayor were well aware of the fact that black people were dying every day in Los Angeles under gang violence. So if you're a gang member and you would normally be killing somebody, why not kill a white person?" Rep. Charles Rangel viewed Clinton's attack on sister Souljah as "a way to court white votes." Jesse Jackson, founder of the Rainbow Coalition, was infuriated, saying Souljah "represents the feelings and hopes of a whole generation of people." In a recent interview, Souljah said that she believes it was Clinton's intention "to make me into a Willie Horton, a campaign issue, a black monster that would scare the white population to the polls." Clinton, she said, is "an alien in the African community, so he wasn't into my activism."

During her nearly two hour lecture on racism, Souljah, of course, made no mention of violence or hatred against whites. She did advocate measures, however, which certain whites may find just as disruptive to the current state of race-relations in this country. Souljah outlined a five-point program to promote black empowerment and freedom from racism (i.e. discrimination against people of color by whites). Many of her ideas echoed the political, economic and social theories put forth by other past and present black leaders, such as

...Souljah, continued on page 6

## HIGHLIGHTS

- Other Life of Ewing.....3
- Editorials & Commentaries.....4-5
- Foreign Correspondent.....6
- Bad Faith Wins Division .....7

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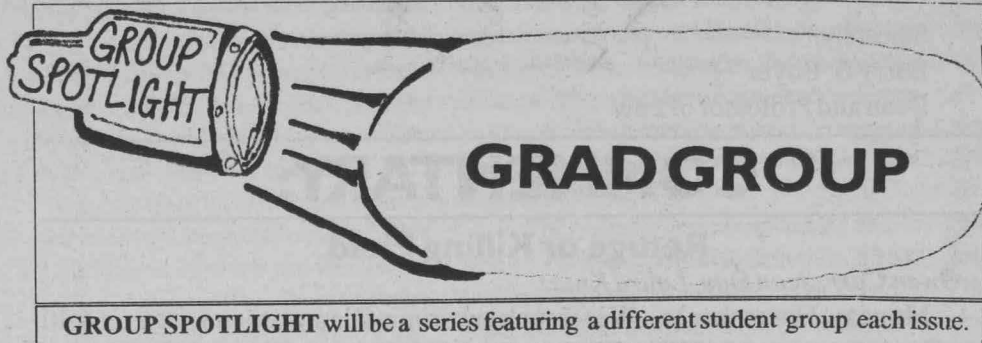
## THE GRADUATE GROUP ON HUMAN RIGHTS LAW & POLICY

by Kevin P. Collins, News Editor

The Graduate Group on Human Rights Law & Policy (hereinafter the Grad Group) has functioned since 1985. It serves as a center of common interests for members of the University community concerned with human rights. The Grad Group emphasizes interdisciplinary research and discussion, and has become active in publishing the work of individual mem-

international human rights promotion or protection, the Grad Group is open to co-sponsorship. Likewise, the Grad Group will seek to develop and co-sponsor programs of interest to a wide variety of groups within the university.

Additionally, the Grad Group is interested in any research work being done in other departments as it relates to human rights. With a special emphasis on economic, social, cul-



GROUP SPOTLIGHT will be a series featuring a different student group each issue.

bers through sponsorship of an "Occasional Papers" series. The Grad Group sponsors "Human Rights Week" and occasional speakers, as well as films of potential interest to the University community. It also meets to discuss issues of research interest to particular members. Meeting dates and times are posted in the Law School (O'Brian Hall) and throughout the University. Members from all disciplines are welcome to join or become involved with the group.

The Grad Group is actively engaged with, and supports, the efforts of Amnesty International, other nongovernmental organizations, and student groups seeking to promote international human rights. It especially encourages links between student groups within the University interested in human rights.

The Grad Group is part of the Program in Human Rights Law & Policy (The Human Rights Center) and its Co-Directors are Professor Claude Welch, Ph. D. (Political Science) and Professor Virginia Leary, J.D. Ph.D. (Law). Julia Hall is the Graduate Assistant for the Grad Group, the office of the Grad Group is located in Room 408 of O'Brian Hall, and its telephone number is (716) 645-2073.

It also encourages interdisciplinary research and the co-sponsorship of events, speakers, conferences, films, etc. The Grad Group includes faculty and students from the departments of education, political science, sociology, philosophy, anthropology, english, and women's studies. If you or your group are planning programs dealing with any aspect of

tural and so-called "third generation" rights such as environmental protection, there is a great deal of latitude in the concept of "human rights." Areas of special interest include the theory/philosophy of rights/human rights, international women's issues/feminist theory, the right to health care, the protection of the environment, and a variety of area topics including human rights in Latin America, Africa, the Middle East, and recently the concern over the North American Free Trade Agreement and the abuses of Mexican workers in American owned plants (the Maquiladoras) along the northern border of Mexico.

The Grad Group recently held its Human Rights Week and has many plans for the rest of the academic year. On Tuesday, December 8, the Palestinian Archbishop of Jerusalem, Michel Sabbah, will be giving a presentation on a just Middle East peace in the Woldman Theater, Norton 112, at 8 p.m. On January 14, General Lewis McKenzie, the Commander-in-Chief of the United Nations peace keeping forces in the former Yugoslavia will speak out on human rights abuses.

Membership in the Grad Group is open to all graduate students of any discipline, including law students of all years. Interested students may contact either Julia Hall or some of the law student members of the Grad Group: 3L, Jamal Aruri, Box #9; 2L, Bonny Butler, Box #98; or 3L, Cheryl Gandy, Box #98 (who successfully administered the Grad Group's Human Rights Week).

## THE OTHER LIFE OF CHARLES P. EWING

by Dan Harris

Professor Charles P. Ewing is a man with two careers. One of his careers is teaching law here at UB, and the other is being a forensic psychologist. His specialty is in evaluating defendants to determine their sanity.

Professor Ewing received a Ph.D. in Psychology from Cornell University in 1975. In 1983, he received his J.D. from Harvard Law School and is now in his tenth year of teaching at UB.

Within the past month, Professor Ewing has testified as an expert witness in two murder trials. One appearance was for Felicia Morgan in Milwaukee, Wisconsin (with some of his testimony televised on Courtroom TV), and the second was in the John Justice case here in Buffalo, New York.

