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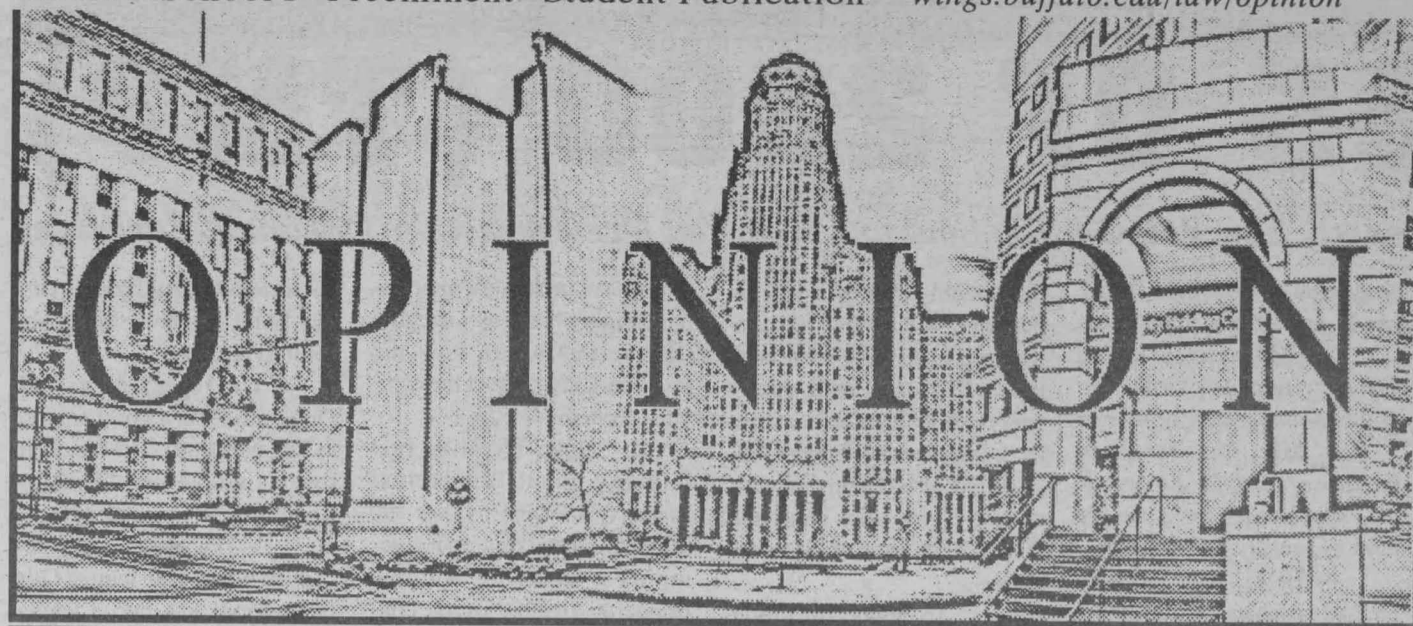
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Vol. 50, Issue #6

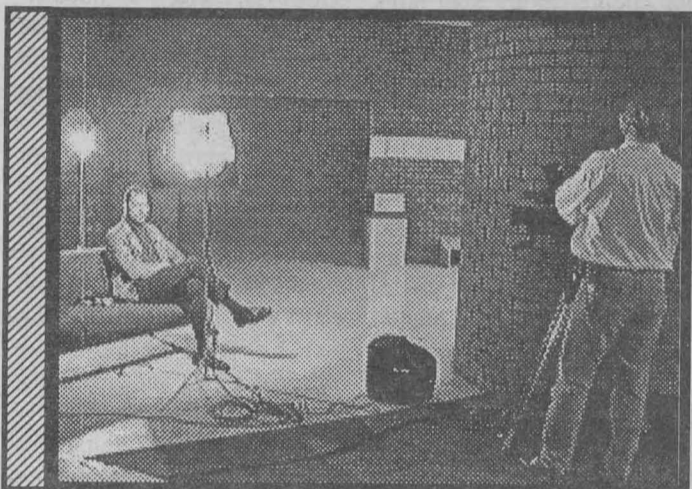
"Vi Veri Veniversum Vivus Vici"

October 12, 1998

Carr Comments on Parker Verdict

Jury says: "Guilty"

The Johnathan Parker murder trial concluded last week. At 3:00 PM on Thursday, October 8, the jury returned to the courtroom in Erie County Hall with a verdict of "guilty." Parker was charged with murder in the first degree. Parker, aged 20, is the first defendant to face the death penalty in Erie County in over 40 years.



Professor Carr being interviewed by Channel 2. Carr and Evidence Professor Charles E. Carr about the verdict. The interview was conducted in the law school's first floor, and was aired live on Channel 2 at 5:00 on Thursday.

Channel 2 interviewed UB Law's Criminal Procedure

New York State Bar Association Introduces "LAWMATCH"

by Russ Klein

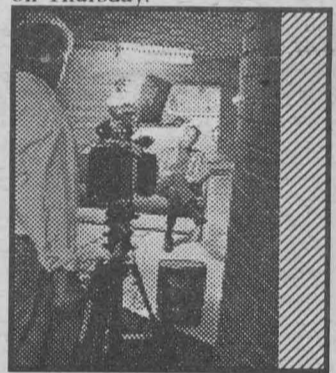
Jumping onto the information super-highway, the New York State Bar Association has started an online job search program. The program, called lawmatch, is intended to help link legal employers and attorneys or legal professionals in an online setting.

The new service, open to members and non-members alike, allows the job-seeker to create an online profile using their resume and other information to create an

online identity. Employers can also use the service to create online want ads and classifieds.

Once you have created an online profile, prospective employees and employers can search the database and tailor the potential candidates to their needs at the time via customized matching.

The service is available to all members of the legal community, but prices range from free for a public listing by a NYSBA member or law student to \$49 for a customized profile in which a Lawmatch represen-



tative calls you and interviews you over the phone. Prices for an employer range from \$29 to \$4,000.

More information is available at <<http://www.nysba.org/lawmatch>>.

News In Brief

By Peter De Wind

Special sauce contents to remain secret

A Tennessee McDonald's has been sued after refusing to test an employee for transmissible diseases. Michelle Beeler used her local McDonald's drive through to purchase an Egg McMuffin breakfast sandwich. After taking several bites she looked down and noticed there was blood on the wrapper. This blood was not her own.

She drove back to the restaurant to discover the blood belonged to one of the line workers who had cut his finger. In spite of his injury, the worker had continued to prepare food for the restaurant. Mrs. Beeler became concerned she might have eaten, or otherwise had contact with, the employees blood. She asked McDonald's to test their employee for blood transmittable diseases. In response to McDonald's subsequent refusal she has sued for \$825,000 in damages and asked that the court order the tests.

Badges, we don't have to show no stinkin' badges

The 7th circuit determined that students are protected against random and suspicionless drug testing by school administrators.

