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by Chris Lamb

S
ome law students are sufficiently and
equally astounded by all Supreme Court
Justices and believe that merely
reading the opinions of One On High will
automatically erase any flaws in their
legal reasoning skills. Others are more
discriminating. Students in both categories
were impressed by Supreme Court Justice
Antonin Scalia, though perhaps for differ-
ent reasons.

Justice Scalia has been repeatedly re-
ferred to in the press as "brilliant." With
out doubt, his reputation preceded his re-
cent visit to USD. But reputations are usu-
ally a composite of myth, truth and semi-
truth. Usually, no one completely deserves
his reputation, and Scalia is no exception.
Scalia's critics often view him as a
right-winger viciously chipping off the se-
rene book on Lady Liberty's face with the
axe-like point of his judicial pen. His pro-
ponents view him as one of the most con-
sistent and least political Justices on the
Court. This clear dichotomy may be the
result of his plain-talking, call-them-the-
way-you-see-them persona, which comes
across as vividly in his written opinions as
in his personal appearances. Historically,
plain-talkers (especially in Washington)
have always evoked strong feelings, posi-
tive and negative.

Even those in the USD community with a
pre-conceived, negative perception of Ju-
tice Scalia were pleasantly surprised at his
down-to-earth and very amusing personal-
ity. The most pervasive comment by stu-
dents was "He's so normal!" A high com-
pliment to a person who admittedly spends
most of his time in a marble palace. His
unguarded willingness to respond to stu-
dents' questions and engage in dialogue on
matters of current concern was no less than
remarkable. One alumna, who has had
the opportunity to listen to nine Supreme
Court Justices, noted that this was the first
time that he has seen a Justice hold an open
question and answer session. Most other
Justices he observed were much more
guarded, some even unwilling to field
questions. Others who did answer ques-
tions, required that they be pre-submitted.
This amusing perceptivity reminded that a
Justice gets "very little mileage out of be-
ing so open and accessible."

It is easy to imagine that this would be
especially true in Scalia's case. If his re-
marks were to be quoted out of context, in
vicious little soundbites, it would be easy to
portray him as maniacal. So hats off to the
courage he exhibited by granting the USD
community three unrehearsed ques-
tion and answer sessions, one at Shiley
Theatre following his lecture, one for Pro-
fessor Siegel's Constitutional Law class,
and another at a student colloquium.

At Shiley Theatre, Justice Scalia gave a
poetical presentation of his minority view of Constitutional interpretation. Al-
though he did not fairly or fully develop
the arguments of competing interpretive
theories, his lecture had the virtue of being
witty and conversational. He addressed
such weighty subjects as the constitutionality
of the death penalty, Roe v. Wade, Brown
V. Board of Education, and the right to bear
arms, applying his "textualist" and
"originalist" analysis to each.

Under his analysis the death penalty is
unquestionably constitutional and does not
constitute "cruel and unusual" punishment prohibited by the 8th Amendment. Death
is plainly and repeatedly referred to in the
Constitution and existed as a form of pun-
ishment at the time the Bill of Rights was
ratified. Although many believe that "cruel
and unusual" punishment should be de-
finite by "the evolving standards of de-
cency in a maturing society," Scalia is
clearly not a melintosh. Why do people
believe that "societies only mature, and
ever roll?" he asked. The Framers of the
Constitution, he noted, were brilliant men,
and he does not believe that it is his role to
second-guess them. "The Constitution,
"he remarked, "was written to prevent things
from changing."

The Justice was asked in multiple fora
whether he advocated overturning preceden-
tial decisions for which he believes there
was no constitutional basis. "I am a text-
ualist. I am an originalist. I am not a
nativist," he replied. He did, however, confess
that he favored overturning "particularly bad precedent" like Roe v. Wade. One
reason he abhors the decision in Roe is that
it created a vague "undue burden" stan-
dard. "Where do I turn for the answer to
that?" he asked. A student asked, "What
would you do?" The Justice asked then, in
an obvious attempt to demonstrate that the Constitution is riddled with vague standards, "What is "due pro-
cess"?" Nice try, but Scalia had a prompt
answer. "Due process is the procedural
guarantees afforded Englishmen in 1791.
At the student colloquium, Scalia again
attacked Roe, repeating that he could do
nothing with such a vague "undue burden
standard." In response to such a blanket
statement, one student asked, "Is my per-
ception that much of the law contains just
such vague standards? For example, Title 7
created a reasonable accommodation, "un-
due burden" and "reasonableness" stan-
dards to be applied in discrimination cases.
Congress did not define these terms; doesn't
it necessarily fall on the Supreme Court to

(Photo page 3)

IN THIS ISSUE

Sexual Harassment Our feature this
issue focuses on sexual harassment in school,
work and social environments
(Feature pages 7-10)

More about Scalia's visit-Supreme
Court Justice holds intimate
discussion with Con Law class.
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Will you get a job? Report on how
the class of 1993 fared in their job
search.
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Gun Control Debate! Our conser-
ervative and liberal columnists
generate in a shoot - em - up.
(opinion page 11)

What's happening in November?
from SBA Organizations and
Clubs.
(article pages 14)

Michael M. White, 1954-1994

(Motions)
WHAT'S NEW IN THE LRG? NEW BOOKS RECEIVED

Compiled by Franklin A. Weston
Senior Reference Librarian

ADLER, STEPHEN J. The Jury: Trial and error in the American courtroom. Explains how American juries work in the real world, and takes the reader inside the jury room - a barrier even television has been able to overcome.

ARKES, HADLEY. The Return of George Sutherland: Restoring a jurisprudence of natural rights. Seeks to restore, for a new generation, the jurisprudence of the late Supreme Court Justice, a jurisprudence anchored in the understanding of natural rights.

BROSS, DONALD C. Foundations of Child Advocacy. Lays the groundwork for a comprehensive study of the legal issues facing the guardian ad litem for abused and neglected children.

BRUMBAUGH, ROBERT S., ed. Six Trials: Socrates, Galileo Galilei, John Brown, Alfred Dreyfus, Sacco & Vanzetti, John T. Scopes; the impact of their trials today. Approaches six famous trials in terms of justice versus the law.

BURKE, WILLIAM T. The New International Law of Fisheries: UNCLOS 1982 and beyond. Considers the revolutionary changes in the international law of the sea that reached their final stages in the 1970s and discusses their impact on state protection and customary law.

COPELAND, TOM. Valuation: Measuring and managing the value of companies. 2nd edition. Describes the valuation process and explains the differences between valuation and accounting practices in the U.S. and those in other countries.

GOEBEL, JULIUS, Jr. A History of the School of Law, Columbia University. Offers a history of the Columbia University School of Law from its founding in 1793 to the present era.


GOLSTEIN, AVRAM, M.D. Addiction: From biology to drug policy. Traces the path from scientific "first principles" to enlightened social policy on drugs with a lucidity that every concerned citizen will appreciate and profit from.

HART, VIVIEN. Bound By Our Constitution: Women, workers, and the minimum wage. Reconsiders legal strategies and policy decisions that revolved around the recognition of women as workers and the public definition of gender roles.

HOWELLS, GERARD. Comparative Product Liability. Provides grounding in the principles of product liability and examines how, in the 1960s, state laws reduced and unified state product liability laws.

HUFBAUER, GARY CLYDE. Subsidies in International Trade. Analyzes the economic problems caused by various subsidy practices and summarizes international efforts, spanning many years, both to limit each country's use of subsidies and to negotiate countermeasures aimed at another country's subsidies.

KANTOROWICZ, HERMANN. The Definition of Law. Records the views held on the fundamental questions in law by one of the foremost legal scholars of recent times.