Felicia Morgan killed a woman while robbing her on the street. After examining Ms. Morgan, Professor Ewing found her insane, believing that she suffers from Post Traumatic Stress Disorder. This was apparently caused by her having been repeatedly raped, beaten, and robbed over the seventeen years of her life. On the night of the killing, he claims she lost touch with reality and killed her victim.

Despite the testimony of Professor Ewing, as well as the testimony of an additional expert in psychology, the jury found Morgan sane. Ewing believes that the jury came to this conclusion because this was the first high profile case in that geographic area involving insanity since Jeffrey Dahmer. Additionally, there were two experts in psychology for the prosecution who testified that Morgan was mentally disturbed, but not insane, and that the killing was economically motivated.

Professor Ewing expects Morgan to receive a harsh prison sentence. However, if she had been found insane, she would have been committed to a mental hospital for an extended period of time. According to Ewing, "One of the things that people don't realize, with the insanity defense, is that people who are found Not Guilty by Reason of Insanity (NGRI) are often locked up longer than people who are convicted."

Immediately after he completed testifying for Felicia Morgan, Professor Ewing testified for John Justice. In 1985, John Justice killed both his parents and his brother. In a failed suicide attempt he crashed his car into another car and the driver of the other car, Wayne Haun, became Justice's fourth victim.

He was tried for the four murders and found guilty for the murder of his mother and the car driver. The jury found him NGRI for the murder of his father and brother. On appeal, a state appellate court found fault with the jury instructions on insanity. The guilty verdicts were overturned and Justice was retried for the murder of his mother and the driver.

After John Justice was granted a new trial, his attorney contacted Professor Ewing. Upon examining Justice, Ewing found John Justice insane. In fact, he said, "To me, this is the clearest, most clear-cut, case I've ever been involved in."

The jury found John Justice guilty of Manslaughter 1 (Extreme Emotional Disturbance) for killing his mother. Justice was also found guilty of Manslaughter 2 (Reckless Homicide) for killing Wayne Haun. Professor Ewing believes that Justice was not found NGRI because of the predispositions of the local community against the insanity defense, however, he does feel that for a sane defendant, the jury rendered a fair verdict. Justice was suffering from extreme emotional disturbance when he killed his mother, and he was acting recklessly when he killed Haun. Ewing commented that, "Once you decide this is not a case of insanity, then the verdict is very just."

The maximum amount of prison time John Justice can be sentenced to is 8 1/2 to 25 years, assuming the judge gives him concurrent sentences. If he had been convicted of Murder, he would have been sentenced to 25-LIFE. Justice has already served seven years, and will now return to prison for a maximum of eighteen years. Justice could alternatively be sentenced as a Youthful Offender. Youthful Offender status is available to people who are under eighteen when they commit a crime, and have a clean record at that time. If he is sentenced as a Youthful Offender, Justice will be sentenced to a maximum of four years in prison. Once his sentence is completed as a Youthful Offender, his criminal record will be expunged (as he has already served seven years, hypothetically Justice could be released from prison upon sentencing).

After John Justice completes his prison sentence, Professor Ewing believes he will be put in a forensic mental health unit for killing his father and brother. He stated that "this is almost a case of First Impression. When he was first found NGRI on two, and Guilty on two, the

...Ewing, continued on page 7

by Paul Roalsvig, Photo Editor

Fresh from a stint downtown as an expert witness in the trial of John Justice (see "The Other Life of Charles P. Ewing"), Professor Ewing addressed the University community on Thursday, November 19. The discussion was entitled "Violence in Interpersonal Relationships" and was hosted by the University's Group Legal Services.

After a short introduction by second year law student Samantha Crape, Assistant Director of Group Legal Services, Professor Ewing launched into his exploration of the issues and problems in his area of expertise: the "Battered Woman Syndrome." According to Professor Ewing, the first difficulty exists in trying to define violence. The narrowest definition simply encompasses physical harm, while a broader definition necessarily includes trauma and psychological damage, which often remains long after the violent occurrence has taken place.

All types of violence, according to Ewing, have psychological components, and the name of the game in systematic abuse or violence is always "control." The abuser is usually one who has trouble controlling various aspects of his life, such as his job or other relationships, and thus resorts to exerting control over the only remaining facet of his life that he is able to, his girlfriend or his wife.

The term "Battered Woman Syndrome" was coined by Lenore Walker and has only

## Prof. Ewing Speaks on Battered Women

been in use for approximately fifteen years. Prior to that, such forms of violence and systematic abuse did not have any formal labels. The recognition of this syndrome by psychologists and members of the legal community was a necessary first step in taking forms of action to correct this wide-spread form of abuse.

How wide-spread is violence and psychological abuse towards women in relationships? Professor Ewing estimated that between twenty and twenty-five percent of women are currently in or can expect to be in abusive relationships. The abuse, according to Ewing, seems to follow a pattern centered around three stages: "The Buildup," where the tension gradually builds over time due to escalating verbal and physical abuse; "The Explosion," which represents the breaking point and is where the victim has the greatest risk of harm or death; and the "Loving Contrition," during which the perpetrator cools off, and tries to seek forgiveness for his behavior. Often the abuser is so attentive and loving during this last apologetic phase that the woman forgives him. A major problem lies in that this attention provides positive reinforcement for the woman to stay in the relationship. What invariably results is that these three phases begin to repeat themselves, and when this happens the violence may get worse and/or the last stage, the "loving contrition," may cease to occur. The

woman will then be caught in a situation from which she may have a great deal of difficulty escaping.

The reasons women stay in abusive relationships can have "external" factors or "internal" factors, Professor Ewing noted. The "external" factors can be economic reasons, such as lack of money or the lack of somewhere else to go, or perhaps even the responsibility for children whose presence might make escape impossible or impractical. However, "internal" factors figure into the equation as well. Often, an abused woman will stay in an otherwise unbearable situation because she suffers from a lack of self-esteem or depression, or possibly because she has developed a "learned helplessness" through many years of abuse.

What should you do if you know of someone who is in such a relationship? The only real advice, stated Ewing, is to tell them to get out, and to do so as quickly as possible. They can then be referred to a haven house or shelter for battered women. In more rural settings, or areas where such facilities do not exist, women in abusive relationships unfortunately have a much harder time finding adequate help and shelter. Professor Ewing also recommended that you should not personally offer assistance to such an abused person. He spoke of an incident where a man had at-

tempted to intervene by assisting a neighbor who was regularly beaten and verbally abused by the husband. In the ensuing fight with the enraged husband, the "good samaritan" neighbor was fatally stabbed.

