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The Opinion

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# THE OPINION



Volume 30, No. 6

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

October 25, 1989

## Faculty Report Highly Critical of President Sample

The fallout from the Law Faculty's resolution regarding sexual preference as an equal employment opportunity standard for the Law School Career Development Office increased precipitously last week. University President Steven Sample came under heavy criticism when the "Report of Faculty Senate Special Committee on SUNY Law School Employer Recruiting Policy" was released at a meeting of the university wide Faculty Senate.

By Bruce Brown  
News Editor

The Report, which was issued by a subcommittee charged with the responsibility to examine the dispute, concluded that, on May 10, 1989, when the President suspended the Law School policy on em-



Professor Solkoff

ployment discrimination Dr. Sample acted with "disdain," "disrespect," and "indifference" to his professorial colleagues in the Law School.

President Sample's actions, the report stated, "have largely ignored the legal/moral reasoning of our Law School's position on discriminatory practices by third-person recruiters. This sends a message to students and faculty alike that the arguments presented by our Law School are not to be taken seriously — a serious blow to the reputation of one of the better Law Schools in this country."

Professor Solkoff, one of the three authors of the report, said in a statement before the Faculty Senate on Tuesday, October 17 that, after reviewing the arguments he felt that the Law Faculty's decision "was a legal one" and that Sample's

position "encouraged gay students to lie — to remain in the closet." This, Solkoff felt, was "incongruous" with the President's professed claim that he is against discrimination on the basis of sexual orientation.

The President's position, outlined in his statement of May 10, 1989, is that New York State's administrative policies banning discrimination on the basis of sexual orientation cannot be applied to third persons. Therefore, refusing employers, such as the Judge Advocate General Corps, which have a legal policy of not hiring homosexual lawyers would be illegal, in that it forces third party compliance with internal standards intended to be binding on State practice only.

It is the contention of the Law Faculty, the Report, and many of the University Faculty present Tuesday that although it is legal for the military to refuse employment on the ground of sexual preference, the Career Development Office is under no legal obligation to assist in what the Law Faculty has concluded is a discriminatory hiring practice.

The report states that the President does have the "authority to approve or rescind policies of all sorts on this campus" and that "decisions about the rules, policies and practices involved in the operation of the Law School Career Development office are undoubtedly among those which it is the President's legal prerogative to approve or not; but in practice the power and authority to make such decisions has been delegated to academic units, and faculty have, under well established and highly democratic procedures, made the decisions without interference from the fifth floor of Capen. The narrow legalism of the President's statement is a vote of 'no confidence' in his colleagues.

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"Disdain is further expressed in the timing of the President's action. He knew that the Chair of the Senate had appointed a special committee to look into this whole question. He met with the Committee. He provided an early draft of his statement to the Committee. And, he knew that his professorial colleagues in the Law School had delivered to the Committee a background document which challenged main points in his draft statement. In this context he promptly issued his statement without giving the special committee, or the Faculty Senate, a chance to deliberate

## SBA Expands Agenda

The S.B.A., in pursuit of the active agenda promised to the students during recent campaigns, has initiated three new committees, approved a referendum on SASU, seated a law school student on the FSA Board of Directors, and voted to support the Buffalo Public Interest Program's quest for a Loan Repayment Assistance Program. The three new committees are: 1. The Kenneth Gomez Memorial Fund Committee; 2. The S.B.A. Book Exchange Committee, and; 3. The Bar Review Co-op Committee.

by Jim Monroe  
Staff Writer

The Kenneth Gomez Memorial Fund Committee will be chaired by Martin Sanchez-Rojas and seeks input from any interested student. Kenny was a very active member of the Class of 1990 and was

buried in New York this summer without a headstone. Initially the group will seek to raise money for the headstone with an Outer Circle Orchestra dance and keg party.

The S.B.A. Book Exchange Committee seeks to eliminate what appears to be price gouging by Follett Bookstores when selling used law school texts. Follett usually pays 3-10 dollars for used law school books when buying them from students and then sells the texts for 20-30 dollars. Anyone interested in helping S.B.A. organize the Book Exchange should contact first year class director Jim Maisano.

Kevin Doyle and Pamela Howell (2nd and 1st year class directors, respectively) are picking up the Bar Review Co-op project initiated last year by John Wenzke. John was able to secure two very appealing offers without any negotiation.

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and express their points of view."

President Sample responded specifically to this accusation at the Faculty Senate meeting on the 17th saying that "I did my best to listen to all who wished to be heard on this issue" and that he had read "every word" of all the briefs submitted to him before drafting his statement of May 10.



President Sample

Sample also took issue with the accusation that he showed disdain and disrespect for his Law School colleagues saying, "I do not believe that to be the case at all; there is a very big difference between disdain and disagreement."

In answer to Sample's accusation that

those who advocate the Law School resolution are violating or endangering the "fundamental principles of academic freedom" the report states that: "this too insults the law faculty by its misstatements of the issue. What was at stake was not whether behavior was 'offensive' but whether it violated explicit policies of the Governor and the Trustees. Cheapening the issue by reducing it to a matter of sentiment trivializes faculty deliberations and convictions."

After a spirited debate the Faculty Senate adopted a resolution stating: "The Faculty Senate has received the report of Professors Garver, Solkoff, and Zemel in response to President Sample's opinion of May 1989 concerning the Law School Employer Recruiting Policy. It commends and thanks Professors Garver, Solkoff and Zemel for their report.

"In response to both documents, the Faculty Senate hereby calls upon the President to take all actions within his authority to enforce resolution 83-216." Resolution 83-216 reads, in part, that "all judgments about and actions toward students and employees will be based on their qualifications, abilities and performance. Attitudes, practices, and preferences of individuals that are essentially personal in nature, such as private expression of sexual

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## Civil Rights in "Era of Decline"

Thirty-three years passed from the inception of the Emancipation Proclamation in 1863, to the decision of 1896 in *Plessy v. Ferguson*, which proclaimed races to be "separate, but equal." Similarly, it has taken 35 years from the hopeful promises of *Brown v. Board of Education* in 1954 to arrive at the principle of "unequal but irrelevant."

by Christina A. Agola

This is the crux of law professor Alan Freeman's revised article entitled "Anti-Discrimination Law; The View from 1989." Professor Freeman presented this article, still in draft and to be published in the *Politics of Law* in 1990, to some 50 students Wednesday, October 5th, 1989 in the Senate Chambers of Talbert Hall.

The reasons for what Professor Freeman terms as the "Era of Decline" in civil rights cases are attributed in his opinion to the Reagan appointed Supreme Court. In particular, he points to the recently appointed Supreme Court Justice Anthony Kennedy as the touchstone for the decline of new substantive thought in the area of anti-discrimination law.

President Reagan appointed, in addition to Kennedy, Justices O'Connor and Scalia and Chief Justice Rehnquist. In light of this, Professor Freeman ponders the reasons why so many people were attracted to a president whose opposition to affirmative action was so pervasive.

In the "era of decline" Professor Freeman suggests that Americans got what they wanted when they voted in President Reagan; the decline of forward movement in civil rights cases is not merely a product of the meanspirited eighties, and will be with us perhaps well into the next century.

In tracing the development of this decline, Professor Freeman describes the trends in anti-discrimination law since *Brown v. Board of Education*, and labels the perspectives of the "victim" and "per-

petrator," which are rooted in social reality and "timeless abstract norms," respectively.

The "victim" perspective is at the heart of the Black American experience, and has been filled with both oppression and exclusion. This oppression has manifested itself in forms which still exist today. They include residential segregation, inadequate education and decreased political power. This list is not exclusive.

The "perpetrator" perspective focuses on the behavior of certain individuals who are said to have acted prejudicially by partaking in discriminatory practices. The purpose of anti-discrimination law under this perspective is to apply historically irrelevant standards, irrespective of any social reality. The goal is punishment and does not send out any real substantive message about the condition of the races.

Professor Freeman states that the differences between the "victim" and "perpetrator" perspectives "may be recast starkly as the difference between equality of results and equality of opportunity, between de facto and de jure segregation, between substantive and formal equality.

These perspectives have pervaded society since the *Brown* decision, initiating what Professor Freeman calls "the Era of Uncertainty." In as much as the *Brown*

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## HIGHLIGHTS

Local Bar proposes mandatory Pro Bono for New York State Attorneys . . . p. 3

Man and Animal are the subject of a three-part article by Alan Freeman and Betty Mensch . . . . . p. 5



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# Wachtler Committee Proposes Mandatory Pro Bono Work

In April of 1988, New York State Chief Judge Sol Wachtler appointed The Committee to Improve the Availability of Legal Services ("Committee"). The twenty-two member Committee, a broad cross section of the New York legal community, was charged with three specific tasks. First, to review information and to report the extent of the unmet need for civil legal services for the State's poor. Second, to explore the scope and operation of legal services currently provided. Third, and most critical, it was to prepare a plan for action concerning methods and programs necessary to provide legal services to the poor. Wachtler specifically requested that the Committee consider the "propriety and feasibility of imposing a mandatory pro bono obligation on all members of the bar."

by Mary Clare Kane

The conclusions of this Committee were recently released in a *Preliminary Report to the Chief Judge of the State of New York*. It proposed that all lawyers admitted to practice in New York State, and who are actively engaged in the active practices of law be required to provide a minimum of 40 hours of qualifying pro bono legal services every two years. Time which is contributed in excess of the minimum standard would be allowed to be carried forward for four years and to be credited pro rata toward fulfilling the pro bono requirement corresponding to that subsequent period. "Qualifying" services fall into three categories: (1) those rendered in civil matters to persons

who cannot afford to pay outside counsel and also legal services in criminal matters for which there is no government obligation to provide funds for legal representations, (2) those related to improvement of the administration of justice by simplifying the legal process for, or increasing the availability and quality of legal services to poor persons, and (3) those provided to charitable, public interest organizations on matters which are designed predominantly to address the needs of poor persons.

The plan could be implemented through three avenues: judicial regulation, an amendment to the *Code of Professional Responsibility* and legislation. The Committee felt that judicial regulation would appear to be the most appropriate and could be implemented by authority under the New York Constitution, Art. 6, §28 and Judiciary Law, §211. The Chief Judge would promulgate new standards and administrative policies to promote and facilitate expeditious and fair treatment of the civil cases of indigents in the New York Courts to give effect to the Legislature's desire to provide counsel for indigents in appropriate cases, as expressed in the Civil Practice Law §1102. This regulation would set a new standard and policy that would require pro bono services by attorneys admitted to practice before the courts of New York.