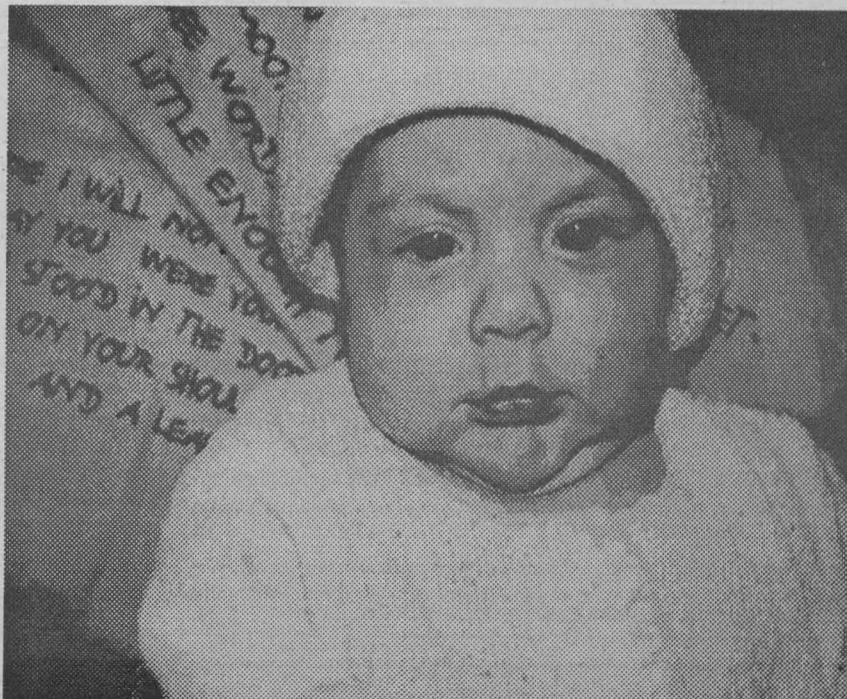
James Willis, a freshman at the Anderson Community School, fought with a fellow student. He was suspended. The school administration informed him that to attend classes after the suspension he would need to take a drug test. The school's drug testing policy provided that involvement in a disciplinary incident is reason enough to subject that student to drug tests. Mr. Willis refused to be tested. For this act he was resuspended. The administration informed him that subsequent refusals would result in reresuspension. Further, the school would consider refusal as admission of drug use which could lead to his permanent expulsion.

The court determined that requiring students to take drug tests simply because of a prior disciplinary incident is a suspicionless search and violates the 4th and 14th Amendment

Continued on page 4

Announcing... Ahnnie!!

On July 1, 1998, the world celebrated the arrival of a baby girl. Ahnnie Lee Weiss, daughter of deans' administrative assistant Tiffany Lane, was born at 2:01 pm at Children's Hospital in Buffalo. Ahnnie's arrival came a month early, taking by both mother and daughter by surprise. As with most preemies, a low birth weight of 4 lbs 14 oz, required a little bit of TLC from hospital staff as she remained in the Neonatal Intensive Care Unit (NICU) for a full 15 days before being discharged with a clean bill of health, to an excited and exhausted new mother. Mother and daughter have spent the last 3 months recovering and adapting to their new lives together. Their success is evident; at her three month check-up, Ahnnie's weight had climbed to 11 lbs, and a full 23 inches in length (up from 19 inches at birth), both within normal range for three-month-olds. We wish mother and daughter continued growth and happiness. Congratulations!



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CLASS OF 2000 (TM?)

How Intellectual Property Law Will Get You Laid and Help You Deconstruct the Dominant Paradigm

Some people go bowling or skeet shooting for fun, but in my leisure time, I like to read books about intellectual property.

Wow. Doesn't that make me sound like a geek? But wait! Aside from the mystic legal knowledge accrued when one kicks back with, say, that epic thrill-ride, The Trademark Handbook, studying "the metaphysics of the law" has a secret benefit: reading intellectual property theory is a *great* way to pick up guys.

I met my current boyfriend while reading Copyright's Highway at the Showplace (a bar). Sure, there were girls there more interesting, more attractive, more...well, not just sitting there sipping whiskey and reading a book. But intellectual property is hot stuff. My guy took one look at the throbbing

legal tome I held in my hands, and he was toast.

HIM: *Say, is it true that copyright lasts for the life of the author plus fifty years?*

ME: *Yes, except in the case of work-for-hire product, which lasts for a simple term of seventy-five years.*

HIM: *Wow. Wanna go home with me? Like, now?*

As you can see, familiarizing oneself with the often rocky terrain of intellectual property is definitely worth the time. This being said, what surprises me about my fellow Americans is how little they know about the intellectual property that plays such a large part in their lives.

Take, for instance, trademark. A lot of people confuse trademark with patents, mistake trademark for copyright, or think trademark is what you do when you buy something in Germany. I know

this not only from personal experience, but from the introductions in all those aforementioned IP books I read; almost every one of them was written by a lawyer who is very disgruntled about non-lawyers, and lawyers, who can't tell their patent from their trademark.

To many, the trademark symbol next to a logo or brand name is an insignia of mystery. What does that tiny "TM" really mean? Those in the counterculture may think it stands for "The Man." Those who work for Disney may think it stands for "The Mouse." The rest of the country probably thinks it stands for "T-Mmmmm...that tastes good."

Even those who know what "TM" stands for and what it means probably have only a hazy notion of how the law works. And those who

know how trademark operates have probably spent very little time reflecting on how the trademark laws affect the capitalist system.

Now, I realize that thinking about Intellectual Property law isn't quite the same as fantasizing about going on a date with Antonio Banderas. In other words, contemplating IP laws probably doesn't make most people go gooey in the knees and think sexy thoughts about Spain. However, there is an interesting battle of theory going on in the IP world, and as with most battles, there something scintillating about it.

There are two major camps in the (often very bitter) Intellectual Property Wars: those who think IP is just great! yay for property! and those who think IP is okay...but can be used for nefarious purposes...we should really step back and examine how copyright and everything else gets in the way of developing culture....

The "Up with IP" people generally tend to be big intellectual property holders, like Disney, Time-Warner, or Sony. The "Maybe we should re-evaluate IP" people tend to be (in an accumulation of bed-fellows weirder than a NAMBLA conference) academics, rappers, da-da artists, and anarchists.

Hmmm...who do you think has more money to lobby Congress?

Most people, if they bother to think about this argument at all, come down on the side of Mickey Mouse. After all, they ask (while commendably remembering their John Locke), what could be more natural than the right to profit from that which you

have created? And from a certain point of view, this is absolutely correct.

A recent *New York Times* article is a good answer to this question. The headline for this article ran: "Seeking Riches with 'Class of 2000.'"

The article then described how a man named Ody Demetriadi has had a trademark in the phrase "Class of 2000" since 1996, and how Demetriadi plans to profit from having an enforceable monopoly over the phrase. Forming a company named "Class of 2000, Inc.," Demetriadi and his partners are licensing the phrase for royalties of 8 to 10 percent.

Demetriadi does not plan to sue those who violate the trademark--because the royalties he will charge will be significantly lower than any legal battle could possibly be. In other words, it will be so much cheaper to fork over a licensing fee, than fighting a violation charge, that others who hope to use "Class of 2000" on their merchandise will choose the low road and pay the fee.

On the one hand, this is a very enterprising tactic. In a commendable manipulation of trademark law, Mr. Demetriadi stands to make a lot of money.

On the other hand...oh, wait, I need the other hand to wipe up that giant pile of dung from my first hand! Oops!