The obvious step is then to call the police, who usually are relatively well-equipped to handle domestic violence calls. Ewing noted that some states have enacted a "mandatory arrest policy" for domestic violence calls, but noted that while repeat calls have declined in these areas as a result, that may possibly be attributed to the woman being even more afraid to call the police after her boyfriend or husband has become violent again. An abused woman will usually be granted an Order of Protection by the courts, but without the actual physical presence of the police to enforce it, the woman will again be vulnerable to attack by her abuser. Professor Ewing compared a woman using an Order of Protection to protect herself to someone "holding a crucifix to scare off Dracula."

In conclusion, Professor Ewing briefly outlined the inadequacy of treatment programs designed to alter the behavior of repeat abusers, stating simply that they just don't work. Luckily, he observed, the attitudes of the police towards domestic violence calls has become more serious, albeit due to the fact that several police departments have been sued for failing to take the necessary precautions.



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**EDITORIAL**

**Its a Matter of Ethics**

Gorden Liddy. John Dean. Richard Nixon. Familiar names from the past? Maybe not. How about Justice Clarence Thomas or ex-Judge Sol Wachtler of the New York Court of Appeals? These may ring a bell.

Ethics in the legal profession has been a great concern within the legal profession. After the fall of the Nixon empire with Watergate in 1972, the American Bar Association adopted a resolution requiring all law students to complete a course in legal ethics prior to graduation.

However, even in light of constant reoccurrences of unethical conduct at the highest levels of the profession, the administration of UB law school will embark on a policy to reduce the course credit for "Legal Profession", UB's ethics course which is usually taught during the Spring semester of first year law school, from 3 credits to 1 credit. It appears that the administration's change was motivated by our "infamous" Research & Writing Program ("R & W") as it tries to find its niche within the law school curriculum. They state that since the work required in Research & Writing in the Spring exceeds the normal work load, R & W should receive an additional credit during next semester.

There is no question that many current 2Ls did not, and could not, take their R & W class seriously during their first year, which is what lead them to collectively demand a better learning experience in research and writing and at least one writing sample for summer employers by the end of the Fall. The result has been one credit of work in the Fall and an overloaded "catch-up" in the Spring.

And what is the cost of this "minor modification?" Ethics. The real issue that needs to be addressed is why there is such a great imbalance between the course load of R & W in the Fall and the course load for R & W in the Spring; not to find ways to cut back on exposing law students to vital concepts of ethical practices and standards.

Although this action by the administration seems an easy remedy to balance out 1L term credit hours, it clearly reduces the perceived value of "Legal Profession" as an important element of legal education. It is inevitable that the previous ethics program will be reduced to comply with the decreased credit value and student attention to the subject will similarly take a back seat to higher credit courses.

One must admit that throughout the academic community, questions remain as to whether courses in ethics will result in producing more ethical lawyers. However, a law student ought to get a full exposure to such a crucial course which serve as a guide to the application of skills developed in other legal disciplines. Will UB require its own "Watergate II" of extensive ethical violations before they realize that greater emphasis is needed to guide law students as to their ethical obligations within the legal community?

One can only wonder what is happening at Sol Wachtler's old law school.

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The ideas expressed in the "Letters to the Editor" and on the commentary page are not necessarily endorsed by the Editorial Board of The Opinion.

**Opinion Mailbox**

**+/- System Only to Apply to the Q Grade**

To the Editor:

The Opinion for November 10, 1992 erroneously reported the Faculty's action on November 6, 1992 in voting to change the Law School grading system. The decision was to add plus and minus grades only to the Q grade; the H, D, and F grades would not be subject to pluses and minuses. Thus, none of us will need to worry about the distinction between Q-plus and H-minus, or the message conveyed by a D-plus.

Sincerely,  
 Barry B. Boyer  
 Dean and Professor of Law

**COMMENTARY:**

**Refuge or Killing Field**

by Gwen Carr, Sean Day, Laura Kniaz

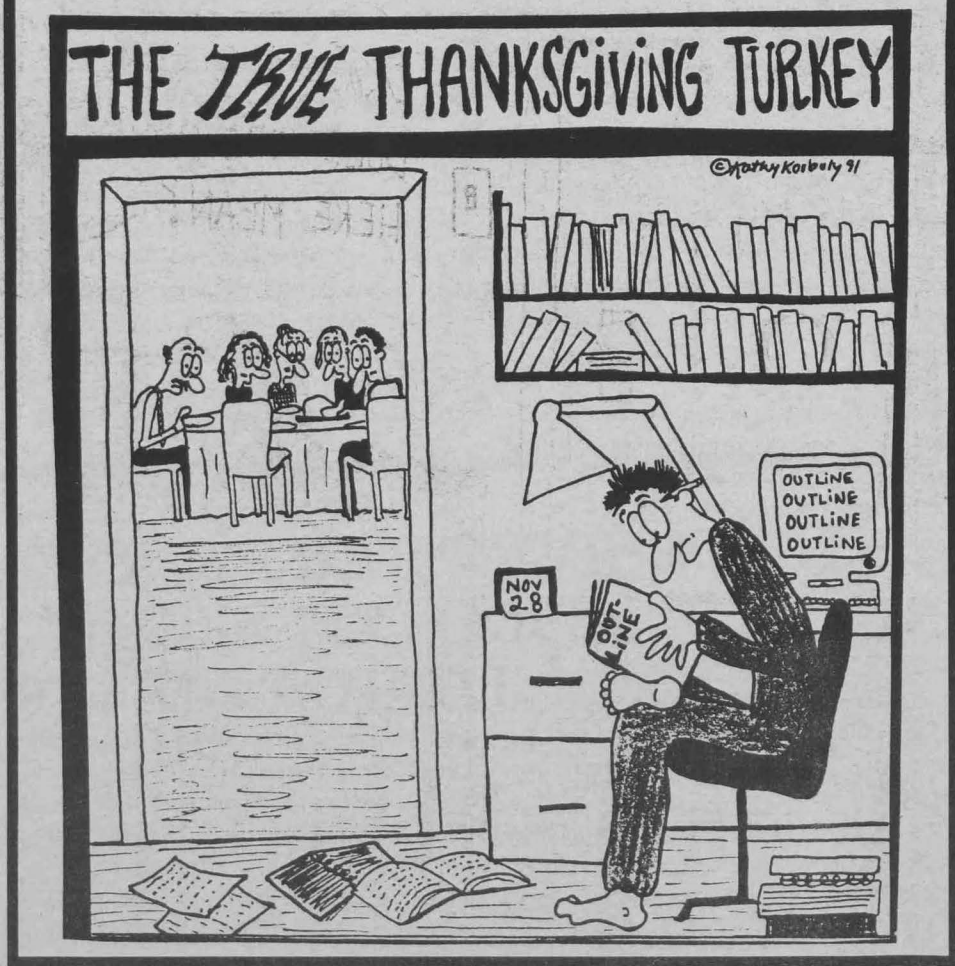
Monday, November 16—We forsook our criminal law class and got up at 4:30 am. Our purpose was to make it to the Iroquois Wildlife refuge by sunrise, the official time hunters start killing deer.

