

University at Buffalo School of Law

## Digital Commons @ University at Buffalo School of Law

---

The Opinion Newspaper (all issues)

The Opinion

---

2-18-1992

### The Opinion Volume 32 Number 12 – February 18, 1992

The Opinion

Follow this and additional works at: [https://digitalcommons.law.buffalo.edu/the\\_opinion](https://digitalcommons.law.buffalo.edu/the_opinion)



Part of the [Higher Education Commons](#), and the [Legal History Commons](#)

---

#### Recommended Citation

The Opinion, "The Opinion Volume 32 Number 12 – February 18, 1992" (1992). *The Opinion Newspaper (all issues)*. 274.

[https://digitalcommons.law.buffalo.edu/the\\_opinion/274](https://digitalcommons.law.buffalo.edu/the_opinion/274)

This Newspaper is brought to you for free and open access by the The Opinion at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in The Opinion Newspaper (all issues) by an authorized administrator of Digital Commons @ University at Buffalo School of Law. For more information, please contact [lawscholar@buffalo.edu](mailto:lawscholar@buffalo.edu).

# THE OPINION



Volume 32, No. 12 STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW February 18, 1992

## Jefferies Speech Addresses His Critics Concerns

by Saultan H. Baptiste, News Editor

There was a small gathering of 10 protesters standing on the snow covered grass outside of 147 Diefendorf Hall on February 7th as Dr. Leonard Jefferies arrived. As Jefferies passed the group, you could see the warm mist of air form in front of their mouths, but no words were exchanged. This "controversial" event, sponsored by the University at Buffalo Black Student Union (BSU), began absent the protest promised and expected.

Jefferies began his 4 hour and 45 minute speech/lecture to his audience of 500, with appreciation for being asked to come and he commended the BSU for being "strong" enough to ask him to come. Seton Hall University has not permitted their student organization to bring Jefferies on campus. However, according to Jefferies, Syracuse University has offered their students the Carrier Dome to be used to house his lecture in late March.

His lecture seemed to concentrate on two themes. The first theme focused on the negative impact today's educational system has on African-Americans. The second theme, which ran throughout his discourse, was in defense of being called by his critics anti-semitic. He said "It is not about anti-



Leonard Jefferies mesmerizes his audience at Diefendorf Hall, where he spoke to 500 students.

semitism. It is about truth," and "truth crushed to earth will rise stronger than before."

Jefferies feels he was initially targeted and labeled as anti-semitic by Diane Ravitch, Assistant U.S. secretary of Education. According to Jefferies, Ms. Ravitch received a report that he participated in writing regarding the need for an "education of inclusion." This proposal would

provide a multicultural curriculum as opposed to a Euro-centric perspective of world history. He stated that she began the media campaign against him which created a smoke screen to allow the "true anti-semites to get off the hook."

Jefferies told the audience of approximately 80% African-Americans to "forget about African-American or Caribbean-American; you are African. The hyphen is

where your mother dropped you." He said, "there is only one race, the human race, and by the luck of the draw it's African... Every person is a manifestation of the African Gene Bank."

"There is no preparation in the current educational system to prepare [Africans] for manhood," Jefferies explained. For this reason, he stressed the importance of establishing study groups which use his proposed formula of analysis called C.A.P.S. or Conceptual Analysis Process-

**Exclusive  
Jefferies Interview  
...page 8**

ing Systems. This method entails a synthesis of a thesis, or supposition, and an anti-thesis which he illustrated with a diagram and multiple examples of his theory in use.

He also referred to the theory of the "Ice People" and the "Sun People," a theory initially developed by other writers and scholars. Jefferies stated that at one time Europe and Northern Asia was dominated by an ice age and that white people inhabited the area. He claims that whites "negotiated their ecosystem of the ice,"

...Jefferies continued on page 10

## Administration Considering New Grading System

by Vito A. Roman, Layout Editor

After defending the current system for over 20 years, the UB Law administration is finally considering changing the grading system. The new grading system would be based on the traditional five-tier A-B-C-D-F system and would be phased in over a three year period. If approved, the system would begin to be applied in the 1992-93 year.

In a memorandum dated November 13, 1991 and circulated among the faculty,

professional staff and students on the Academic Policy and Program Committee, Associate Dean for Academic Affairs Barry Boyer explained that "the principle reasons for this change relate to the teaching mission of the law school." However, later in the memo, Dean Boyer also admits that the change may have the "possible side benefit" of making UB Law "transcripts more comparable to those used by other law schools." As an SBA report attached to the memo indicates, if UB Law returns to a

traditional grading system, it would join eleven other New York law schools currently using such a system. Only Columbia, Brooklyn, and CUNY law schools would remain with unique grading systems.

Boyer explained that the academic reasons behind the grade change reflect the administration concern that the current H-Q system, even with its unofficial middle grade of Q\*, fails to provide students with sufficient feedback on their performance. Those students "performing near the lower

limits of professionally acceptable course," he wrote, "need clear signals that they are at risk of failing grades." "Grades are by no means the only way of communicating this kind of information," he continued, "but they are a powerful form of communication, easily comprehended and reviewed by all interested parties."

The practical considerations motivating the change, however, are probable more important to the student body. Since "inter-  
...Grading continued on page 14

## Kwame Ture Lectures on African History

by W.F. Trezevant, Staff Writer

Portions of this story were compiled from an exclusive interview with Kwame Ture.

"Have no fear... History will absorb you... Run to the struggle... Strong warriors seek out the tough battles." On Sunday February 2, 1992 in Woldman Theatre, Kwame Ture, formerly known as Stokely Carmichael, spoke these words to a packed audience. Mr. Ture, a member of the All African Peoples Revolutionary Party (AAPRP) discussed five issues in the course of his lecture paying particular attention to two them, namely education and organization.

Mr. Ture spoke here at UB as part of African history month, occupying the first event in a series of events planned by the undergraduate Black Student Union for the month of February. Mr. Ture is a twenty-five year veteran of the civil rights movement, not only in the United States, but also around the globe.

Mr. Ture originally rose to prominence in the United States during the height of the Civil Rights movement as the head of the Student Non-violent Coordinating Com-

mittee (SNCC) which was the student branch of the larger Civil Rights movement led by among others Martin Luther King Jr..

SNCC, in conjunction with other groups such as the Southern Christian Leadership Conference (SCLC) and the National Association for the Advancement of Colored People (NAACP), was responsible for the numerous sit-ins, boycotts and student protests which marked the beginning of the dismantling of American Apartheid during the 1960's.

While successful, the advances made during this time were limited which led Mr. Ture to look elsewhere. Mr. Ture viewed political empowerment in conjunction with

economic self-help as the vehicle to further advancements. Beginning in Lowndes County, Alabama, Mr. Ture founded along with others, the first African based political party in the county. The platform which Mr. Ture and his fellow party members advocated, later came to be embodied in a book entitled Black Power, co-written by Mr. Ture and Mr. Charles Hamilton.

Mr. Ture related, during an interview prior to the lecture and again in the lecture, the origins of the symbol (a black panther) for the Black Power party. Mr. Ture stated that it was an Alabama state law which required each and every political party to designate a symbol by which

the illiterate voters of the county could identify their chosen candidates. Mr. Ture stated that it was a female member of their political party who brought forth the symbol of a black panther. (The symbol of the black panther was later adopted by Huey Newton and Bobby Seals when they founded the Black Panther Party in California, and subsequently was given national prominence as a symbol of militant Black resistance.)

Again while the "Black Power" movement proved successful, the success was limited in the face of the increased violence and oppression which Africans suffered during this time. Thus, the limited nature of the success achieved by Mr. Ture, in combination with the increased harassment, abuse, and surveillance by both local and federal authorities drove Mr. Ture out of the United States in 1967.

Mr. Ture has spent the intervening years working within Africa in order to lay the groundwork, and eventually produce one unified socialist Africa, run by Africans, for the benefit of Africans. The future of the African continent was the subject of his lecture.

...Kwame continued on page 1

### HIGHLIGHTS

- SLAPP Suits ...page 3
- Schaus Receives Award ...page 6
- LRAP ...page 7
- Cheap Seats ...page 14







# SLAPPs Threaten Public Activists

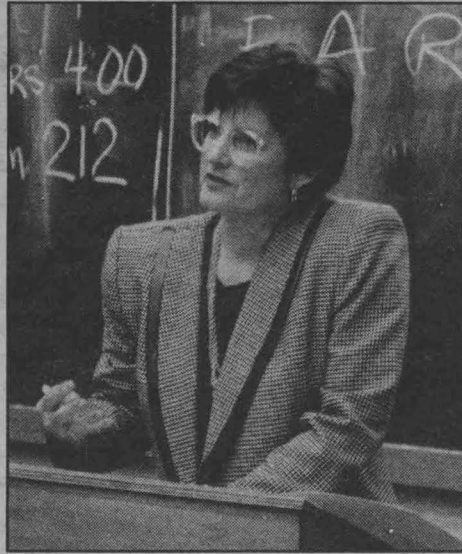
by Andrea Sammarco, Managing Editor

Penelope Canan, Professor of Sociology at the University of Denver, spoke at UB Law School on January 6th to define for students what may be the greatest current threat to the First Amendment rights of activists in the United States.

SLAPPs (Strategic Lawsuits Against Public Participants) are a phenomenon which was uncovered by Professor Canan and Professor George W. Pring (from the University of Denver College of Law) when they began to study the correlation between citizen's use of the public participation clause of the First Amendment and lawsuits being filed by businesses intent on promoting and protecting property rights, rights which they felt were threatened by citizen activism. These lawsuits often rely on questionable legal precedents, and the primary motivation behind such suits seems to be a desire to tie up the resources of the activist citizen or group, as well as to create a chilling effect among citizens in general. This chilling effect would inhibit them from exercising their first amendment rights. Essentially, the SLAPP would function as a tool both to punish past speech and to prohibit future action. Simultaneously, said Professor Canan, the SLAPP also becomes a tool for transforming the primary issues raised by the speaker, such as the adequacy of nursing home care or the propriety of developing wetlands, into legal issues of nuisance or defamation.

Professor Canan began her presenta-

tion by directing the audience's attention to the little used petition clause of the first amendment, which gives every U.S. citizen the right to petition or to use any legal peaceful means to influence government, basically the right to engage in public par-



Penelope Canan discusses suits which discourage activism.

Photo: Michael Radjavitch

ticipation in self-governance. When SLAPPs are filed in response to this participation, it takes an average of 36 months for the suit to be resolved and damages claimed average around \$9.1 million. Canan stressed that since a maximum of 10% of the American public gets involved in politics beyond voting, such suits can be deadly to public participation.

Contrary to popular belief, SLAPPs

do not primarily involve developers versus environmentalists. Most SLAPPs are filed by small businesses, property owners with economic interests or proprietors or managers, in other words, those who have an economic interest in squelching opposition. Targets of SLAPPs are usually individual citizens or public interest groups. Defamation was the lead legal claim in 53% of the 241 cases identified, while business torts made up 33% of the claims. According to Canan, no SLAPPs have been filed in Idaho, North Dakota or South Dakota. The majority of SLAPPs filed are found in counties comprised to a greater extent of white, rich, urban citizens, statistically those who are more prone to get involved in the political process. The emergence of SLAPPs corresponds to downturns in the U.S. economy and the domination of conservative ideologies in the White House.

While citizens targeted by SLAPPs may be able to respond financially to the suits, even a victory in court may sound hollow, since valuable resources are being diverted to the legal process rather than the political process. Professor Canan suggested various ways to respond to SLAPPs (i.e., "SLAPP-backs"). Some SLAPP-backs include alleging abuse of process, as well as interference with political rights, which may be asserted through the use of pending legislation which involves switching the burden of proof to the plaintiff, who must show that the suit is not designed primarily to discourage public participation.

## Club 504 Needs You

by Angela Gott

Rob Davis and Bill Hare, both Class of '90, founded Club 504 to meet the needs of differently abled law students and all students who have an interest in disability rights legislation and enforcement. When they graduated in May '90, they had not submitted a budget to SBA for funding. The club remains alive but without a budget and shares space with SBA in Room 101. When I arrived in August '90 and became an SBA Director, I began an effort to interact with other "differently abled law students" so that we could compare notes and provide each other information in case any one of us had specific hardships or problems with receiving accommodations for our specialized needs. To those of you who came forward, I have been on hand to listen, to counsel, to provide information about where to go within the university and W.N.Y. to get help and to find a solution to problems and confusion.

Now that I am about to graduate, take the New York Bar in February, and leave the Law School, it is important that someone step forward to continue the efforts of Rob Davis and Bill Hare to organize around an interest in disability rights and create an awareness of the needs of differently abled individuals. I am very hopeful that someone currently enrolled in Professor Bruce Goldstein's course "Legal Rights of Persons with Disabilities" will step forward.

Continuing Club 504 is so important and I do hope that Rob Davis' and Bill Hare's work and achievements will not be abandoned. By uniting together and sharing information, we are stronger, and will be more able to achieve civil rights legislation protection and proper enforcement. The struggle by blacks for civil rights in the sixties, surely has taught us this lesson and the need to organize. Please contact me by phone: 832-3581/machine or Box 394. Thank you.

Please see related article about my difficulties obtaining necessary and proper accommodations on the February N.Y. Bar Exam. (Federal Suit, page 7)

## BPILP Kicks Off Annual Pledge Drive

It's that time of year again. No, not taxes, silly. It's the Buffalo Public Interest Law Program's spring madness, when BPILP kicks off its pledge drive to fund summer internships in public interest law, and accepts applications for the internships funded by last year's pledge drive.

For those who are not familiar with the program, BPILP funds summer internship jobs each summer, mostly with Western New York legal services agencies. BPILP asks agencies to submit proposals for interns, and then the membership votes on which agencies will be awarded an intern. Interested students will submit their resumes to the Career Development Office who then forwards them to the respective agencies. The interns who are chosen are then funded entirely by BPILP.

In a February 5th meeting, members voted to raise this year's salaries to \$2200 per student, up from \$2000. "We felt we had to make some effort to increase the funding, so a person who really wants to work in public interest isn't kept out by financial considerations," said K. Jill Barr, public interest Graduate Assistant. She pointed out most privately funded summer internship program salaries have remained the same over the years.

But, as always, the crux of the program is the pledges which come in through the Work-a-Day-in-the-Public-Interest pledge drive, a week in which students and faculty pledge the equivalent of one day's salary to fund the summer internships. Fewer people who pledged last year actually paid their pledges, and this, along with the salary increase, means BPILP is funding one less internship this year. "We'd have two more if everyone paid their pledges," said Barr.

There will be 18 internships offered, with agency intern proposals due on March 3. After BPILP chooses the agencies, students will have until March 16 to turn their resumes into CDO.

### Self-Initiated Internships

Some of the internships this year will

be self-initiated, whereby students submit their own proposals for funding. The exact criteria for the student initiated proposals will be posted soon in the Public Interest office, room 413, but loosely, the requirements are that a student have a firm offer of employment in public interest, but no main source of funding. These internships can be anywhere in the country, the only limits being the nature of the work, and that no other funding but work study be available. Last year, self initiated interns worked in Georgia, Florida and Philadelphia, as well

as closer to home.

posals. BPILP will announce deadlines and information as available. The Pledge Drive kicks off this year March 17th, with a party at the Buffalo Sports Bar on Hertel Avenue. A fascinating week will follow, with BPILP staffers ready to accept much needed pledges from behind their table in front of the library. For the last two years, \$20,000 has been pledged over the week, an astounding amount raised entirely by students, staff, and faculty. BPILP is hoping that in spite of the economic crunch, the increasing need for legal

### IOLA Grant Award

The Buffalo Public Interest Law Program (BPILP) recently announced that it has received a grant award from the Interest on Lawyer Account (IOLA) Fund of the State of New York to Support University of Buffalo law students as legal interns at public interest agencies throughout New York State. The award of \$15,000, representing a \$2,500 increase over last year's IOLA award, was granted in response to a proposal submitted by BPILP in September 1991.

