New VU School of Law professor, Richard G. Hatcher

Dean Gaffney files two briefs in Supreme Court

William Gaffney, a biocen-trical document that describes religious freedom as the "foundation of, and is integrally related to, all other rights and freedoms secured by the Constitution. This basic civil liberty is clearly acknowledged in the Declaration of Independence and is inalienable from the long tradition of rights and liberties from which the revolution sprang." In any event, Gaffney noted, the distribution of literature is protected speech, so the lower court ruling banning religious activity by the Hare Krishnas should be reversed.

Another reason offered for reversing the airport rule is that it is not neutral as to the content of speech; politicians and business agents use the airport facilities regularly for the kind of speech they engage in, but religious speech is banned. Neither is the New York regulation neutral as to viewpoint; Catholics meet in the airport for Mass each day as noon, and a "tri-faith chapel" is also used for worship by Jewish and Protestant travelers, but the Hare Krishnas are prohibited from carrying out the ancient practice of distributing their sacred scriptures.

In the second case Gaffney is urging the high court to put another case on its docket. This

See Gaffney, page 6

Inside

An event that was sponsored by the campus pro-life organization. For the past year and a half, the blond, dark-eyed teenager has traversed the country, speaking to an audience about her unusual birth and her life today. In addition she has made television appearances on the Maury Povich show, See Survivor, page 6

Abortion survivor, Gianna Jessen at Valpo Talk

Environmental Moot Court Team Competes

By Daniel Buksa

V.U.'s Environmental Moot Court team recently competed at the National Environmental Law Moot Court Competition at Pace University School of Law in White Plains, N.Y. 3L Jeff Clymer and William Beggs, along with 2L Dave Weber brought their briefs and advocacy knowledge to this fourth annual competition, which involved 63 other law schools on February 22.

Valpo's team had the highest overall score in the second preliminary round, in which they argued against students from University of California-Berkeley and John Marshall School of Law. In addition, Beggs won best oralist honors in that round. Weber won best oralist honors in the first round.

Weber believed that the team represented Valpo quite well. 

See moot court, next page

1992 Environmental Moot Court Team, Lto r.: 3L Jeff Clymer, 2L Dave Weber, 3L Bill Beggs

Abortion survivor speaks about life

By Daniel Buksa

Fourteen years ago, a doctor in Southern California dilated a woman's cervix, inserted a needle to withdraw some amniotic fluid, and then infected a saline solution directly into the uterus. The fetus within that woman's womb, as a normal occurrence, was then aborted. But highly unusual, the fetus came out as a "live" baby girl.

Fourteen years later, that girl, Gianna Jessen, visited Valparaiso University to speak about abortion. She addressed an audience in the Union's Great Hall Thursday night, February 27, in an event that was sponsored by the campus pro-life organization. For the past year and a half, the blond, dark-eyed teenager has traversed the country, speaking to audiences about her unusual birth and her life today. In addition she has made television appearances on the Maury Povich show, See Survivor, page 6

Abortion survivor, Gianna Jessen at Valpo Talk

By Katharine E. Wehling

Special to The Forum

Former Gary Mayor, Richard Gordon Hatcher has been appointed a Professor of Law at the Valparaiso University School of Law. Although he has been known as the first black elected mayor of a major American city and as a major national and international figure in the civil rights movement, Professor Hatcher was named the Harold Washington Professor of Political Science at Roosevelt University, and in 1988, he was named a Fellow in the Harvard University John F. Kennedy School of Government where he taught a course entitled "Politics of America: Jackson Campaign and Beyond." Professor Hatcher is also an adjunct Professor of Minority Studies at Indiana University Northwest and has offered two courses - "Current Social Issues and Public Policy" and "Minorities, Politics, and Social Change."

In 1956, Professor Hatcher received the Bachelor of Science degree in Business from Indiana University and earned the Bachelor of Laws (now J.D.) degree from Valparaiso University in 1959. In 1970, Valparaiso University awarded him the honorary Doctor of Laws degree. He has also received honorary Doctor of Laws degrees from Clark College, Coppin State College, Duquesne University, Mary Holmes College, Wilterforce University, Cleveland State University and Fisk University.