As representatives of Students of Law for Animal Rights (SOLAR), we were participating in a protest against hunting, organized by the Animal Rights Advocates (ARA) for Western New York. Our purpose was to dispel many of the popular myths that shield what in reality is a death sport. Justifications for killing deer, including the population control argument, overlook the fact that wildlife management is purposefully manipulating the natural ecology for our "enjoyment." By protesting we wanted to express our disgust that a wild life refuge, a place of safety for all wildlife, turns into a killing field for six months a year.

The protest did attract a small turnout from the media, although the news reporter from Channel 7 found the park ranger more intriguing than our protest. As for the park ranger, he was more concerned with seeing that we didn't violate any of his "rules," including the warning that we were to go to the bathroom one at a time. The wildlife management's support for our cause, or rather lack of it, was perhaps best illustrated by the fact that they limited the protest to thirty participants, told us where to stand, warned us not to disturb the hunters, required us to make two trips to the wildlife management office to get a permit, and wrote down our license plate numbers.

Despite these difficulties, as we heard the shots in the distance, and imagined deer running to escape their deaths, we remembered why we needed to be there. The sounds of death made us realize how hunting is a barbaric sport, and how we need to hope that as a society we are capable of more. Are we?

**THE BUFFALO ENVIRONMENTAL LAW JOURNAL** will be issuing a call for student papers next semester. The Journal publishes environmental articles with focuses on issues of particular interest to the Great Lakes Region. The Buffalo Environmental Law Journal will be looking for several high quality student works for its Spring 1993 volume. If you have written an article you would like the Journal to consider, you should have the paper in final form by January when the journal will be formally accepting student pieces for consideration. If you have any questions please visit the office, Room 7 O'Brian Hall, or contact Elizabeth Beiring, Box 17.



**Deadline for next Issue:**  
**Friday, January 8, 1993**  
 Leave submissions in  
**Box 223 or Box 611**

# Trials

By Natalie A. Lesh

Features Editor

After spending four years at a women's college, I am constantly amazed by the various perceptions of feminism I encounter in my daily life. This is not to say that I believe that there is one model of feminism which is "correct," or that there can be any model of feminism at all, but that most of what I hear with regard to feminism reflects popular, stereotypical beliefs which I thought would have been dispelled long ago. Yes, this is, of course, hopeless optimism!

It seems that a lot of men and women are distracted by thoughts of equality. This is not the issue at all. Men and women are not equal, and never will be. There are many important differences between the two sexes, and these differences should not be ignored or dismissed. They should be celebrated! What I see happening, however, is that many women acknowledge their differences from men as unfortunate and burdensome. There is some kind of underlying assumption that the male model is to be embraced, and that, therefore, women's differences from this norm are to be lamented.

At this point I should probably add that when I say that men and women will never be equal, I do not mean to suggest that they should not enjoy the same opportunities or rights. Rather, I mean that men and women

have distinct biological, physical and psychological characteristics which give rise to distinct needs and responsibilities. While it is true that our culture is to a limited extent responsible for the development of certain characteristics in men and women, complete reliance upon this socialization argument is misplaced. It is a denial of reality to ignore the inherent differences between men and women, and the denial can only be in vain. We cannot separate ourselves and our situations from these conditions.

For example, women alone are able to bring forth new life from their bodies. This is perhaps the greatest miracle, and it is something which men may never do. Unfortunately, though, many women view this as the ultimate punishment, from which they would do almost anything to be released. Both men and women speak of pregnancy and childbirth as excruciatingly painful events which men are lucky not to have to experience. It seems ironic that society has reduced this awesome ability of women to something so undesirable. What is truly ironic, however, is that this view is espoused with the belief that it will help to empower women in our male-dominated world. But what is empowering about being made to feel inadequate and inferior because of what, and who, we are? However, it is an extremely

easy to fall into such a trap.

"Feminism" is usually associated with breaking down barriers which has led to greater achievements by women and to improving the status of women in society. With these goals in mind, it is hardly surprising that there should be such intense resistance to the acceptance of the "traditional" role of mother. As the argument goes, no woman really wants to be just a mother. Many women who call themselves feminists denounce other women for submitting to motherhood, as if this decision is some kind of cop-out for which they should apologize. The assumption that women's traditional roles are unacceptable is devastating to the cause of feminism, as the effect is to create needless hostility among women.

What it all comes down to is choice, respect and happiness. There is no one path a woman "feminist" should take. A woman is no less a feminist if she chooses to stay at home and raise children instead of choosing to pursue a career outside of the home. What is important is allowing each woman to feel that she has the right to make this choice, that she can make a choice which will bring her happiness, and that other women will respect her choice for these very reasons.

## STUDENTS PRESENT DISPLAY ON NAFTA

by Kevin P. Collins, News Editor

On Wednesday, November 11, the Labor and Employment Law Association (LAELA), in conjunction with the Law Students for Corporate Accountability (LSCA), held an informational display on the North American Free Trade Agreement (NAFTA) outside of the law school library on the second floor of O'Brian Hall. The display on NAFTA was done as part of the Human Rights Week events which are organized by the Graduate Group on Human Rights Law and Policy (see Group Spotlight on page # 3). NAFTA is a human rights concern because of the ramifications its passage would have for the Mexican workers in the Maquiladoras (American owned plants along Mexico's northern border). The exploitation of workers in the Maquiladora plants is a concern, as it is feared that these workers will have their labor rights ignored and will also be harmed by environmental impacts.