Law school clinical programs, in particular, were examined. The Committee felt that though the law school clinics were of sufficient value to the law student's educational experience, the

amount of actual client contact was limited. Even those clinics which were particularly client-oriented still only provided legal services to a limited number of poor persons. Given the limited return in legal services and considering the cost of altering and/or creating clinics which provided a more significant amount of client contact, the Committee felt that REQUIRING all law students to participate in clinical programs as a requirement for a law degree was inappropriate. The Committee also rejected a proposal to require that as a condition of admission to the New York State Bar that every law school graduate provide a specified number of hours of pro bono services to the poor.

Student debt burdens were also considered by the Committee. Would easing the debt burden now borne by law school graduates affect the provision of legal services to the poor? The Committee concluded that loan forgiveness programs, by themselves, would not increase the number of attorneys presently engaged in legal services programs. But, that easing the law students' debt burdens would enlarge the pool of those seeking legal services positions and if combined with increased government funding could enlarge the number of positions. This could have a favorable impact on the provision of legal services to the poor. Since most law schools have stretched their financial aid resources to meet the costs of providing legal education, the government would have to bear most of the cost of Loan Repayment/Forgiveness Programs.

The Committee looked with favor on the programs established at law schools in New York State; such as New York University and Columbia University, and the Committee urges others to consider them.

Though the Committee focused its report on the duty of each individual lawyer

to respond to the crisis of unmet legal needs, the ways and means of promulgating that obligation and administration of that obligation in New York State, it stressed that adequately addressing the problem of legal services to the poor requires an effort that transcends both the lawyers' resources and their professional obligations. Government at all levels has an obligation to help provide civil legal assistance to the poor. Certain specific measures were recommended: One, that the federal government should restore and expand funding for the Legal Services Corporation which has remained frozen at 1981 levels. Two, that State government should provide funding to improve and augment the efforts of legal services organizations and public interest groups devoted to addressing the basic legal needs of the poor. Three, that by providing increased funding for public assistance programs designed to meet the needs of specific population groups (e.g., public assistance recipients, the handicapped and the homeless), government could have a direct impact on the need for legal services. Citing this as an example: The burden of the Housing Court could be alleviated by providing public assistance rent benefits that more realistically reflect the actual rents that recipients pay. "It is a profoundly important truism that the homeless would have less need for legal services if they were not homeless," stated the Committee. Fourth, that the government agencies operating legal entitlement programs that result in the denial or termination of essential public benefits should be required to provide funding to legal services organizations that assist persons who cannot afford counsel.

The Committee rationalizes its proposal  
(Continued on page 11)

## Students Approach Sample on Widespread Anti-Gay Activities

A group of almost fifty angry University of Buffalo students flooded UB President Steven B. Sample's office in a peaceful protest calling for Sample to make a statement against militant anti-gay activities on campus. Sample's office staff, taken by surprise by the flood of students from the floor's elevator, hurriedly began hiding open office files while Sample locked himself into an inner office and refused to meet with the students.

The group, composed of both gay and straight students, was angered by posters that announced the formation of a campus group advocating elimination of all homosexuals from the university. Other posters promoted killing gays as a method to end aids, eliminating all gay-supportive groups at the university, and ending all pro-gay activities at the school.

Almost eighty students met in the Student Center Reading Room at approximately 2:15 p.m. on Tuesday to confront what was allegedly the 2:30 p.m. first meeting of The Anti Lesbian, Gay, and Bisexual Alliance. Posters for the Anti-LGBA meeting had been hung after the close of classes last Thursday. When members of the anti-gay group failed to appear, approximately fifty students broke-off from the larger group to take copies of the anti-gay posters to President Sample. When the first group of students arrived in Sample's office, secretaries locked the President's outer office door. While students continued to flood the outer lobby, the first group circled directly into Sample's private office through an open fire door. Authorities then locked the fire door, locking the fifty students into the president's office while other supportive students, hearing of the incident, continued to fill the outer corridor. Student witnesses state that Sample, startled by the intrusion, fled the office into a side room. The students then attempted to make an appointment to meet with Sample concerning the anti-gay posters and graffiti that have appeared around the campus. Sample's representative initially refused the appointment, but later agreed to try to schedule the meeting if all the students present would leave their names, addresses and social security numbers with Sample's office.

The students left Sample's office

quietly after Vice Provost for Student Affairs Dr. Robert Palmer invited them to meet in his office. Dr. Palmer met with the students for over an hour.

The students expressed their outrage that university maintenance staff have not removed anti-gay graffiti that was painted in and on several buildings over six months ago. One instance that especially outraged the students was the slogan "Queers must die" being left on a wall while a peace symbol later painted alongside was scrubbed away, allegedly by facilities staff.

The group, composed of students from the Gay Law Student Organization, the Lesbian, Gay, Bisexual Alliance, and the National Lawyer's Guild, complained that allowing this and other discriminatory behavior on campus encourages the behavior. Last year's rescinding of the law school's Career Development Office anti-discrimination policy by Sample was cited by the group as evidence that gay and lesbian students are not afforded the same protections as other recognized minority groups at the university. The students called for the reinstatement of the policy.

Other changes, both real and symbolic, requested by the students included: that the University Task Force on Intolerance include a representative from the university gay community, that the university's complaint form upon which discriminatory acts are reported include a checkbox for sexual-orientation based discrimination among the other categories, and that university maintenance be more vigilant in removing anti-gay graffiti.

The students also requested that, as a goodwill gesture, Gay Pride flags be allowed to fly from university flagpoles and banners be strung from buildings on National Coming Out Day this October 11th. President Sample was encouraged to wear bluejeans and a National Coming Out Day T-shirt October 11th, and it was asked that he encourage his staff to do the same. He was also invited to participate in selling coffee and donuts at a NCOD informational table sponsored by the Gay Law Student and Gay Graduate groups at UB. They noted that he regularly involves himself with other student groups' activities.

## Erie County Bar Sponsors Worker's Compensation Lecture

The Continuing Legal Education Series, (CLE), sponsored by the Erie County Bar Association, presented a lecture on October 14, 1989 entitled "Handling Workman's Compensation Cases." Sanford L. Clark, Chair of the Workers' Compensation Committee, claimed the aim of the seminar was to aid active lawyers and students in finding the "key to decipher (the) special language found in workers' compensation hearings." The other seminar speakers were: Mel Hurwitz (sole practitioner), Mary Russo (Williams & Williams), and Mark Hamberger and Sue Duffy (both with Phillips, Lytle, Hitchcock, Blaine & Huber). Compensation law is designed to provide the employee with access of up to 66% of his/her pay while recuperating and to grant the employer with protection against suits by injured workers.

by John B. Licata

As chair of the seminar Clark discussed the form system used in compensation by outlining the more important forms used during the course of a hearing.

The featured lecturers had all been chairpersons of the Erie County Bar Association Workers' Compensation Committee. Mel Hurwitz, a claimant representative, discussed the "General Benefit Structure" of the compensation system in a dynamic style. His discussion was full of examples that touched the funny bone of his audience: he guided them through the maze of color coded claim forms — "brown ones are bad, good forms are yellow, orange, and powder blue"; scheduled compensation — "a thumb cut off equals seventy-five weeks at \$150 max per week"; and the line between tort law and compensation — "fights at work over Monday Night Football are not compensable."

Mark Hamberger, a defense representative, examined the best methods suited to handling a third party compensatory action. The hapless position of following Hurwitz made Hamberger's discussion

seem overly formal. Hamberger made clear the position of the carrier in third party suits and reiterated the popular advice "to get (the carrier's consent to settlement) in writing." He emphasized the need for the "present value of future obligation to be extinguished," keeping the carrier free from future compensation claims.

Mary Russo, the only speaker to provide an outline, discussed "Defenses to Worker Compensation Claims." Outlining the primary and secondary defenses used by employers, Russo differentiated between compensatory and non-compensatory claims regarding accidents, occupation disease, and the important element of the "independent medical examiner." She effectively referred to examples already presented by Hamberger and Hurwitz to illuminate aspects of her lecture. Russo gave a concise guideline for counselors to "look to the nature of the work: where was it accomplished? who was it for? who determined the acceptable quality? as a test for determining the strength of a compensation claim.

Sue Duffy explained the position of both carriers and claimants in a comp hearing. Duffy succinctly discussed the informal elements of the hearing procedure and the wide range of competent evidence. Aside from Due Process requirements the entire procedure is designed to allow claimants self-representation. The burden is on the carriers to overcome basic presumptions regarding proper notice served, establish the legality of the relationship of the claimant to the employer and to establish that the "injury arose out of and was in the course of employment."

The seminar was the fourth in the 1989-90 CLE schedule of topics to be addressed. The next seminar, "Law Guardianship," is scheduled for October 27, 1989 in the Ceremonial Courtroom of the Supreme Court. There is no charge for attendance.



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# Professors Contemplate Man's Coexistence With Animals

This is the first of a three part essay on man's relationship to animals. The article was originally printed in the September/October 1989 issue of *Tikkun*.

*For the animal should not be measured by man. In a world older and more complete than ours they move finished and complete, gifted with extensions of the senses we have lost or never attained, living by voices we shall never hear: They are not brethren, they are not underlings; they are other nations, caught in with ourselves in the net of life and time, fellow prisoners of the splendor and travail of the earth.*

—Henry Beston

*The appreciation of the separate realities enjoyed by other organisms is not only no threat to our own reality, but the root of a fundamental joy.... [I]t is with this freedom from dogma, I think, that the meaning of the words "celebration of life" becomes clear.*

—Barry Lopez

by Betty Mensch and Alan Freeman

For five years we have been teaching about our relationship with animals and nature. This essay is the product of that enterprise, which was occasioned by our need to sort out a bizarre and contradictory experiential reality—our relationship with our dog, Bruno. For six years we lived as if in bondage to a tall, seventy-pound German short-haired pointer, bred by experts to be the perfect all-purpose hunting dog—sure of foot, keen of scent, willing to brave tangled underbrush and icy waters to retrieve its prey. The real Bruno was neurotic, cowardly, obsessive, and a constant source of household tension. At three months, however, Bruno had been a cute puppy who caught our attention as he stared out from the cramped confinement of a pet-store cage. The next day he was ours, and was to be ours for six long years.