KORNSKIN, DANIEL J. Kill All the Lawyers: Shakespeare's legal appeal. Provokes thought about how law and civil justice are woven into modern society by discussing the plays in light of contemporary legal cases, just as they are on Shakespeare's stage.

LEVINE, MURRAY. Helping Children: A social history. Recounts the social history of helping services to children in the U.S. between 1890 and the mid-1920s.

MANSFIELD, MICHAEL. Protesting Guilty: The British legal system exposed. Shows how the scales of justice are weighed heavily against the innocent, and explains the myth that French justice is the best in the world.

PAPADATOS, PETER. The Eichman Trial. Explores the legal and political bases and consequences of the arrest and proceedings of the Adolf Eichman trial.

RHODES, CAROLYN. Reciprocity, U.S. Trade Policy, and the GATT Regime. Argues that reciprocity - targeted retaliation against noncooperative actions by trading partners and specific rewards for cooperation - is a relatively effective way of establishing and maintaining an open international trading regime.

ROBERTSON, DAVID. GATT Rules for Emergency Protection. Analyses the whole issue and assesses the "safeguards code," elaborating Article XIX, which appears to be emerging from the negotiations in Geneva on the strengthening of the GATT trading system.

SHERMAN, BRAD. Of Authors and Orins: Essays on copyright law. Addresses the issues of changes in technology, the harmonization of copyright law in Europe, and the differences between the copyright law in Anglo-American systems and the German notions of "authors' rights.

UROFSKY, MELVIN I. The Supreme Court Justices: A biographical dictionary. Offers analytical and interpretive essays focusing on each justice's court tenure and gauges his or her contribution to American law.

WARD, ALAN J. The Irish Constitutional Problem: Responsible government and modern Ireland, 1782-1992. Presents a comprehensive analysis of Irish constitutions and constitutional proposals, and treats the constitutional history of Ireland, north and south, as an integrated whole.

ZUCKERT, MICHAEL P. Natural Rights and the New Republicanism. Proposes a new view of the political philosophy that lay behind the founding of the United States.

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Scalia's Philosophy: Continued from page 1

interpret them?" Scalia replied that if he were to bring in a statutory language, Congress could easily address this by pass- ing another law, but if he was wrong in his Constitutional interpretation then it would be much more difficult to correct.

Scalia also views decisions like Roe as judg
ting a woman's right to an abortion. In one view, the Supreme Court in the last 35 years has overstretched its authority by creating new law under the guise of Constitutional interpretation, which he believes has opened Pandora's box. "In my day, when people were unhappy with things there was a saying, 'There ought be a law.' Now people say it's my Constitution.

A view which he believes the Supreme Court has lent credence to in re cent years, which has resulted in "setting a thousand flowers bloom to ridiculous ex treme." Scalia believes that law-making is the exclusive domain of the legislature, those who are the elected representatives of the people subject to the democratic pro cess, rather than nine people appointed to life terms by the Court.

The Justice was also asked whether, given his textualist approach, he would have decided Brown v. Board of Education dif ferently. Scalia said, "This is what is known as waving the Bloody Shirt of Brown v. Board of Education." Scalia ultimately answered by saying that he would have dis sented along with Harlan in Plessy v. Ferguson, the 1896 decision that established the Constitutionality of "separate but equal." "Plessy was wrong...I'm on the colorblindness team." But even if his ad herence to textualism would have dictated that he vote against Brown, it wouldn't have deterred him from his textualist ap proach. "If you want to like the result, all the time you can't be a textualist. Some good systems have bad results, but you can't condemn a whole system on the basis of some bad results.

Scalia said that he has often voted against his personal preferences as a result of adherence to his interpretive approach. For example, he voted to strike down a Texas law forbidding flag burning because it was violative of the 1st Amendment. "I hated that result," he said. Certainly, one of the more interesting effects of his judi cial method is that many of his opinions land on opposite ends of the political spec trum. For example, he joined the dissent ing majority in a recent case hold ing a woman's right to abortion, Planned Parenthood of Southeastern Pennsylvania v. Casey. On the other hand of the spectrum is his concurrence in Harris v. Forklift, a 1993 case that concluded that workplace "hostile environment" sexual harassment need not "seriously affect plaintiff's psy chological well-being" to be actionable un der the Title VII. In Arizona v. Hicks, Scalia voted against extending the "plain-view" doctrine. A search is a search, he wrote, "even if it happens to disclose nothing but the true location of the weapon." Although Scalia's opinions are not po litically consistent with one another, it is apparent that he strives to be faithful to his analytical method. He freely admits that his judicial philosophy is imperfect, but he sincerely believes that it is the best of the available alternatives. As such, he en braces it with the guts and gusto of a pio neer.

Only that decision was wrong, but I won't follow it.

Scalia Visits Constitutional Law Class
by Tiffany Kemp

USD students had a rare treat last Wednesday when Supreme Court Justice Antonin Scalia made an appearance in Professor Siegan's Constitutional Law Class. Scalia was visiting San Diego as the guest speaker for the Sharon Siegan Memorial Lecture held the evening of Wednesday October 19 at Shiley Theater. Justice Scalia graduated from Harvard Law School in 1960 and practiced in Clevel and until 1967 when he joined the faculty of the University of Virginia. In 1971, Scalia became General Counsel of the White House Office of Telecommunications Policy and was chairman of the Adminis trative Conference of the United States from 1972 to 1974. In 1974, Scalia was appointed Assistant Attorney General of the Office of Legal Counsel in the Department of Justice. In 1982, Scalia was appointed to the United States Court of Appeals for the District of Columbia. A Reagan ap pointee, Scalia replaced Justice William Rehnquist as associate justice of the Supreme Court at the time Rehnquist as cended to the position of Chief Justice in 1986. Scalia, who was unanimously confirmed by the Senate 98-0, was the first Italian-American to join the Court.

Justice Scalia banted with students about a variety of topics from Democracy ("...I believe very strongly in Churchill's old time, that 'the only things you can say about democracy is that it's better than whatever is second best.") to Holmes ("He had a reputation for being a great liberal, he was anything but a great liberal; he was a Boston Brahman Yankee who had attitudes on many m atters including racial matters...including the gene pool.")

A self-proclaimed "textualist," one who adheres to the actual wording of the Constitution, Scalia's jurisprudential beliefs incorporate the idea that the Bill of Rights represents an exhaustive list of "rights" that should be afforded Constitutional protec tion by the Court, and that nei ther the Ninth Amendment nor the Due Process Clauses of the 5th and 14th Amend ments should be utilized to add to that list. Although Scalia indicated that he believes that such rights as the right to die, the right of parents to educate children as they wish, or the right to abortion, may exist, it is not his job as a judge to try to extend the right of his legs. And I will take up arms to defend that right. If some government tries to take it away from me, I'm in revolt! But I won't en force it from the bench because it's not one of those that is enumerated in the Bill of Rights, it's not one they even worried about.

To bolster this belief, Scalia adds that, as a practical matter, it is absurd to believe that the Framers of the Constitution specifically enumerated certain rights such as freedom of religion and freedom of speech and then dumped all other prospective "catch-all" 9th Amendment. Rather, Scalia theorizes that the Framers took historical experiences into account and enu merated certain rights, which had historically been objects of oppression, but did not worry about the infringement of other "unenumerated rights": "They were not so-called of one another and they said most of these things we'll leave to the democratic process, the legislatures will protect these rights...there are a few things however, that experience has taught us..."Read The Federalist Papers, they give examples back: tyrannical governments move everything you loathe will be avoided by love."

Sure enough, the Court then said: "You want to protect society from what? The ones we like!"

Scalia visits the Right to Travel (enumerated in Shapiro v. Thompson)

Professor Siegan: We've been studying the area of travel...

Scalia: I like to travel!