The display on NAFTA included newspaper and magazine articles, law review commentaries, books, the New York State Legislative findings on NAFTA, and much more. A video of the MacNeil/Lehrer Newshour, which recently held a debate on NAFTA as one of its segments, was also displayed. Many students, including students from the business school and undergraduates, stopped by the table and learned about NAFTA. A few students also photocopied some of the information in order to use it for research they are presently doing on the NAFTA.

LAELA will be establishing an informational/research file on NAFTA to be put on reserve in the law school library for general use, and specifically for those who are doing research, or simply want to learn more about NAFTA. This file will include varied and extensive information, such as legislative findings, student articles, law reviews commentaries, and a bibliography of sources on NAFTA.

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DUE OUT DECEMBER 3, 1992

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## MID-YEAR GRADE CHANGE... BRILLIANT

Bill Kennedy



WELL, THAT'S A Q+ WHICH IS DIFFERENT FROM THE Q\* WHICH WAS ONLY RECOGNIZED BY A FEW TEACHERS WHO WERE VIOLATING THE OLD GRADING SYSTEM- SO UNDER THE NEW SYSTEM SOME OF THOSE Q's MIGHT HAVE BEEN THE NEW Q+'s BUT BECAUSE THE Q+ GRADE WASN'T OFFICIALLY RECOGNIZED UNTIL THE 2nd SEMESTER OF MY 3rd YEAR IT MAY LOOK LIKE I WAS SLACKING OFF MY FIRST FIVE SEMESTERS BECAUSE I ONLY HAVE A COUPLE Q\*'S AND A LOT OF Q's. OF COURSE, ALL OF THIS IS EASILY EXPLAINED IN GRADE KEY EXPLANATION FORM #2 WHICH

UH I SEE.

1/23/92

...Souljah, continued from page 1

Malcolm X, Martin Luther King, Jr., and Kwame Touré.

First, she called for African-centered education. Souljah continually referred to the strength she draws from being aware of her people's profound culture, especially from the matriarchal structure of many African societies. She decried the current lack of instruction in African culture, saying that Africans in America (she uses the term "African" not "African-American;" this is indicative of her belief in both the importance of cultural identity and repugnance of American racism) are "divorced" from their culture. She criticized media coverage of Africa for inordinately focusing on famine, charity efforts, black-on-black wars, and natural devastation. Being African and studying African culture, she said, fosters "a particular way of life, a particular way of understanding relation to the real world and to the politics and economic structure" of society. She placed special importance on the sexual values promoted in African cultures, which stress discipline, respect, and control over one's "lower desires" (in contrast, she said, with capitalist-European values, which ultimately promote taking all you can get). In this vein she referred to the concept of Maat, which means balance, harmony and reciprocity, fostering equality and mutual respect between men and women. She said that African cultures also stress the value of land and its

...Arthur, continued from front page

is why the repressed of the world still flock to our shores in the desire to share in the American Dream. What was unique about our past, said Schlesinger, was that this country's government was formed not according to the principles of some existing state, but rather upon the radically new principles of human rights, freedoms, and liberties. In addition it was a nonsecular state, and therefore open to new cultures, beliefs, and values. With a reference to Alexis De Touqueville's *Democracy in America*, Schlesinger reiterated that the strength of America came about due to the creation of a new type of person--the "American"--forged by the union of the various peoples who came to this continent from other lands, eager to take the chances involved in giving their lives a fresh start, and committed to the liberal ideals of individual freedom. Schlesinger then made a humorous reference to the beneficial effects in American society of interracial love and marriages, stating, in effect, that the promiscuity of Americans and "letting nature take its course" had assisted in the assimilation and breakdown of ethnic and tribal barriers. According to Schlesinger, however, the regrettable part was that this intermingling of races, which was responsible for much of the strength, flexibility, tolerance, and vitality of the United States, was in the process of slowing down, and has seemingly come to a halt in the rest of the world.

He then described how the "melting pot" process created in the United States has now helped put the US in the global spotlight, and that in addition to its previous role as leader of the world's democratic governments, it has a new singular role--a large, powerful, multiethnic state where ethnic diversity represents growth and stability, rather than a force that threatens to tear it apart. Throughout the world, for example in Canada, China, India, Spain, Yugoslavia, and the former Soviet Union, multiethnic states are grappling with questions of minority rights and minority powers. Only here, on a large scale, (and possibly Switzerland on a smaller scale), does multiethnicity constitute an asset and not a liability. The United States, according to Schlesinger, can be and should be a role model to the rest of the world by demonstrating how many diverse peoples can live together in harmony. Furthermore, he stressed that we should not let this opportunity to provide leadership in this area slip us by.

Schlesinger then talked about how, and through what processes, this multiethnicity had strengthened America. Through civic

relation to power, a concept she feels is lost on many inner-city blacks who grow up in public housing (Souljah herself spent her early childhood in public housing in the Bronx). Along this line, she also attacked a welfare system which, she said, is systematically designed to discourage people from getting paying jobs by imposing such penalties as a loss of medical funds.

She asked that students begin their education in African culture by reading books and correcting professors who "disrespect black culture." She also encouraged the formation of all-African cultural organizations. She said that, while she has received calls from many black student groups asking if they should let whites join, she adamantly tells them to remain all-black, for "you can't plan liberation with the masters." This concept of separation as a necessary means to fight what she terms the "war" against racism echoes the teachings of Malcolm X, who saw the importance of black organizations independent of the white liberal Establishment. Unlike Malcolm X, Souljah told the mostly black audience that she has yet to meet any good white people, who she defined as willing to not only collectively fight against racism, but to also give up the individual privileges resulting from such injustice. Also, she feels that too much energy would be spent on the accommodation necessary to make whites feel comfortable as minorities in the group, a status unfamiliar to most whites.

In her discussion of how to maintain

participation and active commitment by all newcomers to the ideals of the Constitution, the Bill of Rights, and the laws of the various states, the various ethnic groups that have come to these shores have gone the route from sheltered exclusion to participation in the mainstream of American life.

Schlesinger called the public school system a "great assimilator," and pointed out, as an example of what the public school system is capable of, the background of New York Governor Mario Cuomo. The public school system should be the primary device whereby we are able to pass on the sense of what it means to be "American" to our children, he said.