Respectful of Bruno's noble hunting ancestry (although he himself was both gun-shy and afraid to swim), we tried to give him a chance to exert himself in wooded settings. For a time we dragged our one-year-old child out for daily dog walks after work, until Bruno caught and ate a squealing baby badger.

Bruno's enormous physical skills, out of all proportion to his sense, fueled his every move with anxiety-ridden energy. After discovering he could dig holes, for example, he transformed the small but well-landscaped backyard behind our new house into a series of deep, muddy moon craters, which he then stocked with rotting garbage. Our house had come with a fenced-in yard, but, alas, the fence stopped at four feet, which Bruno learned to take in a single bound. Within days the police arrived to tell us that "the big gray dog" had been spotted by neighbors down the street destroying their garden.

In a state of humiliation for our unneighborly behavior, we spent more than \$2,000 in landscaping and fence expenses. And Bruno later managed to gore himself leaping the new pointed wood fence, leading to \$800 in vet bills, along with thrice-weekly trips to the vet for most of a summer to have his surgical wounds drained. These anecdotes merely skim the surface of Bruno reality. They leave out the fact that our six-year-old lived in constant fear during his first three years, sure that Bruno would eat him, for Bruno regularly wolfed down anything he could seize from the poor child's high-chair tray. And nothing can capture the experience of awakening to Bruno's loud whining at four in the morning, assuming he really had to go, and then discovering he just wanted to watch for the rabbit on the other side of the fence. On one such occasion, Alan punched him in the mouth, learning through ex-

treme knuckle pain that one never punches a dog in the mouth.

In Buffalo, New York, where we live, more than half the children in the public schools live in poverty. Yet we spent enormous sums to maintain and accommodate Bruno. At any time we could have asked the vet to "put him to sleep," as the euphemism goes, and as the vet quite frankly suggested. But we felt we had made a commitment to Bruno. He was a fellow being whom we had taken into our



Betty Mensch and Alan Freeman

home, and we experienced him as such, not just as a toy to be discarded should it cease to be amusing.

The bottom line is contradiction. Our experience of Bruno was utterly at odds with deliberate, rational analysis of our situation. In this respect, we soon discovered, we were not alone. In American culture at large, treatment of pets is riddled with contradiction. We spend \$8 billion per year keeping dogs and cats, often in absurd luxury (grooming parlors, jewelry, even fur coats for some). Pet food takes up more supermarket shelf space than any other commodity, even though the proliferation of advertised flavors and textures does nothing to benefit animal health. What we don't wish to know, however, is how many animals suffer and die as a direct result of our pet-keeping practices. Of the 72,000 dogs and cats born daily in the United States, only one in five finds a home. Shelters destroy some eighteen million unwanted animals each year, while other unwanted pets live short miserable lives scrounging for food: major cities like New York and Los Angeles have about 100,000 wild dogs each.

We abhor the eating of dogs or cats as akin to cannibalism. Shelters therefore refuse to export cat and dog bodies for use as human food, fearing public outcry, yet these same discarded bodies are regularly sent to rendering plants to be recycled into low-phosphate detergent and hog and chicken food, a practice that seems to pass as minimally acceptable.

Our culture tolerates those who lavish affection and resources on pets, but when totemistic affection is expressed through bestiality, we find the behavior despicable. Pet keeping has been called a form of petty domination, with its origins in decadent aristocratic traditions—perhaps a way of mediating our contradictory attitudes toward incest taboos, given the limited license pets provide to fondle warm, furry bodies within a familial setting. Nevertheless, these put-downs do not capture the almost magical contact that occurs when, for example, dogs are used to help emotionally disturbed children regain their connection to the world. What is the meaning of that dog-person bond? It is not universal, for the treatment of pets is as various as the cultures of the world. In some areas, dogs have traditionally been regarded as scavengers and "pestiferous vermin." This is still the case in Northern Thailand, where dogs keep the compounds clean in the absence of bathrooms. There, to eat dog is considered revolting because dogs are low creatures who eat feces. On the other hand, the West has no monopoly on affection for dogs. Early explorers in Australia found that Aborigine women nursed dingo pups along with their own infants, and the pups were lovingly raised in the household.

Our own culture's paradoxical and contradictory relationship with pets is but a subset of our relationship with animals

generally. We simultaneously know and do not wish to know the truth. Animal suffering makes us anxious and uncomfortable, yet most of us want to make "rational" use of animals for our own well-being. Think about calves confined in crates in darkness, so starved for iron that they drink their own urine, so starved for maternal affection that they suck desperately at any object offered them; or caged laboratory rabbits whose eyes are doused with burning, blinding chemicals.

Eager to experience haute cuisine without cholesterol, many of us happily devour veal dishes despite the bleak, anguished experience of the calves whose flesh, we know, supplies the meat. And we regularly anoint ourselves with perfumes, powders, sprays, and ointments to enhance our capacity to attract other human animals, employing for the purpose cosmetics tested by tormenting hapless creatures.

Although we often choose to ignore animal reality, few topics grip public attention with the force of an animal story. The single biggest media event during the 1988 presidential campaign was the dramatically depicted plight of some stranded whales off the Alaskan coast. The most

sophisticated manipulators of our consumer consciousness, those who design ads for beer, know that nothing sells their product so well as dogs (or perhaps the combination of dogs and sex, which is even more curious). And our children's books are filled with furry, warm, loving animals, whom our kids relate to as fellow beings, at least until they sit down to dine on some of them.

Animal rights activists, usually dismissed by intellectuals as bourgeois sentimentalists, have recently gained surprising political clout. *Newsweek* reported in May 1988 that Congress had received more mail on the subject of animal research than on any other topic, and some university experiments have been halted as a result of public pressure. In December George Bush, embarrassed by negative coverage of his annual winter quail hunting pageant, felt obliged to assure the people, when he later went deep-sea fishing, that he did not hurt the fish; he planned to throw them back into the ocean after catching them.

As environmental disasters (like the Alaskan oil spill, with its attendant animal suffering) multiply, even mainstream voices are recognizing that we cannot simply go on taking the natural world for granted. Today, however, we are not even close to developing an ethically coherent position on the treatment of the environment in general or of animals in particular. Ostensibly straightforward issues prove confounding. For example, the Endangered Species Act, reflecting a kind of Noah's Ark mentality, is clearly premised on the view that some economic sacrifice may be required to preserve the last members of species threatened with extinction. But the act fails to address the fact that extinction usually results from habitat alteration. Preserving habitats is expen-

(continued on page 7)

## Student Reps to SBA Committees Named

The Student Bar Association would like to congratulate those students selected as representatives to the various law school committees. The interviewers had a difficult time making the selections from a field of so many qualified candidates. The number of students interviewing for the committees this year far exceeded the number of students in the past three years.

The SBA would like to thank everyone who interviewed for the committee positions, and further encourage SBA involvement.

### MITCHELL LECTURE COMMITTEE

Veanka McKenzie  
Tanya Lambert-Watkins  
Marjory Cajoux  
Alternate: Sharon Johnson

### SUB-BOARD I

Kimi King

### FINANCE COMMITTEE

Jonathon Johnsen  
Tanya Lambert-Watkins  
Nathaniel Charny  
Jim Maisano

### STUDENT REPRESENTATIVE TO FACULTY MEETINGS

Kimi King  
Maria Germani

### ACADEMIC STANDARDS AND STANDINGS COMMITTEE

Ulysses Moultrie  
Pamela Moslley  
Rosalie Leslie  
Kathleen Reilly

### ADMISSIONS COMMITTEE

Kathleen Reilly  
Marcos Zuniga  
Martin Coleman  
Carl Marshall  
Andrea Windley

### COMMITTEE ON RESOLUTIONS

Jennifer Prescod

### SOCIAL COMMITTEE

Kelly Eckmair  
Sharon Johnson

### SPECIAL NEEDS COMMITTEE

Jill Clarke  
Nancy Schulman

### ANTI-DISCRIMINATION COMMITTEE

Rob Davis  
Joseline Pena  
Trini Ross  
Alternate: Sharon Johnson

### ACADEMIC POLICY COMMITTEE

Veanka McKenzie  
Sandra Williams  
Marjory Cajoux

### APPOINTMENTS COMMITTEE

Alternate: Sandra Williams

### SPECIAL PROGRAMS COMMITTEE

Linda Gadsby  
Sharon Johnson  
Brad Barneys  
Alternate: Ulysses Moultrie

### 1990 COMMENCEMENT COMMITTEE UPDATE

Due to an underwhelming response to our request for commencement speaker suggestions, we will have a table set up outside the library this week to give third year students an opportunity to voice opinions on the keynote speaker. We encourage all third year students to speak now or forever hold your peace.

To raise money to defray the cost of our post-graduation ceremony reception, we are holding a baked goods/cider sale on Halloween, Tuesday, October 31. If anyone can contribute to our supply of saleable goodies, please contact Barb Gardner, Box #98, as soon as possible.

Stay tuned to this paper for further updates.





**EDITORIAL BOARD:**

**Editor-In-Chief:** Donna Crumlish  
**Managing Editor:** Andrew Culbertson  
**Business Manager:** Maria A. Rivera  
**News Editor:** Bruce Brown  
**Features Editor:** Michael Gurwitz  
**Photography Editor:** Jeff Markello

**Editorial**

**A Tale of Two Earthquakes**

Last week two earthquakes struck in two very different parts of the world. The San Francisco earthquake received widespread media attention. Many of us were moved by the scenes of devastation on the nightly television news, yet at the same time we were amazed that the damage was not worse. The city was not leveled by any means, in fact large portions of the city were left standing (though not unblemished) thanks to tough building codes.

San Francisco and the surrounding areas will now enter a rebuilding stage. The knowledge gained from this unfortunate incident will help them to guard against damage from earthquakes yet to come. President Bush has pledged the support of the federal government to the rebuilding effort. He visited the stricken area three days after the quake to reinforce his personal commitment to help relieve and rebuild.

The second earthquake occurred in northern China one day after the San Francisco earthquake. The damage was most severe in the largely rural area along the Shanxi-Hebei provincial border. This earthquake received relatively less media attention than the San Francisco earthquake. The earthquake was also technically less severe than the San Francisco earthquake, it measured only between 5 and 6 on the Richter scale. And although the quake didn't cause billions of dollars in damage, this earthquake may very well be more devastating to the villagers that it struck than the earthquake that struck the residents of the San Francisco area.