How ridiculous can you get?!? *He trademarked the phrase "Class of 2000"!!!* That's the dumbest thing I ever heard! What's going next?

The 1999-2000 Term of the U.S. Supreme Court (TM)?

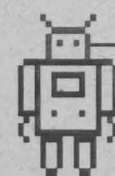
Christmas 2000 (TM)?

July 6, 1999 (TM?)

With all those people in Congress, we should be able to draft laws that simultaneously protect intellectual property, but resist absurdity. It would seem, however, that we have instead sacrificed our sense of the inane on the altar of capitalism.

Maybe I should trademark the phrase "Editor-In-Chief."

S.A. Cole
Editor-In-Chief (TM)



Trade-mark is a tool of the oppressor. Take me to your statute.



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Submission deadlines for all articles are every Wednesday preceding publication (if it's on disk, you can push it to layout time on Thursday...no later than 6:00 PM, please). Submissions should be saved in IBM Wordperfect 5.1; please enclose printed copy for safety's sake. Write your box number on your disk if you want it returned. The *Opinion* is printed at the Buffalo Newspress.

While the *Opinion* will not print libelous or anonymous material, all submissions shall be printed entirely and exactly (so proofread your materials), provided they are signed submissions from a member of the UB Law community (students, faculty, staff, alumni).

The *Opinion* in no way endorses the viewpoints of its various columnists and contributors. Considering that the *Opinion* isn't actually a sentient being, it also doesn't think there's anything wrong with any viewpoint expressed in this publication. *Vi Veri Veniversum Vivus Vici.* "We have a First Amendment and we know how to use it!"

WE GOT POETRY!

The Second Thing Roy Taught Me

by Russ Maines

Back in the groovy '70s
My sister hooked up
With a guy named Roy.
He was a
Black Guy,
Which made
A lot of
White People
In my
Neighborhood Nervous
For reasons I did not
Understand at the time,
But Roy was OK with me.

One time
When I was about six
I was visiting my sister
And Roy
When I noticed two
Black Guys
On the Street Below.
"Hey Roy," I said, "Look at me,"
And I leaned out the window
And yelled,
"HEY YOU NIGGERS!"

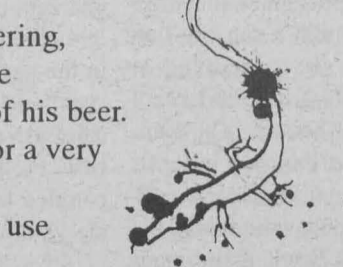
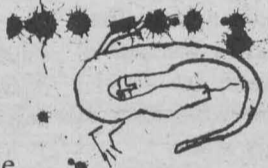
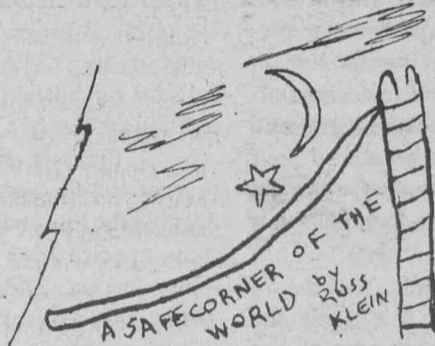
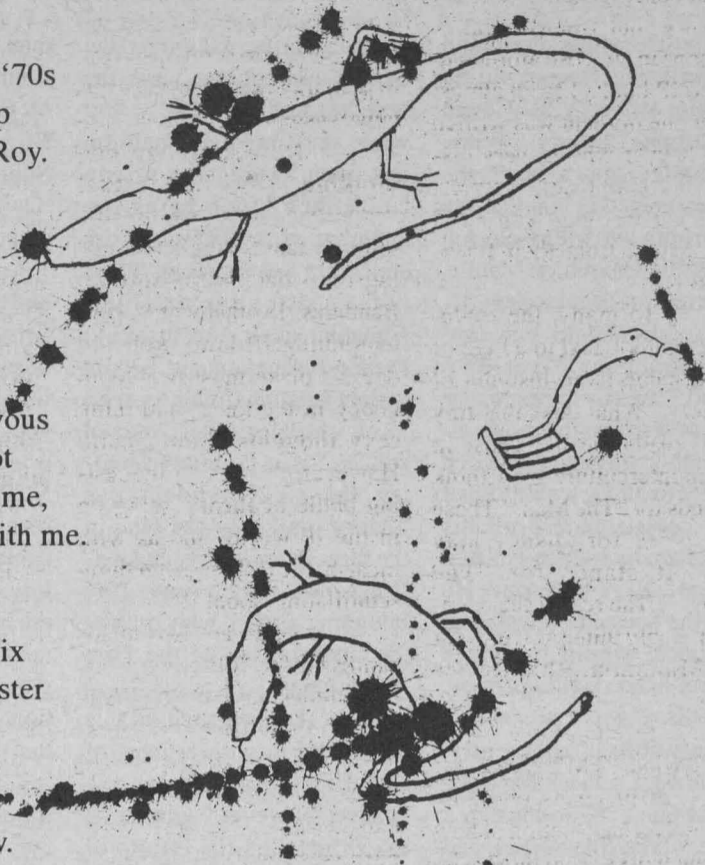
The next thing I knew
I was flying through the air,
smacked into a lamp,
(the bulb went POP!),
Collided with the wall (BONK!).
I tried to run (in vain),
Motivated More
By Fear than Pain
But Roy came at me so fast
He knocked the coffee table over
(the phone went DING!).
One enormous hand
Grabbed me by the seat of the pants
While the other cracked me upside
The Head
A Couple of times.

Roy carried me
Into the bathroom
Where he offered me
A Choice between
Additional Ass-Kicking
And A Bar of Soap to Eat.
I chose the soap.

Later,
As I was recovering,
Roy let me have
A couple sips of his beer.
He was quiet for a very
Long Time.
"Russell, never use
That word
Again.
It is Evil"
Roy said.

"OK," I said.

This week, celebrated poet Russell Maines requested that our very own Russell Klein provide the illustration for his poetry. In specific, Mr. Maines requested "Something with lizards...sort of Steadmanesque." Russ: this one's for you.



SBA President's Report

From the desk of Tonya Guzman....

I am very excited about making things happen this year. Our E-board has already been busy addressing concerns and resolving various problems. Keep in mind, SBA has to interface with the administration and sometimes this is a process, which is part of the reason why issues aren't resolved as fast as people would like to see. Our meetings may not be "exciting" but we attempt to address the needs of the students and make improvements.

A few announcements I would like to make are:

November 5th, SBA is sponsoring a student/faculty happy hour. Come eat, drink and converse with the faculty. Look for details posted outside SBA Office.

November 20th, SBA is having a talent/gong show, we've received a lot of enthusiasm already, please contact myself or any SBA member to sign up to participate or attend. This should be a lot of fun!

I met with Dean Fleishmann last fall to discuss a SBA web page. Thanks to SBA rep Dave Polak we are close to having our web page completed. There are a lot of organizations that do not have a web page accessible to potential law students. You may want to create one and link it to the UB web page.

Since I have been in law

school, we have addressed the concern over not having a sign outside the law school, designating O'Brian as the law school. I met with Dean Olsen and by the end of this semester the Law School sign should be up.