The funds awarded by IOLA, plus monies raised through BPILP's Fall '91 Alumni Phone-A-Thon and last year's Spring '91 Pledge Drive will be used exclusively to support UB law students who wish to pursue unique and challenging opportunities at public interest law organizations this coming summer.

Last year, BPILP was able to support seventeen interns who worked at various criminal and civil legal services agencies. Eleven interns worked at selected agencies here in Western New York, including Neighborhood Legal Services, Prisoner's Legal Services, Legal Services for the Elderly, Disabled and Disadvantaged, and others. In addition, six interns were selected through a new program which allowed students to develop their own initiatives in the public interest. These "self-initiated" proposals were awarded to students who pursued projects in such areas as capital punishment defense, domestic violence, and juvenile delinquency.

BPILP will soon be announcing its 1992 Summer Legal Internship Program. Students interested in applying to work at selected agencies or in developing their own proposal for consideration of funding should watch for more details or should stop by the Public Interest Office, room 413 O'Brian, during office hours.

as closer to home.

The other internships will be distributed in the traditional manner, with agencies like Farmworker Legal Services of Western New York, Criminal Appeals Bureau of Legal Aid, and Neighborhood Legal Services, Inc., submitting their pro-

posals will be recognized and students will continue to pledge generously. "For most of these agencies, there is no way they can afford an intern if it weren't for BPILP," said Barr. "The students get experience and contacts, and the agencies get the help they really need."

**Remember,  
February  
is Black  
History  
Month**

A new twist this year on the Pledge Drive will be what Michael Freedman, public interest Graduate Assistant, calls a "silent" pledge drive from March 2 through the 6th. During that week, second and third year students who wish to donate privately may make pledges in the public interest office. Those who prefer to be badgered publicly, however, will want to wait until the week of the 17th.

So, keep those dates in mind, and BPILP will get more information out as soon as the deadlines and internship criteria become positive. Agency proposals will be due March 3, and resume on March 16. Applications for the self initiated proposals will also be due on the 16th. BPILP will announce when these applications will be ready. Pledge Drive kicks off the week of the 17th.





Editor-in-Chief: John B. Licata  
 Managing Editor: Andrea Sammarco  
 Business Manager: Natalie A. Lesh  
 News Editor: Saultan H. Baptiste  
 Features Editor: Darryl McPherson  
 Layout Editor: Vito A. Román  
 Photography Editor: Michael Radjavitich

Staff Writers: Kevin Collins, W.F. Trezevant, Srikant Ramaswami  
 Photographers: Paul Roalsvig  
 Contributors: Bill Kennedy, Martin Danks, Robert Garnsey, Angela Gott

## Editorial

The First Amendment to the Constitution of the United States of America, in conjunction with the Fourteenth Amendment, prohibits the government from abridging a person's right to exercise free speech. Crowded burning theaters aside, Americans and those people travelling through this country have a virtually unfettered ability to discuss political topics, et. al, without official reprimand.

The Civil Rights Movement has provided striking examples of tolerance and intolerance by citizens and government alike regarding the use of the First Amendment to promote change. The treatment of recently deceased Professor Kenyatta by the FBI in the late 1960s is one egregious example of our government, allegedly by the People and for the People, censoring speech through threats of violence against the People. The Civil Rights movement progressed only through the use of free speech by its leaders, often in the face of violence.

Another example of the need for free speech surfaced last week when Professor Leonard Jeffries of CUNY, at best a controversial figure, spoke on campus to a packed audience and there was concern by students and administration that violence would erupt. There was no violence to greet Professor Jeffries.

The essential lesson between the two examples is that some political speech, despite constitutional guarantees, has motivating factors and offensive elements that can produce violence among groups of educated individuals. This does not surprise observers of human behavior since frustrations are often vented in physical violence, sometimes at the person creating the frustration. What should surprise the People is that governing bodies have taken steps in a paternal manner to prevent the People from hearing ideas that will upset them. This should alarm students of the law.

While the motive to prevent hostile speech can be seen as laudable, the elemental inequity should prevent its use. To use authority to retard intellectual growth amongst a group striving to experience the good and the evils of a society, as law students by definition are paying to do, is to perpetuate a hypocrisy of divine right leadership that led to revolutions in Europe.

By now the administration, the faculty and the students are weary of the friction surrounding the Faculty Statement but at least it has answered William Thackeray's (1811-1863) question "Who can tell the mischief which the very virtuous do?"

Copyright 1992. *The Opinion*, SBA. Any reproduction of materials herein is strictly prohibited without the express consent of the Editors. *The Opinion* is published every two weeks during the Fall and Spring semesters. It is the student newspaper of the State University of New York at Buffalo School of Law. The views expressed in this paper are not necessarily those of the Editors or Staff of *The Opinion*. *The Opinion* is a non-profit organization, third class postage entered at Buffalo, NY. Editorial policy of *The Opinion* is determined by the Editors. *The Opinion* is funded by the SBA from Student Law Fees.

*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 be edited for length. Please do not put anything you wish printed under our office door. Submissions can be sent via Campus or United States Mail to *The Opinion*, SUNYAB Amherst Campus, 724 John Lord O'Brian Hall, Buffalo, New York 14260 (716) 636-2146 or placed in law school mailboxes 443 or 512. Deadlines for the semester are the Friday before publication.

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

## Corrections:

In the February 3rd issue of *The Opinion*, we inadvertently misspelled the name of an alumna in the front page story entitled "Tight Market Calls for Bold Job Hunting."

The correct spelling of her name is Jeanne Vezina.

Regrettably, in the same article the end of one sentence and the beginning of the following sentences were mistakenly left out. The correct text of the entire paragraph is as follows:

One way Jeanne suggested to distinguish yourself is to convince the employer that you are a "rainmaker," i.e., that you can bring in clients, and, thus, be a better investment than the associate who simply toils away in the firm's library. As odd as that may sound (a law student or recent graduate bringing in business when their own junior associates bring in little to none?), a new associate can be the source of new clients for a firm. [missing text italicized]

We regret any inconvenience which this omission may have caused.

## The Opinion Mailbox

### Assistantships Unfairly Distributed

To the Editor:

It seems odd that in the midst of charges of favoritism and the presence of an academic spoils system comes an occurrence which adds credence to such claims. I refer to the method by which the Research and Writing teaching assistant positions were awarded to students.

A dismaying number of the upperclass student body are ignorant that such positions actually exist--let alone that they did not have a chance at competing for one of the coveted positions--so a bit of an explanation is in order.

Under the old Research and Writing system, the Teaching Assistants received a full tuition waiver and a stipend of \$3,100 per semester. Under the current system, the "Student" Assistants receive exactly one half of what their predecessors received, namely a half tuition waiver and \$1,550 per semester. However, aside from the pecuniary gain, under both the systems the student instructors receive additional compensation in the form of an improved resume and a bolstering of their own research and writing skills. Both of these additional benefits are quite significant in a job market which is increasingly competitive.

Under the old system there existed at least a semblance of equal opportunity: an announcement was made toward the end of the spring semester that applications were being accepted, and all who were interested could apply through the standard application/interview procedure. Under the current system students obtained their positions in one of two ways: either they were directly approached by a professor with an offer for the position, or they heard by word-of-mouth that a position was available and then lobbied the professor.

Why the difference in meeting out the positions? Surely the difference in the title or compensation is insufficient to account for the reduced level of process. Similarly, a claim that the funding came through at the last minute does not afford an adequate explanation of why the opportunity for applying for the positions was denied the general student body. Furthermore, even in the event the positions became available right before winter break, interested students could put together their application packet quickly enough to permit time for interviews.

It's not that I am overly bitter or disgruntled that I did not get a position. However, being in law school--at least to me--means a different level of treatment than "the real world." I look forward to a career in a field notorious for entrance and advancement not necessarily based on merit but on favoritism. Such academic nepotism diminishes the reputation of the school in the legal community and more importantly in the eyes of its students. I realize that after the initial appearance of equal consideration for all applicants comes a discretionary zone which allows for selection of the candidate the professor believes will best fulfill the duties of the position. All I ask is for a chance to believe that I have an equal opportunity for obtaining one of the coveted positions. Please afford me this illusion.

Mark Chauvin-Bezinque

### Jeffries Offers No Solutions

To the Editor:

Not too long ago, a televised discussion on race relations featured Eleanor Holmes Norton, delegate to the House of Representatives from the District of Columbia and a leading figure in the current-day civil rights movement. During the discussion, one of the other participants quoted Dr. Martin Luther King, Jr., who in 1963 said that persons should be judged by the "content of their character" and not by the "color of their skin." Mrs. Norton, angry, rebutted the speaker by telling him to "stop quoting dead saints."

Evidently, not all who speak to the civil rights issue completely agree with Mrs. Norton. As reported in last week's *Spectrum*, Leonard Jeffries, in his speech at UB on February 7, lauded the importance of education. "Jeffries," wrote the *Spectrum*, "said that the only way to find truth is through the learning process, and used his motto, 'Truth crushed to the Earth will rise again stronger than before' as a basis for that argument." (*Spectrum*, Feb. 10).

Mr. Jeffries' "motto" rang a bell. In fact, those words were spoken by Martin Luther King, Jr., in a famous speech 27 years ago, in front of the Alabama state capitol. Dr. King addressed those who had marched for four days from the bloody Edmund Pettus Bridge in Selma to the capitol building in Montgomery. He spoke of a future characterized by "friendship and understanding," and promised that such a day would not be long in coming. Said King: "I know you are asking today, 'How long will it take?' I come to say to you this afternoon however difficult the moment, however frustrating the hour, it will not be long, because truth pressed to the earth will rise again." (Jeffries' brief addendum, "stronger than before," is

...No Solutions continued on Page 11

### Suggested Changes for Moot Court & Law Review

To the Editor:

John Jablonski's "Moot Farce" (*The Federalist Papers*, Vol. 4, No. 5, January 23, 1992) has done the healthy service of stirring up debate about necessary reform in the Moot Court Board selection process. Despite this service, however, the article reads in exactly the manner unintended by its author, like sour grapes.

Thus, we felt compelled to respond not to criticize John Jablonski, but to offer insight to how the competition might better be conducted.

1. **Written v. oral advocacy skills.** At the end of second semester, every first-year who so chooses, participates in the Law Review Casenote Competition, exclusively a "written" competition (combined of course with grades, except for "write-ons"). Many students, believing that they may excel better in "oral" advocacy, participate in the Moot Court Competition. However, the current breakdown in the Desmond Competition affords 40% of a competitor's score to the written brief, written not alone, but with a partner.

By lessening the brief's value in proportion to the oral scores (perhaps to 25%), it would produce a more accurate reflection of the skills which the competition seeks to assess.

...Suggested Changes, continued on page 11



# One Man's OPINION

by DARRYL McPHERSON

Features Editor

I've been trying to make some sense out of the plethora of "he said, she said" controversies that have arisen in the past few months. Thomas/Hill, Smith/Bowman, Clinton/Flowers, and the Tyson rape case bring together a number of sociological issues that expose our culture for what it is, and at the same time, what it wants to be. Gender, sex, class, race, and politics all play a part in these little dramas, and the only thing missing is religion. Oh well, you can't win them all.

Gender and sex are the leading factors. All of the above circumstances pitted a female accuser/victim against a prominent male. The question of the day is; who is more credible, the man or the woman? Since I have a somewhat chivalrous nature, I tend to believe a woman's word over a man's. Perhaps I only want to believe the woman more, or maybe I'm more inclined to believe in a man's capacity to lie. Either way, my perception of recent events may be slightly slanted, if not totally imbalanced. However, I still try to hear both sides before making a final judgment.

Tyson's case has been linked to the William Kennedy-Smith trial. Then, the rape case ended differently, and the man was acquitted. Both cases supposed hinged on the credibility of the female victim's testimony. Somehow, a jury can believe a woman would go through the harrowing process of a trial in the distant hope of achieving some kind of monetary gain. Considering that I have never heard of a rape victim who has significantly profited from the trial, I wonder how this theory has promulgated.

A similar motivation was thrust upon Anita Hill as she testified against Clarence Thomas. That she came to speak out against Thomas at the behest of desperate Democrats seems to get lost in the discussion. Still, her critics wait for the book deal, or movie rights, or whatever to explain why she "lied." How a male judge up for the position of Supreme Court Justice; a man with a future and reputation to protect, could be viewed as more credible than a woman with seemingly nothing to gain continues to astound me.

The Bill Clinton/Gennifer Flowers controversy brought a woman accusing a man of marital infidelity. This time, however, the woman received a massive paycheck in exchange for her story. Her words weren't dismissed by that fact, but their impact, in my opinion, was severely lessened by it. I'm forced to wonder whether Clinton would still be in the

Presidential race if she wasn't paid.

No one has any sympathy for Ms. Flowers because of the payoff. Whatever credibility she has is based on the evidence she brought to the forefront with her. Money and the media play a big part in these fiascos obviously. I think a contributing factor in William Smith's victory in his trial was the payment of Ann Mercer. It tainted her testimony, and it rubbed off on Patricia Bowman.

The disparate outcomes of the two rape cases has been attributed to race and class to some critics. As a liberal friend of mine pointed out, Tyson was convicted for his reputation as a "skirt chaser." That, and the effect of a massive black man accused of a sex crime on the predominately white jury. When faced with a rape accusation, who's more likely to be believed, the white med student from the famous family, or the black boxer known for his aggression both in and out of the ring?

I'm not suggesting that Tyson didn't get a fair trial, actually, I'm pretty sure he did. However, there could be a perception problem. The white guy walks, and the black goes to jail. It's not that simple. If the two trials were viewed separately, the outcomes seem a little more rational. (Note that I said "a little" because the Smith case still seems a bit off to me.) As we all know, the best lawyer decides the outcome of a case, not the facts. Smith won because he had a hired gun and a reasonable doubt. Tyson lost because the state had the hired gun and a better case.

Race supposedly played a part during the Thomas hearings, but is that a fact, or merely a distraction? Were Anita Hill's statements truly targeted as an attempt to destroy a black judge, or more likely, a democratic Congress' effort to derail a conservative from getting on the Supreme Court? Politics is a dirty game, and the only person using race as an issue was Thomas himself to keep the Senate Judiciary Committee from attacking him.

Does any of this make any sense yet? I don't really know. It's not as plain as men against women, I can see. The media plays up the battle of the sexes aspect, but that's natural with such compelling personalities and the legal system being what it is. If this is a battle of the sexes, is any side winning? The men "won" with Smith and Thomas, and we're still waiting to see how Clinton fares in New Hampshire. The only conclusion I can come to is that there will undoubtedly be another controversy in this vein some time soon.

## Memorandum From David Filvaroff

Some confusion about the current status of Jeff Blum's federal court suit appears to have been generated by the recent short article in the February 3 issue of *The Opinion*.

Judge Skretny, of the U.S. District Court (WDNY), granted defendant's motion to dismiss the complaint for failure to comply with the Federal Rules of Civil Procedure; he allowed the plaintiff thirty days to file an amended complaint. The Judge treated the motion to dismiss the complaint on the merits as withdrawn and, assuming an amended complaint will be filed, referred the matter to Magistrate Foschio for further pre-trial proceedings, including discovery as appropriate.