News of the quake that hit Northern China is hard to come by but one news service estimated that the homes of 8,000 peasant families had been flattened. The homes in this area are made of clay and don't have to meet strict seismic guidelines before they can be built. The people of this area don't have heavy equipment to rescue survivors and the peasants are using primitive means to dig through the rubble. The Chinese government didn't send any representatives to survey the scene. In fact the only thing the government has done is send a few loaves of bread.

The primitive peasant villages that were destroyed in China will probably take long painstaking years to rebuild and the people of that area will not feel a sense of normalcy for at least that long. As we watch the rebuilding of San Francisco on the nightly news, along with feeling sorrow for the people of the area we should remember the peasants in northern China and be thankful that the Californians are able to rebuild at all.

**Staff:** Ted Baecher, Dennis Fordham, Jennifer Latham, Jim Monroe

**Contributors:** Christina A. Agola, Alan Freeman, Maria Germani, Ellen Gibson, Mary Clare Kane, Gary Ketcham, John Licata, Darryl McPherson, Betty Mensch, Sandra Williams

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*The Opinion* welcomes letters to the editor but reserves the right to edit for length and libelous content. Letters longer than three typed double spaced pages will not be accepted. Please do not put anything you wish printed under our office door. All submissions should be placed in law school mailboxes 59 or 60 by the deadline date. Deadlines for the semester are posted in the mailroom and outside *The Opinion* office, 724 O'Brien.

**Sub-Board Responds to *Opinion***

**To the Editor:**

Editorials can serve to inform, edify, challenge, and sometimes stir to action. The editorial "Student Groups Need Financial Freedom" in the 9/27 issue of *Opinion* did accomplish the latter. Because the article was fraught with so many misrepresentations and distortions of fact, I am stirred to respond. I believe setting the record straight is in the best interests of the students Sub Board I, Inc. serves.

Sub Board I, Inc. is the recognized accounting agency for six student governments on campus. All Mandatory Student Activity Fees are deposited and disbursed through this student owned and operated agency. On behalf of the students, the Accounting Office's primary function is to insure fiscal integrity and accountability through compliance with Generally Accepted Accounting Principles (GAAP). Secondly though less directly, these obligations emanate from the Guidelines of the Board of Trustees of the State University of New York for the expenditure of Mandatory Student Activity Fees.

Sub Board has absolutely no control over the budgetary decisions of any student body constituency. That responsibility is vested only in the governing body of a respective government. (Even if a student group wishes to purchase "company cars and executive suites" that's not a

matter for Sub Board to judge nor decide.) However, because authorization by the designated officers of the governing body and the University designee, is required to legitimize an expenditure, the process may unfortunately be delayed. How efficiently the process works is entirely in the hands of the designated officers of each organization not only to insure compliance with the guidelines but to expedite the quick and efficient payment to vendors, etc. This entire procedure can take as few as four business days... at most ten days. It is indeed regrettable that on occasion a payment may be delayed due to missing information on the Request Form or insufficient supporting documentation. With transitions in student officers each year, mistakes do occur until the system is learned. The Office staff do everything in their power to advise and hopefully prevent these delays.

The gross exaggerations and allegations of the editorial serve only to point out how little information the writer had in doing the piece. If it was intended to do a service to the Student Bar Association the most logical step would have been to mount an effort first to investigate and then test the validity of the case. I challenge the writer to do just that.

Gabrielle Miskell  
 Executive Director/Sub Board I, Inc.

From *The Opinion's* Mailbox

**Student Decries "Perfect Authority"**

**To the Editor:**

As I thumbed through *The Opinion* of October 11, I was delighted to see my name and to realize that Mr. Monroe had responded to my letter of September 27. There is very little I enjoy more than a lively, intelligent debate. It is a terrible shame that Mr. Monroe was unable to provide any.

I was amazed to see that I had been lumped together with two other people, a Mr. Miller and a Mr. Barry, whom I have never in my life met. The three of us were accused, en masse, of writing in "the typical reactionary style," and of resorting to "name calling and baseless labelling to attack the people [we] disagree with rather than dealing with the issues at hand." We were also accused of using "the same ad hominem tactics and phrasing used in last year's racist 'Independent Journal,'" and of using "huge local gaps to press our obfuscations."

Mr. Monroe must have grossly misunderstood, or perhaps read some other letter which he attributes to me. At no point in my letter did I attempt to cloud the issue, and I don't even know what "huge local gaps" are. What I attempted to do and what I did was to express my opinion. I addressed the issue directly. The issue is freedom of speech under the First Amendment and my opinion is that, if we do not protect the right to unpopular speech, even offensive speech, then we have protected nothing. Mr. Monroe reveals his contempt for such ideas as freedom of speech in his sarcastic reference to the "sacred thoughts of Thomas Jefferson." Forgive me Mr. Monroe, but I do hold those thoughts in considerable esteem.

The point I made in my letter, and the point I reiterate, is that statements like Mr. Monroe's, "what type of racist and sexist speech [do] they believe should be protected," embodies a dangerous tendency to believe that there is some perfect authority who can make perfect decisions regarding what is and is not acceptable thought and speech (in the present case, of course, that perfect authority would be Mr. Monroe himself). Clearly, there is no such perfect authority, never has been. It is this fundamental idea which the formulators of the First Amendment understood.

Mr. Monroe would set himself up as this perfect authority. This is evidenced by the last sentence of his letter wherein he states: "From now on I'd appreciate it if Woodside, Miller and their ilk [I have been relegated to ilk!] would check with me before they attack anyone." If Mr. Monroe honestly believes that I attacked him personally, for that I apologize. It was never my intention to attack him, but only to attack his ideas. I truly believe that the First Amendment was meant to, and must, protect even unpopular speech. I am not, as Mr. Monroe suggests, one of the "cheerleaders for wild Bill Rehnquist, the ex-Nixon hired gun..." I have no idea how Mr. Monroe managed to pull William Rehnquist out of his hat. I am unfamiliar with any comments Chief Justice Rehnquist has made regarding the faculty statement here at UB.

While we are on the subject of William Rehnquist, I must repudiate any suggestion by Mr. Monroe that I supported Chief Justice Rehnquist's decision in *Texas v.*

*Johnson*. I am not entirely certain why Mr. Monroe included the next to last paragraph in his letter to the editor. That paragraph reads:

Bill [William Rehnquist] just wrote the dissenting opinion for *Texas v. Johnson*, that stated that flag burning was not a form of speech. He said it was more like a grunt or a groan. O.K., so by Bill's rules what is putting dog shit in someone's mail box — pure speech?

It would appear, since Mr. Monroe's entire letter was one big lumping together of all those whose opinions he opposes, that the preceding paragraph was somehow to relate to me. That is, that Mr. Monroe would attribute the dissent of Chief Justice Rehnquist to me. Perhaps Mr. Monroe feels that Chief Justice Rehnquist is also of my "ilk." For this matter, let me say that I stand with the majority. Clearly, the burning of the flag is a form of expression and ought (rightfully) to be protected. This also means that, if the overwhelming majority of the nation believes that the flag is a symbol of the United States which should supersede the right to free speech, then the only way to remedy the situation is through a constitutional amendment, not through a statute passed by Congress, which I, they, and you know to be *Prima facie* unconstitutional. For the record, I am against such a constitutional amendment. However, Mr. Monroe did not feel it was necessary to ask my opinion before attributing the Rehnquist dissent to me. As for the incident with the dog feces, to which Mr. Monroe so eloquently refers; as I stated in my letter, the laws of harassment and vandalism already cover it. There is no need to limit freedom of speech. I strongly support any movement to prosecute those people within the full extent of the law. I strongly oppose any movement to remedy the situation by limiting freedom of speech. The two are not related.

It is very clear that any opinion which differs from James Monroe will be condemned as "reactionary," "racist," and of an "ilk." I beg of all those reading this, that you read Mr. Monroe's letter and remember that, if the faculty statement is allowed to stand, we will undoubtedly end up with a James Monroe dictating what is and is not acceptable thought and speech. The right to express unpopular ideas, or even to object to a movement to limit unpopular ideas, will be lost forever. We will become subject to the caprice of whomever happens to be in power at any particular time. We will become subject to the limits of thought which Mr. Monroe finds acceptable. We may end up with a society wherein Mr. Monroe will sit and pontificate on what is and is not proper thought and speech, and we will be held to his entirely subjective point of view.

I am sorry that Mr. Monroe feels that no point of view different from his own ought to be allowed expression. However, I must decline his invitation to check with him before I speak my mind. I am perfectly capable of deciding my own point of view. He may succeed in prohibiting my opinion, but he will not succeed in suppressing it.

Keith L. Woodside

**Student's Lecture on China Praised**

**To the Editor:**

Many thanks to Ken Schagrin, a second year UB law student who took the time to share his experiences and video footage of the Chinese demonstrations that took place in Tianeman Square during the spring and early summer of this year.

The presentation was held on Wednesday, October 3rd and sponsored by Maureen Barons, Chairperson of Amnesty International at UB.

It was enlightening for those who

attended to view the actual footage of the demonstrations and to hear a Westerner's perception and assessment of the events that led to this collective demand for democracy.

More student lectures like this are welcomed. While attending school, we learn from the experiences of other students as well as books and professors.

Thanks again to Ken Schagrin, Maureen Barons and Amnesty International.

Moses M.S. Howden



# Is The United States The Great Satan?

Two recent events started me thinking about the U.S.A. and what it stands for. The first was the announcement last week that this country will not comply with a global ban on chemical weapons, and instead will go full-steam ahead in producing more of those wretched weapons. The second was a story broadcast by National Public Radio which recounted the destruction of a medical clinic by Unita rebels in Angola. This clinic, though miserably undersupplied and understaffed, was the only medical resource in the area. The Unita rebels blew it up. As you might have guessed, Unita has the full support of the United States government. These two events combined to make me ask (yet again): What the hell is wrong with this country!?

by Michael D. Gurwitz  
Features Editor

The Soviet Union (the bad guys) announced that it would join in an international ban on the production of poison gas weapons. The ban was agreed to by approximately 40 nations in Geneva. The United States (the good guys) is going to ignore this global ban and continue manufacturing weapons that will make people blister, vomit, bleed, suffocate, and after 5 to 10 minutes, die. The victims probably will not be soldiers, but civilians like you or me — that is, if we were Third World civilians. Did I forget to mention that these poison gas weapons will be bought with our tax dollars?