The new lounge should be open by the end of the month. I am told we will have very expensive and impressive art. The lounge will be exclusively for law students, lets take care of it.

New machines were installed in the computer lab. If you have any concerns or see any problems with the computer lab please contact me, we can't address any issues if we are not aware of the problem.

The American Bar Association is looking for law students interested in running for the following law student division offices: Chair, Vice Chair, Secretary and Treasurer. Elections will be held Nov. 13-15, 1998. Please contact me if you are interested.

If your organization is having an event that involves selling tickets you must go through the Sub-board ticket office. We understand this is a new process and some complaints have been made about the manager's attitude. Please contact me if you find this happening, this is unacceptable and we will not tolerate it.

Bar/bri is looking for reps. There is a scholarship available for graduating students, you must be a member of ABA/LSD.

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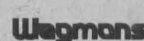
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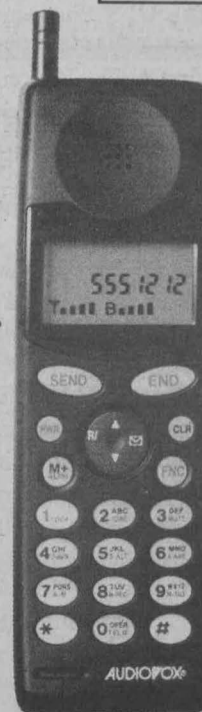
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Review of *The Freedom Writer*

Constitutionally Suspect: A Look at the Institute for First Amendment Studies and Their Scrutiny of the Religious Right

S. A. Cole

The Institute for First Amendment Studies is a non-government organization that monitors speech and religious issues. Like many of its fellows in the First Amendment field, the IFAS has selected a focus for the majority of its efforts. Billing itself as an organization that gives "a hard look at the hard right," the IFAS concentrates on issues of church and state, adopting an absolutist interpretation of the Establishment clause.

If the Establishment and Free Exercise clauses of the First Amendment were supposed to operate on the opposing sides of the church-and-state argument, then one could say the IFAS and its counterpart, the conservative Rutherford Institute, were the spiritual yin-and-yang of the Constitution. Who was the good-hearted yin, and who the evil-doing yang, would fluctuate depending upon whose propaganda you were reading.

However, the First Amendment is not a contradictory addendum to the Constitution. Rather, it is a coherent philosophy that articulates the Founding Fathers' ability to distinguish the sacred from the secular. Organizations like the

Rutherford Institute and the IFAS illustrate that we have lost some of this clarity over the last two centuries.

That being said, the Institute for First Amendment Studies is doing an excellent job of tracking the Religious Right's efforts to make government in the United States a fine blend of democracy, hellfire, and divine grace. The IFAS's particular concentration on the work of the Christian Coalition is, at the very least, amusing (at least to a person firmly rooted in their own sense of secular humanism). The following is an overview of reports they have issued in their newsletter, "The Freedom Writer," over the past few months.

"Y2K HYSTERIA GRIPS CONFERENCE" reads a headline in the October edition of *The Freedom Writer*. The article, by Skipp Porteous, goes on to recount the speeches and activities at a Christian Coalition workshop led by Rev. Billy McCormack, and Michael Hyatt, author of *The Millennium Bug*.

Porteous, who attended the conference, be-

gins his article with a discussion he had with the woman sitting next to him at the "Y2K: Cough or Catastrophe" lecture. While waiting for the show to begin, the woman explained to him that she was working with her church (First Baptist Church of Mobile, AL) to stock food and water. After she explained to him that "Y2K" (slang for "Year Two Thousand," used by the computer industry to describe the programming glitch involving the switch from 1999 to 2000) would signal a major catastrophe, Porteous decided that she was an isolated example of Y2K hysteria. He thought the speakers, Hyatt and McCormack, would present a more level-headed point of view.

"Boy, was I mistaken," Porteous wrote. Apparently, Hyatt and McCormack have decided that the Y2K problem is a harbinger of the Apocalypse, and an opportunity for the Church to assert its leadership abilities. Counseling lecture attendees to dig wells, plant gardens, and prepare for mass transportation break-downs and telecommunications failures, Hyatt and McCormack then assured their followers to rely on God to get them through the looming times of crisis.

While this may be an interesting story, it is hardly one that merits First Amendment concern. After all, Hyatt and McCormack didn't say, "And when the lights go out and every-

body is rioting, take over the Senate and appoint Jesus the new head of the CIA." And while the Christian Coalition has been touting the slogan "Y2K=666" (666 being the "number of the beast" as described in Revelations), this is not a matter for the First Amendment. In fact, thanks to the First Amendment, people in the Christian Coalition, who I can casually label "crazed cultists," can go around touting the Y2K/Apocalypse Theory until they are blue in the face. I don't care, and neither would Fisher Ames (the Founding Father who drafted the final version of the First Amendment).

Articles such as this are mixed in with articles of actual First Amendment relevance, however. One such article detailed the efforts of the Virginia Trinitarian Pronomian Alliance (VTPA) to introduce religious testing into the political process. Citing scripture, the VTPA's website calls for candidates to undergo a "Biblical Test of Character."

Pointing out that this type of testing would violate not only the First, but also (and more specifically) the Sixth Amendments, *The Freedom Writer* quoted from the VTPA's website, which cited two dozen quotes from the Bible as its justification for their proposal.

Another article

quoted Tony Nassif, the California Christian Coalition head of the National Council on Bible Curriculum in Public Schools, as saying "The 'Owner's manual' for the Constitution is the Bible."

The National Council on Bible Curriculum in Public Schools (NCBCPS) is another organization that the IFAS watches closely. A group devoted to making sure the Bible is taught in public schools, the NCBCPS adopts a nominally secular stance, saying that the Bible should be taught as "history and literature." However, the board of directors includes members from far-right religious organizations. Constitutionally speaking, this means that the group may be advocating religion in the public schools, despite whatever slant they put on their agenda.

Overall, *The Freedom Writer* is an informative publication. To avoid their obvious bias toward the left (or at least, against the religious right), the publication should avoid reporting incidents that merely make the right look foolish. With plenty of real Church-and-State problems to report, *The Freedom Writer* could easily concentrate on real issues of the Establishment Clause, a stance that would win it more credibility and integrity as a publication.

News Briefs Continued from page 1

protections.

If you have nothing to hide, then what are you worried about

The U. S. Supreme Court opened their 1998-1999 term this past week. Among their first acts was to refuse an appeal which might have limited a public school's ability to conduct random drug testing.

In 1995 the court determined that Schools may subject all student athletes to random drug tests. In response, the Rushfield Indiana Schools implemented a policy which would force random drug tests upon any student who wished to participate in any extracurricular activities or wished to drive a vehicle to and from school. Students were randomly separated from their peers and directed to a mobile drug van where their urine was collected for scrutiny. Any student testing positively for drugs, alcohol or tobacco was subsequently

to be banned from participating in activities until a positive test was achieved or a valid excuse for failing was presented.

Four students protested the searches which covered such drug addled groups as the Future Farmers of America and the school library club. As a result of the court's inaction the policy stands as validly within the bounds of the 4th amendment protection.