But among the current trends in education, the trend to belittle or trivialize the contributions to our culture by our primarily European past caused him great concern. "The systematic disparagement of western values weakens our country and culture," he noted, adding that there are many positive aspects of western culture that we should not ignore in the education of our young people. The fact that no other culture has built such a tradition of self-evaluation and self-criticism into its fabric is evidence of the uniqueness of western thought, said Schlesinger. Furthermore, he found these qualities particularly helpful in confronting the problems of a rapidly changing world such as the one in which we live. He conceded that many of these changes in western thought had come about through periods of painful revolution and political upheaval, and he admitted there were still grave and serious problems that needed to be worked out. Racism had yet to be eradicated, for example, and he called this a "crippling disease of American life."

He acknowledged that the contributions to our culture from minorities and women had traditionally been overlooked by those who had written history, and he applauded recent efforts to remedy this in the curricula of schools throughout the nation. But taken to the extreme of regional minority-dominated schools that teach exclusively from an ethnocentric perspective, Schlesinger said he detected the same sort of regional and "tribal" forces at work here that were tearing many other nations apart. Public schools, to fulfill their mission of being great assimilators, should be one of the forces that bring people together, not help separate them, he said.

There is a new ethnic gospel, militant in its form, warned Schlesinger, which is denouncing assimilation and is rejecting the positive attributes, results, and ideals of the American "melting pot." This new gospel "replaces assimilation with fragmentation."

cultural identity in a racist society Souljah clarified that she does not consider herself a "feminist." She explained in a recent interview that "African women historically have been powerful, spiritual, decisive and productive. I don't believe that I have to attach a new term to my African womanhood." Souljah also made a gratuitous remark concerning her perception of African women; she said that black women "do not sleep with each other." While questioning the commitment of whites in fighting a system whose privileges they accept, and as such may be a constructive positive challenge to whites, Souljah's insinuation that being a real African woman means not being homosexually active is not only discriminatory, but probably alienates many black lesbians who may agree with her goals of black empowerment and eradicating racism.

Her second point is the promotion of black-owned and controlled business, reminding the audience of the potential power any community holds as consumers. She encourages students and young people to start small businesses, utilizing the talent of the community. She advocates the bartering of services among black professionals as a vehicle of mutual support. Like Malcolm X, she stresses the importance of organizing cultural and economic links on both the national and international levels. She sees such links as especially important given the formation of the New World Order, which she said "represents total

consolidation of European white power" at the continued expense of the nations of the Southern hemisphere. Indeed, she views the EEC as the white reaction to the rise of the Pacific Rim nations and people of color throughout the world.

Third in her program is the establishment and maintenance of strong African leadership, especially on the national level. To open the way for new, younger leadership, she said it would be healthy to have Jesse Jackson debate other black leaders. She criticized Jackson's "Keep Hope Alive" slogan as not promoting programmatic, comprehensive activity. Her fourth point is promoting the basic protection of those fighting the war against racism; she calls for young people to study military science and to defend themselves from the police and military. Finally, she stresses the central role of spirituality in African cultures, where "belief, celebration and use of God" is a source of strength. She did not advocate any particular religion, but asked that people devoutly follow the religion they choose. She said that Africans draw power from "doing good" and "gaining mastery over our minds and deeds."

Sister Souljah's lecture tour will be running through the Spring. A new album is planned for this summer, and she is currently working on a novel about the struggles of a young black woman called *No Disrespect*.

However, it wasn't simply the "unmeltable ethnics" (minorities) who were at fault in this regard, said Schlesinger. The majority in this country was also beginning to isolate themselves from the mainstream of American life, added Schlesinger. To regain the cultural vitality and strength, which for so long had defined the American people, not only the various minorities, but the majority must strive for the participation and assimilation of all groups into the mainstream of American life: "Ethnic chauvinism is a vanity no one can afford in a world of interrelationships."

In a question and answer period that followed, Schlesinger stated his opinion on affirmative action: he was for it in situations where there were demonstrated past racial discrimination and inequities, but once the barriers to equality had been removed, affirmative action may not be necessary any more, and in all cases, affirmative action should never be thought of as a permanent solution to racial discrimination. In the long run, Schlesinger said, people must be allowed to rise or fall based on their own merits.

#### NEW SOFTWARE COULD HAVE DRAMATIC IMPACT ON INTERNATIONAL BUSINESS AND CRIMINAL JUSTICE SYSTEMS

by Joi Cary, Foreign Correspondent

At a computer software trade show held recently in Taipei, Taiwan, EyeTel Technologies, Inc., a Vancouver based computer software firm, demonstrated their latest software technology. The Tel-EYE-Vision 1000 is a fully interactive video communication system that integrates existing computer software systems to provide visual communications, and is already having a dramatic impact on international law and business negotiations. EyeTel has essentially created a video-telephone which can be used by the average 386-class personal computer. This "cutting edge" technology allows users to send full color, high resolution images to another computer via common telephone lines.

EyeTel produces both still frame and motion picture video communication systems. The still version has a wide variety of applications including: tele-medicine (medical imagery), military strategic planning, legal negotiations, real estate development and sales, general sales presentations, insurance, credit checks, government agencies, long distance education, and quality control. The company is currently adapting a version for the Departments of Defense in both Canada and the United States.

Of the more promising uses for the still frame product are the checking of credit, authenticating signatures and documents, and use by government agencies. Police enforcement agencies and military installations in several countries are experimenting with Tel-EYE-Vision for basic traffic control, fingerprint identification and station-to-station personal identifications. International government, regulatory and police agencies are considering integrating the system for easier and quicker access to Interpol identifications, verifications of travel documents and station-to-station identifications of local and international fugitives.

The motion picture product is targeted for businesses with a need for video conferencing, thus cutting down the need for companies to fly officers around the world. Companies and firms would realize substantial savings in travel costs, travel time and logistical headaches. It also has an interactive annotation feature which allows each party to change files "live." It is already being used in the recruiting of employees worldwide. Just think, no more trips to New York City for interviews, no more lost class time, no more lost month of October. And bar review courses could be "live and interactive" as opposed to those wonderful videos that we have all come to know and love.

In October, 1992, EyeTel was awarded The Most Significant Advance in Audiographics and Computer Communications award for their products. According to President and CEO Robert M. Calis (a.k.a. Robnoxious), "the degree to which Tel-EYE-Vision can be used as a telecommunications tool is only limited by the imagination of its users and system integrators." As such, it's possible uses in international law and business transactions are virtually endless.