Since 1989, Professor Hatcher has offered a course at the Valparaiso University School of Law entitled "Race Relations & the Constitution." He will begin his full-time appointment at the School of Law in July 1992 and will continue to offer courses with a focus on civil rights such as Race Relations and Employment Discrimination and a course on Local Government.

Professor Hatcher is also president of the consulting firm R. Gordon Hatcher & Associates and senior partner in the law firm of Hatcher, Coaxum, Hewitt, Grimes & Manning with offices in Gary, Indiana, as well as Cleveland, Los Angeles, and Washington, D.C.

Mayor Hatcher joins law school faculty

By Katharine E. Wehling

Special to The Forum
MELC continues recycling effort

By Christine Burress
Forum Contributor

Now that second semester is on its way and MELC's recycling committee, T.R.E.E. (The Recycling Effort for the Environment), is back to work on its paper recycling program. As was the case last year, new problems are arising this year, and the committee is working on a solution to this problem. For starters, MELC will be purchasing an additional 64 collection baskets, so that there will be one in every office. Also, thanks to the help of Dean Garthey, it has worked out an agreement with housekeeping whereby they will collect the paper in the recycling baskets. The arrangement and will only become permanent if housekeeping determines it will not be too uncomfortable.

Another obstacle we are facing comes from an unexpected place: our fellow students. Although most of you have been really great in cooperating by placing your white paper in the baskets, some of you continue to fill them with colored paper and garbage, such as gum, tissues and half-empty cups. This is one of the main reasons housekeeping gives for not wanting to collect the paper. Sorting out the white paper would take up too much time.

I guess that despite our repeated attempts to inform everyone of what to put into the baskets, some people still do not realize that they are for white paper only. Their true that they look like waste baskets even though they do talk "RECYCLE" on them. So, we put white paper only signs above the baskets. Unfortunately, we are still finding colored paper in them. It's great that these people want to recycle their colored paper. However, Waste Management does not presently accept and will not pick up that paper. The overall amount of colored paper compared to white paper generated by the school is very small. T.R.E.E. is going to try to make it smaller by encouraging the law school to use white paper only, as a green and simple way to help the environment.

The bottom line is this program cannot succeed unless everyone cooperates. So, please do not put colored paper into the recycling baskets. Thank you for your cooperation.

NIPSCO counsel discusses Clear Air Act at Law School

By George S. Van Nest
Forum Staff Writer

The Midwest Environmental Law Caucus (MELC) was fortunate to have Mr. Arthur Smith of the Northern Indiana Public Service Company (NIPSCO) speak at the law school on February 11, 1992. Mr. Smith recently acquired the position of In-House Counsel, Environmental Management at NIPSCO. He moved to that position after a fifteen-year stint with the U.S. EPA, Region V offices in Chicago. Mr. Smith's experience with environmental litigation and regulation served as an excellent basis for his discussion of the 1990 amendments to the Clean Air Act.

The signing of the Clean Air Act Amendments of 1990 leads NIPSCO to use white paper for your convenience. Mr. Smith describes NIPSCO as a green company, in the sense that it complies early with environmental regulations; this attitude forced the company to rearrange its environmental policies early with environmental regulations; this attitude forced the company to rearrange its environmental policies. According to Weber, the attitude forced the company to rearrange its environmental policies. According to Weber, the company to rearrange its environmental policies. According to Weber, the company to rearrange its environmental policies.

Mr. Arthur Smith

November 15, 1990, lead NIPSCO to hire Mr. Smith as in-house counsel specializing in environmental compliance. Mr. Smith described NIPSCO as a green company, in the sense that it complies early with environmental regulations; this attitude forced the company to rearrange its environmental policies. According to Weber, the company to rearrange its environmental policies.

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Sorenson to speak at YU Law School

By Kevin Anderson
Contributing Asst. Editor

Eugene, Oregon public interest attorney, C. Peter Sorenson, is flying in to speak at the law school on April 2, 1992 at 4:30. Sorenson, who is purposed to have a twenty-twint winning streak against governmental agencies in environmental litigation, has pioneered alternative means of raising income to fund a public interest practice. By carefully selecting the cases he takes on, Mr. Sorenson has become a very successful litigator in working to forge cooperation among governmental agencies.

The forum speaker at this year's conference of the National Association of Environmental Law Societies in Austin, Texas, Sorenson promises to provide an evening which is both informative and entertaining.