Now we'll have to ban tat, too

This week the Supreme court announced they would not hear an appeal which claimed that restricting clubs featuring female topless dancers, but not clubs with topless males, serves to discriminate against women.

New York City recently began enforcing its 1995 adult business zoning laws. The campaign has as its stated intent the removal of adult oriented businesses from residential

neighborhoods in New York City. The Cozy Cabin bar, an adult club featuring topless female dancers, its owner, and a topless dancer known only as Vanessa Doe brought suit against the city. The parties claim city ordinances selectively focus on clubs which feature topless female dancers. These clubs, once targeted, are forced to cease operations in their place of business. Often the employees are forced out of work when the club simply shuts down. The suit alleges that male strip clubs, which also feature topless and gyrating adult entertainments, are to remain unmolested by the ordinances.

These ordinances were said to chill the free expression rights of the dancers. Further, the suit asserted the city had not asserted a reason for this discrimination sufficient to overcome its discriminatory effects. The court refused the appeal without comment.

Spot catches criminals

In 1996 two men broke into a Seattle couple's home. The men shot the couple's dog before demanding money and then brutally shooting Raquel Rivera and

Jay Johnson. The state was able to show this act was committed by Kenneth Leuluai and George Tuilefano by matching DNA from blood on their clothes with a dog's DNA. This is reportedly to be the first time animal DNA was used to pin a murderer.

A family affair

A Dallas man has been found guilty of sexual assault for having relations with his stepdaughter. Chris Ahamefulu Iheduru made a contract when he married his infertile wife by which his 15 year old stepdaughter, Iheduru, would bear him a son. In the event that she conceived a daughter, the girl would keep the child for herself. The man had claimed this was acceptable in his native Nigeria and that he was unaware it was illegal here. Further, the man claimed he had not enjoyed the sexual encounters. It took only 15 minutes for the jury to return a guilty verdict for which he could serve up to 20 years.

Student Low-n

The Senates Higher

Education Bill has reduced student loan rates by nearly a point from 8.23 to 7.34 percent. This brings the interest rate students pay upon graduation to the lowest levels they have been in nearly a quarter century. This helps offset the reported 4 percent jump in tuition rates nationally.

Clerk wars

Protestors besieged the Supreme Court this week to draw attention to what they perceive are racist hiring practices. Each justice is allowed up to four clerks per year. Organizers complain that of the 394 clerks the court has hired in the past decade only 2 percent have been African American and 5 percent Asian American. Further, women only accounted for 25 percent of the clerks hired.

The NAACP complains that of the 34 clerks currently serving the court 11 are woman, one of whom is Hispanic. The rest are white males. The group complains that first drafts of court opinions are written by the clerks.

Continued on page 5

Alferd Packer the Hapless Prospector

by Peter Nicely

A long, long time ago, way back around the turn of the last century, there lived a man named Alferd Packer. Old Alfred was a gold prospector who scratched the earth for gold around Leadville, Colorado, deep in the heart of the Rocky Mountains. Through years of hard panning he had become a tough old mountain man, well versed in the survival techniques required to make it through the long brutal winters up in that desolate corner of the planet. Alferd's story's been told often and it's a true one; old Alferd Packer, the body hacker.

One Fall day toward the end of October (just before the punkin' pie and hard apple cider shindigs that the mountain men in them parts of Hinesdale county had grown so fond of) old Alferd and five of his fellow prospectors were cummin' down old dead man's pass to shack up in Leadville for the winter. There they was, just a pluggin' away for the low country when disaster struck down on 'em with all the fury that old mother nature could muster. It was a hellacious early blizzard and the six old gold diggers knew all too well that this could be curtains for the whole lot of them. Blizzards like this one were known to dump from ten to twenty feet of snow in a few hours and the men were liable to be stuck dead in their tracks like one of them thar Gyptin' mummies that done fell outin' his sarcophagegust and plopped face down in a puddle a' cement.

Well, needless to say, old Alferd and his fellow prospectors got snowed in right where they was at that year and no one went nowhere. It started snowin' just 'afore dark that night and by mornin'

they all could just barely see a faint dull glow in the sky but they knew the sun was up. All of them, that is, 'cept Curly and Larry. Old Tee Kettle George found the two of them huddled up in a snow drift. They was froze hard as a rock and old Tee Kettle could tell by the way them icicles was a hangin' down offn' Curly's and Larry's noses and offin' their beards and offin' their mustaches -- just like they was kin to that there abominable snowman -- he could just tell that they wasn't like no peas in a pod. Well, anyway, the four survivors gave the victims a proper burial -- in a snow drift of course, cussin' that's all they was ta' bury 'em in -- they said the words and all. They couldn't see what the hell they was a' doin' but they set to makin' some kinda' plan ta' where they could drag their sorry asses down that sad mountain pass and back ta' the bar, where they belonged, so as they cud git some a' old Suzzie's corn mash down their parched gullets. And the snow just kep a' cummin' and a cummin'.

One thing was for sure, them boys sorely needed a drink. Survival mode began to take over, and you could see the steam pourin' off the prospector's heads as the fist-sized globular snow flakes pelted their hard thinking and very hung-over craniums. When them boys got to thinkin' they meant business! Man-o man you coulda' just felt the energy in the air if you was there that day. But slowly, gradually, old Alferd and Tea Kettle and the rest a' the crew got wore down -- they couldn't reckon how ta get down that mountain with all that gold they had. The cold and the hunger wore them down bit by bit as they thought and they thought. Gradually they were becoming mere automatons, clutching at their precious nuggets, nibbling on their own blistered and calused gnarly, frostbitten paws in a feeble-minded daze.

They had gold and they couldn't even spend it. This just didn't make sense. They was no way them boys was goin' down ta that whore house of a gin mill empty handed. Not after the way they had worked their sorry asses off all summer. Not after hordin' up the fancy grub stakes that each of them kept so covetously close to their skin, in their money belts and their pockets and their packs. They slept with their gold and they pissed with their gold and they tried to stay warm with their gold, and the snow continued to pelt them day after day. The four grizzled prospectors soon realized there was no way they was a' gettin' down that pass with that gold but they was no way they was a' gunna' leave it there. By the third day pof the blizzard the snow was a gittin' about twenty feet deep and the men was gittin' to where any one of them coulda' et the north end off a south-bound hog. They got ta lookin' at each other funny-like, out of the corners of their eyes. They were gittin' really hungry.

When the weather finally broke that Spring, the towns folk in Leadville was all surprised when they seen old Alferd come staggerin' down outta' the mountains and right into old Suzzie's gin mill where he ordered a quart a whiskey, payed for it with a big old sack of pure gold dust, and proceeded to guzzle it. It wasn't long before he began to spill his gutts about the horrors he had endured that winter. The whole town came to hear the tale. Poor Alferd was in tough shape and everyone was amazed that he had sur-

vived. But the drunker he got, and the more gibberish he muttered about "the horrors", the more the town folk became concerned that something had gone terribly awry up in the mountains that winter. They called the sheriff over to Suzzie's and after he'd had about a pint-and-a-half he was convinced that old Alferd was guilty of somethin'.

