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Convo. on Mentally Disabled Provides Insights

by John Bonazzi

The 11th Annual Convocation was held on Saturday, March 7, at the Center for Tomorrow. The program, entitled "Professional Considerations in Representing the Mentally Disabled," was presented by the UB Law School and the UB Law Alumni Association. The program was co-sponsored by the UB School of Psychiatry, the first time another department or school has co-sponsored the Convocation.

This year's Convocation was designed to improve practice skills and provide needed information for lawyers who undertake representation of the mentally disabled. Indeed, one of the goals of the event was to furnish area attorneys with knowledge of the special needs of the mentally disabled in an effort to get more of them to undertake representation of this extremely needy, yet under-

represented, population.

This was accomplished by providing attorneys with practical, necessary information on subjects such as the role of lawyers, psychiatric consultations, the rights of institutionalized persons, the judicial process, and attorney fees.

Roger Stone, executive director of the Mental Health Association of Erie County, led off the program by speaking about the lawyer's role in legal proceedings related to the mentally disabled. He was followed by Dr. Brian Joseph, an associate clinical professor at the Department of Psychiatry of the UB School of Medicine.

Joseph gave an interesting and humorous talk on the role of the psychiatrist or other helping professional in legal matters. He also provided insight into the impact of law on treatment and therapeutic concerns.

For instance, Joseph expressed some irritation at the recent decision in *Rivers v. Katz*, which held that psychiatrists cannot treat mental patients without their approval and judicial review. The dilemma here is that many patients may refuse treatment, yet require it to function adequately in society. The law, then, in an effort to provide for the welfare of the mentally ill, actually impedes therapeutic progress.

In discussing the rights of institutionalized persons, a debate was provided by two advocates who work with the mentally disabled in legal matters, yet represent different ends of the advocacy spectrum.

Beaufort Wilburn, an attorney from Legal Services for the Elderly and Disabled, and Douglas Cream, a New York State Assistant District Attorney General, presented con-

flicting views on the rights of the mentally ill and the level of proof the government should be required to meet before infringing on the mentally disabled person's constitutional liberties.

After a short break, William Cunningham, public administrator of the Erie County Surrogate's Court, spoke on estate proceedings, including conservatorships and guardianships. James Sheldon of Neighborhood Legal Services followed with information on entitlement programs for which the mentally disabled may be eligible.

Mark Mahoney, a noted defense lawyer and UB law professor, addressed criminal proceedings involving the mentally disabled. His primary thesis was that the legal and treatment systems are inherently different, and that lawyers need to be aware of those differences.

For instance, he made the point that the legal process is concerned with adjudicating blame, punishing, and removing the offender from society; the medical model, however, is concerned with providing care, rehabilitating and treating, and returning the patient to society. Operating on these differing levels makes it extremely difficult for the lawyer to use the

system effectively.

The Hon. Theodore Kasler of the New York Supreme Court spoke on the judicial process. He was critical of the strict guidelines imposed on judges in cases involving the mentally disabled. For instance, he assailed the ruling in *Rivers v. Katz*, saying that it both defies common sense and makes it difficult for the disabled to get the treatment they need.

The last presentation was given by Bruce Goldstein, a local attorney, who spoke on a subject close to the hearts of most lawyers — money. Obviously important if more lawyers are to be enticed into taking on these cases, Goldstein presented methods of getting paid — in some cases very well — for working on behalf of the mentally disabled.

A luncheon followed the series of discussions, after which the Jaeckle Award was presented to the Hon. Michael F. Dillon. The Jaeckle Award is named for UB alumnus Edwin F. Jaeckle, class of 1915, and is the highest honor the Law School and the UB Law Alumni Association can bestow. It is given annually to an individual who has distinguished himself or herself, and who has made significant contributions to the Law School and the legal profession.

Ewing's Book: Battered Women Who Kill Proposes Change for Self-Defense Rule

A UB forensic psychologist and law professor has called for a radical change in the law which would allow battered women who kill their abusers to claim psychological self-defense as a legal justification for their actions.

Charles Patrick Ewing, Ph.D., J.D., proposes the legal change in his new book, *Battered Women Who Kill*, published by Lexington Books. Ewing is an associate professor of law and clinical associate professor of psychology at UB.

"Most battered women who kill their batterers are convicted of some degree of criminal homicide despite pleas of self-defense and ample evidence of repeated physical abuse they suffered at the hands of the men they kill," Ewing said.

A majority of these women are convicted and serve time in prison, he said, because they do not kill in self-defense as it is currently defined by law.

Current law, Ewing argues, narrowly defines self-defense as a legal justification if the defendant acted in fear of imminent death or serious bodily injury.

"The key word is 'imminent,'" said Ewing, "for many of these women have suffered as serious abuse from the batterer on other occasions when they did not kill him."

The legal criteria should be changed, he proposes, to include psychological self-defense as a legal justification in these cases because the women killed to prevent their psychological selves from being destroyed. This concept, he admits, is radically different than the perceived or actual threat of imminent physical death or bodily injury necessary for a plea of self-defense on the

books today.

The battered women syndrome is one which is complex and not well understood by the public or by the court system.

"People wonder why women who eventually kill their abusers put up with the abuse over



Prof. Charles P. Ewing

a long period of time. They also may feel the woman must have enjoyed the abuse in some perverse way or she would have left long before the incidents ended in killing," Ewing said. Among some, there may be a feeling a woman is "property" of her husband or boyfriend and thus he had an unspoken "right" to beat or abuse her.

Indeed the woman may have sought recourse through the legal system, going so far as divorcing the abuser or fleeing to other states. She may have obtained court orders which would presumably prevent him from having any contact with her. But even these steps, as Ewing's book points out, were not enough to end the battering.

"The man may, at considerable effort and expense, find her and continue the battering and abuse," said Ewing.

Women described in *Battered Women Who Kill* have repeatedly been beaten with a variety of instruments, run over with or thrown from moving vehicles, locked in houses set afire, tortured with electrical devices and burning cigarettes,

raped with items ranging from electrical immersion coils to broom handles, and been witnesses to abuse of their children.

They have had their telephones ripped from the walls and been tied to furniture or confined to locked closets to prevent their leaving when the abuser was away from the home. They have been subjected to threats of more violence if they tell relatives, friends or the authorities of the abuse.

Frequently, they have no money, no way to support themselves or their children, and no place to go if they did, in fact, leave. In some cases, they have lived in isolated areas where the only help would be miles away.

Over time, Ewing theorizes, women who are repeatedly abused and tortured lose their sense of "self." They gradually find themselves becoming "non-persons" — helpless and alone in a struggle to preserve shreds of their original psychological selves. They murder their abusers, Ewing believes, when they are in imminent fear of destruction of their "psychological selves."

A major problem with the accepted criteria for a plea of self-defense in a majority of the cases of women who kill their abusers is simply that they often commit murder when the threat of imminent physical death or bodily injury is not present.

"They may wait until the men are sleeping to kill them or stab or shoot when not actually threatened," the UB forensic psychologist said, "circumstances which do not meet legal criteria for a plea of self-defense."

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Brown & Bullard Represent UB at Douglass Moot Court

by H. Todd Bullard

The 1986-87 Frederick Douglas Moot Court Team comprised of Greg Brown and H. Todd Bullard traveled to Houston, Tex. to compete in the National Frederick Douglas Moot Court Competition.

Twelve teams representing six regions took part in the competition. The competition was very keen considering the fact that to qualify each team had to be one of the two top teams in its region.

The Northeast Region was represented by the University of Buffalo and Rutgers School of Law/Newark. Other teams included Tulane University, University of Baltimore, University of Puget Sound, Texas Southern University, Hastings School of Law, Drake University, Mercer University, Oklahoma University, University of Southern California and UCLA.

Although the Buffalo team was very competitive, it missed qualifying for the semifinal round. However, the Rutgers Newark team qualified for the semifinals before being eliminated by the University of Oklahoma team, which eventually won the competition. Tulane University was the second place team. The Buffalo team had argued against the Oklahoma team in the first prelimi-

nary round and had done quite well.