Professor Siegan: As an "originalist" [ju risd who grounds their opinions on what they think the framers of the Constitution had in mind], what do you think about the right to travel?

Scalia: I never had a travel case...where do you find it in the Constitution?

Professor Siegan: I haven't found it yet, but...the Constitution says it's a fundamental right, Shapiro v. Thompson.

Scalia: Yes, it may be...it just happens to be, in my view, not one of those fundamental rights that I'm charged with enforcing.

Scalia on Constitutional Interpretation

Student: With regards to your textual inter pretation of the Constitution, if you're truly trying to find out what the Framers of the Constitution had in mind, how applicable is that to our day and age?

Scalia: The whole purpose of the Constitu tion is to restrict case-by-case uphold ing a lawyer, it's being a policy maker. Scalia also said that, as a practical matter, it is absurd to believe that the Framers of the Constitution specifically enumerated certain rights such as freedom of religion and freedom of speech and then dumped all other prospective "catch-all" 9th Amendment. Rather, Scalia theorizes that the Framers took historical experiences into account and enumerated certain rights, which had historically been objects of oppression, but did not worry about the infringement of other unenumerated rights: "They were not so-called of one another and they said most of these things we'll leave to the democratic process, the legislatures will protect these rights...there are a few things however, that experience has taught us..."Read The Federalist Papers, they give examples back: tyrannical governments move everything you loathe will be avoided by love."

Sure enough, the Court then said: "You want to protect society from what? The ones we like!"

Scalia on the current Supreme Court
I think we have a court that is much more apt to pay attention to text, especially in statutory matters, than was the case at least 10 years ago. I think that means the lower courts have better guidance as to how to decide cases; there are fewer cir cuit splits as a consequence and there for, we don't have to take as many cases.

Scalia on Civil Liberties
I think that you everything that you love will be avoided by textualism, and everything you loathe will be avoided by textualism. If you want to like the result all the time, you can't be a textualist, you have to be a floating policy wonk... but that's not being a judge, it's not being a lawyer, it's being a policy maker. So, I have to admit that, now and again, even if [the result] came out wrong, it doesn't prove that textualism is wrong. Mussolini made the trains run on time, Hitler invented the Volkswagen automobile; some bad systems have good re sults, and some good systems have bad results...you can't condemn the whole system on the basis of one aspect of it...and if you're looking for a system that always gives you the result that you like, you don't want a Constitution, you want a legislature or you want to be Queen.
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San Diego - Live Lectures

SCHEDULE OF CLASSES

Friday, November 19, 1994
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Civil Procedure I
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Facts and Law, Precedent, Policy
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Saturday, November 20, 1994
9:00 am to 1:00 pm
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Torts I
Intentional Torts. Defenses

Sunday, November 21, 1994
6:30 pm to 10:30 pm
Criminal Law
Room 2B

Sunday, November 20, 1994
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Mr. Fleming's experience includes the Lecturing of Pre-Law School Prep, Seminars and First, Second and Third Year Law School Final Reviews. He is the Organizer and Lecturer of the Bar Review Seminar and the Founder and Lecturer of the Legal Examination Writing Workshop. Both are seminars involving intensive exam writing techniques designed to train the law student to write the superior answer. He is the Founder and Lecturer of Long/Short Term Bar Review. In addition, Professor Fleming is the Publisher of the Performance Examination Writing Manual, the Author of the First Year Exam Examination Writing Workbook, the Second Year Examination Writing Workbook, and the Third Year Examination Writing Workbook. These are available in Legal Bookrooms throughout the United States.
Mr. Fleming has taught as an Assistant Professor of the adjacent faculty at Western State University in Fullerton and is currently a Professor at the University of West Los Angeles School of Law where he has taught for the past eleven years.

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**FOREIGN AFFAIRS PART 2**

**Russia/Poland**

By Charles Boldina

As was suggested in last month's issue of Motions, Russia and Poland's societies can be represented by a weather forecast analogy. In the case of Poland, the weather there is mostly sunny, with occasional rain. Following on the heels of Russia, Poland has been experiencing a healthful and counter-cyclical renaissance of sorts. The thing one noticed immediately was the presence of families and children. Smiling faces noisily passed me as school outings went here, there and everywhere. Sundays were remarkable in that three and four generations would go for walks together after attending church. Supposedly 30% of Poland attends church weekly. People then congregated at the various markets, weddings, and excursions to the beach.

The Polish people take pride in their being well read. Bookstores abound, and a majority of widows here has been translated into Polish. Classes were held in the Law School building of the University. One course was comparative in nature, East European Public International Law, and the second was a strategic level practice oriented course on East-West Trade Law. Two Warsaw Law Professors, US and Polish attorneys from US firms, and American Law School Dean, and a Polish Constitutional Court Justice presented lectures on various aspects of the Polish legal system and its ongoing transformation. One of the two final exams was in part about information given in Constitutional Court Justice's lecture.

Several lectures in the East-West Trade Law course focused on efforts toward privatization. The major vehicle in Russia for this effort was a voucher type system. Poland was more aggressive than Russia, and was willing to sell some industries outright. The privatization was slowed following the last election when many ex-communists and socialists were elected.

One of Poland's challenges is to re-empower or replace the Communist era Constitution. Many people wish to retain some of the economic and social rights "guaranteed" in the Communist Constitution. This is at odds with a robust market economy. This disagreement has paralyzed the efforts to constitute the new Constitution.

Another disagreement is over the priority of environmental regulation and clean up. The Communist Era left behind a legacy of vast amounts of toxic waste and systemic industrial pollution.

One solution is the seeking of foreign investment capital to revitalize and modernize industry. The major source in Europe of foreign investment capital is the Federal Republic of Germany. This confronts Poland with an emotionally charged dilemma. Poles have not forgotten Auschwitz, Treblinka, nor the Warsaw Ghetto. Many Poles bear the marks of the cruelty of Nazi Germany. Germany, by subsuming itself in the European Union and with NATO, has presented itself as a nation converted to the cause of peace. Poland has difficulty in coming to grips with a "specific" Germany.

Poland also has problems in coming to grips with the additional freedoms and responsibilities which are a facet of a market economy. Embezzlement, ponzis schemes, illegal dumping of foreign toxic waste, copyright infringements all serve to drain confidence as well as money from Poland.

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**The Job Market for New Attorneys**

By LaLaque Grad

A newly graduated law student who has tried to get a job recently knows that the jobs market is currently scarce, very scarce. The job market for law school graduates of the class of 1993 was the worst it had been since the 1970's. Fortunately, the market appears to be slowly picking up.

According to the National Association for Law School Placement, six months after graduation, 24.1 percent of the law school class of 1993 in California were unemployed, and 36 percent had not found full time legal work. The class of 1993 is the most recent class for which tracking statistics are available.

Between 1983 and 1990, 89 percent of law school graduates nation-wide were able to find work within six months of graduation. In 1993, the national average was 72 percent; a 30% decrease in the number of criminal prosecution positions available. Many of these jobs stem from the 1993 Employment Breakdown of law school graduates nation-wide were able to find work within six months of graduation. In 1993, the national average was 72 percent. The wake of the bleak statistics generated by the class of 1993, the job market does appear to be slowly picking up, according to Career Services Director Susan Benson.

Large Firms

Job market analysts have projected that many large firms are beginning to increase the number of both second and third year law students they are hiring. Benson noted that the large law firms are still not hiring at the rate they were in the late 1980's. "No one expects big bursts of hiring ever again," she stated. Benson predicts that the trend over the next few years will be a pattern of slow growth. Therefore, getting a job with a large firm will remain sharply competitive.

Small and Medium Firms

Growth in smaller and medium sized firms, where the overwhelming number of USD law graduates have traditionally worked, does not seem to be picking up at the same rate as the larger firms, according to Benson. Many of these firms have not fully recovered from the effects of the economic downturn of the past few years and are being very conservative in their hiring. It is common for the smaller and medium firms to wait for bar results before they make offers for permanent positions.