At a hearing last week before Judge NeMoyer in the Court of Claims, the plaintiff indicated that he would also file amended claims in that court, as he is entitled to do as of right, before service of a responsive pleading. In addition, Jeff indicated he will also add a new cause of action for "defamation by libel" in the Court of Claims suit. The new defamation claim is based on statements by defendants' counsel, Assistant Attorney General Doug Cream, as printed in an earlier issue of *The Opinion*.

Copies of the amended and supplementary Court of Claims pleadings are available for review in Room 319, should anyone desire to read them.

## QUID PRO QUO

EXAM TIME IN MID-DECEMBER

Sorry Mom, I'm not going to be able to make it home this weekend... I know this is the only time that Grandma and everyone can get together but I've got this damn exam deadline!

Hey Fred, do you want to go ice-skating?  
Sorry Jan, I can't I have to get this exam in before the deadline and I have another one due tomorrow!

Bill Kennedy  
... MONTHS LATER

Hey Fred, did you get all of your grades yet?  
No Jan, I still need a few more.

Well, do you want to go to the beach then?  
Yeah, maybe we'll see some of my professors there.



## Of Life, Law, and the Right to Choose

by W.F. Trezevant, Staff Writer

We make so many decisions on the issue of basic survival in our daily routine that it boggles the mind. Factoring in the many decisions which deal with our interactions with others, it is amazing that anyone could question a human being's ability to make a single decision.

Yet everywhere we turn, someone is constantly challenging our ability to make a decision, and thus in the process, challenging our right to choose. Very shortly Buffalo will be besieged by people attempting to fundamentally challenge our ability to choose.

I am of course referring not only to the impending troops of Randall Terry, but also to the Presidential primary elections for both Democrats and Republicans. I am also referring to the past two weeks of activity surrounding the visit of Dr. Leonard Jefferies. And finally, I am referring to the decisions which are presently under consideration by the administration of this law school, on the subject of the grading system as well as the size of the future entering first year classes.

On the subject of the Randall Terry troops and the Presidential Elections, when the time comes we will all be able to make our own decisions. However, on the recent lecture by Dr. Jefferies, the amount of decision usurping information which was circulated prior to his visit was astounding. It appeared that a number of people had already formed an opinion about Dr. Jefferies notwithstanding that they had never (and still have never) heard him speak. They told us that we simply could not choose to listen to what he had to say, or if we did listen, these same individuals were right by our side to tell us the only opinion that was acceptable to glean from the lecture. Hell, if we as a community have entertained legitimately the idea of political correctness as a problem here at this school, we should also entertain the concerns over the "Thought Police" who roam the halls and . The "Thought Police" rob us of our very ability to make a decision by restricting what we receive as information. On the national political level we identify these people as political consultants who we invariably take with a grain of salt. Our response should be no different for our very own.

This point became particularly poignant when Kwame Ture (formerly known as Stokely Carmichael) was in town the previous Sunday night. Mr. Ture, a self-acknowledged revolutionary, spoke about many of the same issues covered by Dr. Jefferies, such as African history, slavery, and African cultural influence around the globe. No one protested his visit and yet during the lecture he openly advocated the destruction of America. Both men spoke of history. Both men spoke of education. Both men spoke of African nationalism. Yet we were only allowed to make our own deci-

sion to listen or not to listen to Mr. Ture. If the ideas were offensive as uttered by Dr. Jefferies, why were they not so offensive when uttered by Mr. Ture? Fundamentally, the events surrounding Dr. Jefferies represented an attack on our right to choose.

Turning our attention to the law school, as the article on page one explains (Administration Considering New Grading System), the administration is considering a change in the grading system which will affect the law school. Why don't we the students get a chance to participate in the process and thus exercise our right to choose when dealing with an issue that will affect how UB Law is perceived in the future? You know, I remember the same administration ignoring the results of the student referendum on the specific issue of the current grading system just last year.

For a group of individuals who are entrusted with teaching us the students not only the law but also how to decide the various issues which affect directly the rights and lives of our future clients, it is quite ironic that these individuals behave in a manner which at best shows disregard toward including the students in the process. I'm not attacking the consideration of this proposal or even the other proposal to limit the number of entering first year students to two sections, I am rather suggesting that the process should be open and inclusive. It is decision without discussion or dialogue which defeats us. And yes, this to goes fundamentally to our right to choose.

Assuming everything works out, we will be the alumni of tomorrow, and will be expected to contribute to an institution which seemingly made no effort to include us in the fashioning of that institution. Again what an ironic turn of events.

In a society which holds forth as its foundation the freedom of the individual (economically, socially, culturally and intellectually) it is surprising how non-free we are. It is additionally alarming how limited our vision of the future is considering that it is simply sitting right there in front of us. It is likewise unnerving and alienating that we continue to exist in a society, community, and a law school which attempts to define away our ability to make a decision. No wonder people like Terry and Thomas and the Bush-man believe they can define away a woman's right to choose. Our institutions are already training us not to choose.

**HAPPY BIRTHDAY,  
TO THE  
OPINION'S HEAD  
MASSEUSE!**



## Morris Dees to Speak at UB King Commemoration

The Minority Faculty and Staff and the Office of the President will be sponsoring the 16th Annual Martin Luther King Jr. Commemoration on February 20, 1992. Morris Dees, lawyer and civil rights advocate, will be the keynote speaker for the 1992 MLK Commemoration.

During the civil rights movement, Mr. Dees became active by aiding people of color in court. In 1967, he filed suit to stop construction of a white university in an Alabama city that already had a predominantly black state college. In 1968, he filed suit to integrate the all-white Montgomery YMCA. Along with Joseph J. Levin, Jr. and Julian Bond, he founded the Southern Poverty Law Center in 1971.

In 1980, the Center founded Klanwatch in response to a resurgence in organized racist activity. The project monitors hate groups and develops legal

strategies for protecting citizens from violence-prone groups. A made-for-television movie about Mr. Dees aired on NBC last year. "Line of Fire" described his successful fight against the Ku Klux Klan. It included the \$7 million precedent-setting judgment against the United Klans of America on behalf of the mother of Michael Donald, a young black man lynched by the Klan in Mobile Alabama. Mr. Dees has also recently published a book entitled "A Season for Justice."

The lecture will take place on February 20th at 8:00 p.m. in Slee Hall on the North Campus, with a reception immediately following. **Admission is Free.** Seating in Slee Hall is limited so those interested are urged to either pick up the free tickets at the UB Ticket Office or call the Office of Conferences and Special events at 636-3414 to reserve seating.

### Phi Alpha Delta International Field Representative Visits UB Law

by Martin Danks

Jill M. Leonard, International Field Representative of Phi Alpha Delta Law Fraternity International visited the Alden Chapter of P.A.D. here at UB Law on February 4, 1992.

Ms. Leonard was on a three week tour of the East Coast P.A.D. chapters from her home in California. As part of the Chapter support provided by the Executive Offices of P.A.D., Ms. Leonard met with the newly elected chapter officers, helped staff a recruiting table and talked with the chapter members about the services available from the Executive Offices.

In a meeting with Dean Filvaroff, Ms. Leonard expressed her satisfaction with the recent developments at the Alden Chapter. The Dean was very interested in the efforts by the Alden Chapter members to assist their first year students with the research and writing program and the fraternity-wide efforts in support of the implementation of the Americans with Disabilities Act.

While here, Ms. Leonard assisted the Chapter with plans for fund-raising, the initiation scheduled for February 27 and the rush party scheduled for February 19. Over two dozen students expressed an interest in being initiated at the next ceremony. Ms. Leonard plans on returning in the near future and expressed a desire to see as many possible at the 1992 P.A.D. Convention in Scottsdale, Arizona.

### Leary Speaks on Health Care in the U.S.

Professor Virginia Leary recently spoke at the annual meeting of the American Association for the Advancement of Science. Her topic was the American health care system and its denial of the basic human right of access to adequate care.

At the Chicago meeting, Leary pointed out that there is no constitutionally recognized right to health care in the United States. She stated that the right to access of health care is a "radical critique" that should be used as a criterion for judging proposals to reform the U.S. health care system. According to Leary, we should use a rights-based approach to health care instead of the current cost-benefit approach. In operating as a commercial market, the health care system in the United States ignores the basic human right of access to adequate health care, and demonstrates the U.S. government's tacit view of a minimum

level of health care as an "ethical obligation" of society rather than as a human right.

But, she explained, according to United States constitutional history, even obligations of society ought to be enforced through individual entitlements. "The best means of ensuring the carrying out of societal obligations resides in the provision of an individual entitlement." While a market approach, by definition, cannot provide equal access to health care, the U.S. does recognize generally the right of access on an international level, through its support of the Universal Declaration of Human Rights and the World Health Organization.

Accepting health care as a human right, she said, means making it available to all without discrimination, and including provisions for individuals to know and to be able to challenge the ways in which that right is being granted.

### Phi Alpha Delta Elects New Officers

by Martin Danks

The 1992 elections were held for the Alden Chapter of Phi Alpha Delta Law Fraternity, International here at U.B. Law. The officers elected were: Martin Danks as Justice, Saultan Baptiste as Vice-Justice, Bob Motzer as Secretary, and Cathy Turuczka as Treasurer. In addition to these positions, various committees were also formed and the chairs elected. Taking office were Vaughn Cordes and Tim Stevens as co-chairs of the research and writing committee, Lisa Dalfanso as Social Coordinator, Bob Sisson as Fund Raising Chair, and Bill Trezevant for special events.

The chapter also set dates for upcoming events including; The Rush party on Wednesday February 19 at 3:30 p.m. in the first floor lounge, The Formal Initiation on Thursday, February 27 at 7:00 p.m. at the Law Offices located at 385 Franklin Ave, and finally, regular meetings were set for 6:00 p.m. beginning Thursday February 20 at the Marriot Happy Hour.

Three members attended the District Leadership Conference held here in Buffalo which covered local and national fraternity issues. Attending were Bill Trezevant, Bob Motzer and Saultan Baptiste who subsequently reported on the conference.

### Law Student Published In Buffalo News Magazine

Last Sunday's edition of the Buffalo Magazine featured a front page story written by a fellow UB Law Student Peter Nussbaum (*Buffalo News, February 16, 1992*). Nussbaum is in his second year at UB Law, and is the President of the Sports and Entertainment Law Society. Nussbaum compiled information and authored the article on one of the first basketball teams ever formed, the Buffalo Germans. The Germans' 111 game winning streak has never been rivaled in the history of the sport. Nussbaum was assisted by Sheldon Heerdt of Amherst, the grandson of Allie Heerdt, who was Captain and Manager of the Germans.

## Schaus to Receive Jaeckle Award

by Ilene Fleischmann  
Executive Director, UB Law Alumni Association

"Sex and Power in the Workplace: The Expanding Law of Civil Rights and Sexual Harassment Affecting You and Your Clients" will be the topic discussed by a panel of legal experts at the 16th annual UB Law Alumni Convocation. The morning-long symposium will begin at 8:30 a.m. on Saturday, March 7, at the Center For Tomorrow on the UB Amherst Campus.

At a luncheon beginning at 12:15 p.m. immediately following the Convocation, Robert C. Schaus will receive the Jaeckle Award for 1992. Named for UB alumnus Edwin F. Jaeckle, Class of 1915, the award is the highest honor the Law School and the Law Alumni Association can bestow. It is given annually to an individual who has distinguished himself or herself and has made significant contributions to the Law School and the legal profession.

Past recipients include Hon. Charles S. Desmond, M. Robert Koren, Hon. Michael F. Dillon, and Manly Fleischmann, among others.

Schaus is a longtime secretary for the UB Law Alumni Association and a successful practitioner in a law firm that has included three generations of his family, all UB Law graduates.

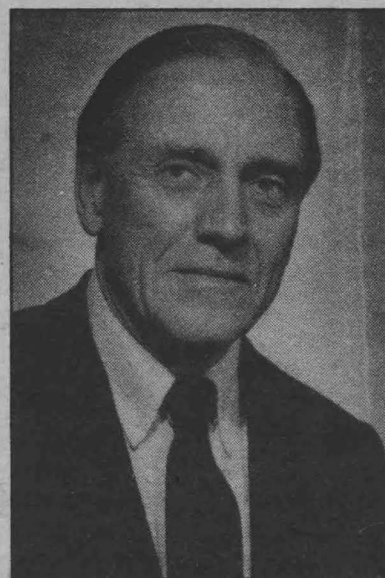
"He is highly regarded by colleagues and clients for his unshakable character and integrity," says Jean C. Powers, president of the Law Alumni Association. "Over a span of thirty years, he has been versatile, capable and gracious in his numerous contributions to the Law Alumni Association and the Law School. Schaus' love and knowledge of history led him to co-author the history of the first 100 years of UB Law which is being published this spring."

The subject of sexual harassment came to the forefront during the Clarence Thomas confirmation hearings. According to Convocation organizers, recently enacted civil rights legislation now allows broader damages, portending an increase in discrimination litigation, and creating a need for greater awareness by lawyers, both as employers and counselors.

Speakers will discuss the substantive and procedural aspects of sexual harassment claims, the developing law, and the practical methods of managing claims in the workplace. Attorneys for claimants and defendants, law professors, and a university administrator familiar with discrimination issues will discuss changes in the law.

Students can attend the morning program free of charge. To receive valuable written materials, however, you must pre-register. Sign up by February 28 in the alumni office, -- 320 O'Brian Hall.

Students wishing to stay for lunch and the Jaeckle Awards ceremony should sign up in the alumni office for a law firm "scholarship." Many area law firms buy tables and usually have places available for law students.



Presenting the Claimant's Case." Among her topics are the roles of the EEOC and New York State Division of Human Rights; remedies under Title VII, New York State Executive Law and common law tort theories; and strategic considerations in selecting forums, time limitations and avoiding common pitfalls.

Robert A. Doren, employment law defense attorney in the local law firm of Flaherty, Cohen, Grande, Randazzo &

Doren, will speak on "Defending and Avoiding Harassment Claims." His topics include Freedom of Information Act requests of EEOC; complying with proposed EEOC settlements; representing the employer as well as the "harasser" -- conflicts of interest; controlling the witness for discovery and trial; and defense and strategies as they relate to various harassments.

Sheila J. Nickson, former assistant to the President and Director of Affirmative Action, Buffalo State college, will discuss "Taking Care of Business." She will discuss developing policies on sexual harassment under federal regulations and EEOC guidelines; dissemination of policies to management and employees -- publications, orientation seminars and staff meeting; investigation of complaints while maintaining a viable workplace -- clarifying the claim and determining its validity; and protecting the rights of the accused and accuser while preserving confidentiality.

An extended panel discussion and question and answer period will follow.



## Loan Repayment Assistance Program comes to UB Law

### JUST WHAT IS A LOAN REPAYMENT ASSISTANCE PROGRAM?

The Loan Repayment Assistance Program is designed to provide financial assistance, by way of loan assistance and loan forgiveness, to UB law graduates who are pursuing careers in traditionally lower paying public interest/public service law. The LRAP is intended to (a) reduce high educational debt burden as an obstacle to pursuing a job at a public interest law organization and (b) encourage, through continuing assistance, graduates to pursue careers in public interest/public service law.

### IS THERE A NEED FOR LOAN REPAYMENT AT UB LAW SCHOOL?

Based on a BPILP survey completed in September 1991, approximately half of the responding students (10 percent response rate), reported an expected educational debt burden of \$25,000 or more (including undergraduate and other graduate education). Of these students, 2/3 reported having an anticipated debt exceeding \$40,000. Almost all students reported

that their debt was going to be a major factor in pursuing and accepting post-graduate employment.