Cheryl Newton, of the U.S. E.P.A.'s Green Lights program will speak on April 2 during chapel break on Wednesday, March 25, to discuss the Clean Air Act. The signing of the Clean Air Act Amendments of 1990 leads NIPSCO to use white paper for your convenience.
3 The Forum

From the Editor

Drew Dillworth
Editor

The '92 Campaign

Richard Nixon was once quoted as saying that politics represents the ultimate in sport. Or, something to that effect. I first heard this quote as a senior at Villanova University, where I was fairlly active in those "coffee shop" election debates. Ah, but in '88, Nixon's maxim did not ring true. The '88 campaign was filled mostly with scandal rather than issues. In '92, however, politics as sport seems to hold a new validity. The arguments are now about the issues, not the strategists over the issues. In this struggle the sport of politics can be seen. With this in mind I turn to the players for an update...first the bench...

Bob Kersch

"Few business men are capable of being in politics...they have neither the tolerance nor the depth it takes..." -Malcolm Forbes

Daniel Buksa

Viewpoints

Editor

Off with their heads

Now that the grand spectacle of the election season is once again upon us, the decision comes to mind. For too long now, the reigns of power at the national level have been held in abeyance. This is because the sword of the executive has been currently usurped by the Republican party, thus thwarting the will of the people, which is, of course, embodied in the Democratic party.

The solution to this vexatious problem is obvious. the Republican Party must be outlawed. Now, this may seem a little radical at first, but it does provide for a much more evident resolution to our crisis. Besides, it is nothing more radical than what we are already used to. A review of the Republican's transgressions are illuminating and provides ample justification for my proposed measure.

Republicans are an odious lot of multilaterals. For instance, they fail to recognize the unlimited possibilities of diversity and multiculturalism. Such diversity has achieved glorious results in places where this has been implemented, such as the Balkans.

Democrats are rich too! They horde all their wealth, neglecting the more unfortunate members of society. They refuse to recognize the benefits of egalitarian procedures in the redistribution of wealth, which have led to more wholesome and vibrant societies such as Cuba.

Republicans also believe in God and traditional family values, and are given to the nasty practice of detaching tags from mattresses.

For Pete's sake, they still believe in capitalism, an economic system widely discredited throughout the world. Furthermore, they advocate limited government, an obviously inadequate idea. It is widely recognized that the more layers of government that there are, the more efficient the process of government becomes.

Democrats on the other hand have been exemplary in their governance. For the past thirty-nine years, with the exception of a six-year aberration in the Senate, a Democratic Congress has been efficiently legislating this country into an unvaried position in the world.

The party of FDR, Truman and Carter have always stood the Executive Branch for more than half of the past sixty years. Their hand at the helm of the ship of state has demonstrated the effectiveness of unified and decisive leadership.

Furthermore, one-party Democratic government has been practiced with great success in the three largest cities in the country have had Democratic mayors and councils from almost time immemorial. Under their leadership, these urban areas have achieved the zenith of social and economic development.

There can be no doubt that just as Democrats are always right, Republicans are always wrong. Republican policy cannot be tolerated any longer. Therefore, to avoid a diminution of centralized state power, Republicans must be eradicated from our society.

Otherwise, individuals will retain an identity separate from the state and become wealthy due to economic expansion and capitalism.

Daniel Buksa

BROAD SUPPORT FOR 'GREEN' ISSUES, BUT COST & ECONOMY OF GREATER CONCERN

By Peter Samuel
Guest Columnist

The attitudes of ordinary Americans on the environmental issues are the subject of a recent report from the Roper polling organization. Titled "Taking Out The Garbage" and done for Citizens for the Environment, the survey got a vivid picture of what Americans think about environmental issues.

The report confirms the complexity of ordinary attitudes. Environmental issues are far from preoccupying Americans as activists might hope. Seven issues are ranked higher in importance than any priority for ensuring the protection of the environment: acid rain, hydrocarbons, ozone, deforestation, nuclear power, lead and ozone. It is the same with price. Asked in general which is most important, the environment, or the economy, Americans divide 38 percent saying the environment should have priority compared to 62 percent saying the economy. But when asked about their actual purchasing decisions, Americans answer quite differently. 62% say the very important issue is whether the good or service is "reasonably priced." Although, 38 percent say they will pay more for products deemed "green" - polluting cars, recyclable paper, less plastic packaging etc. That leaves a sizable proportion however who claim they will pay more for "green" characteristics in products, and on average consumers claim they will pay 5.7 percent more.