Criminal Prosecution

There has been a significant increase in the number of criminal prosecution positions available. Many of these jobs stem from the money made available from the crime for the need for additional prosecuters because of three strikes laws recently enacted in California and many other states.

According to Benson, networking is still the most common way people get jobs. Benson noted that networking does not necessarily entail gathering lists of potential contacts to methodically call. In fact, many of the most effective networking occurs in informal environments such as on the basketball court, in the gym or at social functions.

Benson described the story of a USD Law graduate who was offered a position through his contacts with his neighborhood garbage collector who had hooked the student up with a neighbor who was an attorney seeking to hire an associate.

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**Kids’ Plates A Success For Children’s Advocacy Institute (CAI)**

By James Koperstein

California license plates with a distinctive hand, star, plus or heart symbol recently seen around the law school parking lot are part of a successful program sponsored by the Children's Advocacy Institute to fund children's programs throughout California.

In 1992 CAI sponsored a broad sweep bill (AB 3087, Spierer) for improving the health and safety of licensed child care facilities. According to Professor Robert Fellmeth, Director of CAI, the bill was greatly needed. Certain politicians were threatening to end unannounced inspections of child care facilities which would have meant that dog Kennels would be inspected more frequently than child care facilities in the state of California. However, 1992 was a very tight fiscal year for the state. It soon became obvious that the health and safety bill would fail unless it was modified to create its own source of revenue.

From this early genesis came the idea, originally from CAI lobbyist Steve Barrow, for the California Kids’ Plates Program. The DMV was, however, very resist-
Corner of Computer Savvy

By Charles Boudin

make you more productive. These tools are methods of getting information to you faster and in a form you desire.

Getting and moving information about us where the Internet can be useful. You can access the Internet to find a job, hear the latest news or legal theories, to obtain leads in pursuing a certain topic or simply to communicate with others who are similarly situated (professions, education, etc.).

For example, I am using the Internet to research the Czech Republic's position for entry into the European Union. I connect to sites across Europe, reading and downloading documents, and finding leads. I also read newsgroups to keep up on the day's events in the EU and the Czech Republic. Radio Free Europe, Reuters, AP, and others post news on what is happening. On a more important note, my wife and I exchange email at least twice a day.

Many governmental organizations have made available through the Internet their decisions, findings, etc. The California Legislature, some members of Congress, the Library of Congress, NATO and the European Union have documents available through the Internet. Every new law passed by the California legislature is made available, with the legislative history attached.

The Library of Congress has multimedia presentations available via World Wide Web (WWW). This is a type of data retrieval process that portrays information via a graphical user interface as opposed to just straight text. It has features to highlight information you can click on to view related information. You will need a program like Mosaic on your home machine to view it. You can also view and listen to travel dialogues, pictures, art, music from budding to well established groups ranging from folk to classical to Jazz to Heavy Metal to New Age.

How do you get access? First, you must have access to a computer either via the university or from home. If it is from home, you need to have in addition to a basic system a modem and communications software. Lexis and Westlaw software are not able to do this for you. Communications software should cost under a hundred dollars. Faster modems means that you can download your data in less time. Twenty pages from Westlaw may take a half an hour at 2400 baud. At 14,400 baud, it takes approximately six minutes. Another reason to buy the fastest modem is so that you can run programs like Mosaic, giving you all the Internet has to offer in near real time.

The easiest way for law students is through the university. The cost is right: free. If you do not already have an account, stop by Academic Computing Services in Sierra Hall and give them your student identification number and your full name. Stop by the following business day and sign the form on which you swear to be neglect. What do you do? The San Diego Computer Fair showcased a multitude of products vying for your dollar.

This year CD-ROM is BIG. CD-ROM is where data or a program is encoded onto a compact disc, like music CDs, and needs to be read via a special CD reader. This reduces costs for production and for shipping as well as for documentation. The documentation easily fits on the disc, thus no tree slaying is necessary. There is software to satisfy any desire. From G rated educational software to PG-13 or R rated for violent games like Doom II to XXX rated Erotica. Make sure you buy a triple or quadruple speed CD-ROM drive. The older ones are just too slow! Another big seller reflects the move toward an ergonomics work environment. Wrist pads, mouse rests, cantelevered keyboards with adjustable separation, screen
AGGRESSION AGAINST WOMEN AT HOME AND ABROAD

By Jennifer Brobst

When I was in the middle of a packed street corner in Tel Aviv waiting for a light to change, when a short stocky Israeli started up a conversation with me in English while standing very close to me. When I didn’t say much to him he immediately screamed “Bi?i” and began laughing at me, his face at my face. The crowd of business people around me turned their backs and stepped away as the stranger easterned into a bank, not feeling safe at all. During my stay in Israel, more men made aggressive comments or even acted as if they thought about it. Interestingly, I yelled back “leave me alone” at the top of my lungs and walked as firmly and deliberately as I could, but they continued to follow me, yelling and moving in my face. My boss isn’t that tolerant, so I wasn’t surprised when I was told that I would be the point of tears.

In Cairo, the public gender divisions were stark. In the summer evenings, masses of people strolled and talked along the bridges and buildings. All of these friends successfully fended the men off. By the end, I was screaming “just back off” in Hebrew.

In South Africa, my greatest fear seems to be physical or verbal abuse, but also because I was a woman. It well to be well established that the employee has a right to be provided, by his or her employer, a hostile free work environment. Furthermore, an employee’s discomfort at work was sufficient, independent of psychological well being to constitute harassment. The ruling was significant because it established that the employee has a right to be provided, by his or her employer, a hostile free work environment. Furthermore, an employee’s discomfort at work was sufficient, independent of psychological well being to constitute harassment. The ruling was significant because it established that the employee has a right to be provided, by his or her employer, a hostile free work environment.

In Austria, sexual harassment is part of the national legislation. It is a criminal offense and also a form of discrimination. In 1991, the national court established that the employee has a right to be provided, by his or her employer, a hostile free work environment. Furthermore, an employee’s discomfort at work was sufficient, independent of psychological well being to constitute harassment. The ruling was significant because it established that the employee has a right to be provided, by his or her employer, a hostile free work environment. Furthermore, an employee’s discomfort at work was sufficient, independent of psychological well being to constitute harassment. The ruling was significant because it established that the employee has a right to be provided, by his or her employer, a hostile free work environment. Furthermore, an employee’s discomfort at work was sufficient, independent of psychological well being to constitute harassment. The ruling was significant because it established that the employee has a right to be provided, by his or her employer, a hostile free work environment. Furthermore, an employee’s discomfort at work was sufficient, independent of psychological well being to constitute harassment. The ruling was significant because it established that the employee has a right to be provided, by his or her employer, a hostile free work environment. Furthermore, an employee’s discomfort at work was sufficient, independent of psychological well being to constitute harassment. The ruling was significant because it established that the employee has a right to be provided, by his or her employer, a hostile free work environment. Furthermore, an employee’s discomfort at work was sufficient, independent of psychological well being to constitute harassment. The ruling was significant because it established that the employee has a right to be provided, by his or her employer, a hostile free work environment.
A Supervisor’s Experience with Sexual Harassment

By Chris Knight

When most people think of sexual har- rassment, they normally focus on the par- ties involved—the perpetrator and the vic- tim. What often gets overlooked is the role of the supervisor responsible for investi- gating the allegations and resolving the sit- uation. The supervisor’s actions can define the difference between a prompt resolution and a protracted, disheartening affair. Ev- eryone remembers the scandal that engulfed the U.S. Navy after the 1991 Tailhook As- sociation convention in Las Vegas. Lieutenant Paula Coughlin’s supervisor had im- mediately initiated an investigation, she may not have taken her story to the press and the incident may not have exploded in the head- lines across the country. To some, the worst part of the scandal was the initial at- tempt to ignore her allegations and sweep everything under the rug. Obviously, a supervisor’s role is important in a sexual harassment incident.