### HOW DID LRAP COME TO BE AT UB LAW SCHOOL?

In 1988, BPILP began conceptualizing an LRAP. In 1991, on behalf of the Law School, BPILP wrote a grant to the State Interest on Lawyer Account (IOLA) Fund funding support. The proposal was favorably rejected (they said it was a good idea, just needed some more thought and some specific changes). In 1992, we again submitted a proposal to IOLA for LRAP, this time in conjunction with the Law School at Queens College (CUNY), addressing one major IOLA concern from the previous year. As a result, we received a \$50,000 grant for one year to provide loan repayment assistance to graduates of our schools who are working in civil legal services agencies anywhere in New York State. The school has a strong commitment to enacting a full LRAP program by raising additional funds to support graduates who pursue other

areas of public interest law, like public defense, and those who chose careers outside of the state.

### WHERE IS LRAP NOW?

Dean Filvaroff and Associate Dean Carrel are working with the BPILP Loan Repayment Assistance Committee to develop the full program, including its structure and administration, as well as the development of future funding sources. This working group is currently reviewing materials from other schools as we begin the development of specific eligibility criteria and the best formula for determining levels of assistance (for example, a ratio based on adjusted income and education debt).

The school is committed to fully supporting this program, to developing a full program for all UB graduates, and to future funding of the program, as we all want this program to succeed and be a part of our institution for many years to come.

### WHEN IS LRAP GOING TO BE READY?

It is anticipated that this program will

be operating in time to assist students graduating in the Class of 1992.

### WHO IS ELIGIBLE TO PARTICIPATE IN LRAP?

The program is available to graduates up to and including the Class of 1988, retroactively. The specific details of eligibility are still be worked out, but it generally will require the student to meet employment criteria (again, generally, public interest/public service law), as well as income and adjusted income requirements.

### HOW CAN I FIND OUT MORE?

There will be an informational meeting about LRAP for students soon, probably in about three weeks. At this meeting we will be presenting the specifics of the proposed program and asking students for feedback. We also will be available to answer your questions regarding this program. Stay tuned to the **OPINION** for further details. Also, if you just can't wait and want to find out more, stop by the BPILP office, room 413 O'Brian Hall.

## Seminar on Law and Medicine

by Natalie Lesh, Business Manager

Law students and medical students shared a classroom last week in a unique attempt to bridge the ever-widening gap between the two professions. As part of Professor/Associate Dean Lee Albert's "Clinical Medicine Policy Issues" course, twelve law students converged upon the medical school for an intensive week of lectures and discussion. The medical students, all third-years and in the middle of rigorous rotation schedules, elected to take this course during one of their four one-week breaks of the entire year.

The week began with two days of lectures by doctors and lawyers from the community. The well-chosen speakers ably introduced the topics which would become the focus of the week. The topics included: Informed Consent, Health Care Proxies, and Patients' Rights; AIDS- Responsibilities and Rights of Patients, Providers, and Society; Resurrection Medicine and Futile

Treatment of the Terminally Ill; Process and Roles of Various Constituencies in Resolving Policy Dilemmas; Hospitals' Control Over Medical Practice; Rationing of Health Resources; Malpractice and Defensive Medicine; and Medical Responsibility for the Unserved.

After this introduction to the issues, we formed groups consisting of two law students and one medical student each. For the next two days the groups visited various sites and interviewed "resource" people throughout the city, in order to research their respective topics. The goal of the research was to understand how certain policies actually worked in practice and to formulate a proposal on how such policies could be improved. On Friday, the groups presented their proposals and facilitated the discussion of their issue.

For those fortunate enough to have been part of this wonderful experience,

Friday was learning at its best. The give and take belied the stereotypical portrait of the legal and medical professions, which paints them as antagonistic, mutually exclusive groups. Although there was a good amount of debate, there was also solid agreement on a number of issues. It was a refreshing reminder to the law students that most doctors are not just out to earn as much money as possible, negligently ignoring the needs of their patients. It also reminded the medical students that most lawyers are not just out to "get" doctors, failing to appreciate the complexity of their work.

The concern with the American health care system is, of course, very timely. Change is inevitable, as costs are skyrocketing while services are simultaneously declining. Most of the efforts to improve this disastrous situation have been mere "band aids," temporarily healing one small part of a monstrous injury. Many believe that this year's presidential election, as well as other upcoming elections, may hinge upon the candidates' proposed health care re-

form policies.

In this context, a joint course offering in the law and medical schools is fantastic. The greater the understanding between the medical and legal professions, the greater the possibility for developing a health care system which more fully addresses the major areas of concern. Lawmakers often forget that the realities of clinical medicine will determine the effectiveness of a given health care policy. On the other hand, doctors often forget that they are the only ones who can provide this information. Doctors and lawyers must therefore work together in formulating a health care policy which will serve the American people. Lawyers must be more willing to allow doctors into the process, and doctors must be more willing to accept this role.

Mutual respect and understanding are prerequisites to any process as complex and important as reforming the American health care system. This course is a step in the right direction.

## U.B. Law Student Contemplates Federal Suit

by Angela Marie Gott

All differently abled law students will require accommodations of some kind for the New York Bar exam and the access to the same kind, level, degree of accommodations you are receiving at this law school is not automatically guaranteed for the New York Bar exam as I am quickly finding out. You have to apply/petition/request these accommodations 90 days before the Bar Exam is given. No one at this Law School made me aware of this fact and just by a

miracle, on the 90th. day at 7:30 PM, when I was waiting for a document to print and thought I'd look at the rules, did I happen to make this discovery. Thanks to Daryl Parker, who drove my request to the Williams Street Post Office just prior to midnight, my request was timely submitted. Those "differently abled" law students who have documentation certifying and describing the existence, nature and extent of their disability and who have been receiving accommodations based on this documenta-

tion should not be lulled into believing that this documentation will be accepted by the New York board of Law Examiners. Just the fact that you have been recognized as "Disabled" and have been treated and accorded accommodations for your status as "differently abled" in the past, does not guarantee you this recognition and acceptance of status by the New York board of Law Examiners.

Do realize that the A.D.A., Title II, which became effective January 26, 1992,

requires all state and local government programs to be accessible to the disabled and prohibits discrimination against the disabled. The A.D.A. is not tied to receipt of Federal Funding either. State and local government programs must obey the Federal mandates or be in violation. All disabled have a "private right of action" and may proceed directly into Federal District Court to complain.

In my situation, all my documentation was procured in 1977-1981 when I put

...Threat continued on page 14

The New York State Bar Association offers great opportunities to be updated on New York law.

But did you know that New York State Bar Association also offers members valuable insurance coverage? For example,

#### TERM LIFE

- Up to \$750,000 benefit available to members and their spouses;
- 10% volume discount offered on a policy of \$250,000 or more;
- Annual dividends — paid to policyholders since 1962.

#### MEDICAL

- Comprehensive and Excess Major Medical coverages available;
- Competitive benefit provisions and rating structure;
- Your choice of benefit plans and deductibles.

For more information contact:



NEW YORK STATE BAR ASSOCIATION  
Membership Services Department  
One Elk Street, Albany, New York 12207  
Phone: (518) 463-3200



# Exclusive Opinion Interview with Dr. Leonard Jefferies

The following is a transcript of a 2 hour and 45 minute interview between *Opinion* News Editor, Saultan H. Baptiste and Dr. Leonard Jefferies. This exclusive interview has been edited due to length.

**Opinion:** What happened during your meeting with Elliot Morgan, a Harvard student who interviewed you last year for the *Crimson*? He said you insulted black authors and threatened his life.

**Jefferies:** The day before, I was supposed to speak at Baruch College who had the same problems or probably worse than the students here. The Baruch College administration... were trying to resist them having it there... So, here is this guy sitting in my office, I'm learning that my father is dying. I don't even have time to mourn, don't have time to cry. And then I said, well, I can't let those student's down. I've got to go there at 7:00 but what I'll do is... turn the lecture into a dedication to my father who just passed away... and I did a libation dedicating to my father. So even he said "Oh, even Jews stood up and applauded you," because he was up in the balcony.

Then he came to us the next day. We let him come to our classes, 11:00 -12:00 pm. Then at 12:00 we go to lunch: we don't give interviews at lunch. Lunch is, you know, the faculty dining room. It's ten or twelve of us, so after the lunch we went up to the conference room... [H]e's a naive type of guy with no real understanding of the black experience... but he also was planted because he started asking, I remember, provocative questions. He's the one who said the *Crimson* was called the *Kykeson*. So those are the types of things he had come to run past us to solicit. But he already had a made-up thing already in his mind. We gave him this much documents up in the conference room (indicating approximately 1 inch thickness). He embraced me and said he had never been so well received. He went to my secretary. She wasn't in, so he wrote a note on her lamp saying, "Thank you very much." When she came, he embraced her. And then he went up the street to Brother Small and said goodbye to him. Brother Small gave him a book and then he went to Harvard.

It's at Harvard that he testified on T.V. that he talked to [Alan] Dershowitz and it's Dershowitz who came down to New York saying that he [Elliot Morgan] had been attacked by us or threatened by us... So, he had been programed and processed by some other people... [H]e said we threatened him to kill him. He said we took his tape... and he said Brother Small threatened to kill him. So, obviously he was planted. You see this is the way they operate; get a black person to bring charges against black leadership.

**Opinion:** Many of your critics have said you are a conspiracy theorist...

**Jefferies:** Slavery was a conspiracy... movies were a conspiracy, I'm not backing down from that. They put that tag on me two years. They said I was a conspiracy theorist... I said on the "Gerald" show that AIDS may well be part of a long term plot against Black people... So they typed me conspiracy theorist. But they don't want any reference to their historical relationship to oppression, because they have taken on the mantle of the oppressed... But some of them were the oppressors and they are going to have to deal with that. And that's not the main thing that we're talking about. We're talking about genocide and reparations and we want to include everybody. It is not in our interest to focus in on anybody...

**Opinion:** So how do you define conspiracy?

**Jefferies:** Concert of interest... The movies, Hollywood, is a conspiracy against black folk. People sat around tables or sat in the living room, or sat in the Hillcrest Country Club, which was the country club for Jews because they couldn't get in the Wasp country clubs, and they sat around and plotted and planned and programmed what was going to be on the silver screen. And they plotted and planned that America was going to have this idolized Dick and Jane image and that gangsters were going to be idealized and that black folk were going to be wiped out and that Native Americans were going to be wiped out. And they plotted and planned those things. Nothing occurs on the silver screen without people sitting down and saying "we're going to do this and that". For instance, when Danny Kaye who... Samuel Goldwyn... liked... [did] a screening of Danny Kaye... people said "This man can't make it. His nose is too big." But because Goldwyn liked him... he... got this brilliant idea. "Well, if people are going to focus on his nose... let's dye his hair blond and that would take away from the nose. So, Danny Kaye's role in the movies comes as a result of someone deciding that his image could be improved and his negativity could be neutralized by blonding his hair.

The images on the screen of a Black fat woman - a mammy. The image of a black man with his eyes bulging out, the image of a black man shaking and trembling. Those were plotted and planned by the producers and directors and others. And when they saw this model making money

they said "Let's do it too." And the prototype for the negative stereotyping of black folk is "The Birth of a Nation," in 1915. It was at that point that members of the Jewish community are beginning to take a major role in the film industry. Now that's the history.

**Opinion:** There are articles saying that because melanin is in black skin, blacks are dominant...

**Jefferies:** We don't say that. What we do say is that melanin makes you different and God bless the difference. The blackness is a blessing, not a curse. And melanin gives us an advantage. Everybody on the planet has to have melanin otherwise you can't survive. Melanin is something that is part of natural development. But if you are living in the sun, then you... develop melanin to protect you from ultraviolet rays of the sun. And that process is referred to as Gloger's law... and that is why people of color have color... It is a physical advantage, but we do not make any reference to intellect. They put that in only to pair me with a Jew... a Professor Michael Levin, who has gone around the world saying that black folk are inferior because of tests. There is no cry against him. There is no Jewish organization disowning him... They wanted to pair me with him because it was part of their plot in place to create the image of Jefferies- the anti-semitic, who got control of the education in the state of New York and forced Africanness on the commission and the task force...

Melanin is important in the human family. In the beginning you have DNA, RNA and melanin... the organizing molecule for the cell. That's neural melanin... Epidermal melanin is the outer aspect of pigment. And this pigment is necessary in order for you to negotiate the ecosystem of the planet. Europeans lack it because [they] evolved in the ecosystem of the ice. The dominate environmental factor of the European and Northern Asian cradle... has been the great ice age. And people know this... the genesis of the European is out of the ice... which descended on Europe 100,000 year ago. It lasted 90,000 years... and it ended around 7,000 to 8,000 B.C. The European... date themselves... as emerging on the human plain in 40-50,000 B.C... We are saying that the ice factor is the reason for the European losing the melanin and developing his own biological and physical characteristics. But worse than that is... the mental characteristics which come out of an environment of survival in the ice [which] are a domination of the male principle in leadership, a selfishness, a self-centeredness, a greed, a territoriality... There is a different value system that comes out of the Northern cradle than the Southern cradle which has a laid back environment...

**Opinion:** Is this a new theory?

**Jefferies:** No. It is only new in the sense that a black man is articulating it and he has been thrust at the center of educational reform.

**Opinion:** Where did it derive from?

**Jefferies:** The Europeans have used it... for the last 200 years to say they are superior. They say the people of the sun are inferior because the sun makes them lazy... They say the European is... superior because he is the aggressive one in the ice... They have used this, intellectually, to say that that's why they are superior. And that forms the foundation of white supremacy. Now we're saying "wait a minute, that may not be the case." We're not talking superiority, we're talking difference... Your male dominated behavior... and your greed, your selfishness, institutionalized and systemic, may come from your ecology...

**Opinion:** I read an article in the *New York Magazine* (September 2, 1991) where you said you have to have melanin to be human and it seems to imply that whites are not human.

**Jefferies:** No. Everybody has melanin. Whites are deficient of melanin because if you are in the caves you do not need it. You need melanin to negotiate an environment of the sun. If most of your life is spent in the caves or in an environment that is not sun filled... then by natural evolution... you lose that which you do not need.

**Opinion:** There some people who have stated that you do not allow white students in your classes. Is that true, and if so why?

**Jefferies:** I have no control over that. That's an absolute lie. The head of the Hillel was in my class last year... and even after the attacks of August [1991], he came in September, he came to me and said "Dr. Jefferies, will you be my advisor for my independent study and will you speak to Hillel"...

When students register, I get a computer printout. Most of this mis-information comes from the fact that a white boy who had his class in 1980. He said he learned more in that class than he had in any other class in college... and he wrote a column called "Crazy White Boy Blues."

And in it he wrote a lot of mess, fantastic and cute etc., and that went into the computer down in Washington, funded by the Heritage Foundation, and they put it into the international computer bank. When I went to the University of Minnesota Law School, last spring to lecture, the students said "Dr. J., do you know what's in the computer on you"... and all this bullshit comes out, that was put in there, by people who got the City College article... They won't say that when they tried to have a hearing on me because of the article, the white boy refused to come because he said he's not attacking Jefferies. They don't say that he wrote a

## The Storm Before the Calm: Student Interest Builds Before Jefferies Speech



by Saultan H. Baptiste, News Editor

During the four days prior to Dr. Leonard Jefferies' speech, a great deal of commotion was astir on UB's campus. Many students were interested in Jefferies' theories and looked forward to hearing him speak. Although most interviewed said they had never heard his theories, they believed he was anti-semitic, based on reports in the media. In addition, a great deal of anti-Jefferies information was circulated on UB's campus prior to his arrival. One such campaign was lead by UB's Jewish Student Union (JSU).