* * *

In addition to the National Moot Court Competition, the Annual Convention for the National Black Law Students Association was held. There were over 350 students and delegates representing over 200 law schools present at the affair.

This year's convention theme was "Unveiling the Truth to Serve Tomorrow." The purpose for this theme was to instill a sense of unity among future Black attorneys to use their much-needed skills to serve the

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SBA Executive Board Candidates



★ President ★
John J. Williams



John Williams, President

First, I think that it is important to acknowledge the fact that we students have it pretty good around here, but like all things, the Law School is not perfect. I have no set formula to achieve perfection, but I do have some valuable insights to use in striving to make the Law School a better place.

The major problem that plagues the law students seems to be course registration. The truth of the matter is that the registration process may never be perfect, but it can be improved.

I think that it would be wiser to conduct registration in the Spring for the following Fall semester. This would make the administration aware of any problems, and enable it to make the necessary adjustments to meet student needs.

For instance, if 200 students wanted Property II, the administration, if economically feasible, could arrange over the five month period to provide for additional professors and/or courses, as needed. If registration was run this way, the drop/add period would have to run parallel with the first day of class.

This would create a real drop/add period and not an extended registration period, as it is now. If registration and drop/add were changed, it would allow a longer summer because students won't have to worry about registering.

Another area that always poses problems is student input into the governance of the Law School. For the last two years, I have watched enthusiastic students compete for seats on the Law School committees. These committees are supposed to represent our part of governing the Law School. Most of these committees don't meet at all, or at best once a year.

According to some school officials, there is nothing to discuss, so therefore there is no need for meeting. I can't believe that no academic policies, budget problems, or admission problems have arisen in the last two years. If I am wrong our school rankings should have gone up and not dropped to 38. As president, I would fight to



achieve full student representation.

It is important also to ask President Sample why the other graduate and other professional programs have improved on a national level, and the Law School has faltered. We must also ask the Law School administration when and if there will ever be an identifiable physical entity for the Law School. We have to make the University realize that we have to grow with the overall expansion scheme and be an integral part of the University of Buffalo.

The SBA itself has to be more structured. Some of the meetings are out of control, and people are cutting each other off. We must remember that this is an open forum and we must respect other views and feelings. The SBA must also emphasize that we are not wasting student money. Many students don't realize that we financially sponsor every event of all clubs.

I also feel that the SBA has stepped into the realm of political expression; something that the student body did not explicitly sanction us to do. I would opt for referendums on any controversial, political issues. We may be voted into office, but we are not dictators. Let the students voice their opinions on political matters; then the student body as a whole takes a stand.

This is my second year on the SBA. I have some valuable experience to bring to the job. Please vote for me.

★ President ★
Andrew Bechard



Andy Bechard, President

I am Andrew Bechard, a second year student taking the Jaekle Center course concentration in state and local government law, which I eventually hope to use to pursue a career in lobbying or government and public policy formation at the local, state or national level.

Some of the summer internship opportunities I am investigating are with USPIRG and Public Citizen, two non-profit, Washington, D.C.-based and Nader-affiliated lobbying and organizing groups. I am also investigating a possible New York State Assembly internship in Albany, or working in Ottawa as an administrative aid to a New Democratic Party member of the Canadian Parliament.

While I have never held a Student Bar Association elected position, I have been active with a myriad of Law School organizations and committees. I am a steering committee member and treasurer of the National Lawyers Guild, a staff member of *In The Public Interest* (the journal that was until very recently the only alternative to *Law Review*), I am an active member of the Buffalo Public Interest Law Program and I sit on the SBA Faculty Student Library Committee.

The major reason I want to run for SBA president is because I feel that there is a real danger of the SBA becoming complacent and staid—an existing Law School institution but only that and just that, just existing. An institution not open to the creativity of its student organizations or to student needs.

The SBA needs a powerful and forceful leadership if it is going to improve conditions for its constituent students. What UB Law School needs is an SBA

that will continue and expand upon the activist/open government role it has staked out under Brett Gilbert.

I have a great respect for Brett because he sees the position of SBA president as much more than organizing great parties at local drinking establishments. This administration had the courage to take on the hard, political issues, such as calling for the University to abide by SUNY guidelines regarding Star Wars research, and attempting to remove the Defense Department's Judge Advocate General Corps (JAGC) and their discriminatory hiring practices from the UB campus (JAGC discriminates in regard to sexual orientation).

While there has been much debate on this Career Development Office Non-Discrimination Policy (it has been called on one side a "token gesture" and on the other a "conclusion reached purely on moral grounds"!), it is essential that this policy be pursued in the interest of the gay community in the Law School and on the campus as a whole.

While there are a number of other important issues in this election, I would place emphasis on the following areas:

Professor Betty Mensch has pointed up that women and minority faculty hiring has been lagging. I will propose that this be a priority of the students that are chosen for the Faculty Appointments Committee.

The parking situation continues to be a sore spot and gets worse with every statement made by President Sample's Parking Task Force. I propose a lobbying campaign on Sample and his Task Force that calls for elimination of Faculty-Staff only lots and a return to unrestricted and free parking as UB students enjoyed in the 1985-86 school year.

Finally, there needs to be a modest increase in Law Library hours and access to more computer terminals within the Law School. I will work with Law Librarian Ellen Gibson to attempt to obtain a larger temporary service and staff work force budget so limited weekend hours might be lengthened.

My primary point is that if the "Buffalo Model" is to continue to exist, the SBA has to maintain its activist role. Your vote will help keep the SBA active and open.



Vice President



★★★★★
Derek Akiwumi



★★★★★
Belina Anderson



Derek Akiwumi, Vice President

My pledge to the law student body as their vice president for 1987-88 is to serve the interests of everyone with an objective eye.

As a first year student on the Board of Directors of the Student Bar Association, I noticed an absence of second year students on the executive level. This, in my opinion, constituted a lack of representation. Al-

though I feel that our current officers did a great job for the 1986-87 school year, I am confident that more representation on the executive level next year will provide for even more improvement.

As vice president of the SBA, I will be committed to serving the needs of the Class of 1988, the Class of 1989, and the new Class of 1990. Next year, I hope to strengthen the communication between SBA and all law students.

I intend to make sure that all of the activities sponsored by SBA will be given more publicity. I will also place a special emphasis on extensively advertising the University Committee appointments process. All law students will be fully informed before the week of the University Committee interviews.

If I am elected, these services, in addition to my other duties as vice president, will be performed efficiently. I believe very strongly in the idea of helping. It is with this belief that I hope to gain the confidence and support of my fellow law students.



Belina Anderson, Vice President

I'd rather this than school-work. I'll take a firm stand on important, controversial issues. I have experience. I play a mean game of softball. Vote for me. Belina Anderson, second year student, for vice president. Write me in.

REFERENDUM

On Wednesday, April 1 and Thursday, April 2, the Student Bar Association will conduct an "Official Student Opinion" concerning the question of whether the University administration should arm the University security police.

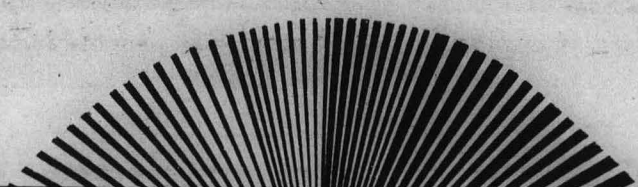
This issue is currently being debated within the University community and the results of the "Opinion" will be sent to the appropriate administrators.

Briefly, a task force recommended that University police be given guns between the

hours of 4 p.m. and 7 p.m. Guns would not be issued to police who were assigned to the dormitories and no guns would be issued to police who were assigned to patrol student demonstrations, though guns would be available to these officers should trouble develop.

The voting will be open to all law students between the hours of 9 a.m. and 5 p.m. in front of the Law Library. This "Official Student Opinion" will take place in conjunction with the SBA Executive Board elections.