Nick Paul is a first-year law student at USD who spent eighteen years in the U.S. Navy. During that time, he rose to the position of Commanding Officer of a heli- copter squadron. His squadron consisted of approximately four hundred personnel, of which about eighty were female. As the Commanding Officer, he was responsible for training his personnel to prevent sexual harassment and instilling accountability, to its- ening the difference between a prompt resolution and false witness reports.

It is a first-year law student at USD who spent eighteen years in the U.S. Navy. During that time, he rose to the position of Commanding Officer of a helicopter squadron. His squadron consisted of approximately four hundred personnel, of which about eighty were female. As the Commanding Officer, he was responsible for training his personnel to prevent sexual harassment and instilling accountability, understanding that a supervisor’s role must be to set a standard for conduct, to hold his/her subordinates to that standard, and to lead through personal example.

It Could Happen to You!

By Alison Cohen

This summer I held a wide variety of job titles. I was a consumer affairs representative for a major corpora- tion, I worked at a book store, and I was a major league baseball mascot. Please note that none of these was a job specifically in the legal field. When I finally got a phone call from an attorney whom I had sent a resume to, I was ecstatic. A chance to prove myself to the legal community of San Diego. It was even more thrilling when the attorney wanted me to work for him. What wasn’t thrilling was what happened the next day. I was sexually harassed. Just now, as I wrote that sentence, several feelings simultaneously ran through my body. I feel embarrassed. I feel scared. I feel the need to tell someone.

The average Jury Verdict for sexual harassment is $495,000. Plaintiffs are successful in 56% of the cases.
The Cost of Sexual Harassment To The New Six Million Dollar Man

By Elizabeth Cutright

The recent six million dollar jury award in Weeks v. Baker and McKenzie sent a message loud and clear to employers: sexual harassment can cost, big time! Ever since Anita Hill, sexual harassment has taken the spotlight, dominating conversation in offices, boardrooms and talk shows all over the country. In response, U.S.D.'s school of law hosted a CLE Seminar on sexual harassment in the workplace. Dr. Gloria Harris and Dr. David Tansey, co-directors of the San Diego Anti-Harassment Services, are two of the experts in the field who participated in the event that took place on Saturday October 29th in the Grace Courtroom. They presented lectures on the psychological aspects of sexual harassment and the measures employers can take to make sure they do not find themselves at the wrong end of a million dollar jury award.

Dr. Harris is a clinical psychologist who, along with creating and co-directing the San Diego Anti-Harassment Services, acts as an expert witness in sexual harassment cases, and is also on the board of several committees, including the the San Diego County Commission on the Status of Women and the the San Diego Psychological Association. Dr. Harris recently testified for the defense in the Weeks trial. In an interview with Harris, she noted that although the actual defendant in the case was undoubtedly guilty of sexual harassment, the firm had taken adequate measures once notified of the problem. As a result, Harris found the punitive damages of six million dollars to be exorbitant and unjustified. She blames the award on the general hostility directed at the firm and public as a whole, against big law firms.

Harris's lecture dealt with the psychological aftermath experienced by a victim of sexual harassment. She focused on five psychological effects of sexual harassment. The first is work related: a victim of sexual harassment tends to experience an inability to concentrate on or finish work projects, combined with a decrease in motivation and an increase in uncertainty in the workplace. The second is physical: the victim experiences a lack of self-confidence and tends to claim responsibility for the behavior. The third is emotional: the victim experiences a lack of self-confidence and tends to claim responsibility for the behavior. The fourth is psychological: the victim becomes more apprehensive and less trusting of the offender. The fifth is financial: the victim experiences a lack of self-confidence and tends to claim responsibility for the behavior.

Dr. Harris and other psychologists use these guidelines in order to gauge how severe the psychological effects are and what course of action is needed. Harris also discussed the prevention and action against sexual harassment in the workplace. She presented the two outcomes found to have symptoms of Post Traumatic Stress Disorder; a psychological problem usually found in Vietnam veterans. As these psychological difficulties prove, the repercussions felt by victims of sexual harassment continue long after the initial action.

Harris also addressed the prevention and action against sexual harassment on the job. The training program focuses on educating employees about sexual harassment and how to prevent the offensive behavior. Sexual harassment is generally defined as repeated behavior on the part of the offender that is unwanted, offensive, and sexual in tone. Sexual harassment falls into two major categories: quid pro quo (the victim is asked to do something sexual in return for job benefits) and hostile work environment. The offense is made aware of the employer's policy against sexual harassment, and how the offender's behavior is in violation of that policy. Tansey and Harris use role playing in order to bring the message across, and to abolish any denial the offender may have towards his behavior. According to Harris, many times the offender is the full party, unaware of the sexual harassment policy and unlikely to realize that behavior considered appropriate by the offender, may be considered offensive by the recipient. The counseling aspect of the program attempts to draw a clear picture for the offender of what sexual harassment actually is, and to illustrate how a change in behavior can eliminate the threat of harassing behavior.

The diversion program offers a valuable service to the community. The prevention of, and efforts to stop, sexual harassment benefit all involved. The offender, the employer, and the victim all have an improved situation. The diversion program is unique to San Diego county, and Harris and Tansey believe it is probably unique to the rest of the nation as well. The decision in the Weeks trial has proven that there is a lack in the court system. If more employers focus on their harassment policy and participate in some sort of training like the diversion program, sexual harassment may soon be so rare as to be a non issue. Then the six million dollar man, brought to life in the Weeks trial, will die a quiet death, its existence no longer needed.

A History of Important Sexual Harassment Cases

(Continued from previous page)

1989


While hostile environment sexual harassment had been held to violate Federal law under Title VII, this is the first California appellate level case that determined that the California Fair Employment and Housing Act prohibits hostile environment sexual harassment as well. In this case, the Court of Appeals recognized a "bystander" cause of action for sexual harassment. A nurse sued her employer (a hospital) and her supervising doctor. This doctor was accused of physically touching other nurses (not her), grabbing breasts and making sexually offensive comments and gestures.

1991


The plaintiff, a welder at Jacksonville Shipyard in Florida, filed an action under Title VII for hostile environment sexual harassment consisting, in large part, of "sexual harassment" which was described as the posting of pictures in the workplace of nude and nude male nude women. The U.S. District Court found that such visual depictions encourage sexually harassing conduct and violate Title VII.

Ellison v. Brady, 924 F.2d 972, 54 FEP 1346

The Ninth Circuit Court of Appeals determined that because viewpoints differ, when a victim is a woman, a "reasonable woman" standard should be used to gauge whether a hostile environment is created. In this case, Ellison had been called "supersensitive" by a lower court ruling with regard to her reaction to unwelcome love letters from Brady.

1993


The U.S. Supreme Court clarified the type of evidence necessary to support a charge of hostile environment sexual harassment. It held that the plaintiff need not suffer psychological injury to prove a case. The Court declined to provide a simple definition of hostile environment sexual harassment, stating that each case turns on its own individual facts.

1994

Mogilensky v. Levy et al., 93 Daily Journal D.A.R. 15679

California Court of Appeals held that hostile environment sexual harassment is just as illegal as heterosexual harassment, whether based on qid pro quo, hostile work environment or a hybrid of both theories. Both the plaintiff and his male supervisor were employees of the motion picture industry.