Rachael Small, President of the JSU, stated in an interview prior to Jefferies' arrival, that although Jefferies is protected by a First Amendment right to freedom of speech "we (JSU) have every right to be there to rebut him." JSU Publicist, Scott Herman, said that he did not feel Jefferies should have been invited to UB, but "there [was] nothing we could do about [it]." He was concerned as to how long the First Amendment would hold out for Jefferies. Referring to the first amendment exclusion of exciting a riot, Herman said, "maybe not here, but someplace else... when Jefferies speaks there is going to be violence... and then, hopefully people will wise up and see that this man should not be allowed to speak on college campuses.

Small said she planned to get as many Jewish students as she could to attend the lecture. She said, "if he should say anything that is racist or false we want to be able to stand up and challenge him. If he says something anti-semitic during the speech... I, or a [nother] Jewish student, should stand up and counteract it... The more students, the better... We did want to stop the speech, but we realized we couldn't... This was our next step."

Herman said "[Jefferies] loves the confrontation... Storm continued on page 14

fourth article saying that it's not about Jefferies and that people should take it as a joke.

**Opinion:** I spoke to Black students who took your class at CUNY, and they said that you referred to White people as "White boys" or to Gays as "faggots".

**Jefferies:** Well, we very rarely do that in class, because... a lot of our people are gay, so why would we insult them. We always say "White boy." That has never been a problem in this country because they referred to Blacks as boys... We refer to them... as "White boys" because they are younger than us. We are the elders of the human family... Black people are the mothers and fathers of human kind.

**Opinion:** But, what if they perceive that as being derogatory, similar to walking up to a black male and calling them a "black boy. They might consider it derogatory.

**Jefferies:** I don't talk to a group of people and say "white boy." I speak in general terms about white folk. I



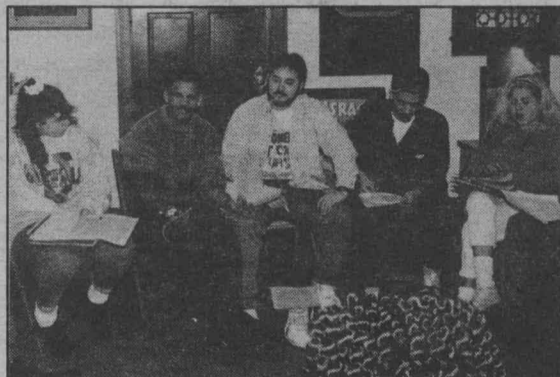
either say "white folk" or "the white boy." I don't walk up to white person and say "white boy." I am saying that they call us "boys." I am saying that they have institutionalized it in the culture of America. And there's not a single person raising these issues like they should except me.

**Opinion:** But don't you think that it might turn people away?

**Jefferies:** I really don't care. I don't care what black folks think or white folks think. I'm raising issues. I'm getting people to think. I'm not worried about that. That's insignificant.

**Opinion:** So, you think it's necessary to use those terms?

## The Day After: BSA and JSU Students Meet to Build Bridges



Students express their feelings at a round table discussion following Dr. Jefferies' visit.

Photo: Michael Radjavitch

by Saultan H. Baptiste, News Editor

On Saturday, July 8th, the Jewish Student Union (JSU) invited members of the Black Student Union (BSU) to meet for brunch and post-Jefferies discussions. This event was planned prior to his lecture to ease tensions between the two groups.

Both groups dealt with raw facts and expressed their feelings and impressions. During the brunch, small group discussions ensued on various topics raised by Jefferies. Most students agreed that Jefferies did not say anything anti-semitic, but some Jewish students said he did not make those statements because they were present. Several Black students responded "you're just not willing to admit that he is not anti-semitic."

After about three hours of independent small group debate, both groups joined for a circle discussion regarding the 'fact sheet' distributed by the law school organization, Students for Constitutional Concerns (SCC). One BSU member said, "that if you didn't know who [Jefferies] was, after reading the 'fact sheet,' you'd think he was a monster." All the students found the document mostly unfactual, unsubstantiated and absent of neutrality. One Jewish student said "it was a chop job." They dissected each quote and said that the authors played tricks with facts and fed on stereotypes of Jews.

Overall, the forum seemed to promote a sharing of religion, language and tradition as members shared their varied cultural backgrounds. Although both groups had no interaction prior to the storm of Jefferies event, they made plans to schedule future joint events such as a cultural night and research groups. They ended the night with a game of LaserTron. It seems as if a silver lining has been found in the wake of the Jefferies visit.

**Jefferies:** It is. It is absolutely necessary, so I use it. I doubt whether white folk have... been manly. They have participated, globally, in the destruction of people of color. They are now participating in the same process with me. There was only one white scholar, who happened to be a Jewish scholar, Professor Kent, that said "what Jefferies said about the movies is correct. I'm a Russian Jew and I should know." There has not been one other white person to stand up... and become a man. They are still operating as boys... Very few Blacks have stood up too, and the boy syndrome is still with them.

This is a man talking about the human family. And blacks are not challenging their negative imaging in the movies. In fact, they are participating in it... that's why you have "In Living Color."

You can't get those youngsters to change. They are successful. They are playing the white boy game. Black boys are doing the White boy thing better than the White

boys.

**Opinion:** Like Spike Lee, John Singleton...

**Jefferies:** They're trying to grow, but the Wayans, "In Living Color," is not growth... Do see anyone saying anything about "In Living Color." When they say anything about gays... or boys... or when they have that Black man crawling out of a box... Not a damn thing... The conspiracy is systemic. Once you have a system in place which is culturally dominate, you participate in it... That's what Malcolm [X] said. You don't have to tell slaves to go around the back. If you have a slave culture, the Africans or slave people will go around the back and carve a door out for themselves. [It will continue] until you get a man, like a Frederick Douglass, who runs away from enslavement... a man like David Walker who spoke out against it and gave his life. Men are willing to give their lives; boys find a comfort zone. I am making a distinction between white boys and black boys, and white men and black men, with a purpose. Most of the media people that [come] around, including blacks, haven't had the intellectual curiosity... or understanding to go into these things in a serious way. All their doing is fulfilling their professional roles and reporting it...

**Opinion:** What type of impact do you feel your lectures will have on African-American students?

**Jefferies:** Wake them up. Quickening of the spirit. The boys will become men. Now they have to make some decisions, because people are threatening them. If by the fact that they want to have a black history program and they want to bring... people to speak at a university, which is suppose to be place where ideas are suppose to be heard, no matter how controversial, because if things are only in the press where there is a give and take, then it should be in universities. So, what is happening is that Black youngsters around the country are saying "we want to hear what is being said. We want to make our own decisions." So there is a growth. There is a manhood... and a womanhood process being put in place by Black youngsters.

**Opinion:** Did you mention the "White pussy syndrome" in your classes?

**Jefferies:** Definitely. That was the big thing in that white boy's article. W.P.S. we call it, the white pussy syndrome. And it's in this culture. The White woman is put on a pedestal and that's [the] standard. Everything is revolving around her. She is sold and prostituted. But, because Black women might feel offended... we changed it to S.E.X., Super Exploitation of the "X" Factor. In most instances the "X" factor is the White woman. In some instances the "X" factor is the Black man... the Black athlete... [In order to sell commodities in America the blond, blue eyed, White woman is the pinnacle... It is so insidious in the culture that even strong Black men, who should know better, revert to becoming boys...]

**Opinion:** Back to the issue of Gays, are you anti-Gay?

**Jefferies:** Understanding were I am coming from, trying to uphold the African standard, you have the right to have any partner that you wish. Any color. You have a right to have any sexual preference that you wish. There is no need to put down people for that. But that is not the standard that you're going to ask me to hold up. I'll appreciate you and what your interests are. I'll respect you for that, but that is not the standard... We are dealing with standards set by the god-force of the universe. And the god-force says that if you are black, you should be black and proud. Not walking around feeling that you are inferior because somebody is white. If you're Gay, that's your situation. It can be respected because you may have no control over that. But that's not the situation that we would want all in nature's creation to be about. If you have a preference for a white woman then that's your situation... but that's not the standard. We are talking an African standard. If we don't have it, and don't understand it, then peoples will be wiped out and devastated and that is what has happened... We have moved away from that because we have been blinded by whiteness.

I'm here, standing on this truth, ready to die for it. And I ain't going to become a Black boy or White boy. I'm going to be here with this truth. If the truth is wrong, then bring the evidence, bring the documentation. Let's have some discourse... but not a single scholar has stood up and said "here is the documentation that you should change your opinion"... They use the newspaper people, and others, like this youngster from Harvard. Not a single scholar has stood up. However, Jewish scholars, who have some courage, enough to contact me, but not enough manhood to stand up, have sent me information about the Jews involvement in our slavery.

**Opinion:** Many of your critics question your scholarship and say you have not been published. Why haven't you published anything on your theories?

**Jefferies:** The reason why I am the center of the storm is because of publication. In a publication, there

became a national controversy called the "Curriculum of Inclusion." The major portion of writing... was [by] Dr. Leonard Jefferies... and just the concept laid out in those 500 copies, has upset white supremacy and the world.

Why is somebody who hasn't published anything, why would you spend so much media coverage on him. And if he is not... a scholar, if he's a fraud, why don't you bring out the scholarship. If he's a thug, and has no... scholarly substance, then why spend so much time on him. Let him thug his way into oblivion.

**Opinion:** Some have suggested just that and they say you will just fade away. They say you have no degrees in history. How do you defend that?

**Jefferies:** Do you have to have a degree in history to be a scholar... How many of these newspaper people, or these people attacking me, have a Ph.D. In order to get a Ph.D., you have to write a dissertation. Mine was 300 pages on primary research in the Ivory Coast. I am one of the leading experts on the Ivory Coast. I'm waiting for the head of the Ivory Coast to die so that Ph.D can be published. I have never been into the European thing of 'perish or publish'...

I got tenure (at CUNY) because they need my academic and professional skills to structure a new discipline called Black Studies. In order for them to get me to do that, they had to say "you are worth to us giving you tenure." And that's how I got it. Scholarship is just not writing... scholarship is organizing scholars... [and] research. And when you are asked to be a leader of a scholarly discipline, your criteria of evaluation is what you've done in the area of leading the scholarship not in writing about it. Writing, it is the underlings under you that do the writing. I am chairman of a department of 25 people. I am directing and encouraging them to write... That is more than the scholarship of writing books. That's more than writing position papers...

**Opinion:** What do you see as your long term goal?

**Jefferies:** The manhood and womanhood of African peoples and Latin peoples and Asian peoples and White folk who can stand up and get us prepared for the 21st Century. Otherwise, the 21st Century is going to be a disaster.

**Opinion:** What would you like to see the Black students at U.B. do after you leave?

**Jefferies:** Get into serious research. Form research teams [and] study groups, organize seminars, that's what we're calling for... One of the most important and intellectual endeavors has occurred and we are in the middle of it... this is the legacy we are leaving for you. You will be doing the follow up and the research and the work into the future just as the students who fought in the late 60's [and] created the Black Studies Movement and we profited from that. Now we have created this larger movement for your generation. The question is weather or not you have the manhood... or the womanhood to take the challenge, or whether it is more comfortable for you to act like boys and find a comfort zone in white supremacy.

### Post Lecture Comments

**Opinion:** A Jewish student commented after your speech that he felt that your statement that African genes are dominate and European genes were recessive. How do you respond to this?

**Jefferies:** That's science. That's not me... African genes are dominate... It doesn't have anything to do with anti-semitism [or] Jews. African pigment genes are dominate as opposed to European pigment genes which are recessive.

**Opinion:** Many of Jewish students had problems with your views...

**Jefferies:** When you are dealing with the Jewish population you are dealing with a complex mix of race, religion and culture. So here we are confusing the whole bit... It's bad enough for them to have to negotiate the Jewish-Gentile Syndrome. And here we are coming with another mess saying that the... cultural and institutional foundation of the human experience is African. They can't fathom it. They just can't fit it in anyway... If you have been told that Africa is nothing but savage and primitive, and here comes this guy saying that Kemit is that which made you what you are. They believe that God choose them... that is the underlying attack.

**Opinion:** You said that many religions and nations were involved in slavery, but you spent a lot of time on the Jewish involvement.

**Jefferies:** Because the Jews have been the biggest deniers of having anything [to do with slavery]... You should read what they wrote in the [New York] Times. "No Jews could be every be involved... how could you dare." We have all the letters these people sent. They don't even know their own history. We made the distinction - we said merchants and rich people... Let's be real... #



### ...Jefferies Speech

continued from page 1

and developed a value system built on aggression and male dominance and superiority. This value system was unlike that of the "Sun People" (black people) who had greater resources and a value system of balance between men and women.

Jefferies supported this theory by referring to "scientific studies" stated in various articles in Newsweek magazine and U.S. News and World Report. He commented on the title "The Way We Were" used in the November 10, 1986 issue of Newsweek, which discussed the European ice age. He said it should be entitled "The Way They Were." Jefferies said that "the European," referring to white people, "[are] not prepared to deal with the truth of the universe."

Jefferies said that he was surprised by the way many members of the Jewish community have reacted towards him. He said that his "Jewish brethren... have been dealt a dirty deck of cards by white supremacy," and that "the holocaust of the Jews takes nothing away from the African and Native American holocaust." He stated, "we have never singled out Jews regarding their involvement in slavery but that [he] would not bury their interest," which also included the Catholics and Protestants. He once again reiterated that "It is not about anti-Semitism," but added that it was about "anti-Kemitism," referring to the word "Kemit," meaning Egyptian.

Jefferies attempted to bait hostility in his audience with the comment "Isabella's jewels has little to do with the discovery of America. Isabella's Jews did." The statement was followed by a full minute of silence and he then switched to another topic. Over one hour later, he returned to the topic and elaborated on his statement.

Using his system of analysis, Jefferies discussed the Jewish involvement in the colonization of America. He said that in 1492, the same year Columbus landed in

America, the Spaniards overthrew the Islam religion with the defeat of the Moors and the taking of Grenada. He also stated that Jews were forced to change their names and those that did not were persecuted by the Christians. He said Jews were the first to participate in the colonization so that their persecuted people could be sent to a safer place.

Jefferies said "Black folk... have two souls in one body: whether to be true to yourself or be a reflection of someone else. He said that society says "to be successful, you must be white and if not, try to be white." He said today's educational system teaches you "to talk white, walk white, and get a white one if you can (pause) a white degree." He said such a society creates a "Michael Jackson Syndrome," referring to Michael Jackson's whitening of his skin. After the laughter from the audience quieted, Jefferies stated that his problem was not a joke but a dilemma that all African-American's face. He said Michael Jackson is "a victim of being sold on white supremacy... and never reached full African manhood development."

He extended his analysis to Japan's role as an economic power. Jefferies said Japan was tricked into believing that the U.S. had many nuclear bombs during WWII and would not be tricked again. He said Japan is at war, but not a military one. He said "economics negotiates the environment and creates... Politics manages the economy and distributes the wealth." He said when economics, politics, and culture are brought together, there is power and balance. He said, "Blacks are not allowed to synthesize these factors for power."

Jefferies said that the socialization of African-Americans is done through the media and film in creating negative images. He asked the question "Can [Jews] see the negativity of the cinema [as] the death and destruction of our image." He mentioned how the depiction of African-Americans in movies such as "The Birth of A Nation,"

which he said was done by a Gentile and paid for by a Jew, resulted in the greatest number of lynchings in America.

Jefferies concluded his speech with a reiteration on his theme "Anti-kemit, not anti-semitic." He went through a detailed history of how the Washington monument, the symbols on the U.S. dollar bill, and other elements of daily life have their origin in Egypt. He also traced the history of African kings and queens and their place in history.

He left students with the message to go beyond the stage of role modeling. Jefferies told students to seek out the "mind model" of people such as Harriet Tubman. He said "find out the nature of her mind and what motivated her to do what she did." Then they should model after her spirit which gave her the perseverance to keep going back to lead more slaves to freedom. The speech ended with a standing ovation from the majority of students present and had not been interrupted once during the lecture.