The primary advantage of the EyeTel system over AT&T or other manufacturers is that interactive video communication can be affordably made available to anyone with a 386 P.C., and the response time is far quicker than their competitors. To the untrained eye this may not seem advantageous, but in the fast paced world of international transactions and government intervention seconds may translate into millions of dollars, the apprehension of criminals and saved lives.

...Maastricht, continued from page 1

might think that Lafili is not hopeful for the future of the European Community, however, you would be wrong. For, although Lafili is not hopeful for the ratification of the Maastricht Treaty, he does have much hope for the success of the integration of the European Community. Lafili feels that if Maastricht fails, it will not be a serious problem for the Community. For "the Maastricht Treaty is, after all," said Lafili, "only a treaty, a text." In 1957, the Europeans began a process that is still taking place today. Lafili reminded his audience that this process of European integration has been going on since the 1957 Treaty of Rome, and added that the time it took for integration did not matter. For, he said, "one day Europe will come to this political union."

Lafili also said that the twelve member states, as they exist today, are a result of nineteenth century theories of the nation-state. He noted that it may be time to redefine the borders within the community. Ernst and Young did a study that found that Europe is a composition of seventy-one regions, said Lafili. He suggested that perhaps Maastricht should be dropped and that a second chamber should be created in the European Parliament, a chamber that would represent the various regions in Europe.

He further suggested that the powers of the European Parliament be reinforced. He said that presently, there is a democratic deficit in the European Community, as the appointed European Community Commissioners have more power than the elected Parliament. Lafili told his listeners that a new treaty should be created, one that would "give Parliament new strength."

Lafili additionally explained that a continent like Europe, which has such a long history, has time to wait. If Maastricht fails, he said, it would not bring about the failure of the European Community and the failure of a unified Europe. A unified Europe is today an everyday reality, unlike at the start of the process in the 1950s. Today, goods and people travel freely around the European Community. Today, all citizens of Community members have the same burgundy-colored passport stamped "European Community" on the front, said Lafili. While the people of Europe may live in different provinces and regions, they all have the economy in common, he said.

Lafili told the audience that Europe has recovered from its sickness, noting that "today the Americans are afraid of Europe." Today, Americans worry about the creation of "Fortress Europe," Lafili told the audience, however, Europe cannot be a fortress because the twelve member states are all looking for investments.

Lafili said that the idea of a "Fortress Europe" started the United States thinking that one day the European Community will be bigger than the U.S. The U.S. started looking around to see who it could join with, creating at first the Free Trade Agreement (FTA) with Canada, and eventually, the North American Free Trade Agreement (NAFTA) between Canada, the United States, and Mexico. However, in the meantime, the European Community was also discussing the possibilities for

increasing its members and its markets.

Lafili speculated that, eventually, the European Community will be a tremendous market, perhaps encompassing the present members, other western and eastern European countries, and the Mediterranean region. Lafili said that the United States will not be able to keep up with this tremendous market.

It will be interesting to compare NAFTA to Maastricht. NAFTA differs from Maastricht in that the twelve member states of the European Community have a common customs union, while in NAFTA each country keeps its own customs tariffs. However, NAFTA is similar to the Maastricht Treaty in that it is signed, but not yet ratified by the member countries. It is Lafili's feeling that NAFTA is only the first step toward a union similar to the European Community. He reminded the audience that the NAFTA members are more similar to each other than the EEC countries in the 1950s.

The goal of the European Community is to raise the standard of living of its member states, Lafili said. The Belgian lawyer explained that the process that began with the Treaty of Rome in 1957 has balanced the standard of living among the member states. However, he said that the functions of the European countries are changing, and that in the NAFTA countries, NAFTA can accomplish the same goal.

Lafili also spoke on the topic of the United States anti-trust policy. He said that the policy exists to fight large monopolies and that it has worked from the beginning, as it accomplished its goal of breaking the large railroad monopolies. It accomplished this goal, said Lafili, by putting the railroads out of business. European competition policy differs from its American counterpart, said Lafili. In Europe, he noted, the policy is not to create trade borders between the countries, but to try to abolish these borders. He told his audience that the competition rules in Europe should be turned to advantage.

Lafili continued by stating that since the 1950s, the Europeans have been working on the creation of a more unified continent. First there were six members of the European Community, then twelve members, and now, more potential members are knocking on the door. The community has progressed from the idea of a free trade union to a full customs union, he said. Maastricht may be a failure, but the integration of Europe will continue. Lafili told his audience that it was important for Americans to know about what is occurring in Europe, because of the potential effects of the union on the United States and the potential opportunities for Americans in Europe.

He said that Europe is moving toward a political union, for people are living in artificially created states and the "Fatherland" is actually Europe. Lafili added that by knowing other languages you can more effectively know and communicate with others.

Lafili concluded his presentation by saying that it is a good thing for the people of Europe to have a European identity, rather than a national identity. However, the unification of Europe should be seen as an intermediate step to something else and should not be the ultimate goal of the unification process.

#### CALL FOR PAPERS

The Buffalo Journal of Public Interest Law is now accepting submissions for its inaugural, Spring 1993, publication. Formerly In The Public Interest, the journal is pleased to announce that it is now printed in association with the Buffalo Public Interest Law Program.

The journal welcomes scholarly articles, commentary, and reviews examining law as an instrument of public policy from faculty, students, and practitioners in all fields of study.

The inaugural edition will also feature a symposium, "Public policy, politics and the public interest in the 1990s." This forum will feature a wide array of opinions regarding specific prescriptions for public policy and legal change which the next administration faces, based on the state of the nation as it looks ahead to the realities of this decade.

The journal invites you to submit an essay of 2000-4000 words discussing a limited area of public policy or public interest law with which the next administration must come to terms, including some possible avenues of reform. The area you choose should reflect its importance in terms of social and economic conditions as they exist, or can be expected in the near future, as opposed to problems manufactured through purely political exigencies.

Essays accepted for publication will be printed together in a forum designed to highlight areas of public interest and concern, and to showcase the efforts of a broad cross-section of writers addressing the pressing problems of the 1990s.