1994


The Fraser District Court of Appeal in California held that there is harassment of an employee by that person's supervisor, there is strict liability regardless of whether the employer knew or should have known of the harassment.
Aggression Against Women... (continued from page 7)

stared down the leader without blink- ing and with a look of such pure and unequivocal hatred that he stopped the group and they left.

I love people in the countries I have spoken of, and these experiences I have described are only a small, but definite impression, part of my time there, far outweighed now in my mind by pleasant experiences. I also acknowled- ge that all large events have de- scribed take place every day in the US, and some of them have also happened to me here, but in my experience not to the same extent on a day to day basis as part of the general urban or suburban public atmosphere. I think men are getting it together here and set a good example internationally, at least in the public sphere. I’m surprised nowadays when I hear a guy catcall a woman on the street in Cali- fornia.

On the other hand, The National Conference on Women and Crime has established that wife beating in the US occurs in more than 50% of all mar-riages, which creates a different pic- ture for the private sphere. Foreign and immigrant women have an espe- cially difficult time in this country be- cause of language and cultural barri- ers. To their credit, the police gener- ally will not turn a woman to the INS when she reports domestic vio- lence, according to the Family Vio- lence Prevention Fund. In California, AB 167 was recently passed, sponsored by Assemblywoman Dede Alpert in San Diego, which secures $30 million for battered women’s shelters and do- mestic violence prosecution—the most sweeping effort this state has yet un- dertaken against spouse abuse. Perhaps most telling is the recent 1992 National Opinion Research Cen- ter study on American sexual practices, the most comprehensive study of its kind to date, which found that 22.8 % of the women polled had been forced by men to do something sexually that they did not want to do, usually by force or threats. Women, were, in love with or married to; while only 2.8 % of the men said that they had ever forced a woman into a sexual act. The problem is denial about what consti- tutes aggressive behavior, and this problem is clearly universally male. I imagine most of the men I have described from around the world con- sider themselves decent people. Obvi- ously, many men must still learn to understand that approaching women on the street in ANY kind of a sexual or aggressive context is ALWAYS in- appropriate and often frightening; just as it is frightening that many men do not ACTIVELY look for consent in a sexual relationship (waiting for force- ful resistance just doesn’t cut it). Women will continue to walk in parks and travel the globe and do their own thing in public and at home, of that I have no doubt. Women will also over- come associated problems—people to whom their presence is always threat- ening situations as they always have, through common sense and strength and rage. It is those men who are aggressive, especially physically, who must either learn to control themselves or be controlled by society.

Interview With A Vampire

Don’t just study during Dead Week. Reserve a few hours to see this long awaited movie with your friends at GALLSA, Watch Sidebar for details.

PRO-BONO WORK - NO WONDER NO ONE LIKES LAWYERS

by Pam Scholfield

I was both anxious and excited about being allowed to work at the Domestic Vio- lence TRO (temporary restraining order) Clinic. At first, I was not sure what types of horrible situations I would be exposed to through the clients, but also excited because I would have the opportunity to use my knowledge of the law (such as it was after only 6 weeks of law school) to help someone. The Domestic Violence TRO program at USD started off this year with a very impressive orientation seminar where we learned the physical, emotional and legal aspects of the terrible cycle of domestic violence. Helping us understand the emo- tional trauma the victims go through and how the clinic volunteers, can help those people legally begin the process for protec- tion were the main points of the seminar. I was especially impressed with the D.A. re- presentative and the passion shown by all the speakers at the seminar, so it was natu- ral for me to assume that all those involved with the clinic would be just as caring and passionate about this social ill.

My heart got the best of me and I attended my first meet- ing. There was a very nice attorney there along with one other USD law student. It was the other student’s first day too. The nice at- torney left to be replaced by... how can I put this... a crusty, old, cynical attorney who seemed to disregard the psychological and emotional trauma the clinic clients go through.

A very steep woman who seemed to be in her late forties arrived with her 20 year old son to seek our help in obtaining a TRO against her ex-husband. While her case was not as extreme as some, she was obviously distraught and nervous about the whole ordeal, plus, English was not her first language. The “seasoned” attorney was obviously trying to pull infor- mation from this woman and after a time, she began to cry. It seemed that being told over and over that she “needed more [vio- lence examples] to get the judge to go for it” upset her and agitated her son. I wasn’t sure what to do to jump in or stand back. After all, I had only been there for 45 min- utes and this attorney had been volunteer- ing for years so maybe he knew best.

While I was thinking perhaps no one needs any help, another “we’re closed” defeats the whole un- derlying purpose of having pro-bono legal clinics. Aren’t we there to help? Not make things worse! Intuit in these people confi- dence in the system? Are these just the thoughts of an eager, interested first year law student? Distantly praying for myself, something I haven’t done for a while since I am basically con- tent with my life. I promised that, if I am fortunate enough to practice law for a very long time, I will never lose the enthusiasm and compassion I have now as a first year student.

(P.S. My experience overall was very posi- tive and most of the individuals involved with this program are really good.)
The University of San Diego School of Law

MOTIONS

OPINION

GUNS KILL

From the left...

The gun control debate is a conflict between two social policies that are fundamental to our society: personal liberty and public safety. Individual liberty is the core of American democracy. However, even when the Second Amendment was ratified, Americans advocated limiting individual liberty when it threatened public safety. We cannot and should not take that stand now.

At the heart of the anti-gun control argument is the Second Amendment to the Constitution of the United States. Those who support gun control contend that they have a Constitutionally protected right to own guns:

The regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

The linguistic construction of the Second Amendment reveals the intent of the drafters.

The amendment begins by discussing the need for a "well regulated militia." Followed by the dependent clause: "being necessary to the security of a free state."

In 1791, there was great concern over protecting the sovereignty of the states from foreign invasion. The drafters intended to give the right to form a "well regulated militia" in order to protect themselves. They did not intend to extend to each individual a right to buy and own guns indiscriminately. The second most frequently promulgated argument for owning guns is to use them in sport. However, it is not a right to own guns for target shooting and hunting.

If people think it is necessary to shoot targets competitively, they could join shooting clubs. The weapons would be kept at the club and they could have free access to them for sport.

In addition, people do not hunt in urban neighborhoods, so there is no need for hunting weapons to be in these neighborhoods. Fire arms could be kept in rural communities where hunting is permitted. Sometimes it is necessary to put limitations on what is perceived to be "recreational" activities in order to promote public safety.

It is not necessary for fire arms to be on the streets and in homes where there are more people more likely to cause injury to an innocent party or a loved one than to a criminal.

Also, it is the gun-toting criminals that instill fear in private citizens. If we take the society less violent? The answer is a resounding "NO!!"

We have all heard the statistics regarding the epidemic of violence in America today. Much of this violence is attributable to the accessibility of guns, and gun control is the socially responsible solution.

GUNS-R-US

From The Right...

By Tom Lewis

"1935 will go down in history! For the first time, a civilized nation has full gun registration! Our streets will be safer, our police more efficient and the world will follow our lead into the future." - Adolf Hitler

"Laws that forbid ownership of arms dis-arm only those who are neither inclined, nor determined to commit crimes. Such laws make nothing but road maps for the assassins. They serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man." - Thomas Jefferson

Anyone who has watched the news, read the paper, or glanced at the "First Amendment Board" is aware that gun ownership is a hot issue.

In this column, I will not attempt to explain the concept of "a well regulated militia" or the right to "keep and bear arms" embodied in the Second Amendment. Such issues would require more space than this column permits.

Suffice it to say, our liberty was bought from an oppressive government at the barrel of a gun and our forefathers understood the importance in maintaining this ultimate check against oppression when they drafted the Second Amendment. Nor will I delve into the ineffectiveness of firearm bans in reducing either crime or the ability of criminals to obtain guns. The rampant murder rates in states with gun control speak for themselves.