Well, one thing led to another and before he knew what hit him old Alferd had been convicted of manslaughter in the first degree and sentenced to death. This penalty exceeded that prescribed by law for manslaughter, of course, but the judge employed a healthy dose of discretion in the interest of justice. Alferd's lawyer had argued that Alferd didn't have the requisite mens rea, but the wouldn't hear none a' that. He told that lawyer that just because he was some fancy pants bigshot jim-dandy lawyer come all the way out to Leadville on a half-assed pack mule, he weren't gunna' for oneminute tell Leadville how things was. The lawyer argued diminished capacity, but to no avail. Alferd had never confessed but the evidence, according to some, was incontrovertible. He was tried before his peers and the towns folk, including the judge, was dead set on hangin' poor old Alferd. After all, we cain't have men eatn' men, so we'll hang em' when they do. Although, no original transcript of the trial has survived the passage of time, it has been widely report from time to time, in news accounts that the judge, at sentencing, blasted out at poor Alferd " They was sivin dimicrits in Hinesdale county and you et five of em', goddamn ya. I sentence you ta hang by the neck 'till yer dead."

Like most of these long, long time ago stories, there is a lesson to be learned from old Alferd's demise, which naturally applies to modern life. Take Bill Clinton for example. They was sivilir dimicrits in the Whitehouse cloakroom and Bill probably et a few of em' (we all know at least one of them et him!). Now I say that the Republicans get off their butts and stop messin' around with this judiciary mumbo-jumbo. They ought to just build a big fire between two trees. Then cut down a nice, straight oak tree about six-inches in diameter and about twenty feet long, sharpen one end of it and skewer the president right through the torso, lengthwise. By laying this across the two trees and over the fire, they could have them a good old-fashioned barbecue. In this way they could steel some of Clinton's political thunder, the same way most good old-fashioned cannibals do. I think this is a modest proposal. Certainly, it would be much more civilized than the way this Lewinski matter has been dealt with to date, of this Jonathan Swift would certainly agree (see: "A Modest Proposal," by J. Swift).

Addendum: It seems that as old Alferd was being dragged to the gallows to have his sentence carried out (he was kicking and fighting all the way, being a survivalist and all) an overzealous republican rushed out of the gallery toward Alferd. While attempting to draw his six-shooter, the highly excited would-be assassin accidentally discharged the weapon. The resultant projectile traveled through the air at a high rate of speed and impacted the shooter's own foot, hereby causing podiatric injury and sever damages to himself and his party.

Unstained News Briefs: Inside out but they still look fresh.

News Briefs Continued from page 4

The group argues that these minority viewpoints are thus being occluded from court opinions.

In a related story, Federal Court judges have abandoned their 1993 initiative to regularize the process of hiring judicial clerks. Judges and school administrators had expressed concerns over courts hiring clerks earlier and earlier in their quest to hire the best and the bright-

est for their own staff. The Judges Conference of the United States had agreed to push back hiring deadlines and several law school deans had agreed to hold up transcripts until this later hiring date. Unfortunately, competition continued with courts accusing each other of breaking the agreement to skim the legal cream a few days ahead of the agreed deadlines. This year, the Conference determined that those who were following the agreement were being shortchanged and the agreement was scrapped.

Continued from page 3

SBA President's Report:

NEXT STUDENT BAR ASSOCIATION WILL BE OCTOBER 28TH, AT 6:45

It requires only a few hours during the semester and you will receive free Casenote outlines. Contact Cherin Joyce (800) 726-6662.

SBA formed a late grade committee late last year in order to work on the persistent problem of professors submitting their grades late. This issue was addressed last year with Dean Olsen who felt his hands were tied, we will

continue to pursue this dilemma.

Avoid going to Kinko's! Barb on the 5th floor in the copy room will bind your materials for \$1.00!

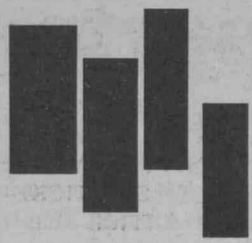
SBA meetings will be held every other Wednesday at 6:45pm. Our next meeting will be October 28th.

My goal is to keep you informed of all SBA related activities and issues we

address. Please contact myself or any SBA member if you need further information or if you would like to voice a concern.

If you would like your name and phone number included in the SBA Student Directory please submit your information to the SBA office or to Betsy Snyder Box #799.

Tonya



THE

NARCHIST

THE BALKANS - THE GAME

-(E)- by Russ Klein -(A)-

It has come to my attention that the United Nations might actually be working according to some sort of actual formula when it comes to dealing with crisis in the world. I'd like to diagram that out for you in its rawest form, and then give a real life scenario.

First, a crisis has to erupt somewhere. 3 years after the crisis develops, the United Nations Secretary General notices it on television, and learns of the crisis as well. The UN machinery is now in motion. The calls begin. The big players start talking to one another, and the lesser players start using what little leverage they have.

Then, finally, the first agreement is made: All the members of the United Nations agree to...discuss the issue at the next meeting of the General Assembly. Thanks to the hard negotiations of the lesser members, tea will be served along side the coffee.

The members then begin to talk amongst themselves, and order is called. The nation in crisis gets up to speak, and tells a depressing story. "My fellow global citizens - my people are being slaughtered and our land seized...all thanks to (points to another member them...the international village idiots!" By now, everyone is looking at the alleged aggressor, who stands up and talks of "protecting themselves by killing

the others..." and they do so in an incredibly arrogant and defiant way. If aggressor or victim nation contains copious amounts of oil, see plan B.

The UN finally comes to a conclusion: They will announce that "the aggressor must stop." They threaten force in the future.

Later down the road, the aggressor does not stop. The UN meets in session again, and this time they add to their original statement, to make it look more serious: "The aggressor must stop, please." At this time, a world defense organization (typically NATO) makes an announcement that they are asking their member nations to inventory what they will provide. While this sounds lofty, it is suspected by all that no members are willing to contribute anything. The aggressor does nothing, although now the aggressor promises to fight all actions against their great and proud nation.

Months pass by, and now the United Nations gets serious. They stop saying "please" and get firm. They point out that whatever it is that the aggressor is doing is not only wrong, but against international law. Realizing that the UN does not have a real military force, the aggressor laughs heartily. The defense organization is now promising that bombing raids COULD commence within 2 weeks. The aggressor nation responds by saying that they will fight back

against said defense organization, and give them a "black eye."

Two weeks pass by, and the defense organization now says bombing can commence any time now. Repeat these last few steps dozens of times.

Finally, the 'victim' is so weakened that they are either forced to capitulate, or they are completely wiped out. The UN's goal of achieving peace is realized, and they move on to the next crisis. Another successful campaign by the UN.

REALITY CHECK?

You are no doubt thinking to yourself "come on now Russ, this is not what happens!" I kid you not. The most recent exceptions have been Iraq. But the above is the exact scenario that occurred in Bosnia, and now in Kosovo. It is the same response that has been given to the Kurds in Northern Iraq and "Kurdistan" (their name for the land they claim, which spread out over about 4 nations), ironically after assurances that the war was NOT a war for oil. It is going on today in Kosovo. It is so sad, it is almost pathetic.

I am not a great fan of the United Nations. I am not a great fan of any governing body. But it disgusts me greatly to see an organization that is ostensibly dedicated to peace in the world act in such a pitiful manner.