Is environmentalism an elitist issue? You bet. Holding down costs is ranked more important than environmental programs. By Peter Samuel

Helping the environment will save you money

Jeni Sackett
Contributing Editor

As the end of the school year approaches most students feel a monetary squeeze. Some look to the financial aid office to secure another loan, others to their parents, and finally that responsible group that finds a job. If someone told you that you

If someone told you that you could avoid some of those financial problems simply by becoming environmentally aware, what would you do?

what would you do?

If you have finished laughing now, I would like to tell you how you can save $300 per year, per person, per household, simply by becoming environmentally aware.

The Global Action Plan (G.A.P.), an organization founded in New York, produces a Household EcoTeam Workbook. GAP divides the workbook into six chapters, representing six months of the program. Each chapter focuses on an action area, such as: garbage reduction, consumerism, and home energy efficiency. By assessing your situation in each area, performing the specific actions recommended, and then reassessing your situation, you can move your household toward environmental balance.

Wearing a crystal around your neck or Birkenstocks on your feet does not help to move your household into environmental balance.

See savings, page 6

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See savings, page 6
The environmental debate continues

Dear Editor:

Kevin Anderson's Letter to the Editor in response to my Viewpoints article ("Apocalyptic Environmentalism," February 12, 1992, Forum) implies that I was the first to use the modern Liberal tradition of using highfalutin rhetoric to mask the weaknesses of my argument. In fact, when you boil off the fur from this turkey, the meat you can sink your teeth into is nonexistent.

After wading through the tall grass of completely unrelated and irrelevant remarks (a type that Mr. Anderson and his ilk would no doubt destroy our economy and society to save), one is left with one solitary statement that addresses my article about Global Warming and Acid Rain, to wit: "Mr. Furrer's logic is tragically flawed.

Mr. Anderson, quite predictably yet quite sadly, simply makes this statement and moves on to what he and others like him do: personal attacks, personal.subj. attacked, in the prooz of a zoologist/writer. If anything, it strikes one as a feeble attempt to rob the success of the previous editor's victory.

Mr. Anderson's failure to address just one point made in my article should be food for thought for all those who actually and honestly interested in problems our society faces. As for those who are interested only in sifting through these and other environmental "problems" as cover for their altruistic, leveling urges and for their desire to consolidate power and socialize society, I have little hope for. Remember, Winston Churchill once said that if a man is as queasy when faced with idle time to go and bark at the hole.

Hunter S. Thompson, formerly of Rolling Stone Magazine, best described the type of mind that is now in charge of the world in the petri dish of sterile universities, the student bodies of those whom you purport to represent. The only thing that is missing is the ability to repeatedly feed the masses with the same grotesques, but to actually put pen to paper, and to publish such trash in a graduate level school of journalism.

If your aim was to do a service to the Pro-Life movement, you have missed the mark by a mile. Any person who purports to uphold the value of life, especially that of the unborn, but who has not compassion and common human decency toward the poor and infirm, is to be condemned..

Surely, you did not stop to think about the persons whom you might injure by your cruel words; personal attacks, personal attacks on what he and others like him do: personal attacks. But rather, it is individuals like you keep insisting that freedom of the press carries with it a duty to uphold the values of those whom you purport to represent.

Jane Brockman III

2-24-92 Response to 2-12-92 Forum: Article

Mr. Buksa,

I once again writing "A Modest Proposal" as yours, but I was afraid that no one would be shocked. After all, over 4,000 children are aborted each day and thrown into garbage cans. Those children who are retrieved from the dumpsters are prevented from receiving decent burials, because groups like the A.C.L.U. intervene. Why does the A.C.L.U., waste time and money to stop such a seemingly innocuous activity? Because they don't want the children to be treated like human beings. Such burials make abortion "look bad" and force the public to face the gruesome reality behind "choice." The A.C.L.U. and other pro-abortion groups realize that their eugenics, "choice," "prospects of conception," "terminations"-can't whitewash the shock this造成. If states that the individual who

Sarit & Life

Dear Mr. Buksa,

I sincerely hope that the future of the Forum is not doomed to the likes of grocery store tabloids. The responsibility that is now placed upon the Valparaiso School of Law that we deserve rests with each and every one of us. Please make our paper something we can be proud of. Remember that controversial issues can be written about and discussed without demeaning our school, our faculty, our students, and our sensibilities.