Not that I'm about to question the mor-

## Animals

ality, as has been the case with the vast and uncontaminated territories required by California condors or the "oldgrowth" forests needed by snowy owls. Suddenly our commitment to preservation becomes a commitment to "rescue" a few last survivors and place them in zoos where, we hope, they will breed. But is a condor outside its habitat really a condor, or simply an artifact preserved by people to assuage human guilt? Moreover, on exactly what basis do we give such special emphasis to the category "species," which is, after all, a human creation, manipulable in its plasticity, as interpreters of the Endangered Species Act have discovered? On what basis does a snail darter have a greater claim to our concern than a raccoon suffering in a trap or a rabbit bred to suffer in a lab?

Even when we make a commitment to preserving a natural habitat, what do we mean by "natural" in a world so changed and dominated by humans? Are fires in Yellowstone "natural"? Wild horses on the western prairies? The hunting of overpopulated deer herds?

We simply lack a vocabulary for analyzing these issues, which are ultimately ethical and theological, not just factual. In the context of human suffering caused by AIDS, the absolutism of those who oppose all animal experimentation seems callous in its indifference; yet the tremendous amount of animal suffering that we impose for trivial purposes (the testing of each new color of cosmetics, for example) may be a sign of spiritual debasement. Opponents of animal rights activists charge them with caring only about animals and having no compassion for people. These opponents remind us that Himmler was a proponent of animal rights, that Hitler was a vegetarian.

Perhaps some modern vegetarians, in their purist zeal, seek to construct a fantasy world for themselves, denying that life is rooted in suffering and death, that we are all, in the end, mere flesh. On the other hand, do we really "need" perfectly tender white veal meat, given the dismal suffering that is the price of its production? Does our insatiable desire for McDonald's hamburgers justify turning tropical rain forests into cattle-grazing pastures? At some point, does not our zeal to make productive use of nature threaten not only the future of the world's ecology,

ality of our government producing chemical weapons. My country, right or wrong. But dammit, when General Hussein or Iraq used chemical weapons on the Kurds last year, I was really mad, weren't you? What kind of country would use chemical weapons in this day and age, especially after the documented horrors of chemical warfare in W.W. I? A military dictatorship like Iraq, that's who. A country which has been condemned by every decent county in this world for its crimes against humanity and nature by using poison gasses on civilians who didn't stand a chance. Well, move over Hassad, Uncle Sam wants to get his hands blistered and bloody too.

Have we gone insane? Here was an opportunity to join in an international ban on chemical weapons production, and George Bush, our democratically elected leader, decided that the desire of the American people was to embrace these weapons from hell. For this we voted?? I've got news for the White House and those misguided Republicans and Democrats who fought the ban. According to experts at the Brookings Institute, our rejection of joining in the ban on chemical weapons production will spur Third World countries to also produce these weapons. They don't want to be left out of the fun, and after all, chemical weapons have been dubbed the poor person's nuclear bomb.

Another bit of news for the lunatics in Washington: lots of Third World countries don't like us. Remember Khaddafy and his West German supplied pesticide

from page 5

but also our own moral well-being?

If we are to take seriously the suffering and survival of animals, we must at some point confront and reject some basic presumptions of what we have inherited as secular Western Culture. These presumptions are rooted in the social moves we deploy to rationalize hierarchy and domination. These basic moves are to universalize one's particularity, to project its absence onto everyone else, and then to privilege the now universalized trait as the basis for hierarchical superiority for oneself and reductionist objectification of the other. Through this process, dominant groups invent names for characteristics of themselves so as to celebrate their own possession of them and decry their absence in others. So named, these traits become images that take on lives of their own: the traits are implicitly universalized, and others are measured by their distance from norms now taken to be objective or natural. Thus has Western Culture identified itself as the triumph of civilization and instrumental rationality.

The English rationalized their brutal oppression of the Irish on the grounds that the latter were "heathen" and "savage," by which the English meant that the Irish were not *English*, which, by definition, meant "Christian" and "civil." Similarly, Africans were categorized as *not white*, and therefore lacking the package of cultural traits associated with whiteness. And men, having defined themselves as the embodiment of rational discourse and moral capacity, have found women by definition lacking in these traits, which means they must play dependent roles. An extreme example of absence-projection is the Freudian notion of penis envy, which, one might suggest, grew out of Freud's inability, in a cultural context of male domination, to imagine himself as a person without one.

In short, over a period of more than three hundred years a particular form of discourse, largely belonging to privileged white men, has claimed for itself the status of Universal Reason. That discourse, which may be characterized as dualistic, analytic, instrumental rationality, has become the yardstick of human hierarchy and privilege in our culture. It also has become the basis for reconceptualizing our relationship to animals and nature so as to rationalize our exploitation and domination of them.

factory? It's quite possible that one of these days, some Third World joker with a grudge against the U.S.A. will detonate a poison gas bomb in this country. It might be in Los Angeles, or New York, or Kennenbunkport, or Buffalo, but when it happens, it will be very bad, and the burned and mutilated tax-payers will not be happy with this particular return on their investment. But so what? I agree with you, George! Damn the poison torpedoes and full-speed ahead. Let's keep American chemical weapons factories working!

Ever hear of Jonas Savimbi? He's the charismatic leader of Unita, a guerilla army which is battling the communist government of Angola. For years Unita was supported by the South African government. In his second term of office, President Reagan, at the behest of the extreme right, met with Savimbi and pledged United States support to Unita. Republican and Democratic politicians alike, the people we elected to office to serve our country, simply stood by like dumb asses as our president shook hands with the devil. Associating the United States with the fascist South African government was bad enough, both from a moral and strategic standpoint (blacks in South Africa will eventually replace the whites as the ruling constituency, and they won't forget the actions of the U.S.A.), but even worse was our allying with Unita itself.

Jonas Savimbi is a sadist and a butcher. His Unita rebels are notorious for their raids upon unarmed civilians. They routinely murder, torture, rape, and enslave their victims. As National Public Radio highlighted, Unita is conducting a war of terror against the Angolan People. In addition to their human rights atrocities, Unita destroys hospitals, electrical supplies, farms, and other nonmilitary structures. They also plant anti-personnel

## COMMENTARY

### Just Who Were The Candidates?

What if they held an election and no one showed up?

Some think it would be funny.

Some think it would be tragic.

I think it's possible.

Recently, the Student Bar Association held elections for the position of Class Director. For each year, there were six seats open. While I didn't run for one of the slots, I did serve as campaign manager for the first-year section three candidates. This position gave me a rather unique perspective on the election, particularly for the first-years.

by Darryl McPherson

This election was, for me, full of surprises. For the first-year seats, only eight people initially ran, of which only one was a woman. I realize that few people are willing (or able) to invest the time necessary for the position. Yet, with so many dedicated and passionate people in this school, I expected more people to want to lend their voice to the SBA.

On the other side of the ballot, I noticed the voter turnout. Outside of Section Three candidates, the highest number of votes awarded to a candidate was 52. Due to what has been called a political machine, Section Three did significantly better. We campaigned heavily; stuffing mailboxes, making presentations, and basically harassing people into submission. As a result, all three candidates won, and did so by a healthy margin, with 88, 82, and 78 votes respectively.

Clearly, there's a correlation between the effort put into the campaign and the amount of votes we received. What bothers me is that so much effort was necessary in the first place. People don't want to get involved in politics these days. In the outside world, low voter turnout is blamed on poor education, social apathy,

landmines in the dirt roads used by peasants to get to their fields and homes. The dirt-poor men, women, and children of Angola are losing their legs to these mines, but that's okay by Uncle Sam, because after all, those people are just black, and Unita is fighting the commies.

An unfair criticism of our government? Hell no! We do it all the time! Vietnam, Cambodia, Chile, Guatemala, El Salvador, Haiti, Phillipines, Nicaragua, Iran...: if it's poor, weak, non-white, and has sadists willing to kill communists, we'll back those sadists to the hilt, and ethics and morals be damned. It's not just Republicans, and it's not just Democrats, it's our government — it's US. I know that I am not the first to ask why we give money and weapons to right-wing dictators because we want to defeat left-wing dictators, but the more important question is why do we, American citizens and taxpayers, allow our government to keep supporting butchers over and over again? Is our hatred for communism that deep? I doubt it, just like I doubt whether 99% of the people in this country even know the definitions of communism or democracy.

Are we simply powerless to sway our leaders away from giving our nation's money and moral support to the scum of the earth? Are we happier seeing our hard-earned tax dollars being used to buy nerve gases and napalm and nuclear bombs, rather than schools and medical clinics and housing? The answers, apparently, are yes, but these answers fly in the face of reason, logic, and last but not least, compassion. How to explain all this? I don't know, but I'll give it a shot and see who bites. The evil emcee of the musical *Cabaret* sang a song about money, and how it makes the world go round. Why do we buy chemical weapons and sell arms to sadistic tyrants? I guess somebody, somewhere is making a buck off it. Ain't capitalism great?

and bad weather. None of those excuses can wash in a self-contained, liberal law school like UB. So why is it, excepting Section Three, that only 52 out of hundreds actually bothered to vote?

Is it conceivable that the majority of students actually don't care? I suppose it's possible. I remember from my undergrad experience that I could care less about the student government. But I get the sense that UB students are more socially conscious than that. I think a major factor was that students are reluctant to cast a vote for someone they don't know.

In a world of media blitzes and sound bites, a candidate without exposure isn't a candidate, he's a long shot. The key to the Section Three victory was that the majority of the section knew who the candidates were. And if they didn't know the candidates, they knew me. Either way, the voter felt some kind of connection with the election.

Student involvement, that's what the SBA election lacked. The candidates' personal statements aren't enough to stimulate interest in the campaign. A student would have to care enough to read them first. (Ironically, Pamela Howell, who received the most votes, had one of the more general statements.) With so many other things on the student body's mind, the importance of the election should be stressed. I think more students would vote, but feeling it would be irresponsible to cast a vote in ignorance, simply choose not to vote at all.