It is strange that when Iraq invaded Kuwait, the United Nations acted rather quickly, set up Operation Desert Shield, and let Iraq know for sure that this was intolerable. All this under dubious circumstances (much of the "evidence" provided at the Congressional hearings turned out to be unsubstantiated), to be sure. But the fact is, there is a lot of oil at stake in the Middle East, and this was our main motivating factor. Need absolute proof that this was a war about oil, and not a morally justified war against another Hitler? The mere fact that we sit around silently while the Kurds get slaughtered in Iraq, Turkey, and Iran is evidence enough. We criticized Hussein as "using weapons against his own people" yet once the war ended, we had very little problem in fact with Hussein using weapons against his own people again (yeah, yeah, we set up a "no fly zone" but that's great, tanks don't fly).

It's a tough time to be anti-war (which time, you ask? The 1990's? The 19th century? No, I was thinking more like the human era). I do not want to support the United Nations, because I suspect that they are nothing more than a highly ineffective group of people who wish they were a global government (and I do not want a global government anymore than I want a national or local government). I also

do not want people to be killed by actions and decree of their governments merely because their governments are run by war mongering maniacs. Yet, finally, I do not wish to support war, because I am not sure its the right solution, though it might be a Machiavellian solution to end the conflict in some areas. I am however convinced that even if we ended the conflict in some of these areas, more would spring up as the power hungry and egotistical rise back to the top (see: Afghanistan, or more properly, Taliban).

I am, however, convinced that the disease that causes these symptoms (such as war) is the existence of such power to be taken: That is, government. Yes, you can say that people will always want to control other people, but we don't have to let them, and we do not have to accept it via legitimized rule, even if under the modern guise of democracy...Thoreau said of democracy that it is not doing anything, it is merely expressing feebly that you wish things to be a certain way. It may be the best way to do things, but that doesn't make it good or right (shooting someone at point blank range may be better than cutting their throat, but I do not wish either on anyone).

We have grown comfortable in accepting that things will be a certain way. Just as we have grown to assume the sun will rise every day, we have grown complacent that democratic government will be just. Some day though, the sun will not rise, just as democratic government will not always be just.

*Note: As far as I know, there is no real script as to how the UN acts...I would never knowingly accuse the United Nations of "having a plan."

DEALING WITH DEATH

This late August, the phone rang at around 7 AM. I knew it could not possibly be a good thing, because I usually do not get calls that early. It was my father, and his voice was grim. His wife (my stepmother) had been fighting a valiant battle against cancer for approximately the last two years, and Doty Klein finally submitted to the disease.

This marked the second time this summer that someone I knew passed on. Earlier this summer, I received an email from a friend who found out that my good friend Greg's father had passed on as well.

Though death is something that we all deal with at one point or another, I find that I am always at an utter loss as to what to tell mourners.

What exactly DO you say? No matter what you say, it comes out sounding extremely awkward:

"Uhh, sorry your father died."

"Ummm, wow, I'm so sorry."

"Sorry you lost someone very close to you."

Human beings deal with death in very unusual ways. I know that in Jewish custom, the grieving family is supposed to "sit Shiva." Sitting Shiva involves basically all the friends and family visiting the home of the grieving family. You are supposed to sit Shiva for 7 days, though realistically, only the most observant Jewish people do this (the word itself, "shiva," means 7, if I recall properly). The more realistic practice is that if your loved one

dies on, say, a Thursday, you sit Shiva through Sunday of that week (the reality being that most people have jobs they have to return to -- also insuring a shorter period of mourning is the fact that in Judaism, the deceased's body has to be buried within a day or two). As a part of the practice, the closest family is supposed to sit in very uncomfortable chairs, and the men are not supposed to shave (according to Doty's mother, you are not supposed to shave for 30 days -- I have found again that realistically, this tends to last about a week). All the friends and relatives and well wishers come over to visit, reminisce, and talk about just about anything. It is not a formal talk around though. People form groups and clusters for conversation. Throughout the entire Shiva period, people send over food. My father was

receiving platters and platters of food -- turkey dinners, fruit baskets, white fish, dozens and dozens of bagels, cookies, etc. People at the Shiva eat the food that is sent over (after all, otherwise, it would go bad and be thrown away). Each night at a specified time (probably corresponding with sundown) if there are at least 10 people present, a "minion" is held. A prayer leader guides the group of people in a series of prayers, such as the Mourners Kaddish (I had to be silent where there were no English transliterations -- I can no longer read Hebrew). If less than ten people are present, the prayer service has to be held at a synagogue. Finally, a candle is burnt in memorium.

I admit, I have no idea what happens after a person dies. I find it impossible to realistically speculate. I find it

very easy to accept that heaven was a creation by humans to deal with fears of life after death (as well as installing a moral code so that people will not all become nihilists). I find the concepts of re-incarnation to be awfully inviting, getting your chance to play "the game of life" over and over and over. I find the concept of Buddhist nirvana to be interesting as well. But no idea has ever sat in my mind as "must be so!" Perhaps it is my never-ending need to see things for myself.

But regardless, two people who crossed paths with me unfortunately know the answers. Meanwhile, I am left unable to coherently address their deaths both in a sympathetic sense and in a philosophical manner. I guess there really are just some mysteries we are not destined to know.

by Russ Klein

Camelot? At Law School?

A.A. Noel

"What Do the Simple Folk Do?"
From the musical, *CAMELOT* by Lerner and Lowe

GUENEVERE:
What do the simple folk do
To help them escape when they're blue?
The shepherd who is ailing,
The milkmaid who is glum,
The cobbler who is wailing
From nailing
His thumb?
When they're beset and besieged,
The folk not noblessly obliged,
However do they manage
To shed their weary lot?
Oh, what do simple folk do
We do not?

ARTHUR:
I have been informed by those
who know them well
They find relief in quite a clever way.
When they're sorely pressed,
they whistle for a spell,
And whistling seems to brighten
up their day.
And that's what simple folk do,
so they say.

GUENEVERE:
They whistle?

ARTHUR:
So they say.

"So you think he likes me?"

"Jeez, we've been in law school a whole month. How come I can't find a girl friend?"

"Yeah, we just broke up. He couldn't handle an aggressive girl with a brain. So are you going out on Friday night?"

"I find I study better with women. Do you have a study partner yet?"

"I'd like to see his legal briefs!"

"You want to see my tattoo?"

GUENEVERE:
What else do the simple folk do
To perk up the heart and get through?
The wee folk and the grown folk
Who wander to and fro
Have ways known to their own folk
We throne folk
Don't know.
When all the doldrums begin,
What keeps each of

them in his skin?
What ancient native custom

Provides the needed glow?
Oh, what do simple folk do?
Do you know?

ARTHUR:
Once, upon the road, I came upon a lad
Singing in a voice three times his size.
When I asked him why, he told me he was sad
And singing always made his spirits rise.
And that's what simple folk do, I surmise.

GUENEVERE:
They sing?

ARTHUR:
I surmise.

"What the hell is going to be on the final, that's all I want to know!"

"I know it is only three weeks into the semester but I don't think the professor likes me. I will probably fail that class."

"Is that damn closed memo a pain in the ass or what?!"

"I don't have anytime to go out drinking anymore."