VOTE! APRIL 1 - 2
PLEASE TURN TO PAGE 5 FOR
TREASURER AND SECRETARY CANDIDATES



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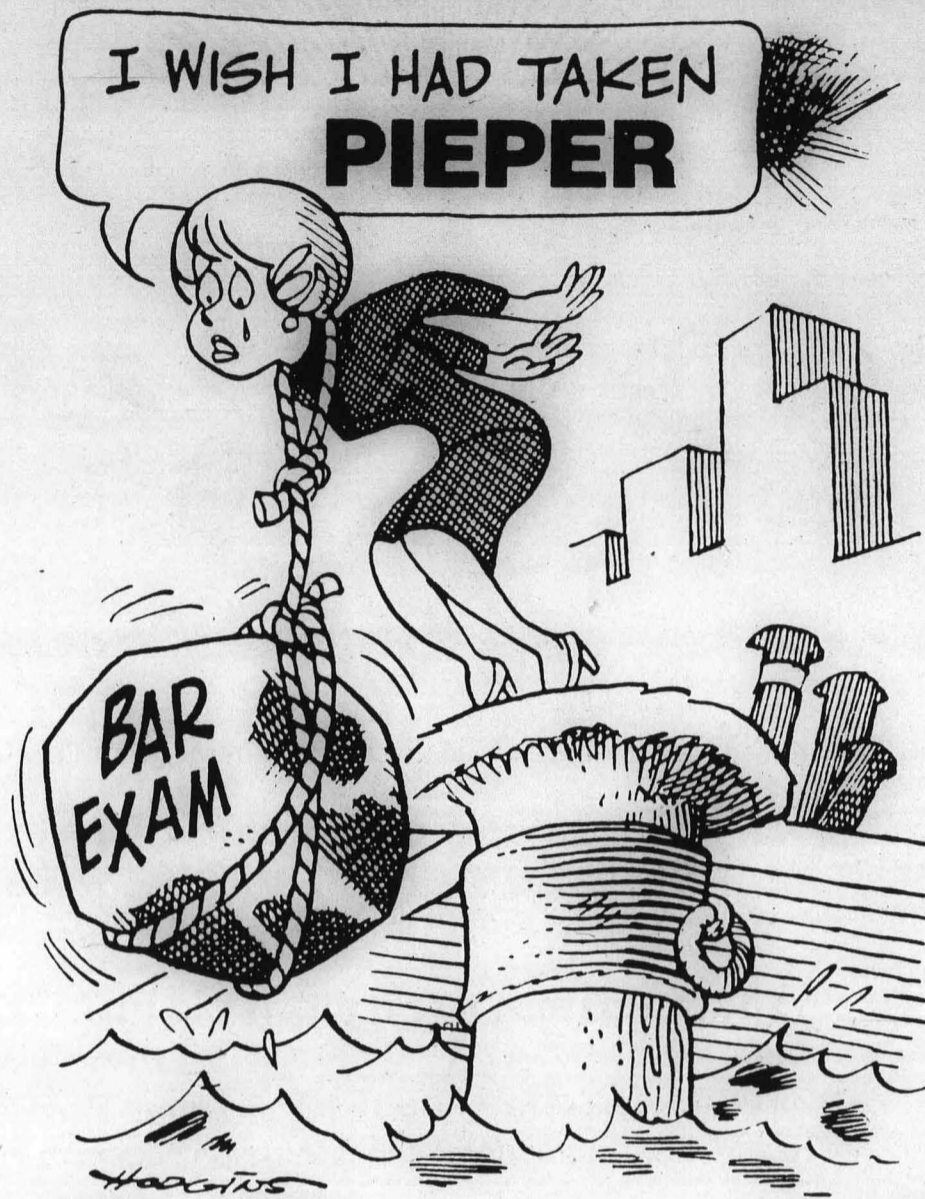
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Maria Lotempio
John Rowley
Cynthia Gonzalez

★ Treasurer ★
Kimi Lynn King



Kimi King, Treasurer

O.K. So let's cut through the credential garbage and get down to business. I have my Master's of Public Administration concentrating on budgeting and financing (two years of sheer unadulterated fiscal accountability and budgetary processes; fun stuff!).

For three and one-half years as an undergraduate I was the student accountant for the University of Illinois Student Housing Division, which funded all of the student programs and projects in the residence halls (the budget was approximately \$60,000) and yours truly was responsible for clearing the accounts and hauling people on the carpet to justify budgets.

Various other financial niceties include being business manager and treasurer for an independent theatre troupe; processing payments and vouchers as a resident director assistant; and organizing fund-raising and expenses for various not-for-profit organizations I have been associated with.

Now, down to the good stuff...

Somehow (God only knows), Vicki Argento was able to untangle the mess she inherited and manage to put the SBA books back in order (and do a wonderful job, I might add). Now with the fee hike going into effect and the last of the phone balances still on the horizon, hopefully the cloud of confusion will dissipate. This is exactly why I am running for treasurer.

The most important function of the SBA is its funding of the Law School groups and individuals requesting money. One of my first priorities is to keep the student body posted on where your money goes and how to get you involved in being a part of the process.

For instance, did you know that if you are attending a Law School related conference, you can personally request money? (Granted, the amount won't finance the bulk of your costs,



but every little bit helps.) There are a few strings attached, and the amount varies depending on how many people request funds, but it's there for you.

My second priority is to do some long range planning for the SBA (obviously, this is not a sole venture and I will be finding out what you would like to see happening and including ideas and goals of the whole student body).

Right now we seem to be operating on a day-to-day basis with the funding (part of that is due to the mess that had to be cleared), but it would be nice to see some physical donations to the school, i.e., how 'bout a laser-jet printer for doing your resumes or what about clearing out that gutter in the basement and putting in a student lounge so we can get out of that draft in the walkway?

So where is this money coming from...? What I will work very hard at doing is encouraging the student groups to do planning and fund-raising, which includes coordinating activities with other groups, so that financial burdens don't fall so heavily on one particular group with a great idea, but very little funding. To that end I will be in close contact with each treasurer of the student organizations so we don't get lost in the blur of the school year.

As for the other ideas, stop me in the halls, leave a note in my mailbox...I want to do this, but I can't do it alone.

★ Secretary ★
Michael Kulla



Michael Kulla, Secretary

As I was thinking about next year, my last year here at UB, I realized I wanted to become more involved with student groups. What I decided was to channel my energies into an SBA office. Based on my past experience, I feel I would be best suited for the office of SBA secretary.

My experience most notably includes being involved with the Buffalo Public Interest Law Program (BPILP). Last year I

was BPILP secretary. Currently, I am its president. Working in BPILP has given me the opportunity to learn how to deal effectively with fellow students, faculty, and the administration.

Having a good working relationship with people in the Law School is important for SBA officers. Since I have already established these relationships, I can bring that with me to the position of SBA secretary.

Being in BPILP also allowed me to gain an understanding of what is important to students and student groups. Such matters include fighting growing apathy, increasing student awareness to relevant issues, and organization funding and exposure.

Because I have seen things from the student organization side, I can incorporate those ideas into the workings on the side of SBA. I will be able to give the office my full attention since I will not be holding office in BPILP next year.

After evaluating my past involvement in student groups, I know I will be able to take on the office of SBA secretary and provide the competence and organization it requires.

Sexist Interview Questionnaire

by Robin Rosenberg

Job interviewers who ask questions that are not job related and which have an adverse impact on women or minorities are violating Title VII, the federal anti-discrimination employment statute.

Some students have encountered such prohibited questions or sexist remarks during interviews, while others have encountered discriminatory remarks on the job.

In an effort to educate the Law School about this problem, the Association of Women Law Students (AWLS) has designed a short questionnaire about sexist interview practices.

The questionnaire is available in the Career Development Office (CDO). If you have been subjected to sexist questions or remarks either during interviews or on the job, please fill out the questionnaire. CDO will

then contact the employer and AWLS will publish an article identifying the employers, the nature of the problem, and any comments the employers might have in response. Those who fill out the questionnaires will remain anonymous in the article.