Catherine Sherry, IL

More letters on page 6

Views

no longer have Commies to blame for the nation's troubles, perhaps they are not debating the number of angels that are dancing on the rims of their styrofoam cups.

Kevin Anderson 2L

Mr. Furrer's logic is tragically flawed. This ostrich's response to concern over the state of the environment is insupportable. Unfortunately, the pronouncement of the radical right have come to believe such reactionary rhetoric. The status quo is threat ended; industry is asked to cooperate and conform to its activities. The logical response, according to Furrer, is to deny that the problem exists.

Dependent upon the declarations of some unscrupulous environmentalists, Furrer states that the individuals who originally called the nation's attention to environmental problems are no longer significant to the discussion. This is not true. There is a good chance that the demonstrations of the people in this country have had an impact on the very corporation that is destroying the environment.

For instance, the self-righteous Mr. Furrer made the statement that he is talking "as profess to mourn the passing of the human beings." That he is talking about as repugnant is the fact that some of those whom you purport to represent.

Catherine Sherry, IL

Another Modest Proposal

Mr. Furrer in the last issue of the Forum suggested the follow ing: "If there's nothing wrong with abortion, your proposal has great merit: conservation of natural resources.* Rather than doing all these dead children into already overcrowded landfills, why not recycle them into food for the hungry? This is both socially and environmentally responsible.

As for Mr. Anderson's pro fissed concern that without the "commies," we will have nothing to do, I imagine that he is talking about the former communists in Russia. What he fails to realize: is that they are still around. Secondly, the communists in Cuba, China and Vietnam, there are many who are still to be found.

Unfortunately, they can be found in large percentages in the faculties of our great universities, in the student bodies of Universities across America, Congress, and, as P.J. O'Rourke would say, the "fuzzy-minded one-worlders, community-minded peace creeps and bleeding-heart bed wetters" roaming our streets as members of the various organizations masquerading as concerned citizens. No, Mr. Anderson, there is still much work to be done.

Mr. Furrer, you shou'd have Commies to blame for the nation's troubles, perhaps they are not debating the number of angels that are dancing on the rims of their styrofoam cups.

Kevin Anderson 2L

Urs Broderick Furrer

"Didn't a Dep't of Education official once say, "children are our great natural resource?"

I sincerely hope that the future of the Forum is not doomed to the likes of grocery store tabloids. The responsibility that is now placed upon the Valparaiso School of Law that we deserve rests with each and every one of us. Please make our paper something we can be proud of. Remember that controversial issues can be written about and discussed without demeaning our school, our faculty, our students, and our sensibilities.

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More letters on page 6
By J. Danforth Quayle

Vice-President, the United States of America

The following were the prepared remarks by the Vice-President to the annual meeting of the ABA last August.

The ABA is the largest voluntary professional association in the world. And you have many things to be proud of: from your early leadership in reforming and unifying American law, to your longstanding commitment to service through pro bono activities. Through its “Points of Light” program, the President has tried to reinvigorate the great American spirit of volunteerism. Many members of the ABA have been points of light since the day this great organization was formed.

It is in the spirit of the early reformers in the ABA that I join you here today. Our goal, as theirs was, is to establish a tradition of justice. Chief Justice Burger once termed this a “task never finished,” and that is especially so in our country today. Madison’s “vast and extended republic” is now more complex, diverse, and mobile than he could have ever imagined. But the ideals of the republic remain unchanged: the people must have access to justice.

"we have to start at the doors of the courthouse, and keep them open to every American." rights of the individual are fundamental in America. We take rights seriously.

So when we think about the command of our Constitution’s Preamble, “to establish Justice,” we have to start at the doors to the courthouse, and keep them open to every American. We owe them a system in which they can resolve their conflicts promptly, effectively, and fairly.

The hundreds of county courts throughout America, to the Supreme Court in Washington, we also owe it to the people to maintain the independence and excellence of the third branch of government.