The Second Amendment is long and laborious, the sooner we have it funded through the accessibility of guns, and gun control is the socially responsible solution, required more space than this column permits. (NY: Black, 1993)...

For the past two hundred years private citizens have been permitted to own guns, and the Second Amendment victims.

By Mary P. Daggett

The gun control debate is a conflict between two social policies that are fundamental to our society: personal liberty and public safety. Individual liberty is the core of American democracy. However, even when the Second Amendment was ratified, Americans advocated limiting individual liberty when it threatened public safety. We cannot and should not take that stand now.

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close your OWN

GRADUATION SPEAKER!!!!!!!!!

By Dean Carrie Wilson

On page 12 is a list of all of the persons who are currently approved as commencement speakers by the Board of Trustees of USD. We have included a brief vita for identification purposes. Dean Strachan is, as you read, making contacts with prospects for this year's commencement. Those of you who are not graduating in 1994/95, particularly those of you who are currently second year/day/third year evening students, should be looking at this list with an eye toward whom you would want for your commencement speaker. We are interested in having your input, in order of preference, about who you would like to speak at your commencement. We are also interested in know whether you would be interested in adding to the list. As the approval process is long and laborious, the sooner we have names to add, the sooner we can get them into the system. We are even willing to do this for those who have not been approved by the University.

Please let your preferences be known! You can write down your ideas and give them to your Student Government or to any member of the Faculty/Student Relations Committee: Professors Heiser, Cornia, Engfelt, Friedman, Lawrence, Murphy, Roberts and Roche; Students Chris Ferrante and Karla Goltman; and Assistant Dean Wilson (she even has a hanger file in the "mailbox" filing cabinet).

(List appears on page 12)
rate buyout ers discovered that the human rights activists were trying to displace of the land of the indigenous peasants of Chiapas and other regions farm and theorists ignore these. Maldanado explained that the land the indigenous peasants try to find a way to live for Mexico have supported and sympathized with the events in Chiapas and its relationship to a large audience in the Warren Hall faculty. According to Maldanado, the January uprising, and the human rights violations that followed, were a result of the government's neglect of the Chiapas people. Maldanado also mentioned that the government had not continued to support the peasants of Chiapas after the uprising. 

**Human Rights Activist Looks At The Root of Chiapea**

By John Lamo

Roger Maldonado, an internationally recognized human rights activist addressed a large audience in the Warren Hall faculty. According to Maldanado, the struggle of the indigenous peoples of Chiapas and its relationship to Mexican politics. Maldanado explained that the government had not continued to support the peasants of Chiapas after the uprising. 

**ACCOMMODATIONS**

**LETTERS TO THE EDITOR**

**RESPONSE TO A "STINKY" ISSUE**

Dear Editor:

This letter responds to the column, "Stinky's Bar Review," published in the October 5, 1994 edition of "Motions." It is unfortunate that the author of that column continues to express the kind of writing that makes the expression "journalistic integrity" an oxymoron. Like so many other arrogant journalists, he (I guess the writer was not anxious to take credit for their "piece") and instead elects to hide behind their pseudonym, or to participate in "tubular" journalism by failing to actually depict facts in favor of sensationalizing and embellishing upon hearsay and conjecture. Let me provide the author, who was undoubtedly a close and personal acquaintance of King Maljan, with a few pertinent facts with which my statements were based. Let me also add that the only quote the author ascribed to me was "a lot of people feel the uprising was for nothing." Furthermore, the author failed to mention that the belief that King was suicidal was based on his highly erratic behavior, his enhanced delusionary state, and his behavior that afternoon. He did not merely show up for work that night. He arrived 3 hours late for a 5 hour shift. He was not making any sense in his conversations with us that afternoon. He also wrote a cryptic message on his time card before leaving that night that simply read "will live forever." I did not by my statements indicate that we thought he entered that yard to draw the officer into shooting him. I did mean for it to reflect a general consensus of opinion that King had his own set of views even with the intention of dressing some kind of cathartic event into occurrence. I certainly would not "glibly" stamp King's death with anything. I was asked for an opinion, and a general feeling among the people who knew and worked with him, and I provided it. Let me say that I would like to refer to that sanguineous article right down your throat. Who do you think you are? How many you know him? I worked for him for nine months and knew him for three years prior to that, and even I have claimed to really know him. Everyone at the Police Station itself included, has appreciated the genuine sympathy many have shown, at his funeral, and elsewhere. However we are sick and tired of syndicated like your self who really never knew or gave the slightest whiff about him and now claim to honor his memory. Where were you at 3 a.m. when we were eating breakfast, listening to him talk about his life, the loss of his father, and the way he feels, during that last month before his death?

King was a good but troubled man who had difficulty adapting his set of values to the mainstream of society. In many ways his values were superior, yet would be labeled deficient. Regardless, the Penn. National is a different place without him and we will be greatly missed. It is unfortunate you missed his eulogy; you like so many of us might have learned, as we did, what a special individual he truly was.

I agree that the VISTA article was poorly executed, but your column was far more offensive. It is obvious that you are not a champion, doesn't even rate its own iden tity, it's just another "Stinky's Bar Review."

**GETTING AN EXAM ACCOMMODATION ISN'T ALWAYS AN ACCOMMODATING PROCESS!**

Dear Editor:

There seems to be a common misconception among students that receiving additional time on examinations is as easy as stating to the Records Office or to the Assistant Dean that one has an injury or disability and requesting that it be given. Would it be that we had such power! In fact, the process has always been that documentation from a medical professional is required, and the nature and extent of that documentation is becoming additionally complicated.

The Americans with Disability Act (ADA) requires that reasonable accommodations be provided to students who are, or who are perceived by the University to be, disabled. We have instituted a process to determine who will need accommodations, and what accommodations will be provided. The process for these accommodations is to be determined. In the case of physical disability, either permanent or transitory, we require that medical documentation be provided to us by treating physicians. This documentation must describe the nature and extent of the disability and provide the accommodation. According to the Americans with Disabilities Act, the documentation, including reasonable accommodation, must be provided to our Counseling Office. The Counseling Office then assesses both the qualifications of the person and the medical documentation to determine the accommodations that are required. I have had students come in to tell me that they don't understand why a certain person is receiving additional time on an examination; that she is sure one or another person is "faking" a disability or is capitalizing on a disability that really isn't as serious as it appears to receive extra time on an examination. I have had students tell me that they really don't need the extra time, and that they are sure some students who receive extra time have "hoaxed" doctors or gotten documentation fraudulently from a doctor who is a family member. In such cases, these things would be violations of the Honor Code and would jeopardize future career plans.

I am glad to follow up on inquiries which give me specific information to work with; unfortunately, without something more concrete in terms of allegations, I have nothing on which I can act. Please keep in mind that I may know a great deal more about a student's medical or physical condition than I can disclose to you. Also remember that some students who are being accommodated really aren't comfortable with being perceived by their peers as having a disability or trying to downplay it in conversations. Recent case law interpreting the provisions of the ADA states that the persons giving accommodations are held responsible for what is a reasonable accommodation for the judgment of a medical professional. However, if there is evidence that the process is being abused, the Counseling Office will investigate and take action, if warranted. Let's keep the dialogue open.

Sincerely,

Karen Williams

Woodstock-bitch! Never in human history has one generation born so narcissistic. The self-righteous, pretentious attitude is infuriating. J. Cunningham.
By Wendy Whitmore

In all my years of education and experience, I have never been able to figure out why exactly "they" call our generation, my generation of twenty-somethings, Generation X. Who exactly are "they" anyway and why do "they" know so damn much? How would "they" like it if I identified through a group of people, that's something Woodstock would say. So where did X come from? X = Y = 27. If so, where the hell is Y and what does Z need to know? Why are we so confused and messed up. We've been wandering around all our lives looking for Y. Help! Oh Y, where are you? Or do "they" have something to do with Malcolm X? If I'm not mistaken, Malcolm was just a wee bit older than me, so why does his decision to take X as his last name reflect on a whole generation? Are we talking X as in extra? Extra what? Mayoi? Cheese? Extra? Or is it extra special; like, Mr. Rogers would say? Did they have any idea why they chose "X"? Or was it just a bad at the "they" household," they" had a few too many birthcontrol pills the night before and couldn't come up with anything better? I really think that I need to know this to be a complete human being.