"...and what's up with that 'Let's Kill All The Lawyers' T Shirt?"

GUENEVERE:
What else do the simple folk

do?
They must have a system or two!

They obviously outshine us
At turning tears to mirth,
And tricks a royal highness
Is minus
From birth.
What then I wonder do they,
To chase all the goblins away?
They have some tribal sore'ry
You haven't mentioned yet.
Oh, what do simple folk do
To forget?

ARTHUR:
Often, I am told, they dance a fiery dance
And whirl till they're completely uncontrolled.
Soon the mind is blank, and all are in a trance,
A violent trance astounding to behold.

And that's what simple folk do, so I'm told.

THE CRIMINAL LAW SOCIETY WILL BE HAVING A BAR NIGHT AT THE STEER ON FRIDAY NIGHT.

THE SPORTS AND ENTERTAINMENT LAW SOCIETY WILL

BE SPONSORING A BAR NIGHT AT THE MARRIOTT FOR MONDAY NIGHT FOOTBALL

DURING HOMECOMING THERE WILL BE A FREE DRINKS AT THE ALUMNI TENT. GET YOUR TICKETS AT THE SBA OFFICE

GUENEVERE:
What else do the simple folk do
To help them escape when they're blue?

ARTHUR:
They sit around and wonder
What royal folk would do.
And that's what simple folk do.

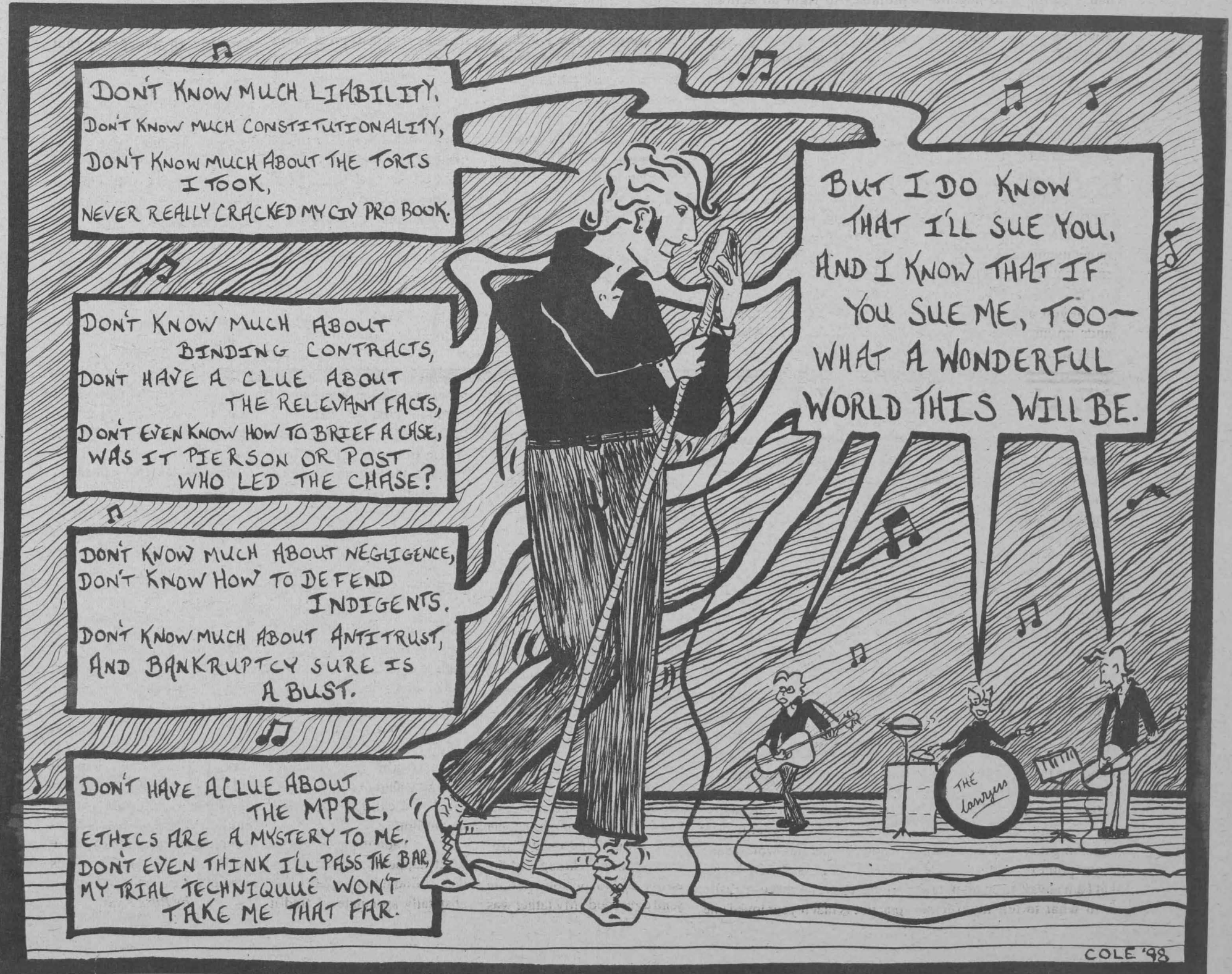
GUENEVERE:
No, really?

ARTHUR:
I have it on the best authority.

"The Law School Career Services Office invites you to attend ...

CAREER INFORMATION FAIR, SATURDAY OCTOBER 3, 1998
O'BRIAN HALL

ARTHUR &
GUENEVERE:
Yes, that's what simple folk do.



The Neighborhood Presents... another edition of "In Your Neighborhood." Please enjoy with us now these little snippets of life in our Neighborhood...



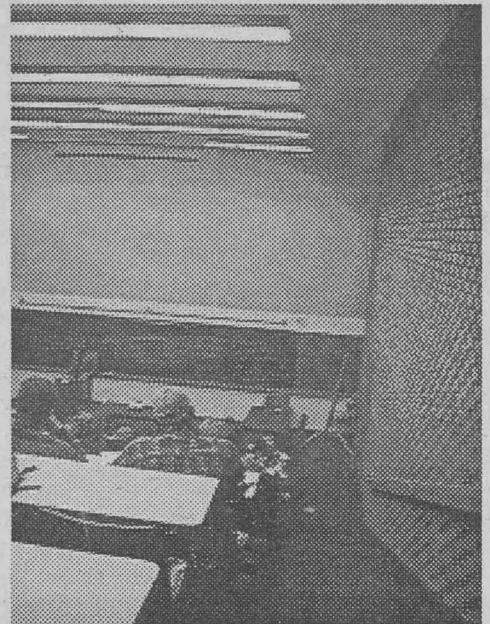
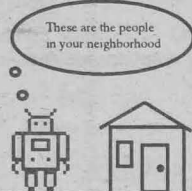
Locked out! Set my people free!



What court did you say that was?



Randy Janis: Checkin' out the mail situation



Professor Carr: Criminal Procedure.



Well, goodbye, neighbor. But remember... We'll be back when the week is new and we'll have new ideas for you, and you'll have things you'll want to talk about, and we will too. You know, neighbor, you're special to us just the way you are. See you next week...



...Love, The Opinion

THE LAW SCHOOL DUO, BROUGHT TO YOU BY RUSS KLEIN