This is why we view it so important that the Senate confirm President Bush’s Supreme Court nominee, Judge Clarence Thomas. The ABA knows Judge Thomas. In fact, you’ve already considered his fitness to sit on the federal bench, and found him qualified just last year. And the Senate confirmed him less than four times for high positions in the federal government.

As you know, there’s been a bit of opposition to Judge Thomas’s confirmation from some interest groups. But in spite of this ideological opposition, I’m confident that my former colleague in the Senate will consider this nomination fairly and on the merits. I think the great majority of senators will end up agreeing with the former national "individuals and businesses spend more than 80 billion dollars on direct litigation costs each year" board chair of the NAACP, Margaret Bush Wilson, who wrote last week that Judge Thomas reports for himself and will impress those willing to listen and look beyond misinformed rhetoric. Ladies and gentlemen, Judge Clarence Thomas is an outstanding nominee. He deserves to be confirmed in full.

Today I want to talk about our legal system’s impact on the confidence that my former colleagues compete. Through the 1990’s, we’re going to face many obstacles in the global marketplace. Some will come from the outside; we’re still seeing unfair practices on the part of some trading partners, subsidies, non-tariff trade barriers, and the like. But there are other stumbling blocks that we can’t make excuses for—because they’re our own fault.

And that’s why I think we should look at litigation in America today. Our system of civil justice is, at times, a self-inflicted competitive disadvantage.

Every year in America, individuals and businesses spend more than 80 billion dollars on direct court costs, plus other insurance premiums. When you include the indirect costs, it may add up to more than 300 billion. That’s just one part of the problem.

Look at the sheer number of disputes now flowing through the judicial system. One of the most insightful studies of the system is aptly titled: "The Litigation Explosion." In 1989, alone, more than 18 million civil suits were filed in this country—one for every ten adults—making us the most litigious society in the world. Once in court, many litigants face excessive delays—some caused by requests for extended court docket times, others by adversaries seeking tactical advantage. In some cases, the costs confronting our citizens are enormous, and often wholly unnecessary. And in resolving conflicts, Americans don’t have enough access to avenues other than the formal process of litigation.

Isn’t our legal system in need of reform? Can’t we improve the delivery of justice? I believe that is the case.

On the question of financing litigation, there’s been a lot of discussion on the relative merits of a “loser pays” rule. As quickly as possible and without a trial. In line with this procedure, alternative dispute resolution would be made more widely available. Now, this idea will, of course, empower people with disputes, and it helps reduce costs. But it will also help preserve relationships that might be destroyed by the stresses of a courtroom fight.

Many of the Working Group’s deliberations centered on the issue of Discovery under Rule 26. The working group decided that, as one corporate counsel told us, "discovery is 80 percent of the problem." They also agreed that to encourage, or even simply to keep open, discovery too often becomes an "It's also time to give people a greater right to choose among methods of resolving disputes." administration of delay and even harassment. Unnecessary document requests and depositions can be eliminated. And we’re also recommending that the information be mandatory.

The English Rule is grounded in fairness—in the equitable principle that a party who suffers should be made whole. Where the Rule operates, the parties are encouraged to look more carefully at all merits of their cases. And there’s no doubt that it serves a lot of frivolous claims and specious defenses.

On the other hand, to apply the rule too broadly could discourage some suits with true merit—in civil rights and other cases. That’s why we propose to require disclosure of some basic, core information on both sides. Then, to help parties meet to formulate a discovery plan, with pre-set quantitative limits, approved by the court and changeable only with good cause. Discovery beyond the set limits is permissible—but only so long as the party bears his adversary’s production costs. We serve no purpose by allowing the party to order the other party to spend marginal and abusive discovery under the federal rules. It is time that we end this.

It’s also time to give people a greater right to choose among methods of resolving disputes. This reflects the view of many individuals. They don’t even have them. So the Council’s recommendation, in my mind, the President’s Council on Legal Affairs, and continue to serve as qmckly and without undue delay. It will but it will curtail the randomness of the system—and cut down on the unnecessary pressure to commercial transactions. And, of course, it will leave unchanged "Does America really need 70 percent of the world’s lawyers?"
Dull, from front page 3

Survivor, from front page

Closer Look with Faith Daniels, and the 700 Club.