Then there's the whole baby-buster thing with Baby-boomer? Just because the prior generation is identified as the baby-boomer generation doesn't mean we have to handle the "they" they mean by this? Busters? Does this mean that we beat up puppies completely unprompted in the store every Sunday morning? They must have come up with that term on the day that they realized that they now have more hair on their backs than on their head and that they suddenly have a use for ear clippers. Hair on their backs than on their head. We've realized that we now have more hair clippers.

I can understand how they must have come up with this superficial and unfatating term. We are the generation who made famous people like Madonna and that silly fool formally known as Prince. I think once he named himself a symbol, he should have boycotted his albums. But, are these people part of Generation X? No. They're part of the OTHER generation. We produce songs like "I'll Make Love To You" with lyrics like "Throw your clothes on the floor...I'm not going to take your clothes off, too" does this really need to be explained? Then there's always "Wake me up before you go-go." and "When I think about you I touch myself." Or my personal favorite "Sometimes I give myself the creeps." Not to mention things like John Mellencamp's latest "I want to date you, naked, but only if you want to." I ask you, does anyone dance naked who doesn't want to? Nice try John. He was shopping for ear hair clippers that day. And of course we have the time fa- vorites like "All I wanna do is zoom a room and..." Or one of these 3, or one of these 9, or these 3, or better yet, let's call them this (g). That's one way to identify a group of people, that's something Woodstock would say. Where did this come from? X = Y = 27. If so, where the hell is Y and what does Z need to know? Why are we so confused and messed up. We've been wandering around all our lives looking for Y. Help! Oh Y, where are you? Or do "they" have something to do with Malcolm X? If I'm not mistaken, Malcolm was just a wee bit older than me, so why does his decision to take X as his last name reflect on a whole generation? Are we talking X as in extra? Extra what? Mayoi? Cheese? Extra? Or is it extra special; like, Mr. Rogers would say? Did they have any idea why they chose "X"? Or was it just a bad at the "they" household," they" had a few too many birthcontrol pills the night before and couldn't come up with anything better? I really think that I need to know this to be a complete human being.

Ask the Judge

Barbara Jean Johnson

Q: In your opinion, how has the O.J. Simpson trial and the corresponding news coverage affected public opinion about the American judicial system?

A: Judge Robert K. Besanson, Jr., Los Angeles Superior Court, Appellate Department: "No. Most California judges are initially appointed by the Governor and then periodically come up for election. Before they are appointed they go through a stringent process as to their qualifications, and that should suffice. The mere fact that voters are uninformed as to the judges on the ballot leads to the conclusion that the present process is both expensive and largely meaningless."

Q: Are the criminals currently coming into the system more violent than when you first joined the profession?

A: Judge Barbara Jean Johnson, Los Angeles Superior Court, Appellate Department: "Statistics show teenage violence has increased over the past few years. I first became a judge 17 years ago. However, the intense media coverage probably makes the incidence of such crime appear to the public to be appear to be more prevalent. Your generation of leaders bears a great burden in analyzing the causes and designing the cures. Poverty is not the cause or the Great Depression of the thirties would have yielded a similar result; prejudice is not the cause or the Jim Crow laws or the internment of the Japanese-American, to name a few, would have caused our crisis. How do you get parents to teach moral values to children? How does one protect children from uncomfortable experiences and medical abuse? Does one get parents to be loving and wise?"

POLAND

(Consulted from page 5)

Copyright infringement have been so per- manent that many of the infringing products look as professional as the original products themselves and are sold and distributed like normal products.

Poland is many years ahead of the Russian Federation, yet Poland has many obstacles in its path that must be cleared before it can truly enter the Western. Inflation, between twenty and thirty percent per year, combines with other problems to make rapid economic political impossible. Still, Poland must forge ahead in privatization and economic reform. This is recognized re- gardless of political persuasion. The question is how much how fast?
Here come the playoffs
By David Boyd

After a fine season, Fall softball is coming to a close and this year's games will be played on Nov 7th and the playoffs will start Nov 11th and continue up to Thanksgiving.

The competitive league has been pretty strong with the first year teams doing as well as the past and the second year team. The top 10th week Section B is the top first year team. This is largely due to the fact that Marc Davis has finally moved to left field. It makes for an interesting lineup that this "brilliant" mid season move. Move over Juan "de la horna" Dekunyff because Davis has taken over. He has always been good...but my favorite is Juan Davis because Davis had more heart and a Co-Rec league name was a hit. Davis also mentioned that he would love to be on the fall softball team. If he comes to stay I would definitely be Swiss. My only suggestion is have fun in the first round in the playoffs against Knee Pads in the final.

The remainder of the first year teams are comfortably placed in the rankings but realistically they can only upset the powerful First Head Fint, this Co-Rec playoff season should be a yaw.

Rec championship in its bag of tricks.

By Jennifer Myer

This is the second semester that the AIDS Home Coalition has been active and it has been very successful. The goal of the program is to provide law students with experience in the field which are both practical and personally rewarding. The program provides a valuable and greatly needed community service while and start studying for finals. Remember there is always next season.

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Rec championship in its bag of tricks.

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Paragon Counseling is going to do away with the competition league. The program is to provide law students with experience in the field which are both practical and personally rewarding. The program provides a valuable and greatly needed community service while and start studying for finals. Remember there is always next season.

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This year’s officers are: President: Chuck Doyle; V.P.: Stan WednesClay; Nov:

**PDP DELTA PHI**

PDP Hosts Panel Discussion on Attorney Ethics

Phi Delta Phi International Legal Fraternity recently sponsored a panel discussion by prominent members of the legal profession who discussed the conflict between strong client advocacy and professional ethics. The panel consisted of U.S. Attorney Alan Berman, Municipal Court Judge Susan Finlay, Criminal Defense Attorney Alex Landon and Casey Gwinn, head of the San Diego City Attorney’s Family Violence Unit. The panel first responded individually to hypothetical situations then responded to questions from the audience.

The panel generally agreed that maintaining the lawyer-client relationship by protecting client confidences is of utmost importance; however there are limits to how far a lawyer should go for a client. All agreed that a lawyer should talk to the client and make every attempt to dissuade the client from engaging in fraudulent conduct. The options consist primarily of attempting to withdraw, refusing to put the client on the stand or avoiding any questions that could elicit false answers from the client. There was some disagreement as to whether an attorney should disclose that a client’s false testimony to the court in a civil case. Generally, if the attorney did not elicit the false testimony then there is no obligation to disclose that information to the court, but the attorney should not use that testimony in later arguments. Mr. Berman felt that, in a criminal case, if the attorney elicits testimony that he knows to be false, he should disclose it to the court. The other members of the panel felt that attorneys have a greater obligation to their clients and should simply not follow up or refer to the false testimony.

The discussion provided useful insights about an attorney’s role as a representative to the client as well as the professional role of lawyers in school and community situations. All of the panelists agreed that there are limits to how far a lawyer can go in representing the client while at the same time maintaining the lawyer-client relationship by protecting client confidences. There were some major areas of agreement.

**SPORTS ATTORNEYS SHARE SECRETS**

Our two-part Sports Law Agency Series was a great success. During the two events, approximately 125 students participated in the meetings.

**La Raza students protest Prop 187 at rally**

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