By acknowledging that discrimination exists, AWLS hopes to confront the problem and eventually eliminate it.

Taking PINS Out of Court

by Daniel Ibarro

On Friday, March 6, the Baldy Center for Law and Social Policy and the Mitchell Lecture Friday Faculty Forum presented a Work In Progress lunch for the Education and the Handicapped Working Group.

The group members are Ronald Hager, Charles Ewing, Murray Levine, Jeffrey Hummel, William Stott, Lawrence Lane, Julie Teibel and Annette Peralta.

The topic of discussion was the involvement of handicapped students in Family Court. Hager spoke about the dilemma concerning the treatment of PINS

(Persons in Need of Supervision).

PINS are children who are under 16 years old, truants from school, ungovernable, or beyond the authority of parents or schools. These children are not necessarily criminals, but by virtue of their status find themselves involved with Family Court which determines their supervision.

Upon determination of whether a child is considered a PINS or not, Family Court often refers the child to a clinic where the child is evaluated and the Court receives a probation report on the child. Studies have

shown that large numbers of these students also have educational handicaps.

The working group is studying the possibility of dealing with these children in an out of court setting where the best interest of the child can be protected and nurtured.

The group would like to see these children referred back to their school district as opposed to having a direct court ordered disposition. There is a New York State law which would require such a referral in certain circumstances. The working group suspects that this does not occur.

AWLS Devoted to Women's Concerns

by Robin Rosenberg

The Association of Women Law Students (AWLS) is an organization devoted to issues of concern to women as law students and lawyers.

This year the members of the steering committee are Zulma Bodon, Cindy Eyler, Cindy Fenchel, Arlyn Goldberg, Kirsten Hertz, and Shelley Rice. The group's treasurer is Barbara McLean.

Some annual events which took place last fall included a potluck dinner and a reception with the women faculty. AWLS members also attended a family violence conference, the graduate group for feminist studies' presentations, and the UB Women's Conference. AWLS also held a sandwich sale to raise funds for the 18th National Conference on Women and the Law.

This spring AWLS held its annual "un-bake" sale to raise money for the Conference. AWLS calls it an "un-bake" sale to avoid perpetuating stereotypes about women, and the baked goods are generally named after well-known feminists to reflect that objective.

AWLS's primary goal for the year involves fund raising for and participation in the Confer-

ence, which was held in Washington, D.C. from March 19 - 22. Fifteen women attended the conference last March in Chicago, and considered it the highlight of law school.

This year the Conference again offered practical workshops, panel discussions, and a keynote address dealing with new developments in the law that affect women.

Following the Conference, AWLS will give a presentation and put together a display in front of the library.

In addition to the Conference, AWLS has planned another potluck dinner, a coffee-house, and co-sponsorship of speaker Karen Johnson on April 3. Members will also attend the Alternative Reproductive Technology Conference on March 27.

Drop by the office — O'Brian Hall room 10 in the basement — to take advantage of the job bank and publications, such as the *Women's Annotated Legal Bibliography* and *Women Alumnae Networking Questionnaire*. (Keys are available at the library's circulation desk.) For further information, leave a note in the AWLS mailbox in the third floor copy room.

Results of the 1987 Albert R. Mugel Moot Court Competition

WINNERS:
Pamela W. Barge
Laurie Allen
Emory University

SEMIFINALISTS:
David Buran
Amy J. Herter
Albany Law School
Laura B. Cimino
Anthony L. Ehler

BRIEF WINNERS:
First Place:
Daniel P. Johnson
Richard D. Rose
University of Pittsburgh

ORALIST WINNERS:
First Place:
Pamela Barge
Emory University

FINALISTS:
Nancy E. DeCarlo
Bruce W. Hoover
SUNY at Buffalo

Ann M. Neill
Wake Forest University

Second Place:
Amy J. Herter
David Buran
Albany Law School

Third Place:
Richard C. Slisz
Birgit S. Philipp
Albany Law School

Second Place:
David Buran
Albany Law School

Third Place:
Ann M. Neill
Wake Forest University



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Editorials

SBA Elections — VOTE!

SBA Executive Board elections are being held today and tomorrow, and it is disappointing to see that so few students have chosen to seek offices. Until shortly before the deadline for submitting personal statements, all of the four seats were uncontested. Now, however, with the addition to the race of Andy Bechar and Belina Anderson, there are two candidates each for the offices of president and vice president.

This pervasive apathy is not confined to SBA. We have felt it at *The Opinion*, where editorial board elections will soon be held and there are hardly enough staff members to fill the necessary positions.

Perhaps we law students have become complacent by resting on the successes of a relatively eventful year. Under Brett Gilbert and the current Executive Board the student body has become involved in several important issues. Summing up the past year, presidential candidate John Williams states, "I...feel that SBA has stepped into the realm of political expression, something that the student body did not explicitly sanction us to do." It is true that SBA has stepped into that realm, but such a step is not, as Williams seems to imply, necessarily bad.

As president of the Student Bar Association, Brett Gilbert has been able to recognize problems which are of interest to the student body, bring these problems to the students' attention, and encourage us to do something about them. When parking lots were an issue, Gilbert was in the forefront of the protest, reminding the University that the Law School is still a part of the UB community rather than simply a traipsing ground for undergrads.

When Central Administration wanted to decide who would represent the students on the Dean Search Committee, Gilbert and SBA pushed and succeeded in persuading the Administration to accept the students' choices. Finally, when the Career Development Office wanted to bring to campus employers who discriminate on the basis of sexual orientation, in direct opposition to an Executive Order issued by Governor Cuomo, SBA passed a resolution calling for CDO to deny the use of its facilities to employers who discriminate against homosexuals.

These are important issues which probably would have been overlooked if not for a student government which was willing to take a stand.

It seems that the student body has become apathetic. We don't need an apathetic student government. If student government is not going to remain active in issues which directly affect the students, there is no point in having a student government at all.

Read the candidates' statements. Consider the choices carefully. Be concerned with who will be running SBA — it affects us all — and VOTE.

Short Notice Again

Last week a three-member accreditation committee visited the Law School for what one member of the committee called a "sabbatical inspection." Such "inspections" are standard, taking place in all ABA accredited law schools once every seven years. The purpose, according to committee members, is threefold: (1) to perform a checklist function, making sure that the Law Library seating spaces comply with ABA standards, etc.; (2) to get a sense of the goals the faculty has set and to determine whether those goals are being reached; and (3) to give advice and spread ideas.

Law students were invited to meet with the committee members in an informal give-and-take interchange on Thursday afternoon, March 26. However, the short notice (flyers were posted only several hours beforehand) resulted in an extremely light turnout for an event which was of such great importance. Most students missed out on a key opportunity to sing the praises of our Law School, make their criticisms known, and get a feel for how it compares with other law schools. While those students present took advantage of the opportunity to make their feelings known, especially with regard to the assets of the Law School, the impact of what they said was diminished by the poor turnout overall.

Which brings us to one of the major shortcomings of this Law School — the ineffective communication system between administrators, faculty and students. Effective communication is crucial to mobilize any body to act and move forward. More bulletin boards (perhaps designating some "Law School only"), a PA system, etc. would start to scratch the surface. But what really needs to be formulated is a specific plan for disseminating information to students in general, and disseminating it in a manner in which adequate notice is given so that adequate response can be given.

The Opinion Mailbox

Clarification on Referendum

Editor:

This letter is in reference to the article *SBA Passes Non-discrimination Resolution*, which appeared in the last edition of the *Opinion*. I would like to clarify an inaccuracy reported in that article.

I initially did propose that the SBA hold a student referendum on the resolution, but I never withdrew my proposal after discussion. The proposal did not survive because the SBA voted it down 13-2-1. The overall reaction to the proposal for a referendum was greeted with much opposition.

The opposition thought that

the elected student directors should decide an issue such as the resolution. I wholeheartedly agree that JAG's discriminatory hiring policies against gay people should not be tolerated in this Law School. What is more important is the genuine sentiment of the entire student body on the issue of employers who have discriminatory hiring practices based on sexual preference, sex, race or any category that discriminates.