So, what conclusions can be drawn from this? I think the entire election process could be better publicized. More information should be imparted about the SBA and the class director candidates well before the election. I daresay these alleged solutions are easier said than done, but what good is it to have elections if the very people you're to serve have little to do with the election itself?



# THREE REASONS

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# CROSS THE NATION



## Law School News Briefs

### Albany

Over 200 law students and faculty members pledged \$150.00 a piece for proposed renovations to the law school gym. The gym, which is used for lectures, parties and sporting events was renovated at a cost of \$40,000. Previously a typical law school space shortage had threatened the future of the gym, it was feared the gym would be turned into offices. (*The Issue*, vol. 19, no. 1, August 24, 1989, page 1)

### Cleveland-Marshall

Cleveland-Marshall's S.B.A. President used her power of appointment to appoint six student senators and a treasurer all within five minutes. The appointments were unanimously approved by nine stu-

dent senators attending the meeting. The attending senators apparently did not act too quickly as they did ask a few questions of the treasurer elect and ascertained that he "had a fair idea of how to fill out purchase requisitions." The new treasurer will receive a one semester tuition stipend for his work. (*The Gavel*, vol. 38, issue 1, September, 1989, page 6)

### Indiana University

Indiana University had its annual Minority Law Day on October 14th. Speakers and other activities were planned to attract minorities and consequently increase minority enrollment at the Law School. The event is advertised throughout the city of Indianapolis and univer-

sities in the State. Last years Minority Law Day attracted 100 prospective minority students, and is credited with increasing minority enrollment from the previous year. Fourteen black students enrolled at the school out of twenty-one offered admission. The previous year only five black students enrolled out of nine offered admission. (*Dictum*, vol. 1, no. 1, September 20, 1989, page 1)

### New York University

NYU held its annual "early interview week" the last week in August. Seven hundred and twelve interviewers (some firms sent as many as ten interviewers) from 25 states descended into an undergraduate dorm and proceeded to interview 720 students. Students were required to complete an interview preference sheet by July 6th, and a complex computer scheduling program attempted to match students to their first choice in interviewer. Eighty-nine percent of students were able to interview with their first choice. By the time early interview week ended, 15,962 interviews had taken place.

\*\*\*\*\*

The administration failed to accommodate the needs of a potential NYU Law School student who wished to live in the married student housing with his gay partner. The student was accepted at the

school last Spring and felt he could not afford to attend unless he was able to move in to campus housing. Dean John Strudler felt that he could not change the housing policy (which requires couples to produce a marriage license) or make an exception for the student. The Dean spoke to administrators at other law schools including Harvard, Yale, Columbia and Berkeley and found that only Stanford accommodated gay and lesbian couples. The Lesbian and Gay Law Students Association at NYU would like to see the housing policy change and NYU become a leader in providing student housing without regard to sexual orientation. (Both stories from: *The Commentator*, vol. 24, no. 1, September 8, 1989, page 1)

### T.C. Williams

The T.C. Williams chapter of the Federalist Society for Law and Public Policy Studies has gained official recognition from its national organization in Washington, D.C. This is the second year of the organization's existence with last year being mostly an organizational year. The society's founders are excited about the national recognition and are planning a "rush" event to introduce the society to potential members in the law school. (*Juris Publici*, vol. 16, no. 1, October 2, 1989, page 7)

## Law Library Staff Responds to Suggestions and Complaints

*The Opinion* is pleased to print some of the suggestions that users of the Law Library have offered the library staff, and the staff's response.

**The Suggestion:** Assigned, locked study carrels for Law Students only.

**The Response:** We have asked the University locksmiths to see whether the door frames on our 42 closed carrels can receive locks and what the lock installation cost per carrel would be. Assuming a favorable response, we are including in our forthcoming Law Library questionnaire an effort to determine how 750 law students would want to see 42 locked carrels allocated. There are certainly lots of possibilities for using these scarce resources: first come-first served, two or three sharing each carrel according to a schedule they work out themselves, reservation preference going to law students writing seminar papers, and so on.

**The Suggestion:** Refusing to let noisy undergrads in without a pass.

**The Response:** The UB administration sees UB as an open campus; restricted library access at publicly funded universities is a problematical concept and is

generally unacceptable to our University administration. Besides what might be called political considerations, some practical considerations include the cost of trying to administer a pass system fairly. Just imagine how law students would react if they were required to obtain a pass in order to enter the Lockwood Library or the Health Sciences Library. However, during the Law examination period we have reached an agreement with the UB administration which allows us to limit access to the Law Library to two categories of library users: (1) law students, and (2) people who need to use materials housed in the Law Library. This recently adopted policy is enforced only on a voluntary basis, however.

Noisy library users, whether they are undergrads, law students, or others create a completely unacceptable study atmosphere. Unfortunately, the worst noise tends to occur in the evenings when no permanent staff is on duty and the six floors of the Law Library are in the care of only two students at the Circulation Desk. If we had the funding to hire a "guard" to patrol the upper floors in the evening, I'm sure that the situation would improve. When we receive this year's

budget, we will be able to tell whether we can afford a guard without impairing other essential services such as evening reference service, maintaining library hours, maintaining existing A-V services, labeling new books, and so forth.

**The Suggestion:** Easier access to reference librarians. Maybe have more than one on duty per hour. It is often difficult to receive help when librarians are working with other people, and several patrons are in line ahead of me. I usually give up, which is not a very beneficial experience.

**The Response:** We are painfully aware of your concern and are working on ways to address it without impairing other reference services, such as offering LEXIS and WESTLAW refreshers, providing reference service in our Documents Department, and keeping up with other library responsibilities such as selecting new materials for the book collection.

We are analyzing our reference statistics to determine the predictably busy times when we should schedule a second librarian at the desk. We are also developing an "on-call" system so that the refer-

ence librarian can call for reinforcements when several people are in line at the desk. We also plan to do a better job of staffing the reference desk when the regular reference librarian needs to participate in staff meetings. We hope you will soon see improvement as these three measures go into effect.

**The Suggestion:** An on-campus telephone for student use.

**The Response:** The University telecommunications office will install a campus-only phone wherever one is desired and there is a department able to pay for it. The charges include \$400 to obtain the number, \$45 per hour for installation labor, and a monthly cost of \$29. Right now, the Law Library's highest priority for telephone lines is installation of three more lines so that we can carry out our commitment to establish a four-terminal WESTLAW lab. We have passed your suggestion along to the Law School in hopes that a campus phone could be installed in the student mail room or included in the plans for the Law Student Center in the basement of O'Brian Hall.

### SBA . . . . . from page 1

The two separate Bar Review companies agreed to cut their prices almost in half with the stipulation that one hundred candidates sign on. Kevin and Pamela will be able to use student assistance in setting up a counterproposal and recruiting new members of the Co-op.

SASU is the Student Association of the State University of N.Y. and has been a major factor in keeping tuition rates down since 1970. Like any other public benefactor it must contend with the apathy of the people it serves. A case has been made that the law school already benefits from SASU and therefore should not bother contributing.

The S.B.A. has decided to ask the student body to decide the issue in a general referendum to be held Wednesday, November 8 and Thursday, November 9. Specifically, the referendum will state, "Should SUNY Buffalo School of Law fund SASU at \$2.00 per student per semester which will be added to the student mandatory fee and be voted upon every three years?"

The S.B.A. will provide information to all students on the pros and cons of becoming SASU members.

After a year of work by Kimi King, Martin Coleman and the present S.B.A. Executive Board the law school was able to gain a single year seat on the Faculty Student Association Board of Directors. Derek LaMarche, undergrad SA president, graciously appointed Jonathan Johnsen (2nd year law) to fill an under-

grad seat with full Board voting rights.

The law school became serious about acquiring a seat after last year's work on the Grape Boycott and Anti-Styrofoam sub-committees proved the importance of student involvement. FSA is the multi-million dollar, not-for-profit corporation that runs food service, the campus laundry, catering, vending, and a multitude of student services at SUNYAB.

Marc Hirshfield, 1st year class director, will be working with Jonathan on obtaining a permanent voting seat as well as reporting FSA issues to the law school. Until a few years ago S.B.A. did have a non-Board, FSA assembly seat, but lost it to the Graduate Student Assoc. through inactivity.

The final project supported by the new S.B.A. is the Loan Repayment Assistance Program which is designed to give UB Law graduates working in public interest fields help in paying back their student loans. This program is long overdue at a school that touts itself as public interest oriented.

S.B.A. feels that it is a shame that SUNY's only law school does not provide some type of post-graduate financial incentive for public interest work and relies upon the students to organize the repayment assistance program.

All students are urged to attend S.B.A. meetings and to inform their respective class directors of all pertinent issues and projects.

### MOVIE REVIEW

## Pacino Surfaces in *Sea of Love*

*Sea of Love*, the romantic ballad by Phil Phillips, is also the name of a new film starring Al Pacino, Ellen Barkin, and John Goodman, and directed by Harold Becker. It is the story of two New York City cops (Pacino and Goodman) who team up to find the psycho-killer of three men who had all placed poetic ads in a local "Personals" column. A tough-talking woman with a penchant for tight clothes (Barkin) becomes their prime suspect. Things get complicated when Pacino falls in love with Barkin, thereby providing the film with its suspenseful edge, namely, is Barkin the killer and, if so, will Pacino become her next victim?

by Michael D. Gurwitz  
Features Editor

As far as suspense thrillers go, *Sea of Love* is pretty good. Pacino gives a solid performance, though it doesn't come close to his intense, over-the-top *Scarface*. Barkin is well cast as the sexy mystery woman. She comes across as having both an emotionally dark side, and a menacing physical presence. As Pacino's buddy-cop, Goodman fills the role well. Aside from getting some of the film's best lines, Goodman is a naturally likeable character, as any fan of T.V.'s *Roseanne* can testify.

The problem with *Sea of Love* is that it's quite the surface film: what you see is what you get. The filmmakers had the

opportunity to explore the desperation and pathos of the dating scene in New York (and elsewhere) that relies on cleverly worded ads in the Personals. As modern dating gets more technological — personals, phone party lines, video services — it becomes more alienated, more isolated. *Sea of Love* could have examined how modern dating affects modern singles; unfortunately, it only skims the surface.