After a short break, Jefferies entertained questions from the audience that remained during the early morning hours. There appeared to be a great divergence among the students that remained. Most of the questions came from a group of Jewish students who sat together most of the night. When questioned on his scholarship and research sources, Jefferies challenged one Jewish student to name a scholar who contradicts his theory. One African-American student said that what she got out of Jefferies' speech was a lesson and that she has a lot of work to do regarding her history.

During the question and answer period several students commented as to whether or not the questioning Jewish students were in the same room and heard the same lecture. One African-American student stood up and said "They are not willing to accept that he is not anti-semitic." However, one Jewish student found Jefferies' statement during the lecture that African genes are dominant and European genes are recessive to be anti-semitic. Another Jewish student commented that

Jefferies is anti-semitic by implication. He said that Jews are a fraction of the world population and he spent a large percentage of his time on the Jewish issue. Another Jewish student said his lecture was far too long. "He said in 2 1/2 hours what he could have said in 5 minutes."

An African-American student said "Jefferies is justified in concentrating on the issues regarding Jews because of the preconceived questions he knew people had before they arrived. Although some students thought the lecture to be long, Jefferies needed to clarify his position and relay 60% of his knowledge in an organized fashion, and I think he did it."

Jefferies ended the question and answer period with the comment that UB was the first university he had visited where there was disagreement, but still discourse.

Vice Provost for Student Affairs, Robert Palmer, said that "Jefferies offered points of view which were insightful and challenging," and he did not find any of Jefferies comments "contrary to the traditions of a university." Palmer said he was proud of the way students handled the lecture and that "we have a community where points of view can be raised without intimidation."

Dennis Black, Associate Vice Provost for Student Affairs, said that "[Jefferies] was very clear and that people who came with preconceived ideas could leave with something to think about." Both administrators commented that their only regret was that there was not another room to accommodate the large number of students that were turned away. BSU officers were also very disappointed that 150-200 students were turned away. Ramses Duvivier, BSU Activities Director, commented that Diefendorf had the largest seating capacity available. When Jefferies was informed prior to speaking that so many students had been turned away, he expressed a willingness to give two consecutive lectures so students could hear him, however BSU was unable to execute such a plan since students had already been turned away, uninformed of such an opportunity.

### ...Kwame Ture

continued from page 1

Mr. Ture's message for Sunday evening encompassed all that he had experienced in the United States during those turbulent times, as well as his experiences in Africa. His message was fundamentally directed to the African youth which constituted the predominant portion of the audience. Beginning with a discussion of history, Mr. Ture proceeded to cover the areas of education, organization, justice, and capitalism.

"History is crucial... History is only made by the masses of the people... History, after all, is nothing other than the people's constant struggle for justice." Mr. Ture quoted Fredrick Douglass to further develop his message, "Where there is no struggle, there is no progress. So if progress is eternal, and it is, struggle is eternal." Continuing, Mr. Ture stated, "... If you begin your history in slavery, the best you can aspire to be is a good slave. [Thus], you will never find freedom unless you know of a time in your people's history when you were free."

Mr. Ture then began to tie in the other themes of his lecture. "History imposes obligations... [the task is to] not only know the truth, but live the truth... Truth is universal, not particular. There is no middle ground. [Finding the truth] is an eternal process of learning. The more you know, the less you know. But the more you know, the better you can serve."

"Students have the duty to translate to the masses the knowledge and understanding that they possess... History/progress is judged by the level of the masses of the people... The task is to serve humanity by serving a suffering part of humanity... Our

people have and continue to suffer. The masses of our people are worse off today than they were in 1960... Our people will be free... Our people have to be free... And who's going to work for our people if not us."

In the interview prior to the lecture Mr. Ture elaborated on this point with calm conviction. He stated that the appropriate question on the issue of revolution, "is not whether or not it will happen, because it will, rather when." Mr. Ture went on to explain that the necessary ingredient is the institutionalization of the values, interests and principles of the people in a permanent organization. Mr. Ture pointed out numerous examples of the institutionalization of white supremacist's values in permanent organizations in the community, (i.e. the police).

Explaining this further during his lecture, Mr. Ture stated, "No one person can make history, rather only those individuals who embody the dreams and aspirations of their people make history... Capitalism has confused you at the level of thought. You have been taught to believe that one great man changed history and that is not so... We cannot fight the enemy [capitalism] as individuals... One individual by himself can make no effect upon the course of history, this is true."

Continuing, he said "I want to be free, but I need you in order to do so. Organization is the transition [vehicle] to power." Echoing Malcom X, Mr. Ture went on saying, "Power can be obtained either through the ballot or the bullet. If it is through the ballot, we need the bullet to protect our gains."

Mr. Ture repeatedly urged that Africans join an organization. He felt that an organization would be fine as long as that organization was working for the people in some way. And he went on to argue that, "If all the one's [organizations] out there [now] do not satisfy your understanding of what is necessary for the liberation of your people, you should create your own."

Mr. Ture also pointed out the fact that Africans have great potential for success, while not fully utilizing this potential in the past. He highlighted the long history of mobilization within the African community around issues or events which have struck a cord within the African community. As an example, he stated, "that when [Martin Luther] King was shot, we burned 269 cities in two days, and then sat down for twenty years."

However, Mr. Ture went on to say that after each traumatic time in the history of the African struggle, the level of consciousness of the mass of the people has been raised. He continued, that after an experience such as this, the people return with a vengeance. In fact, Mr. Ture stated that it was today's African youth who were to lead tomorrow's revolution, as "history has shown you the task to destroy American imperialism."

As an example of this ebb and flow, Mr. Ture pointed to the change in society's relationship to Malcom X. Mr. Ture said that when Malcom X was assassinated in the Audobon Ballroom no one knew who he was. Now every African youth knows who he was and what he stood for.

Addressing his attention to American Capitalism, Mr. Ture cited its "animalistic history." He continued that it is, "a corrupt system determined to exploit forever... I

speak about principles, and principles are clear. Corruption can never produce freedom. Capitalism knows no sentimentality, and neither does revolution."

Mr. Ture stated, "Ideology is culturally based, this is true, [and] American capitalism does not come from African culture, rather European culture... America is not our culture, Africa is... Our well-being is not tied up with the well being of America."

Mr. Ture later went on to point out that America is in fact the enemy of Africa having, "raped and pillaged her repeatedly, attempting to hide and destroy everything she has produced. And the enemy of my home and my people is an enemy of mine."

When asked in the interview to comment on the fall of communism in other parts of the world, Mr. Ture had this to say, "you can never judge a system by the people in that system. You must judge the system by the principles and ideology which it embodies. And ideology is culturally based... Marxism/Leninism did not originate in African culture, so the fact that it has failed there means nothing in our African struggle."

Mr. Ture closed with a larger view of justice and Africa saying, "Justice is not a quantitative question, it is a qualitative question... Until Africa is united and free, no African across this globe will be respected."

Still a chance to join this wonderful organization...  
...learn to spin a web...  
...squeeze and massage with the best...  
-The Opinion Staff



interesting for its suggestion that there is both strong truth and weak truth).

The current status of Dr. King, therefore, appears to be that one may steal his rhetoric, but his ideas should be selectively suppressed. This is unfortunate, for in Montgomery on that day in 1965, Dr. King's idea was that "the end we seek is a society at peace with itself, a society that can live with its conscience. That will be a day not of the white man, not of the black man. That will be a day of man as man."

Dr. King promised that such a day would not be long in coming, but if we do not reject the narrow, divisive agenda of Leonard Jeffries, that day appears nowhere in sight.

Consider Mr. Jeffries' speech at UB. Let's grant his contention that truth can be gained through the learning process. Now weigh his theory, professed in his speech (see also *New York Magazine*, 1/21/91, and

*Newsday*, 6/17/90), that blacks are superior to whites because they have more melanin--a skin pigment--and melanin regulates intellect and health. If we accept the degree of scientific inquiry present in Mr. Jeffries' theory of racial supremacy, we might as well revert to thinking the world is flat. Is it any wonder that the scientific knowledge of American 13-year-olds recently placed 13th out of 15 participating countries, when students at UB greet Jeffries' bad science with nods of approval, rather than the gut-wrenching chortles of laughter it deserves? I once heard a well-educated Asian man seriously declare that his race was the most advanced since Asian men had less facial hair. Perhaps we should invite him to speak next month. Or how about some pitiful jackass in a white sheet and a hood? The world is full of silly theories of racial supremacy that should be recognized for the garbage they are, no matter what the

ethnicity of their proponents.

The road to hell is paved with good intentions, and it may be with good intentions--to instill racial and ethnic pride, for instance--that we have lately become pre-occupied with race as a criteria for judging the validity of a speaker, or a statement, or an idea. Where twenty-five years ago the ideal was to be color-blind, today it is trendy to be color conscious. But the trendiness of people like Jeffries only creates obstacles to solving the massive social problems that threaten to forever perpetuate the hellish conditions of life among the underclass. Do Jeffries' bigoted attacks on whites, Jews, women, Italians, and gays promote a remedy for the 60% of black babies that are born out of wedlock, or for the 61% of black children who are raised in single-parent families, or for the 40% of black youth who are unemployed, or for the nearly one-half of all black children who are supported by state or federal public assistance? Do Leonard Jeffries' biological theories provide a sound model for the 6 out of 7 black students who don't score

above the 50th percentile on standardized college admissions tests? Does Leonard Jeffries' babble about ice-people and sun-people explain why roughly 40% of those murdered in the United States are black men killed by other black men, or why in some large cities black women are five times as likely to be raped as are whites? (statistics from a Harvard University study printed in *First Things*, June/July 1990).

The facts are horrifying, and we need solutions; Jeffries' play to the politics of resentment offers none. His new separatism is no more useful than the old separatism. We need to assure a quality of life to all our citizens, no matter what race or ethnicity. Our foundation must be built of equality, merit, conscience and principle, not hollow theories that divert our attention away from real achievement. To succeed, there has got to be leadership; what Leonard Jeffries offers is a vile brand of intellectual thumb-sucking. If the leadership insists on abdicating from its responsibility, it would be lamentable if we did not quote dead saints.

Brian Carso, 3L

## The Opinion Mailbox : ...Suggested Changes

continued from page 4

Further, must one brief score be imposed upon both partners? The oral rounds count individually, while a team receives one briefscore. Should membership on the Board be contingent upon a competitor's ability to choose a partner, or his or her oral and writing proficiency?

### 2. Procedural control over judges.

Once we graduate law school, we are going to believe that we know best, and we are not going to like being told what to do, least of all by students still in law school. Without strict guidelines, though, the judges' evaluations are far too arbitrary and capricious. When the competition is composed of nearly 150 judges and attorneys from the community, there may very well be 150 views on how the competition should be conducted. This is not to say that a diversity of interpretations necessarily has a deleterious effect on the competition, but all competitors should be evaluated as equitably as possible.

The bench memorandum should include not only the facts, statutes and case law on the issue at bar, but also the rules and formalities each competitor is expected to follow in presenting his or her argument. For example, whether or not a brief recitation of the facts should be read, or more importantly whether a competitor may ask if the judges would like to hear such recitation. How should the competitors address the court? "With all due respect", "No, your honor". How should parties be referred to? "Appellant, Respondent", or by name so as not to confuse the unprepared judge. These of course, are just examples, but little formalities such as these can go a long way, at minimum, to putting a competitor at ease knowing everyone has the same expectations.

Thus, to this end, John Jablonski, was right on point. There must be a better articulated and utilized objective standard to promote "fairness" and vastly reduce utter subjectivity.

### 3. John Jablonski raises a valid point concerning the "secrecy" of the selection of the board members.

Despite the alleged secrecy surrounding this past year's competition, the competition in 1990 was shrouded in even greater secrecy. It even got to the point last year where competitors had to petition for their scores because the board refused to release them. Everyone instantly screamed cover-up, sensing some impropriety in the way the scores were handled. In almost a knee-jerk reaction, the board did an about-face, and any competitor so requesting could receive all oral argument and appellate brief scores.

The current Moot Court Board should

be commended for its decision to release both individual scores, as well as the median scores for all competitors. Additionally, the Board should release the "cut-off" scores, thus allowing competitors to know how they compared to those qualifying for the Board, in addition to a comparison to the field on the whole.

4. **Second-year v. Third-year competitor.** To dispel any existing or potential rumors of preferential treatment, the Moot Court Board should make it clear whether or not second-time competitors, or any third-year competitors, are admitted to the board under the same cut-off score. This past year's competition evidenced no such preferential treatment, while such rumors did surround the 1990 competition. Consistency is all that really can be asked of the board, however, considering third-years are deemed "honorary members", it leaves room for additional misgivings about the selection process.

5. **Affirmative Action.** When does it end? Not only do minority students get assistance in preparing their briefs, but if that is not enough to get you on the board, "in the spirit of diversity" you might get invited to the board if your minority group is not "sufficiently/adequately" represented by those students qualifying for the board solely on the merits.

There are few people who would argue with assisting students who have educational handicaps, or other physical impediments which limit one's ability to complete an appellate brief. The fact that the "affirmative action" brief assistance exists, no matter how infrequently it may be used, is simply wrong - it is discriminatory.

### LAW REVIEW, TOO!

While we were in the editorial neighborhood, we thought we would also add a few comments (no pun intended) as to how the Law Review Casenote Competition might be reformed.

1. **All for one, and one for all.** The Casenote Competition is not for the reading enjoyment of the Note & Comment Editors who have the dubious distinction of having to read and score all the casenote submissions as part of their elected duties. The purpose of the Competition is to evaluate the participating students to determine who is worthy of being invited onto the Law Review. Therefore, what benefit is served by having approximately eight different cases distributed to participants at random? Is that really a fair way to differentiate between students?

The list of cases usually includes issues from contracts, constitutional law, civil procedure, torts, and property law. Such a laundry list will inevitably include a

great diversity as to information available (cases, law reviews, statutes), number of opinions (majority, concurrence, dissent), as well as interest (to the student). It most certainly did in the 1991 Casenote Competition, thereby exhibiting the dissimilarity in the level of difficulty among the cases. Is there really a reason to have such a diversity in cases? Somewhere the logic escapes.

Many law schools use what is known as a "closed universe" casenote competition. Every student receives a packet with between one and three hundred pages of cases, statutes, law reviews, and other commentaries. Each packet is the same and concerns the same case. Why? First of all, it is fair because all students have the same case, a logical choice since the casenotes are being compared and contrasted with each other. There is no need to worry about the luck of the draw. The case and issues are appropriately chosen and everyone is stuck with the case - take it or leave it.

Secondly, since there is only one case, all necessary information is provided, to avoid 200 students ransacking the library. The Casenote Competition should be predicated upon evaluating one's ability to write, use authority and cite. Sure, research is an important tool to a law student, but should a casenote be made or broken over a student's ability or inability to find certain materials (which may very well have been "misplaced" by another student with the same case).

Third, students can still footnote and use the Bluebook to their hearts' content. There should be ample material supplied to each competitor so a lack of citable information should not be the Achilles' heel of the closed universe competition.

Lastly, it allows a greater number of students to compete. Not every student lives in close proximity to the Law School Library and not everyone is able to stay in Buffalo or be near another law library. A packet complete with case to be commented on and all materials needed and allowed to be cited, more law students could have the opportunity to compete, and compete fairly in the Casenote Competition.

2. **Release of scores.** Unlike the Moot Court Board, the Law Review steadfastly refuses to release competitor's casenote scores citing "tradition" as the reason. During the meeting in which first years are encouraged to compete in the Casenote Competition, the students are assured that even if they do not make Law Review, they can use their casenote as a writing sample. If students do not make Law Review, how are they to know whether their casenote is a worthy writing sample? There seems to be a lapse in logic.