In order to solicit student input a referendum would have been appropriate to indicate where the students as a whole stood on the issue of discrimi-

nation. The referendum would have given the student body proper notice that the SBA was contemplating a resolution such as this and was looking for the student body to make a unified decision.

Now that the SBA has decided not to hold a referendum the student body has two options: (1) to initiate a petition for the SBA to hold a referendum; this petition would have to be signed by at least 90 law students, or (2) accept the decision of the SBA.

John J. Williams
 Second year director

Marcus Lauds Bodón Article

Editor:

I wish to commend *The Opinion* for publishing Zulma Bodón's excellent article on women and minority faculty appointments. The article is first rate. In particular, I find the charts very valuable.

Professor Isabel Marcus

Cleo Says Thanks

To the Law Students,
 Mr. Schlegel and
 "Ronald Reagan":

Thank you all so much for the lovely fresh-flower arrangement and the get well poster card.

You don't know how much your best wishes and loving

messages have meant to me. I hope it won't be too long before I am back among you.

I have hung your poster card in our kitchen where I can read your best wishes over and over again.

Love,
 Cleo Jubulis

'Tell Your Government to End This War'

by Richard Giacomia

Last August I traveled to Nicaragua with a group of law students to study that country's new constitution and emerging legal order.

Our three week program consisted of formal classes taught by Nicaraguan law professors giving us a sampling of pre- and post-revolutionary law. In addition, we met and spoke with Nicaraguans active in various sectors of the new society including government, media, labor, and youth and women's movements. I also traveled freely (of course observing safety restrictions due to the war) and spoke with as many people as I could.

While efforts at advancing the revolutionary society like writing a constitution continued, Nicaraguans were and are primarily concerned with the ongoing war against the U.S.-backed contras. Our government is forcing the people literally to fight for their survival.

Before the trip I pondered the idea of visiting a country whose citizens are daily being blown up at the will of my government. Could I expect a warm welcome? I recalled the treatment of Japanese Americans during World War II and that of Iranian students in the U.S. who were beat up during the hostage crisis of 1980. Instead of hospitality, I wondered whether I should expect hostility.

In fact, people in all sectors of the society greeted us enthusiastically. Members of the National Assembly, the government's legislative body, attended all of our classes, which was a great honor. Interestingly, they did not seek to lecture us on the way things were (as I'd expect in the U.S.) but sat modestly in the back of the room and listened to the professor and to us.

After speaking with countless Nicaraguans in formal and informal settings, I was struck by the fact that no one vented their feelings about the war in anger toward me. One woman said that would not achieve any-

thing positive. She told me that her people distinguished the American people from their policymakers. I was an ambassador for my people she said, and it would be my responsibility to disseminate my findings upon returning home so that North Americans become aware of the reality in Nicaragua.

Another woman whose son recently was killed in the war beseeched us to "tell your government to end this war." Many other people told us to do the same. Such encounters inspired me but at the same time left me feeling hopelessly powerless. How naive these Nicaraguans must be, I cynically thought at first, to believe that I could "tell my government to stop the killing." Would the President, Congress, the Pentagon and the CIA listen to my voice and stop their multimillion dollar war tomorrow? Of course not, but no Nicaraguan expected that.

My problem was that I wanted the gratification of seeing prompt results from my own efforts. In Nicaragua I learned that the revolution would never have triumphed if such self-centered thinking prevailed. Ending U.S. domination through the Somoza dynasty must have seemed unachievable at first, too. But it happened because for decades people worked at it, doing what they could, without undue concern over whether or how soon they would succeed. We have a lot to learn from our Nicaraguan brothers and sisters.

The Constitution

As we mark the bicentennial of our Constitution, another nation whose people fought long and hard to end foreign domination just enacted its own. Nicaragua made an important stride toward institutionalizing its revolution this January when the president and delegates to the National Assembly signed the new Constitution into law.

The document is exhaustive, with over 200 articles dealing

with virtually every aspect of life in the new society. It is the product of many months' debate in public meetings and the National Assembly and, in a larger sense, many years of struggle for political freedom and social progress through self-determination.

The constitutional process was initiated during the 1984 elections when the National Assembly was given a mandate by the people to draft a Magna Carta within two years. In August of 1985 a national consultation was carried out with leaders of the political parties, mass organizations, social groups, guilds and unions. These groups appeared before the Special Constitutional Commission of the National Assembly and made proposals concerning the Constitution.

At the same time, delegations from the National Assembly traveled abroad to study the constitutions of other countries. The information acquired from these two educational experiences became the base for the first draft of the Constitution written by the National Assembly in February of last year.

In May and June open forums were held in which Nicaraguans from all sectors of society directly made contributions, criticisms and suggestions to the first draft. The revolution made it possible for citizens to have such direct input in the framing of their constitution. The process proved to be a giant civics or political science class in which people learned what a constitution is and how it applies to everyday life.

At the same time, the National Assembly members learned more about the concerns of the people in their districts. The Constitutional Commission incorporated these contributions into a second draft which the legislature debated in the fall and ultimately ratified.

The Constitution guarantees basic individual rights such as free religious worship and the right against unlawful detention and imprisonment. Political

Life in the Fast Lane... Without Clothes...

by Kevin O'Shaughnessy

Eight days. Continental Airlines lost our luggage for eight stinking days. And I mean stinking. While Will Zickl and I were washing our clothes every other day in San Diego, some bozo baggage handlers in Newark were playing Australian Rules Football with Will's duffle bag and my backpack.

Initially, I decided that Continental's employees and shareholders should be forced to wear one set of clothes for eight days. An eye for an eye, Hammurabi and all that. But after some thought, I decided to get biblical. Continental should be decimated by a plague, preferably a new strain of anthrax. I can see some producer talking: "Hmmm, Corporate Plague...I love the concept. We'll get Peter Graves, Jaclyn Smith, and Scott Baio (to play the delivery boy that starts it all)...it's a can't miss mini-series!"

Luggage aside (2,500 miles aside), we were determined to have a good time. This was our last Spring Break. The last chance at a socially sanctioned full fledged (...can something be half fledged?) plunge into hedonism. After graduation, students enter the "real world" (theoretically) and go on vacations.

A vacation is very different from spring break. A vacation is a well-planned nightmare involving Club Med, relatives or Winnebagos, frequently documented in maniacal detail through the use of slides. A real world "break" lasts 15 minutes and consists of gossip, coffee and danish.

Will and I spent the next three days in San Diego tracking down our luggage, watching the NCAA basketball tournament and searching for San

Diego's hometown hero, Dennis Connor. Our search was concentrated on various San Diego bars. One of our favorites, although Dennis never showed, was a cinder block bar called the Morena Club. The Club (or Club de Morena) featured two pool tables, grilled cheese sandwiches, and a country and western jukebox.

After three days, we were still without luggage and still no sighting of the "Liberace of Sailing" (as Will referred to him). We were fairly certain that Dennis was still visiting Disney World. His plastic smile and glazed eyes lead me to believe that Dennis is not in this world very often...He may be a permanent member of the Magic Kingdom. Heartbroken, we left San Diego and traveled to San Felipe, Mexico.

I know, I know. A bunch of ugly Americans taking advantage of the depressed Mexican economy. Not this time. We were tourists on a mission. Continental had graciously agreed to reimburse us for 50 percent of our clothing purchases while our luggage was being rerouted through Beirut.

We did not haggle. We paid the first price mentioned, as long as they doubled the receipt ("doble receipto"). It was a beautiful thing to see...American tourists and Mexican merchants joining forces to screw a major corporation. Although we were later reimbursed for our "doble receiptos," Continental is not off the hook: I am still pulling for a corporate plague...with or without Jaclyn Smith.

We returned to San Diego to find that our luggage had been flown from Newark back to Buffalo. After shrieking at several

stone faced airline lackeys (the first to go when the plague hits), we were able to talk to a "manager." She assured us that our luggage would be in San Diego in 24 hours.