The first thing one notices about Jessen is her distinctive limp. Diagnosed with cerebral palsy at birth, Jessen has worked hard to overcome her handicap. She has learned to view this condition as a challenge which she overcomes each day. “I don’t feel sorry for myself, and I don’t want other people to feel sorry for me either,” Jessen said. “You should treat handicapped people the same way you would treat anyone else.”

Jessen was 12 years old when she found out that she was aborted. Asked her mother on Christmas Day if she was dis- abled. Jessen said that before her mother answered, the truth came to Jessen all at once: “I was aborted.”

Jessen said that she was born with a hip deformity, and that she was always treated like she was normal by her family and friends. However, when she went to school, Jessen was often the target of cruel comments and teasing. “I never felt like I belonged anywhere,” Jessen said. “I was always the odd one out.”

Jessen learned that she was aborted when she was a senior in high school. She was told that she was aborted because of a medical condition that was not life threatening.

Jessen said that she never felt like she belonged anywhere. “I was always the odd one out.”

Gaffney, from front page

In both cases, Gaffney urged the Court to reaffirm its holding that the Free Exercise Clause mandates a reasonable and accommodating response to the religious beliefs of American citizens. It is a right that may not be subordinated to the interests of a majority. In both cases, Gaffney was supported by a broad coalition of religious leaders and organizations.

Savings, from page 3

Balance. The actions G.A.P. recommends do not even require the enumeration of particular programs, but merely a commitment to ensuring that environmental protection and economic efficiency are given equal weight.

For the sake of completeness, we will add that some of these recommendations are quite specific. For example, the committee recommends that the government adopt a policy of “green” purchasing, which would include the use of recycled materials and the avoidance of products that cause environmental harm. Additionally, the committee recommends that the government adopt a policy of “green” taxation, which would include the use of tax incentives to encourage the use of renewable energy sources.

To the Editor, continued from page 4

Dear Editor:

On February 12, something very rare happened. The Forum published an invitation for submissions. At first I was not sure if this was a real thing, or if I was the first time that my input had ever been requested by any publication. I thought the most I could do was to write something and submit it to The Forum, however, the more I thought about what I would tell the school, the more I realized that I had very little to say.

I am bored by the argument about abortion not to mention that both sides have adequately, or more precisely incessantly explained their respective role viewpoints. As a L.L. I am not sub­ject to the same year ethics class which is not the ethics class. In a like manner I don’t mind my second year writing requirement. These are the topics of choice lately and for the most part, I am affected very little by them so I thought I had no opinion.

Then I remembered last year when complaints were strewn everywhere. Everything from the grade deflation to the competence and quality of our instruc­ tors and the general direction the law school was taking made me realize that our recommendations are offered to inspire thought, dialogue, discussion, and action.

Mr. Samuel is editor of Greentrack International, a Washington D.C. based news serv­ice that covers environmental issues from a skeptic perspec­tive.
Dear Students, Staff, and Faculty:

After the V.U. School of Law Summer Program in Ningbo ended last July, only a few of my classmates members took a wrong turn and headed across China, rather than back across the Pacific and to the U.S.A. My wife Rosamaria, my youngest daughter, Marah, and I went west on the Yangtze River, up into Tibet, and down again into Nepal and India. Besides the standard reason people go to these places, to discover the meaning of life, there were a few more reasons related to comparative law. Perhaps you all might like to hear a little about one of them.

In an astonishing exercise of the Constitution, the Supreme Court about twenty years ago — without any real basis in the spirit of the Constitution — declared that it could hold constitutional amendments unconstitutional. No amendment, the Court said, could change the “basic features” of the Constitution. And what are these basic features? The Court knows, and its members do not agree among themselves. In a wisdom-wrapping summarizing the experiences of the last two decades, the Attorney General of India this fall likened the Court’s attempt to grasp the basic features to “a blind man in a dark room searching for a black cat that isn’t there.”

One might have thought a consensus would have developed in India that this extension of the Court’s power was contrary to the Constitution. But the Supreme Court should stick to striking down unconstitutional amendments — leaving the amendment-alone.

I must say that I’ve had a great time so far trying to puzzle through what has led India and Nepal to their present legal positions, and trying to find out more prospects for a return to more democratic approaches. Library materials are scarce and word processors virtually non-existent, but the lawyers and law professors I have met in Nepal and in India have been extraordinarily helpful and friendly with me. It has been a delight to converse with them — always at leisure and usually over tea.