When asked why the Law Review refuses to release scores, Bruce Brown, last year's Editor-in-Chief, responded that to do

so would just increase the amount of complaints the Law Review receives as to why a specific individual did not make Law Review. This is an unacceptable answer. With so much riding on qualifying for Law Review, a few additional complaints would not place an undue burden on the Law Review.

No one is suggesting that competitors know which Note & Comment Editor gave a specific score. Instead it would be relatively easy to release a composite score for each competitor so requesting.

The secrecy inherent in the selection process furthers the untrue assertion that there is something to hide.

3. **Affirmative Action.** A rather pleasant surprise is that Law Review does not offer "historically disadvantaged" students assistance in writing the casenote for the Competition. However, like the Moot Court Board, Law Review does practice affirmative action, where students of certain "recognized" minorities will be placed on Law Review if not admitted through the two standard ways of grades plus casenote or casenote alone - the so-called "third" way of making Law Review.

By beginning with a premise that minority membership on Law Review should at least equal the proportion of minority to majority student population, the Law Review has created a quota system which we believe is unjust. Diversity is a great thing, and certainly the Law Review should seek to have a diverse membership, but "creating" positions for minorities is of questionable legality given the Supreme Court's decision in *Bakke*.

Well, these are of course only our opinions and do not necessarily reflect the views of the entire membership of SCC. However, anyone agreeing with them knows that actions speak louder than words. Sincerely,  
**Daniel Bildner**, member of neither Moot Court nor Law Review;  
Member, SCC Committee for Academic Standards & Professional Training  
**Marc Hirschfield**,  
Note & Comment Editor, UB Law Review;  
Honorary Member, Desmond Moot Court Board; Member, SCC Committee for Academic Standards & Professional Training

# GIVE BLOOD



# From the Desk of the President

by Brian P. Madrazo

## Resolutions

On February 5, 1992 and February 12, 1992 the Board of Directors passed three resolutions on matters affecting the student body. Taken in order they are as follows: (1) A statement requesting that the faculty revoke the Faculty Statement or at the very least convene a committee to edit the statement so as to not chill First Amendment free speech rights; (2) A resolution regarding the law school proposed academic schedule for 1992-1993 and (3) A resolution requesting that proposed changes to the Drop/Add policy of the law school be sent back to committee to get both student and faculty feedback. Copies of all three resolutions were distributed to the faculty and administration. They are posted in the mailroom and in the glass case outside the SBA office. Please feel to take a look.

*moving on...*

## Grades

Once again the grade submission deadline of February 15 has come and gone and once again a significant amount of the faculty including a distressing number of senior faculty have ignored a deadline that they imposed on themselves. As of February 14, 1992 at 5:00 p.m. over 966 grades had not yet been turned in to the registrar. That included four first year classes comprising approximately 360 grades, 9 upper division courses comprising approximately 450 grades and 10 seminars with approximately 122 grades outstanding.

If one figures that there are roughly 800 students attending Buffalo Law School and each takes 4.5 courses per semester then each semester approximately 3600 grades are produced. Therefore, on February 14, 1992 27% of the grades had not been turned in to the registrar. This figure is clearly unacceptable for a number of reasons including hampering a student's ability to find summer or permanent employment, damaging the reputation of the school in the professional community, creating financial aid nightmares for students, causing some students to take an extra course in case they failed an exam and last but certainly not least causing needless anxiety among students especially first years.

The Board of Directors has reminded the faculty via a letter and in a faculty meeting. Further the Board will be taking the following steps during the coming weeks: (1) Letter to each faculty member who is late, copy of that letter to Dean Filvaroff and Associate Dean Boyer (2) One week later a letter to each faculty member who is late, copies to Dean Filvaroff, Associate Dean Boyer, President Greiner, University Council, the Faculty-Senate and the UUP. Further, as representative of the student body I will be filing a complaint with the Faculty-Student Relations Board on the behalf of each and every student who does not yet have all of his or her grades. (3) One week later a letter to each faculty member who is late, copies to Dean Filvaroff, Associate Dean Boyer, President Greiner, University Council, the Faculty Senate, the UUP, the SUNY Board of Trustees, Chancellor Johnstone, the Alumni Association.

(4) One week later a letter to each faculty member who is late, copies to Dean Filvaroff, Associate Dean Boyer, President Greiner, University Council, the Faculty Senate, the UUP, the SUNY Board of Trustees, Chancellor Johnstone, the Alumni Association, The Court of Appeals, the ABA, the Higher Education Committee in the State Legislature and (5) the media. Each letter will list all the

faculty who are late and will include where each letter is currently being sent and where it will be going.

Personally, I hope that it does not come to sending even one letter but the deadline is far too generous as it is and the faculty must accept the responsibility of turning their grades in on time. Do not harass their secretaries or A & R, take your complaints to the professor and to the administration.

*moving on...*

## Committees

Still a very weak response for the budget, commencement, speaker committee 1993 and orientation 1992 committees. If you are interested stop by the office.

*moving on...*

## Budget Proposals

By now each recognized student group should have received the forms in their third floor mailbox. You are responsible for having them in by the deadline which is February 21 or the end of this week. Make sure you back up your requests with documentation. Drop by the office if you need help preparing your groups budget.

## What has been happening

During the past two meetings the board voted to grant the Hibernian Society, two hundred and fifty dollars to support a party on March 19, 1992 and purchase a banner. The Board also granted the International Law Society three hundred dollars to help them finance the upcoming ILS Conference. The Board also donated a party to help raise funds for the Kenyatta Memorial currently being set up by the school. That party will be in March at a time to be determined.

*moving on...*

## Executive Officer Petitions

Believe it or not it is time to start thinking about replacing the current Executive Committee consisting of the President, Vice-President, Treasurer and Secretary. Petitions are available outside the SBA office, room 101 O'Brian Hall and are due back by March 6, 1992. Failure to return the petition means you will not be on the ballot.

I truly recommend that people run as a ticket, not because political parties are that much more effective but because the executive committee needs to work closely together all year. I personally lucked out, although I did not run with any of the other executive committee members we work well together and as a result the Board is more effective.

I said in September that the Board needed to be professional and that it had the potential to truly affect life on campus for the better. I still believe that and I encourage the various student leaders at the law school to consider the SBA Executive Committee.

*moving on...*

## University Council Petitions

Petitions are available at the main office of every student government including the SBA. While the election dates are the same as the SBA Executive Officer elections the time frame is different so make sure you read the directions carefully. This position is very important and I encourage any law student who would like to pursue this route to drop by the office.

*moving on...*

## The Rest

As usual I am open to your ideas, suggestions and even criticisms. The office number is 636-2748 and I am on campus each and every day of the week. Our meetings are Wednesdays at 7:45 in room 706 (please note that this week's meeting on the 19th is canceled) and are of course open to anyone. Make your views known.

Until next time.

## SBA: Up Close & Personal

by Natalie Lesh, Business Manager

The funds are dwindling!!!

At the last two SBA meetings, the class directors voted to give away a large chunk of the monies remaining in the Unallocated Reserve and Social funds. The Board, while conscious of the possible consequences of depleting their funds so early in the semester, felt that giving the money away was necessary under the circumstances. Many new groups have formed this year which have been operating on budgets taken from the unallocated reserve, and more recently, the social fund. Undoubtedly, the groups are all deserving. This first-come, first-serve attitude, however, will effectively serve to deny assistance to groups who made need money later in the semester.

This budget crisis will also have implications for the upcoming budget hearings. The class directors and the Executive Board realize that the SBA should not be operating with such a small amount in the Unallocated Reserve. This necessarily will mean that individual club budgets will have to be "trimmed," so that the SBA can retain a larger general operating fund. Of course, this is not as bad as it sounds, as clubs can easily request additional funds from the SBA during the year.

The SBA is faced with another double-edged sword situation with respect to the budget. As some of you may know, Alumni Arena has been conducting a survey to determine what groups use the recreation and intramural services, when they use it, and how they use it. Basically, they want to charge each student group a rate which reflects their usage of the facility. Currently, the SBA pays approximately \$4 per law student, enabling all of

us to use both Alumni Arena or Clark Gym whenever we want. According to the survey figures, the SBA will have to pay about \$15 per person for the same privileges next year. The increase of almost four-hundred percent is a major expenditure, and will have further negative implications for the upcoming budget hearings. The alternative to paying this amount, however, is that each law student will have to pay \$90 in order to use Alumni Arena or Clark Gym next year.

The Board is, of course, divided on how this problem should be resolved. It's a no-win situation: if they agree to pay this amount, clubs' budgets will ultimately be "trimmed" even further, but if they do not pay for us as a group, each of us will have to pay a much higher fee individually.

This is where we all come in. The class directors have been elected in order to represent their respective constituencies, but are able to do this effectively only when they are aware of what that constituency wants. All of the class directors are eager to hear how everyone feels about this issue. Their votes will undoubtedly come back to haunt them, and they therefore deserve as much input as we can give them. So find your class representatives and tell them what you think!!! I hate to be the one to have to say it, but if you don't voice your concerns now, you will have no one but yourself to blame later on...

Again, I repeat my invitation to everyone to join me at the next SBA meeting- Wednesday, February 26, Room 706. I hope to see you there!

## Open Letter from the SBA Board of Directors

February 16, 1992

To the Faculty and Administration of the University of Buffalo School of Law:

We, the Board of Directors of the Student Bar Association, are writing to express our concern over the continued existence of the Faculty Statement Regarding Intellectual Freedom, Tolerance, and Prohibited Harassment. The student body has repeatedly expressed its disapproval of your attempt to enforce political orthodoxy by trivializing and "tempering" the right to free speech. As representatives of those students, we must call on you once again to either repeal the Faculty Statement, or at least make it explicitly clear that no student will be sanctioned on the basis of views that a professor or fellow student finds to be politically incorrect. We would prefer the former course of action, so that the situation can be ameliorated without an endless round of committee meetings and bureaucratic inertia.

In closing, we remind you that this is our school, too. We want to see the school reflect the intellectual freedom and diversity of all its members, not just the political tastes of the faculty. Your cavalier dismissal of the First Amendment is an embarrassment to us all.

Yours Sincerely,  
The Board of Directors of  
the Student Bar Association

## SBA Notices...

- \*\* Student Groups Budget deadline This Friday
- \*\* Petitions available for executive SBA office: outside of Rm101 O'Brian Hall
- \*\* The SBA would like 3rd Year Students to know it's not too late to submit your nominations for the Student Speaker, Faculty Award and Staff Award! Please write your nominations on a blank piece of paper and drop it off in the SBA box in the Mailroom before February 21th.
- \*\* University Council Elections will be held on March 25 - 27 from 9:00 a.m. - 4:00 p.m.



# Recent Resolutions Passed by the SBA

TO: Student Body, faculty and administration  
 FROM: Student Bar Association  
 RE: Law School Schedule 1992-1993  
 DATE: February 12, 1992

**WHEREFORE;**

Current ABA Guidelines require one hundred forty class days each year.

**WHEREFORE;**

True reading days prior to exams have not been scheduled during the past two years.

**WHEREFORE;**

The initial schedule for 1992-1993 does not have reading days scheduled in either semester.

**WHEREFORE;**

The initial schedule calls for classes to start Wednesday August 19, 1992 and end on Friday December 4, 1992. Orientation is scheduled on Monday August 17, 1992.

**WHEREFORE;**

The initial schedule calls for the break for Yom Kippur to begin at 6:00 p.m. on Tuesday October 6, 1992 and end on Wednesday October 7, 1992 at 6:00 p.m.

**WHEREFORE;**

The initial schedule calls for classes to resume on Thursday January 7, 1992 and end on Friday April 23, 1992.

**WHEREFORE;**

The initial schedule calls for only 13 Mondays in the fall schedule and 12 Mondays in the Spring.

**THEREFORE; BE IT RESOLVED:**

That the SBA proposes these changes in the schedule for next year.

1.) Orientation be moved to Friday August 14, 1992.

2.) Classes begin on Monday August 17, 1992 and end on Wednesday December 2, 1992. (This gives the schedule 14 Mondays and seventy one class days.)

3.) That Thursday, December 3, and Friday December 4 be classified as reading days.

4.) That Yom Kippur begin at 3:30 p.m. on Tuesday October 6, 1992 and that Wednesday October 7, 1992 classes be canceled in their entirety.

5.) That classes resume on Friday, January 8, 1992 and end Friday April 23, 1992. (This gives us 69 class days.)

Adopted February 13, 1992 by acclamation by the SBA submitted February 14, 1992 by Brian P. Madrazo - SBA President see attached schedule and memorandum.

## RESOLUTION

TO: Student body, faculty and administration  
 FROM: Student Bar Association  
 RE: Resolution on proposed changes in Drop/ Add Policy  
 DATE: February 14, 1992

**WHEREFORE;**

The Student Bar Association disagrees with the memorandum of December 2, 1991 from Associate Dean Boyer and Associate Dean Albert regarding the clarification of the Law School Policy on Dropping Courses.

**WHEREFORE;**

The proposed clarification does constitute a significant change in existing Law School Policy.

## STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW Spring 1993 ACADEMIC CALENDAR. Proposed Changes

1=CLASS 0=NO CLASS						TOTAL CLASS DAYS	
M	T	W	T	F			
0	0	0	0	1	First day of class	1/8	1
1	1	1	1	1		1/11 - 1/15	5
0	1	1	1	1	M. Luther King Day	1/18-1/22	1/18 4
1	1	1	1	1		1/25 - 1/29	5
1	1	1	1	1		2/1 - 2/5	5
1	1	1	1	1		2/8- 2/12	5
0	1	1	1	1	Washington B-day	2/15 - 2/19	2/15 4
1	1	1	1	1		2/22 - 2/26	5
1	1	1	1	1		3/1-3/5	5
1	1	1	1	1		3/8- 3/12	5
1	1	1	1	1		3/15 - 3/19	5
1	1	1	1	1		3/22 - 3/26	5
1	1	1	1	1		3/29 - 4/2	5
0	0	0	0	0		4/5 - 4/9	4/5-4/9 0
1	1	1	1	1		4/12 - 4/16	5
1	1	1	1	1		4/19 - 4/23	5
12	14	14	15	15			69

EXAMS: Monday April 26 - Friday May 7

Commencement: May 16, 1992

**WHEREFORE;**

The proposed clarification passed through the Academic Policy and Program Review Committee only once, shortly before final exams with little or no student input.

**WHEREFORE;**

Upon information and belief this proposed change stems from one incident, the complete facts of which were never communicated to the APPRC.

**WHEREFORE;**

The problems noted in the memorandum are generalizations and remain undocumented to either the faculty or the student body.

**THEREFORE; BE IT RESOLVED:**

That the SBA recommends that the proposed changes be sent back to Committee and that subsequent action on this matter have both faculty and student input and approval.

adopted February 13, 1992 by acclamation of the SBA.

submitted February 14, 1992 by Brian P. Madrazo - SBA President

\*See attached memorandum and supporting documents.

**SUPPORTING MEMORANDUM**

TO: Faculty  
 FROM: Brian P. Madrazo  
 RE: SBA Resolution on proposed changes to Drop/Add policy  
 DATE: February 14, 1992

Please see attached memorandum from Associate Deans Boyer and Albert for reference.

**REASON ONE:**

It is advanced by Associate Deans Boyer and Albert that an unrestricted drop policy encourages students to bank courses. They offer no numbers to support this theory but rather a hypothetical. What the hypo fails to mention is that a student who drops after the close of the official drop period gets an R on their transcript. That "R" is not a minor matter as employers want to know why you dropped a course and post law school graduate courses also will take note of that "R". The proposed changes will not eliminate getting this "R" but rather just make a student get permission in order that a damaging mark be placed upon a students transcript.