We celebrated St. Patrick's Day with a corned beef and cabbage dinner (cooked by a man known as "Brew Doggie"), and a few glasses of Jameson and green beer served at a fine Irish place called O'Connell's Bar. While San Diego does not celebrate St. Patrick's Day with the same hellish intensity as Buffalo, it was an evening to remember...unfortunately, I cannot. My friends spent most of the next day debriefing me regarding my actions at O'Connell's...since they cannot be verified, I will not report them. I am, after all, a serious journalist.

With much fanfare and celebration, Continental, a corporation with thousands of employees and millions of dollars in assets, delivered our luggage eight days late. Welcome to the Computer Age...Three cheers for the Service Economy. We clutched our bags and tried not to think about the return flight. Where would our luggage go next? Bombay? Jakarta? Iowa City?

Now that our luggage had been secured, we traveled to Los Angeles to fulfill the true purpose of our sojourn to Southern California: to reunite the Dublin Poker Club. Two members lived in San Diego, two in L.A. and two in Buffalo (Will and myself)...The club was formed last summer during the University of San Diego's International Law Program...Without getting deep into heterosexual male bonding, suffice it to say that it was important that

we play poker together one last time.

Our plan was to spend a couple of days in L.A. and then return to San Diego for the last big game. The first person I met in L.A. was a burned-out Dianetics hustler who spent 10 minutes trying to sell me L. Ron Hubbard's guide to a better life. He insisted that L. Ron had gotten a bad shake from the press. I told him if I thought a book would help solve life's miseries I really did have a problem. I am not sure he understood; either way it was no sale. I love L.A. ...

The next person I met was a bag lady (is it any wonder I didn't cross paths with Dennis Connor?). She was selling bags of Fritos for a dollar. After listening to 10 minutes of a Dianetics pitch, her direct solicitation was refreshing. I bought the Fritos. I love L.A. ...

After hooking up with the L.A. faction of the Dublin Poker Club, we adjourned to a bar to watch Syracuse destroy Florida's chance at the final four. The highlight of our evening was our waitress. A recent emigré to L.A., she was from Seattle, Washington. Her parents didn't love her, they just sent money...a thousand dollars just last week. I told her that my parents loved me, but if I asked them for a thousand dollars they would send me a postcard telling me that they loved me.

She continued with her life story; she did not believe in marriage but was very much in favor of living together and, more generally, sex. I went to the bathroom before she had the opportunity to reveal her

gynecological history. After I returned she decided to prey upon another table. I love L.A. ...

The next day, Will and I took a tour of Universal Studios. We spent the next two hours listening to an ex-cheerleader/would-be actress and an ex-standup comic/would-be game show host introduce us to King Kong, the shark from *Jaws* and Lily and Herman Munster's place (a.k.a. 1313 Mockingbird Lane). There was also a "behind the scenes" look at special effects. Will was disappointed because they did not explain the greatest special effect: our tour guide's hair. I surmised that a space age lacquer was involved. All this for \$15. I love L.A. ...

We spent the evening driving the freeways of L.A. and checking out the different bars. L.A. is not a city — it is eight million people hanging out and waiting for a city to show up. Beverly Hills is not to be missed. It is Mister Roger's Neighborhood on valium. While we were in Beverly Hills, I thought of the movie *Salvador* and James Woods' line about America, "This is a great place, you can do anything you want...As long as you have money."

The Dublin Poker Club reunion took place in San Diego the next evening. Six friends who never thought they would be together again. It was the highlight of our trip. Proof of a better life through poker. Two drunken days later we were on our way back to Buffalo. As I spied my backpack coming down the luggage ramp at Buffalo International Airport, I smiled to myself and muttered, "I love Buffalo."

Commentary

One's Perspective on Becoming a Person

by Daniel Ibarondo

The first part of this article dealt with the initial stage of self-awareness as it leads towards self-determination. (*The Opinion*, Vol. 27, No. 11.) Many thanks to the numerous people who enjoyed reading the article and opened their perceptions and thoughts on the subject matter to discussion. The following stages will clarify and hopefully continue to provoke thought to those who have approached me and stimulate interest in others.

As stated in the first article, the person in the Pre-Encounter stage lives with a distorted worldview and perception of self. Self-hatred due to a lack of understanding of him/herself and misguided perceptions of the American society are a common factor for the Puerto Rican in this stage. There are many factors which cause the individual living in the Pre-Encounter stage to begin to take notice of the Puerto Rican experience.

Encounter Stage

The question to be asked is what experience, information, event, etc. causes a person functioning at the pre-encounter level to become interested, or at least receptive to, material that will contest a number of his/her basic socio-economic, political, psychological and cultural assumptions? Stated in

the simplest fashion, what motivates a person in the pre-encounter world to encounter or become a Puerto Rican? A predicted answer is indicated by the word "encounter"; that is, some experience that manages to slip by or even shatter the person's current ideological and/or ego structure.

Probably the encounter factor will turn out to be of a verbal or visual nature at first and is secondarily an in-depth intellectual experience. This stage is frequently precipitated by a political, judicial, or social injustice, death or defeat of a Puerto Rican or marginally American hero which is communicated verbally or visually, such as the murder of Martin Luther King, Jr. or Malcolm X, the imprisonment of Albizu Campos, or the Young Lords confrontation vis-a-vis Juan Gonzalez or Pablo (Yoruba) Guzman. A person may be "turned on" by his/her mate; that is, a Puerto Rican catalytic love affair. Witnessing a friend hurt by the police, or being beaten by the police personally, are also examples.

We might find it necessary to divide the Encounter Stage into two steps: (a) experiencing the encounter and (b) beginning to reinterpret the world as a consequence of the encounter. Step (b) is a testing phase during which time the individual

cautiously and fearfully tries to validate his/her new perceptions. On the outside the person fakes a real understanding of what is going on through the use of clichés, yet on the inside the person is asking himself "maybe things are different than I thought them to be and if so, I want to find the truth." The first set of questions is very personal:

Middle-class person: "Am I really trying to be an American?"

Ghetto youth: "Is it right to kill another Puerto Rican or prostitute my 'sisters?'"

College student: "Do I date American girls or am I avoiding Puerto Rican women? Just what is the basis of my aesthetics?"

The tentative answers are predictable and the person usually compares the implications of his answers with the manner in which he had been living (Pre-Encounter stage). At this point guilt becomes a tremendous factor. All the massive guilt and anxiety, plus a desire to be logical, rational and wanted, erupts hurling the person into a frantic, determined, obsessive, extremely motivated search for Puerto Rican identity; that is, a new sense of equilibrium. The person has then reached the Immersion-Liberation stage.

A quick summary of our prog-

ress so far suggests that in the Encounter stage, the person first experiences an event which literally forces an individual to reassess his current (pre-encounter) worldview. Previously hostile or neutral towards the Puerto Rican movement, the "encounter" jolts the person into at least considering a different interpretation of the Puerto Rican condition.

As a consequence of the "encounter," the person begins to ask questions that predictably lead him/her to conclude he/she must seek to become a "real" Puerto Rican person; that is, a level of receptivity to a more radical definition of him/herself is maximized. At the point where the individual experiences an overwhelming desire to know about and become Puerto Rican, the person enters the Immersion-Liberation stage.

Immersion-Liberation Stage

This is a period in which the person immerses himself in the world of PUERTORICANESS by attending political meetings, rapping sessions, Puerto Rican theatre, seminars, art shows, etc. Everything of value MUST be Puerto Rican or relevant to Puertoricaness. It is explained as an immersion into Blackness and a liberation from Americanness. The person actually feels that he/she is being torn from

his former orientations. It is a powerful and dominating feeling.

He/she is swept along in a sea of PUERTORICANESS. The American world, culture and person are dehumanized (honky, gringo, pig), that is, becomes biologically inferior and in the same instance the Puerto Rican person is deified. Everything that is Puerto Rican is "good." The person accepts everything about him/herself: Spanish surname, brown skin, straight, curly or "kinky" hair, their very "being." That the person exists and is Puerto Rican is considered an inherently beautiful phenomenon.