Another problem with the film is that with two intense, charismatic actors like Pacino and Barkin, one would at least expect some hot 'n heavy romancing, but alas, the water starts to boil only to get turned off before it steams. Anybody looking for a really erotic film will be disappointed by *Sea of Love*. Much better to rent a copy of *The Unbearable Lightness of Being* and hang out at home.

Overall, I'd give this movie a B (Q?). Despite its superficiality, *Sea of Love* does deliver in suspense, and there is a twist which saves the film from becoming just another piece of Hollywood crap. I wouldn't rush out to see it, but if you've gone to everything else and you still want to see a film and not feel like you've thrown out your money, then *Sea of Love* is a completely acceptable piece of entertainment. And if personal experience is any indication, you'll probably walk out humming the title song and wondering where you can get hold of a copy. (*Sea of Love* is rated R and contains violence and nudity).



# CDO Fails To Reveal The True Art of Interviewing

This is an exposé designed to descend down into the bowels of the thorny problem of job interviewing. We will address problems never dealt with by CDO. This first issue — what you should wear to the interview.

We all know what the conventional view is on this issue. But here are a few novel ideas that have worked well for me. When I'm interviewing with a really big firm that I know has high expectations, I dress up in a mechanic's monkey suit and cover myself from head to toe with grease. I bolt into the interview with a carburetor in my hand and explain that I'm late because I had car trouble on my way to the interview and I had to overhaul the engine unexpectedly. This showed the interviewer that I am versatile, knowledgeable and effective in 'crisis management.' A word of warning is in order here.

by Gary B. Ketchum

Do not assume that the interviewer is abundantly endowed with a sense of humor. Once I charged into the interview, as described above, carburetor in hand, and blurted out, "I think I was able to fix your car." The interviewer stormed out of the room before I could tell her I was just joking. Of course there's no sense talking about second interviews when you blow-off the first one. Just go into the interview with the greased-up monkey suit and the carburetor, and don't try to be funny.

## Don't Be Confrontational

Some techniques simply don't work. I know. I learned the hard way. Hopefully you can learn from my mistakes. DO NOT CHALLENGE THE RECRUITER TO AN ARMWRESTLING MATCH in order to prove your adversarial prowess. I used to regularly incorporate this technique into the interview in my early days. Usually I'd insert the proposition in a very subtle way so the interviewer never knew what happened. For example, when the interviewer pointed out some of the weaknesses in my resume I'd come back with something gossamer like, "OK, if you're so smart let's see if you can beat me armwrestling." The next thing you know, we're stretched out across the table, embroiled in a winner-take-all skirmish for the job. There are very serious drawbacks to this approach. First of all, invariably there is no neutral judge present who can certify the winner. On several occasions I know, for a fact, that I had won, that I had taken the interviewer's hand all the way to the table. But she simply denied it and I was robbed of the victory. The better approach is simply to challenge them to a game of Monopoly. This way, when you win, it will demonstrate your ability to make money for the firm (just make sure you're the banker).

## Etiquette

The next piece of advice is a bit unpleasant but it needs to be said. Do not 'cut wind' in the interview. This may seem terribly obvious to most of you but there is a small band of logical positivists out there who subscribe to the view that this is permissible so long as you don't make any noise. A cursory examination of this argument will reveal the flaws in the reasoning. In the first place you never know, in advance, if it will make any noise. Furthermore, such reasoning presupposes that the interviewer suffers from some sort of olfactory disability, even if no sound accompanies the tortious act. Trust me on this one. It's not worth it. You've come this far, so why throw your whole career away just because of one incontinent moment in an interview? It's better to take every conceivable precaution against this possibility.

Some of the most widely circulated magazines advertise products that can help squelch this problem. Two magazines in particular, "Sorcery, LTD" and "Heresy Unlimited" advertise a product known as the "Tourniquet Kit." It's not a comfortable contraption, but it works. It's worn under the clothing, so

the interviewer need never know you're using it. It is also available in the "Dual Purpose Model" to address the belching problem as well. Medical experts do advise against its use, but you know what alarmists they are. Trust me, this baby works.

One persevering job applicant used to bring ducks to all of his interviews. According to him, this approach served a multitude of purposes. It masked the olfactory component of the problem, while at the same time providing a scapegoat for the noise element of the problem. I've tried this approach, and with considerable success. In fact, on several occasions it served a third purpose as well. The interviewer was so distracted by the ducks that she never noticed the encrusted food stains on my tie from several weeks earlier. Furthermore, if you're ever in one of those situations where the conversation runs dry, the ducks tend to keep things moving right along at a reasonable pace. In each of those cases which I've mentioned I got a call-back for a second interview (although I must say that I thought it was rather inappropriate for them to conduct the interviews at the Buffalo Psychiatric Center). In any event, if it works for you, go for it. 'Nough said.

## Overcoming the Language Barrier

Don't be afraid to throw out a few Latinate legal terms in the course of the interview. Most applicants either never think of using this device or are timid about employing it. It works. For example, whenever I'm asked what the 'Q' grade means, in normal academic parlance, I plead *res ipsa loquitur*. As you may recall, this raises the *ipso facto* rebuttable presumption of the law school's negligence, and shifts the burden to them for an exculpatory explanation, since they are in exclusive control of that instrumentality.

When ever an interviewer asks me why I've had 15 jobs in the last 20 years I respond with: "*Nobiliores et benigniores praesumptiones in dubilis sunt praeferenda*," which means: "In cases of doubt, the more generous and more benign presumptions are to be preferred" (Black's Law Dictionary at 944, A civil-law maxim). Once I was asked by an interviewer, "Isn't that a seven day old food stain running down the front of your jacket?" My response was swift and authoritative, "*Nolo contendere*." Although this is similar to a guilty plea, it means that this adjudication can't be used against me in the second interview or in subsequent interviews with other firms. The interviewer was impressed with my fluency in Latin and my ability to think on my feet. She obviously knew the legal significance of my astute maneuver. While it is true that I did not get a call-back for a second interview in that instance, I'm convinced that the reason for this is that I had neglected to tie one of my shoelaces prior to the interview. The interviewer apparently felt that this represented an irrefutable presumption of carelessness on my part. There's a lesson to be learned here. Use lots of Latin in the interview, and whatever you do, make sure your shoelaces are tied. A word to the wise should be sufficient. 'Nough said.

## Do Your Homework

Make sure that when you research the background of the firm, you also research the individual whom you are scheduled to meet with. There are two important reasons for this. The first, has to do with the strength you present in the interview when you are fully prepared. For example, in one particular interview, while I was being raked over the coals about a weakness in my background, I made full use of my research material on the interviewer. Remaining calm, I leaned my chair back against the wall, kicked my feet up on the table and pulled out the 'rap sheet' I had on the interviewer. With the authority of a seasoned DA I pressed the interviewer against the wood as I launched into my counter-interrogation with: "Ms. Jones, isn't it a fact that in the third grade you were excessively tardy for school, and isn't it a fact that in that

same year you received two low conduct marks on your report card?" This decisive rebuttal had the effect of putting me back on top in the interview. The interviewer not only respected my preparedness; she envied my style and facility. She was impressed with the deftness of my quick draw with the *ad hominem*, a tactic which has immense value in litigation when trying to melt down a hostile witness for impeachment purposes.

Needless to say, I got the job but I ended up turning it down because I didn't like the idea of working for an organization called, "The Charles Manson Liberation Front." Which brings me to the second reason for doing exhaustive research prior to the interview. Know who you're dealing with before you walk into the interview. I will relate a personal experience which is illustrative. I once went through seven call-back interviews with an outfit before I realized that the interviewer wasn't a recruiter for a prestigious law firm, but was, instead, a foreign subversive, sent here as a spy to gather information on this law school's testing and grading policy, for use in his own country in an oppressive campaign to crack down on intellectual troublemakers. Why they thought I was privy to such classified and highly sensitive information I don't know, but I can see how the information could do some damage if it fell into the wrong hands. Of course, if I had done my homework I would have known from the outset what was going on. The outfit's portfolio at CDO clearly stated that the firm was actively engaged in hooliganism and that they were looking for disgruntled reactionaries for a part-time position as inter-

rogatees. Why they thought I was a disgruntled reactionary I'll never know. But if I had been armed with this information at the beginning, I would have foreseen the possibility that the sixth and seventh interviews were going to entail the rack and screw approach to the inquisitorial process. I can't overemphasize the importance of this advice. One unwitting student attended a blind interview and was never heard from again. A search of the CDO records indicated that he had applied for a legal position with a firm that specialized in missing persons work. If he had done his homework he would have realized that the ambiguity in the language, was an ill-omen as to which side of that issue the firm represented. Forewarned is forearmed. 'Nough said.

I've tried to survey some of the most pressing problems that confront law students in their pursuit of the great American dream law firm. Unfortunately, I will be unavailable for counseling this semester, but I encourage everyone to buy my soon-to-be-released book, entitled: "*None Dare Call It Reason*" (I am considering an alternative title, "*I Dare You To Call This Reasonable*"). This book will make a fine companion to my earlier book, "*Transcending the 'Reasonable Person' Model*," which was an excursion across the glacier of law school academia. The central theme of my new book is a simple one: Head hunting doesn't have to be a cannibalistic affair as long as you have the good sense to get out of the kitchen when you see that the natives are acting famished. I hope these inside pointers will be of some help to you in the future, and Happy Hunting.

More From *The Opinion Mailbox* . . .

## What Do Liberals Really Accomplish?

### To the Editor,

I often wonder if people have their priorities straight at SUNY Buffalo Law School. During the one and a half years I have been at this law school I have witnessed, read, or heard about numerous student or faculty-led protests concerning issues such as the the Judge Advocate Group, the FBI, grape growing in California, Judge Rehnquist, Crawdaddy's Restaurant, and animal rights.

Not one of these student or faculty-led protests has done anything to change the status quo. The Judge Advocate Group's and the FBI's hiring policies have not changed one iota since the protests began. Grapes grown with the aid of allegedly harmful herbicides still exist in California. Judge Rehnquist is still on the bench. Crawdaddy's Restaurant is currently conducting a thriving business down by the Buffalo Waterfront. And there has been absolutely no change in the way animals are being treated in the world at large. Given this track record, there also seems to be no reason to believe that stepped-up university-wide protests in the above areas will accomplish much in the future.