Submissions should be directed to:

The Buffalo Journal of Public Interest Law  
University at Buffalo School of Law  
118 O'Brian Hall  
Buffalo, New York 14260

The deadline for submissions is February 1, 1993. Articles received after this date will be considered for the Fall 1993 issue. For further information, please contact Editor-in-Chief, Aida Reyes, Box 220.

## "BAD FAITH" WINS DIVISION

by James Nasium

Inspired by seeing their names in print in the last issue of *The Opinion*, the "Bad Faith" basketball team went out and trounced the previously undefeated "Blue Team" by a score of 58 to 38, winning their Division title in U.B.'s Intramural Basketball League.

After suffering their only loss of the season to this very same Blue Team back in October, a four point heartbreaker that would have wreaked havoc on the psyche of any average team, Bad Faith was only thinking of one thing on game night... PAYBACK!

Unlike the slow start they began with last game, Bad Faith charged out to an early ten point lead in this one on some great 3-point shooting by point guard, Todd Scott. After getting rejected early in the game, with the defender exclaiming "get that shit outta here," Scott coolly proceeded to sink an exorbitantly large number of baskets in that same foul-mouthed defender's face, on his way to a 20-plus point night. Even Mark Hubal added an uncharacteristic long range 3-pointer, as he played another consistently solid game both rebounding and passing.

Chris Marks, sick with the flu, disregarded his doctor's advice and "hurled" in a number of routine jumpers and lay-ups while looking surprisingly quick on defense for a man with one foot in the grave. Bill Kennedy, who must have played his best game of the season because he was never substituted for, successfully "cashed" in from the key and corners after being on the receiving end of some nifty passes from Hubal and Scott.

Recalling that the Blue Team had shot the lights out in their first meeting, the members of Faith vowed to play relentless defense during this one. Paul Dell employed the "hippy trippy" defense to stymie opponents and Mark Eyer fouled every opposing player at least twice as he was determined to keep them off the scoreboard, and make up for his lack of lateral mobility. Tim Stevens, who played his strongest defensive game to date, used his phenomenal quickness in making steals and pushing the break. Eric Haase also added his voice to the tenacious defense from the sidelines where he wondered, "Why am I here? I get more playing time on Nintendo."

Despite the fast paced scoring and tough defense, Bad Faith was given a scare early in the second half as the Blue Team closed the gap to four and the momentum seemed to shift. Faith, however, kept their composure and traded baskets back and forth with the Blue Team until a controversial technical foul call changed the complexion of the game. The "T" was assessed against the Blue Team when a Blue player tossed the ball at Kennedy after being fouled, and although Kennedy nonchalantly threw it back at his adversary, Bad Faith was not given a "T." Instead, Scott proceeded to sink the foul shots and put the game out of reach. The remainder of the game was marred by numerous fouls sending Faith to the line time and again to add to their lead.

Again, Wendy, Colleen and Natalie, otherwise known as the "Faith Faithful" were sent home elated about the victory.

## ...Ewing, continued from page 3

courts really didn't know what to do with him." According to Ewing, "If Justice had been found NGRI for the killing of his mother and Wayne Haun, then he would have definitely gone to a state forensic mental health unit, which is a secure psychiatric facility. He'd have been kept there until he proved that he's no longer mentally ill or dangerous." The same conditions will apply if he is sent to a forensic unit after he completes his prison sentence.

Although Professor Ewing's two most recent cases involved testifying as to the insanity defense, he is no "hired gun." Out of the 45 defendants he's evaluated, he has only found five to be insane. Ewing commented, "Most of the cases that I've been involved in, I haven't testified in because I haven't come up with something that was useful to the party that retained me." In fact, Professor Ewing makes a point of not being a "hired gun." He explained, "People who always find [for] one way or the other lose credibility quickly... When you testify, you create a record, and that record follows you."

The most famous prosecution case Professor Ewing was involved in was the Bernard Goetz case. One of Ewing's former students was working at the Manhattan D.A.'s office at the time Goetz was charged. The alum had read Ewing's book on psychological self-defense and wondered if Goetz fit within that category. He told his supervisor about Ewing and the prosecutor asked Ewing to be a consultant on the case. After reviewing audio tapes of phone calls Goetz had made, videotapes of his confession, and other documentation, Ewing concluded that Goetz didn't fit within the category of psychological self-defense.

Professor Ewing also stressed that the reason he's willing to testify that someone is insane is because the law requires it. According to Ewing, "The law says, 'If you're insane you're not responsible for your crimes.' And that the proper mode of disposition is treatment." He sees three reasons why defendants choose to plead insane. First, the hospital is not as rough as prison. Second, the insanity plea is

vindication of sorts. Ewing explained, "A finding of Guilty of Murder brands you a murderer in the eyes of society, but a finding of NGRI says: Yes you've committed the crime, but No, you weren't responsible." Third, some defendants and defense attorneys really don't understand the consequences of the insanity plea.

Professor Ewing has also testified as an expert witness on behalf of many battered women. He doesn't testify that they're insane. In fact he believes, "Most battered women are not insane. Most battered women who kill their batterers do so for very rational reasons."

Generally, Professor Ewing testifies that the battered woman acted in self-defense, or suffered from Extreme Emotional Disturbance. The second defense mitigates Murder to First-Degree Manslaughter. The effect of that in New York State would be to reduce the sentence of 25-LIFE for a Murder conviction, to 8 1/2-25 for Manslaughter. Only two of Ewing's cases have received outright acquittals, while the rest received sentence reductions.

The most interesting facet of Professor Ewing's forensic psychologist career is learning why he does it. While a psychologist, Ewing became very active in child abuse cases. He testified in court during the 1970s and found himself very frustrated with the way the legal system handled child abuse cases. So he went to law school, thinking that maybe if he knew the legal system better he could make more of an impact on behalf of abused children.

Summing up his career at the present time, Professor Ewing said, "I still feel like a lot of my work is on behalf of battered kids, but it's at a different level now. It's trying to help society see that cases like Felicia Morgan or John Justice are the results of child abuse and neglect. That's why I went to law school and that's why I pursued the career I have, and why I still do. I still believe that the most significant factor in creating violent juveniles is child abuse. If you want to stop juvenile violence, you have to stop beating kids."

### PHI ALPHA DELTA

Wishes to thank the editors of the 1992-93 Student Directory for their time, commitment, and hard work.

Co-editors: Diane Bolt, Lisa Dalfonso, Hon Lai, W.F. Trezevant  
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