The person in this stage usually has a creative burst, including writing poetry, essays, plays, novels, confessionals, sculpturing, painting, etc. People who never sought or experienced creative concerns often find the ability to express themselves in a totally new mode. Many professional Puerto Rican artists speak of a profound and fundamental change in the quality of their work. With the realization of their Puerto Rican "being" they could begin to find and express fundamental essences.

During this period there is a turning inward and a withdrawal from everything that is per-

continued on page 8

cal rights such as petitioning the government and free assembly are also protected. The right to own private property is protected although made subordinate to the public interest. The death penalty is outlawed and the maximum prison sentence is 30 years.

The Constitution also recognizes the autonomy in language and culture of indigenous peoples in the Atlantic Coast region. Social rights are also guaranteed. Nicaraguans now have the constitutional right to free medical care, to be protected from hunger, and to decent housing. Regarding the family, the rights and responsibilities of men and women are to be equal.

While the Constitution was just activated, the legal machinery and especially the popular attitudes needed to bring some of its rights and guarantees to life should be expected to develop more slowly. In the case of protection from hunger, the U.S. war of aggression has made that right a goal for the future.

Penal Reform

One of the best examples of the societal changes made possible by the Nicaraguan revolution is the functioning of the penal system. Characterized by torture and disappearances during the Somoza dictatorship, it is now a forum for alternative correctional methods.

One of these is the system of open-air penal farms. We visited one with our hosts from the Managua Law School. Situated in the fertile outskirts of Managua on land previously owned by Somoza, this prison without walls holds up to 50 men. There were less when we visited, however, since 16 recently were pardoned.

All of the prisoners had been members of Somoza's National Guard. They were convicted by Popular Anti-Somozista Tribunals, special courts established after the revolution, of such war crimes as rape, torture and murder. Some were sentenced to the maximum 30-year term. The penal farm is a tranquil

environment where the detainees live a self-sustained life by farming, cooking and cleaning. There are no walls, fences or armed guards — just living quarters with TV, a relatively primitive cooking area, and the farm itself. On weekends some of the men go home to be with their families, while the others may have family visit them for the two days.

Participants for the program are selected by a necessarily careful process. Of course, not all offenders participate. All are housed initially in conventional closed prisons. Those who then demonstrate responsibility and a willingness to perform the kind of work done at the penal farm are chosen. The nature of one's offense, we were told, matters little in arriving at this decision. More important is the likelihood that the offender will be rehabilitated so as to re-enter society successfully.

The non-restrictive nature of the penal farm, aimed at breaking down the stigma normally attached to prisoners, is key to

its rehabilitative function. The men are supervised only by two unarmed guards. Escape or uprisings are not a problem though, in spite of the fact that the prisoners, who work with large machetes and axes, are better armed than their guards.

We walked out into the fields, dodging irrigation sprinklers, and the men paused to talk informally with us. One very large man, machete in hand, was an ominous sight, especially when I visualized him in his previous occupation wearing the Nazi-like helmet of the National Guard.

In conversation I learned that the men appreciate their treatment and generally respect the revolution which makes it possible. One man viewed his role at the farm as being part of a "historic process." Another said that the weekend visits by his family were sometimes too much and he had to tell them to go home.

As law students we were particularly captivated by the re-

marks of one of the prisoners, an older man serving a 30-year term. He was a lawyer and served during the dictatorship as counsel to the National Guard.

As lawyers, he said, there are always choices between following your conscience or the law; "I followed the law." He advised us to "keep the codes of law near to your heart. But deeper in your heart should be your conscience."

He and the dean of the law school, who accompanied us that afternoon, were classmates as law students. Notwithstanding the sea of difference separating their lives now, they joked together fraternally, as if still in school. This, I thought, was one of the accomplishments of the revolution.

On Monday, April 6 at 12:15 p.m. in the Faculty Lounge there will be a lunchtime discussion on Nicaragua given by law students who have been there. Everyone is welcome to attend.

Becoming a Person

ceived as being or representing American culture; yet ironically a need develops to encounter the MAN or AMERICAN to "prove" and dramatize one's Puer Ricaness. The confrontation, especially for Puerto Rican leaders, is a manhood or womanhood ritual — a baptismal or purification rite. Carried to its extreme there is a receptivity to confront American people (usually the police) on a life or death basis; that is, the Chicago Affair of 1967.

No control or oppressive technique, including threat of death, is feared. Generally, confrontation, bluntness, directness and an "either/or" approach are the primary if not the only basis of communication with other people. Either you are or aren't Puerto Rican; Americans should either put up or shut up, etc. Puerto Rican people are classified or simplified into neat little groups or categories à la Uncle Tom, militant, together, American,


middle class, etc. The overall process is a purification process. Frantz Fanon's concept of psychological liberation through the violent overthrow of one's oppressor appears to be relevant, only the circumstances in the United States force the oppressor's death to be thought about or dreamed about but not actually carried out.

To continue, everything is re-evaluated in light of the person's new or developing ideol-

ogy. Rhetorically, the person shifts values from individualism to mutualism or collectivism. A constant theme of selflessness, dedication and commitment is evident; a person feels an overwhelming attachment to all Puerto Rican and marginally American (Mexican-American, Indian, Black and Latin American) people. Their main focus of life becomes this feeling of "togetherness and soul." The zenith of the Immersion-Liberation stage is the

crystallization of the above events.

The second half or latter quarter of the Immersion stage is a leveling off process. A person cannot continue to handle such an intense and concentrated affect or attention level (true for the ghetto resident?) and must level off. The leveling off phenomenon is greatly facilitated by the direction of the movement as indicated by national and international Puerto Rican,



BAR/BRI STUDENTS PASS THE BAR

ALSA Lecture: Redress for Japanese Americans

ASIAN LAW STUDENTS ASSOCIATION

Present a Lecture:

PHILIP TAJITSU NASH

Assistant Professor, CUNY Law School
Instructor, Asian American Studies, Yale University
Board Member, Asian American Legal
Defense and Education Fund, New York City

"Japanese American Internment: Ramifications for the 1980s"

DATE:

Thursday, April 16, 1987

TIME:

3:30 p.m.

PLACE:

108 O'Brian Hall

CO-SPONSORED BY:

Graduate Students Association
International Law Society
Latin American Law Students Association
Law Students Civil Rights Research Council
National Lawyers Guild
Student Bar Association

ENDORSED BY:

Black Law Students Association

by Al Dong

Formed in the Fall of 1986, Asian Law Students Association (ALSA) seeks to provide support among Asian law students, to facilitate Asian law students' interaction with and contribution to the Law School community, and to provide a forum for legal issues concerning Asians.

To celebrate the formation of ALSA, the organization hosted a wine and cheese reception on Thursday, Feb. 12, in the fourth floor staff lounge. Present at the reception were faculty, staff, and students.

In keeping with its objective of informing the Law School community on Asian-American issues, ALSA is sponsoring a lecture on "Redress for Japanese Americans." The lecture will be conducted by the Asian American Legal Defense and Education Fund in mid-April.

The issue on redress for Japanese Americans is currently under consideration by Congress. Over 40 years after the military evacuation and internment of 120,000 individuals of Japanese descent during World War II, bills are pending in both houses of Congress (H.R. 442

and S. 1053) to provide: (1) a congressional apology to the internees; (2) a presidential pardon to those convicted of violating the racially discriminatory laws; (3) a public education fund which would inform the public about the internment, so that a reoccurrence may be prevented; and (4) a \$1.5 billion trust fund to pay \$20,000 in compensation to each survivor.

The lecture will also focus on *United States v. Hohri*, 782 F.2d 227 (1986), a class action suit which attempts to hold the government liable for monetary damages arising from the internment. On Nov. 18, 1986, the United States Supreme Court agreed to review the government's appeal in *Hohri*. While the government has admitted that the internment was a moral wrong, the appeal will not directly focus on the legality of the detention. Instead it appears that the Court will examine issues of jurisdiction and statute of limitations. According to the Asian American Legal Defense and Education Fund, the Supreme Court is scheduled to hear arguments in April or May of this year.