**REASON TWO:**

This reason does have some merit. Especially in seminar courses students dropping willy nilly could create havoc. However in the specific example mentioned no effort was made by the committee to discover why those two students dropped. That argument cuts both ways, one could argue that if the students needed permission then the committee would already be in possession of that information. For that reason I would propose that a student be required to at least talk with an Associate Dean prior to dropping a seminar course. However, the final decision should be and must be up to the student who stands to be hurt the most by staying in a course they wish to get out of.

**REASON THREE:**

This reason is absurd. The computer kicks out of the system every year those students who have grades in less than

twelve credits. It would be a simple matter to alert the proper people that a false financial aid package might have been sent out and let them follow up on that information.

**REASON FOUR:**

Advanced not in a memorandum but rather in a meeting this reason basically is founded upon responsibility. Of all the reasons this one bothers the Board the most. The reasoning goes like this. Students need to take responsibility for their actions and pay the penalty when they do not. Quite frankly, this carries little or no weight at the present time. It might carry weight if all the grades were in, if the faculty obeyed its own By-laws and met once a month, if a Research and Writing Committee was formed by the Faculty to review and revise the current program. Responsibility starts at the top.

**CONCLUSION:**

For the reasons advanced above, and per the SBA Resolution attached, these proposed changes should be discussed by the APPRC during the course of the next semester. Both student and Faculty input should be a part of this process. There are three legs to this institution, the faculty, the students and the administration. We need to work together to make this school the best it can be. I would be more than happy to discuss this matter with any member of the faculty, please feel free to give me a call at 636-2748. Thank you in advance for your time and attention to this matter.



### ...Grading

continued from page 1

ested parties" includes potential employers, students will no longer have to demystify their transcripts during the interview process. Furthermore, those students with Q\*'s (or strong Q's in classes with professors who refuse to give Q\*'s) would now receive B's, which under the new grading system represent 'better than average' performance. Conversely, however, those students with low Q's will no longer be able to argue the opposite to the unsuspecting employer, since they will appear as "C"'s or lower on their transcript.

The current H-Q-D-F system has been in place since 1970. In 1974, an attempt was made to modify it by adding a Q+ as a fifth grade. However, students quickly protested that if the law school was going to revert to a five-tier system, then it should simply revert to the A-B-C-D-F system. An SBA committee studying the issue, as well as interested alumni, recommended the same. The faculty eventually voted to not implement the Q+ at all and simply stayed with the four-tier system.

Since then, the four tier system has

undergone various permutations. Some professors now employ a Q\* grade to denote performance a caliber above Q, thus in a sense, creating a de facto five-tier system. The "\*" earns the recipient a letter from the professor stating to whomever may read the student's file that the student's performance warrants recognition. (Some professors have even added the "\*" to the "H" and (yes) the "D" grades to distinguish these grades from the "plain" version of those grades.) Nevertheless, other professors continue to cling to the original version of the grading system, refusing to give "Q\*" grades despite strong performances.

Brian Madrazo, the current SBA president, applauds Dean Boyer's efforts to improve the grading system, since it is all a step toward making UB Law a better school. "If you're going to have an H-Q system," he says, "then let it be just an H-Q system." Permitting, however, that some professors use one system and others another, is unfair to students "because despite how hard they work in a class, they will not be able to distinguish their Q from that of a student who did not put in an equal effort."

### ...Threatened Suit

continued from page 7

this Law School on notice of my "Learning Disabilities" handicapping condition. The New York Board of Law Examiners notified me January 17, 1992 that this documentation was "too old" and did not adequately address the need for the specific accommodations I have requested on the Bar Exam. The fact the accommodations I have received at the Law School are identical to the ones I am requesting for the Bar Exam doesn't seem to matter.

So now, on top of trying to prepare for the Bar Exam, I found my time consumed having to scramble around for new documentation. Because I am a client of VESID (New York State Department of Education: Vocational Educational Services for Individuals with Disabilities) I was able to use the services of a Clinical Licensed Psychologist located by and paid for by VESID.

But what about those of you who were identified in first or second grade and have been simply coming up through your education, year after year, without subsequent testing? These evaluations cost over a thousand dollars easily.

On February 1, VESID sent me to the new psychologist who spent 5 hours testing and evaluating me and produced a

6 page report. I have now been diagnosed with "attentional deficit hyperactivity disorder" in addition to my "specific learning disabilities". While I am in the 98th percentile in Knowledge (Woodcock Johnson), and in the 98th percentile in verbal comprehension (WAIS-R) and in the 87th percentile in perceptual organization, I am in only the 09th percentile in freedom from distractibility (In other words, a monkey probably has a longer attention span and ability to concentrate than I have.) I am also below average in mathematics and only average in written language ability, and it is this significant decrease in performance as compared to intellectual ability that indicates "learning disabilities" are present. It is now 7 days before the Bar Exam and I am still waiting the decision from the Board of Law Examiners as to whether this newest documentation is sufficient to meet their criteria for accommodations. Anyone who has learning disabilities who wishes to see my report, to compare with your own documentation, to establish the basis for specific accommodations requested, is free to have a copy. Or, have the "Special Needs" Graduate Assistants contact me on your behalf, to protect your confidentiality. Box 394 or 832-3581/machine.

## From the Cheap Seats

by Robert Garnsey

If the mid-February blues are getting you down, if you're tired of slogging through the dirty brown snow of dingy, working-class Buffalo, I suggest checking out Alan Parker's *The Commitments* at the Amherst Theatre this week. At least there you can get great music while watch-kick-ass R&B band from ing-class Dublin.

More than any is a fun movie, as much as for its pulsating music. story, the film chronicles career of Ireland's hot-movie is filled with Jimmy, the group's man-his ticket out of Dublin rolls; Joey Fagan, the player who acts as the Deco, the obnoxious but may be the ugliest (Watch Deco closely; he one you know.) Best of this is one of the few films I've seen that made me want to run out and buy the soundtrack.

The acting in the film, as performed by a cast of unknowns, is superb and highly believable throughout. The dialogue is fast and witty and sprinkled with plenty of expletives, although the Irish accents are so authentic that you may have trouble understanding what the hell these guys are saying at times. But, all in all, *The Commitments* is a rollicking good time, and a great flick to see drunk, or at least with a good buzz on. Highly recommended.



thing, *The Commitments* for its sense of humor as it Not a typical rags-to-riches the meteoric (and fictional) test white soul group. The memorable characters: ager, who sees the band as and off the unemployment middle-aged trumpet group's spiritual guru; and brilliant lead singer who frontman since Meat Loaf. may remind you of some- all, of course, is the music;

## "Bar Revu" a Smash!

Without a doubt, Bar Revu off to a smashing success for the Spring 1992 semester. Indeed, many of our colleagues have joined the weekly revelry adding exponentially to the sounds of laughter. People ask, "What is Bar Revu?" and "Who goes?" Well, the answers are simple and straight-forward, unlike many other things here at our law school.

Bar Revu is a weekly gathering which affords people a chance to kick back, relax, and catch-up on conversations that general hall talk does not allow. Its up for grabs as to who attends each week with the exception of the core crew who attend every week. However, I can't repeat this enough, so maybe I'll put it in bold, ANYONE & EVERYONE IS WELCOME TO COME, TO MEET NEW FRIENDS AND RENEW OLD ACQUAINTANCES. So come on down and find out what it's all about!!!!

But, back to my report, on Thursday, February 6th, Bar Revu chose the Shabean downtown. The place was packed. What was the head count. . .? Who knows, I lost

track after the number hit mid-fifty. But I guess it all depends on who you talk to. For some of the attendees, there was only one person within their view, however, for others, their eyes were definitely taking in the panoramic perspective. A good time was had by all.

The following week, Thursday February 13, Bar Revu set up shop with slightly less people. This was due to the flight of law students away from Buffalo to their significant others in observance of the Valentine's Day weekend in combination with the many other parties that were taking place that evening. Nevertheless, the faithful crew arrived, imbibed, and truly enjoyed. Darts were flying as was conversation. It was good to be alive that night.

Looking to the future, the next Thursday gathering of the Bar Revu will be at the Founding Fathers located at 75 Edward Street, just off of Delaware downtown. Just in case you need additional help, their number is 855-8944. SEE YOU THERE.

## Position papers

collected from the Democratic Candidates will be available on reserve in the law library, under SBA/SASU materials. Thanks to Shawn Boehringer for gathering these materials during his trip to New Hampshire.

### ...Storm

continued from page 8

tation. . .He wants to be controversial. . .He's an expert. I'm not saying the man is stupid, I'm saying he's a racist and a bigot."

Both Small and Herman, said that Jefferies groups Gays, Jews and Whites together. Small stated that Jefferies' reference to the role of "rich Jews" in the slave trade is a "cover-up". She commented that "most people think of Jews as being rich anyway. . .the lawyers and the Jewish doctors. So, he's not cutting anybody out that Jewish remark. . .by saying 'the rich Jews.' I bet. . .he thinks all Jews are rich. Most people do, but their not."

Small said that Jefferies' comments on the Jewish involvement in the negative portrayal of African-Americans in Hollywood "was ridiculous." Herman added that there was no conspiracy in Hollywood. He said, "if anyone is giving a bad image of blacks it's some of Spike Lee's films which show. . .violence. . .and then white people watch that, and then no wonder some people are afraid."

Small and Herman did say that Blacks and Jews shared a common history of prosecution and they should work together to fight against people such as David Duke. Small stated that "Jefferies can influence young African-Americans. Give them a chance and let them make their own choices. . .let them do research. He shouldn't sit there and preach it. A lot of the things Jefferies says is not true."

Jim Maisano, a 3rd year law student and Co-Founder of UB Law School's Students For Constitutional Concern (SCC), published a flyer entitled "The Facts About Leonard Jefferies," through his organization's Anti-Discrimination Committee. Maisano, who also never heard Jefferies speak, said that "people should know about Jefferies' anti-white, anti-Jewish positions." He said that a question should be raised as to why the BSU invited someone who is so "ridiculous." He also commented that he found it interesting that "Blacks are so sensitive to certain statements, but don't understand Jefferies' anti-semitic statements."

Although he never heard Dr. Jefferies speak, Chris West, an African-American first year law student, said he was looking forward to hearing Jefferies, given what he has heard in the media, but was unsure as to whether Jefferies is anti-semitic. He said, "for some reason when we state our history. . .and it seems that certain groups of people have done something negative towards Africans, and when we state the way we feel about it, . . .it comes off as being anti-semitic." He thinks Jefferies comes across so powerful because he hates the truth about his history. He felt it is positive that Jefferies is coming to UB because "we get a chance to hear what he has to say. . .I want to find out."



# The Docket



## UB International Law Society Presents:

Internalization of the Law

February 28 & 29

O'Brian Hall

Registration Table Open

Mon.-Thurs., 9-11 and 1-3

\$15 UB students without Sat. dinner

\$25 UB students with Sat. dinner

Topics Include:

Intellectual Property

Environmental Law

The Far East

Central Europe

Criminal Law

Latin America

Immigration

Education

and Careers in International law

Dr. Leonard Jefferies will be appearing in a televised interview on March 6 and 20, 1992 on TCI Cable, Channel 42 and Channel 58 UHF at both 1:30 PM and 8:30 PM

Phi Alpha Delta Rush Meeting for all those interested. Wednesday, February 19, at 3:30 p.m. in the First Floor lounge.

## Black Law Student Association Black History Month Events

Wednesday, February 19 11:30 AM

Culture Fest - 2nd Floor Hall - Enjoy African-American cuisine - \$3.00 per plate.

Wednesday, February 19 6:30 PM

Movie Night (location TBA)

### Cultural Weekend\*

Friday, February 21 7:00 PM

Jazz Cabaret - Center For Tomorrow-Live Jazz, Show and Dinner

Saturday, February 22 7:00 PM

Party at "RAGS"

Sunday, February 23, 7:00 PM

Fashion Show - Katherine Cornell Theater

Wednesday, February 26 6:30 PM

Movie Night - (location TBA)

Thursday, February 27 5:00 PM

Guest Speaker "Brian Stevenson" of the Alabama Death Penalty Project- (location TBA)

\*A ticket for all weekend events is available for \$10.00 at the UB Ticket Office. Each event will be \$5.00 if purchased separately.

## CUSTOMIZED & LETTERED SWEATSHIRTS ARE AVAILABLE FROM IL JACQUE JONES BOX 684

Those of you who frequent the 4th floor computer lab have had the opportunity to see the talented work of Ms. Jones' mother who keeps her entrepreneur daughter well stocked with colorful sweatshirts with "Buffalo Law" sewn in large block letters across the fronts in various styles and patterns.

The sweatshirts are available in light, medium and heavy weights and are in all sizes. Prices run, depending on the weight, size, quality of sweatshirt itself and features in style of sweatshirt, from \$25 to \$40. You may select any weight, any color, and any phrase or slogan or buy ready made "Buffalo Law" already made up which Ms. Jones has as samples. These sweatshirts are unique and draw laudable attention.

Show some school spirit and order one today by dropping a note in Box 684 with name and number or look for Ms. Jones with her distinctive sweatshirts as she moves through our halls between her classes.

## Defending Battered Women in a Criminal Case

One-day program  
February 22, 1992  
O'Brian Hall  
Register in Room 522  
Free registration for UB students!

## MUGAL TAX COMPETITION

Open to ALL 2L's & 3L's

Tax I Required

If you are interested, or need more info, please contact:

Mike Keane, Box #439 or Ken Sodaro, Box #556 phone #822-7914

Briefs due by: February 22, 1992

Dates of Competition: March 5, 6, 7

Hurry! Join today - Limited Time Offer!



# **BAR/BRI**

**BAR REVIEW**

## **BULLETIN**

### **SPRING SEMESTER DISCOUNTS**

- 1992 AND 1993 GRADUATES**

Registration fee of \$75 = Discounted tuition of \$1195

- 1994 GRADUATES**

Registration fee of \$75 = Discounted tuition of \$1095

**\*\*\*DISCOUNT DEADLINE TO BE ANNOUNCED\*\*\***

**NOTE: Full tuition for the New York course is \$1325**

### **MULTISTATE PROFESSIONAL RESPONSIBILITY EXAM (MPRE)**

- EXAM DATE: Friday, March 13th**

- APPLICATION POSTMARK DEADLINE: Friday, February 14th**

- BAR/BRI MPRE LECTURE**

**NEW YORK CITY (LIVE PRESENTATION)**

**DATE: Sunday, March 1st**

**PLACE: Ramada Hotel at Madison Square Garden**

**TIME: 11AM to 3PM**

**OUTSIDE NEW YORK CITY (VIDEOTAPE PRESENTATION)**

**DATE, PLACE AND TIME TO BE ANNOUNCED**

**TUITION: Free for BAR/BRI enrollees.**

**(\$75 payment required - FULLY CREDITED towards your bar review tuition)**

### **NEW YORK PRACTICE & PROCEDURE MINI-REVIEW**

- NEW YORK CITY (LIVE PRESENTATION)**

**DATE: Saturday, March 7th**

**PLACE: Ramada Hotel at Madison Square Garden**

**TIME: 10AM to 4PM**

- OUTSIDE NEW YORK CITY (VIDEOTAPE PRESENTATION)**

**DATE, PLACE AND TIME TO BE ANNOUNCED**

**TUITION: Free for BAR/BRI enrollees.**

**(\$75 payment required - FULLY CREDITED towards your bar review tuition)**

*For more information, stop by the BAR/BRI table at your law school  
or call the BAR/BRI office at (800)472-8899.*