In fact, it seems that these protests, however well-intentioned, have actually done more harm than good. It is no secret that this Law School's nationwide rankings have plummeted from Seventeenth to approximately Thirty-Ninth during the last couple years. And I think it is fair to say that the Leftist image that this school has can be credited with the blame for part of that decline. Virtually every lawyer I talked with while I was working at the Erie County District Attorney's Office criticized the Left-leaning ideology prevalent at this Law School.

I question the value of these protests even more when I look to the so-called "merits" of some of these issues. In particular, it is hard for me to see the "merit" in barricading doors, banging on pots and pans and screaming slogans at a handful of FBI Agents every time they come to this University in order to give a recruitment speech. This behavior serves only to burden students who truly wish to become members of the FBI. The protester's

points can be made without resorting to such barefaced, raw tactics of intimidation. I also question the "merit" behind protesting Crawdaddy's restaurant. Not once did I see or hear any documentation supporting the alleged charges of racism at Crawdaddy's. Given this lack of documentation, I see no value in trying to destroy or tarnish the reputation of one of the restaurants being counted upon to help restore economic vitality to downtown Buffalo.

But what really makes me wonder about these protests is the way they are treated as priority issues at this school. I hear all about how "outrageous" it is that President Sample allows the FBI to come and try to recruit students here but I never hear or see any protests about the atrocities committed in China, the horrible treatment of the people of Eastern Europe, the butchery committed by the Soviet Union in Afghanistan, starvation in Ethiopia, or the greedy, murderous exploits of the drug kingpins in Columbia. Yes, I do recognize that there was a recent protest regarding events in China on this campus but it is true that that protest was not originated by any law students. I also recognize that Isabel Marcus, a law faculty member, to her credit described her horrifying experiences in China on a local newscast earlier this year. However, such protests regarding the above issues are relatively rare on this campus. Furthermore, I don't even hear or see any protests about issues that ought to be of local university concern, e.g., the parking problem and the lack of trees or greenery on this campus. Is the plight of the grape growers in California (by the way I have also seen no documentation on this issue) really more significant than the plight of the people in China, Poland, Ethiopia, or Columbia? Should we really be spending our time protesting the JAG Corps, the FBI, and Crawdaddy's Restaurant when we could spend it on other issues of local concern where we might have more chances of success?

I think not.

Christopher D. Porter  
Second Year Law Student  
Federalist Society Treasurer



# Greenhouse Effect Program Highlights BELS Semester

The Buffalo Environmental Law Society (BELS) is joining with the UB Recyclers, Environmental Studies Group, Conserve UB and Campus Ministries in an ambitious project to inform the entire campus of the dangers posed by CO<sub>2</sub> emissions. The Union of Concerned Scientists has declared November 6-12 to be National Week of Education About the Greenhouse Effect and Global Warming, and the BELS/Recyclers coalition is formulating a plan of action to coincide with over 200 campuses nationwide.

by Jim Monroe  
Staff Writer

Monday, November 6 kicks off the week with an Amherst campus procession beginning in Founders Plaza and featuring Charlie Keil's percussion ensemble and a monstrous barbell depicting the 20 ton average yearly, single person contribution to carbon dioxide emissions. Simultaneously, the parade will provide leaflets with pertinent information.

## Civil Rights

decision gave new hope to the cause of civil rights in America, it was unsure of itself and wavered a bit. Although it gave us insight into the thought that "separate by equal" was inherently unequal, Professor Freeman cautions the celebrated attitude the *Brown* decision evoked, stating it served only to cloud the entire issue of anti-discrimination.

The language in the *Brown* opinion conveys this sentiment:

"We conclude that in the field of public education the doctrine of separate but equal has no place. Separate facilities are inherently unequal." While this opinion does not truly offer any real solution to the larger substantive problem of race relations in the United States, it indecisively moves towards an attempted solution.

The questions raised but unanswered in the "Era of Uncertainty" soon gave way to the "Era of Contradictions" from 1964 to 1974. Professor Freeman classifies this period as leaving "desegregated schools

Throughout the week posters created by artists from the UB Art department and Maple Elementary School East will be plastered from one end of the campus to the other. A Tom Toles environmental cartoon exhibit will be shown in Capen lobby and Conserve UB will issue a report quantifying the University's yearly damage in CO<sub>2</sub> emissions.

Walter Simpson's (Conserve UB) booklet, *Greenhouse Blues: "Energy Choices & Global Warming"* will be published and distributed the week before the event in order to prepare participants for the forthcoming dialogue.

Tuesday, November 7, Lou Gold will be speaking at 7:30 p.m. in Woldman Theater in Norton Hall. Mr. Gold has been called the new Johnny Appleseed and will present an inspiring slide show about conserving the ancient genetic resource in the Siskiyou Mountains in the face of a glutinous timber industry and a faltering federal administration.

Wednesday, November 8 from 3:00-

while leaving the victims in the same status as before."

The "Era of Rationalization," from 1974 to 1984, began with the courts refusal to extend desegregation in a Detroit suburb in *Miliken v. Bradley*. Professor Freeman sees this period as "typical of the perpetrator perspective," in that remedies to civil rights problems, especially affirmative action, preserved "an illusion of substantial progress while avoiding latent contradictions."

This brings us to date, well into the "Era of Denial" commencing in 1984, where "affirmative action remedies have become just as suspect as the racism they were originally invoked to combat." From 1984, there has been a progressively growing interest with reverse discrimination, the effects of which are yet to be seen.

Professor Freeman's article is edited by Kairys and will be available sometime next year.

5:00 p.m. in Woldman Theater professors Charles Ebert (Geography), Les Milbrath (Political Science), Paul Reitan (Geology), and Fred Snell (Biophysics) will participate in a panel discussion on energy choices in the face of global warming. State Senator John Sheffer will give a keynote address, his schedule permitting.

Planned for the end of the week are visits by the utilities companies to set up their home energy conservation displays and a Campus Ministries presentation concerning the spiritual crises associated with spoiling the planet.

Industrialists like to insinuate that controversy exists within the scientific community as to the possibility of a Greenhouse Effect. In fact, a Greenhouse Effect is exactly what keeps this planet habitable. The problem with CO<sub>2</sub> emissions is that they increase the thickness of the blanket already protecting us while causing no reduction in the amount of heat entering from the sun.

The scientific controversy actually revolves around the exact effects of our polluting behavior. Optimists claim there is a good possibility that a combination of oceanic absorption of CO<sub>2</sub> gases and increased cloud cover caused by a slight

warming will temper the negative effects and keep most of the planet safe and livable.

Pessimists and pragmatists see the projected 9 degree Fahrenheit increase in average yearly temperature over the next 25-50 years as both devastating and irreversible. To these people the only solution lies in an immediate global lifestyle change that should begin in the U.S. simply because here, 3% of the world's population contributes 25% of the emissions.

Further, the clear cutting of the tropical rainforests all over the world by the Japanese, McDonald's, Burger King, and the pulp industry must immediately cease. These giant green forests are the lungs of the planet, breathing CO<sub>2</sub> and emitting oxygen.

The panel discussion offered by the coalition on November 8 will assess some of the damage and offer ways in which society can remain mobile, warm, and smoothly functioning while limiting the irreversible problems created by the "use of the atmosphere as a sewer." To get involved or for further information contact Jim Monroe or Jennifer Latham.

## Pro Bono with

for mandatory pro bono work requirement for lawyers by the fact that our society has evolved in a way that makes access to legal services increasingly crucial to handling the emergencies which routinely beset poor persons. The poor live in circumstances in which they need legal services more, but financially cannot obtain them. A recent "New York Legal Needs Study" indicates that 58% of the low-income households in New York had at least one civil legal problem in the past year for which they had no legal assistance. Typically, their needs for legal services deal with access to the essentials of life: shelter, minimum levels of income and entitlements, unemployment compensation, disability allowances, child

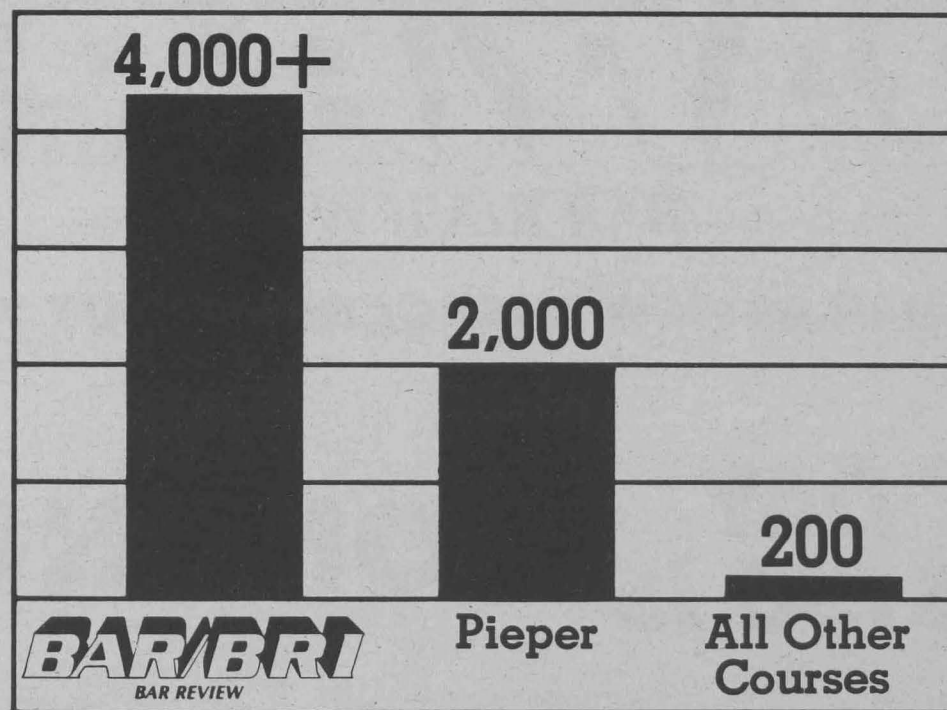
support, education, matrimonial relief and health care. The ability of the poor to assert claims relative to the above categories has been gravely impaired by their lack of access to legal services.

## Faculty Report

orientation, are unrelated to performance and provide no basis for judgment."

It was not clear what effect, if any, the resolution would have on employer recruiting practices at the university, nor was it clear whether the resolution constituted an endorsement of the Law Faculty's suspended policy prohibiting the use of C.D.O. facilities by employers which discriminate against homosexual students.

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