ALSA cordially invites you to attend the lecture, which is endorsed by the Black Law Students Association, and sponsored by: Graduate Students Association, International Law Society, Latin American Law Students Association, Law Students Civil Rights Research Council, National Lawyers Guild, and the Student Bar Association.

Ewing. . . continued from page 1

The 100 case studies described in the book cross racial, ethnic and socio-economic lines. Battered women who kill may be married to or living with physicians, laborers, the unemployed or the highly affluent or successful who are their abusers and torturers. According to Ewing there are some key differences between battered women who kill and those who do not.

"Essentially, those who kill experience more severe abuse early in the relationship which escalated more quickly than those who do not kill their abusers," he said. Also, the women who killed tended to be older and less educated than those who did not kill.

"More importantly, perhaps, those who did not kill had not yet reached that point where they felt their psychological selves were in imminent danger of being destroyed," he said.

If Ewing's proposed change in the law were to be adopted by state legislatures, it would be the first time in the nation's history that a legal doctrine of psychological self-defense would provide jurors with a legitimate legal basis for acquitting women charged with homicide of the men who repeatedly abused and tortured them.

While Ewing's book deals with battered women, he notes adoption of the concept of psychological self-defense could apply to other cases such as battered children who eventually kill their battering parents.

Ewing, who has served as an expert witness in many criminal and domestic trials, received his Ph.D. in child and family psychology from Cornell University. He was a post-doctoral fellow at Yale University and holds a law degree from Harvard.

How to buy a jacket.



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Ninth Race Judicata Attracts Classy Competitors

by John Zuroski

The O'Brian Harriers, the Law School running club, would like to announce the running of the Ninth Annual Race Judicata on Thursday, April 16 at 4:15 p.m. This is the annual Law School running race for all law students, faculty and staff.

The race route begins in front of O'Brian Hall and is fast, flat and relatively short (2.4 miles). The race is sponsored by SBA, which will provide all awards, food and drink after the race.

If you're a beginning jogger or have never entered a race before, then this is a great opportunity to get a taste of competition. If you're an experienced racer looking for some hot competition, then you'll be glad to

hear that Alberto Salazar and Carlos Lopes (the Olympic gold medalist) have accepted our invitations and will be competing for the coveted first prize trophy.

In the women's field, Mary Decker-Slaney and Zola Budd should provide some excitement. (We had to get somebody to give Jennifer Sanders some competition.)

Last year's race drew 60 people and this year we are hoping to double that number and have 50,000 screaming spectators lining the spine to root on the runners. Like last year, there will be a commemorative race T-shirt offered at cost to all those wishing to buy

one. There will be a table in front of the Law Library to order these shirts and to sign up for the race.

As to the Law School field here are some early predictions: (1) Jack Luzier will *not* run the race dressed as a pilgrim, but will instead wear a costume resembling a New York reporter; (2) Wade Newhouse will fire the starter's pistol to begin the race; (3) Katie Kieb will run the race, though she'll claim not to be entered until seconds before the gun goes off; and (4) Larry Specazzi will not win the race.

P.S. Not every fact in this announcement is true—the course is actually just a little

hilly. If you have any questions about the race, just ask Jack Luzier, Dave Gugerty, or John

Zuroski or drop a note in their mailboxes.

Non-Traditional Couples In 'Heterosexist' System

by Kenneth Yood

In November 1983, Sharon Kowalski was severely injured in a car accident. Now a quadriplegic, Ms. Kowalski is no longer able to take care of herself and is therefore confined to a nursing facility. Following this crippling accident, a battle ensued between Ms. Kowalski's father and her lover of four years, Karen Thompson.

Since the accident, Ms. Thompson has been denied all visiting rights to Ms. Kowalski and Ms. Kowalski has been moved to an inferior care facility by her father in order to further insure that Ms. Thompson does not have any access to his daughter.

In an effort to strip Ms. Kowalski of all rights in the matter, her father and those representing him have consistently misrepresented Ms. Kowalski's medical condition. Ms. Kowalski has been described by her parents, their attorney, and the straight press as a quadriplegic totally helpless mentally and physically, totally incompetent, incapable of making any decisions for herself or communicating her wishes in any way.

In contrast, there is documented evidence that Ms. Kowalski can respond coherently to

questions and has in fact expressed wishes to be reunited with Ms. Thompson.

Despite the frightening ramifications of the above for the rights of all the disabled, many of the leading disabled rights groups are shying away from the case due to the overriding issues of homosexuality. In Ms. Thompson's own words, "[The case of Sharon Kowalski] is establishing case law that could be used not only against gay and lesbian couples and unmarried heterosexual couples living together but against every single human being, as well. In one split second any of us could become Sharon Kowalski. We could be disabled through accident or illness, and this case could be used to take our rights away from us."

On April 3, at 4:30 p.m. in O'Brian Hall room 108, Ms. Thompson will speak about her custody battle for Ms. Kowalski and related issues facing non-traditional couples in today's heterosexist legal system. Ms. Thompson's talk is sponsored by the Law Students Civil Rights Research Council, the Gay Law Students Organization, the National Lawyers Guild, and the Association of Women Law Students.

Oppression in Latin Am. Is Focus of NLG

Oppression at home and abroad has been the focus of the UB Chapter of the National Lawyers Guild this semester. The Guild's Latin America Task Force (LATF) sponsored a slide presentation by Carol Alt, who spoke about the suspension of civil rights in Chile.

Alt, who recently returned from a church-sponsored fact-finding tour of Chile, stressed the need for an end to U.S. support for the brutal dictatorship of General Pinochet.

The Guild's LATF also promoted campus awareness of U.S. complicity in the contra-inspired terror in Nicaragua. A month-long display in the Law Library highlighted the great strides in health care, literacy, and popular participation in the

political process that have occurred in Nicaragua since the Sandinista triumph in 1979.

The display contrasted this progress with the destruction of life and property caused by counter-revolutionary mercenaries in the employ of the U.S. taxpayer. The display was assembled from items collected by law students who had recently studied in Nicaragua.

Richard Giacoma, chair of the LATF, encouraged Guild members to express concern to elected representatives about the nature of aid to the contras. In conjunction with the Buffalo Area Pledge of Resistance, the Guild and the UB Greens sponsored a mail-in campaign directed at Congressional repre-

sentatives from New York State.

Thousands of anti-contra messages have been mailed from UB, according to Giacoma and Robbie Billingsley, who coordinated the endeavor.

The NLG is currently planning to host a Nicaraguan soldier, Frank Serrano, who will speak on issues of conscription, contra violence, and health care. Serrano will be accompanied by Mark Cook, from the Central American Historical Institute (Managua).

Both will speak on Thursday, March 26, in O'Brian Hall room 108 at 7:30 p.m. and again on Friday, March 27 at the Unitarian Church, Elmwood at West Ferry, at 7:30 p.m.

Douglass Moot Court continued from page 1

Black community.

In fact, the issue of the moot court problem posed a timely question involving Black-controlled charitable organizations' ability to raise funds. This situation is exacerbated by the dominance of efficient fundraising techniques such as em-

ployee payroll deduction plans by large mainstream fund-raising entities like the United Way. The problem was designed to find some legal solutions to the monopolistic arrangements existing within the fund-raising sector.


Becoming a Person continued from page 8

Latin and Third World heroes; that is, a power, control, cultural, economic, systems, institution, program, process approach. At this point of the immersion stage the person is able to begin to discard or seriously question the simplistic components of his worldview, especially the tendency towards reverse and racism or American thinking.


The American man is humanized (painfully, American people are recognized as equal to Puerto Rican people at birth)

and the emphasis is cognitive and not biological. The person is now at least receptive to the critical analysis of the Puerto Rican condition from a cultural, political and socio-economic point of view. Accepted factors are incorporated and the person focuses or at least is now highly receptive to discussions and plans for action for the development (liberation) of the Puerto Rican community and the necessary transformations of the Puerto Rican lifestyle.

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