Once in a while, though, I receive a jolt to wishing for a more comfortable America, having a second glance revealed a rat about (it seemed to me) fourteen inches long, including the tail. But more disconcerting than the rat was the faculty response when I casually (you know, nonchalantly) mentioned that the creature was scavenging about. They just nodded agreement with me. That it was there, and went on with our theoretical discussion — even when it came out to sniff around in the middle of the floor. When it dashed under my own chair, I swallowed hastily my startled mouth and my toes together in a bit, to make me a bigger mouthful, but otherwise said and did nothing. After all, this is the history of all Americans was at stake, so I couldn’t appear worried! So decided that the rodent behaved rather like a squirrel near a park bench, just jiggling its little nose as it searched for food. This analogy made me feel better. And also I counted the toes on the professor opposite me after the little fellow disappeared down behind our legs. They were all there, so I relaxed mine a bit and got back to thinking about law.

Our family life here is equally fascinating. During the week Murah goes to an all-Indian school where Rosamaria gathers ideas and materials for her art work. On weekends we explore. Last night, for example, we went to a celebration for the goddess Durga. From a block away we could already smell the incense. Squeezing our way into a tent among thousands, we beheld her enormous, fierce multi-armed figure, sustains, NIOW of smoke, as drums beat ferociously and dancers leapt in ecstatic energy. The legends we had heard suddenly seemed real as we stared in amazement at this fearsome warrior who had dared oppose the gods.

I might bring back some ideas here after I finish up Chicago law school.

Meanwhile, of course, we’re missing the exciting challenges of the orderliness coexistence of a population. Living in a highly populated society and maintaining law and order is one of India. “Saves notes for us and fill us in when we get back. (Or, if you’re going to love to receive letters.) Until then, take care of your studies and keep fighting for the good, the true, and the beautiful.

Best regards.

The Forum

Next Deadline

THURSDAY, MARCH 26

Submit articles on your own disk, or type an article on one of the disks at the reserved disk.

Off Lincolnway

Stacey Strentz
Contributing Editor

Now that we have all returned from Spring Break and refreshed - it is time to venture into Chicago before the crush of exams approaches.

The Lincoln Park Zoo is a great place to visit in the Spring. Open every day, it is located north of downtown-Chicago. Admission is free. The zoo has one of the largest collections of exotic and endangered animals. The Great Ape House features gorillas, orangutans and chimpanzees. There is also the Large Mammal Area with elephants, rhinos, hippo, and giraffes. You can’t miss the huge polar bear pool with an underwater viewing window.

Lincoln Park Zoo is located at 2000 N. Cannon Drive. Phone: (312)294-4660.

The Chicago Botanic Garden is located on Lake Cook Road: 1/2 mile east of the Edens Expressway in Glencoe, IL. Phone: (708)835-5440. It is 380 acres of gardens, islands, lakes, and rolling hills. It also has ten greenhouses where there are more than 1800 different plants. This is a definite for a beautiful spring day. The Gardens are open daily from 7:00 a.m. to sunset.

Finish your day off with dinner in one of Chicago’s great ethnic neighborhoods. There are 80 identifiable ethnic and racial groups located within the city. Guaranteed offers excellent, inexpensive food with a Mediterranean flair. Greek town begins at Lawrence and Western Avenues.

Be your own best cheerleader.

By Karen S. Crummie
Special to The Forum

Take a moment to reflect and see what kind of person you are becoming. Do you like what you see? Is it someone you can live with for the rest of your life? Friends and employers may come and go, but you must always live with yourself. Therefore, you must be your own friend.

One of the purposes of the law is to maintain a societal structure enabling the orderly coexistence of a population. Living in a highly populated society and maintaining law and order is one of India’s most precious needs for us and fill us in when we get back. (Or, if you’re going to love to receive letters.) Until then, take care of yourselves and keep fighting for the good, the true, and the beautiful.

Best regards.

Our address:

Richard Stith
Mr. Richard Stith
Mrs. K. Sachdev
1960 South Road
Kamala Nagar
Delhi 110007
India

In search of a law that isn’t there

Why have the Indians by and large been so resistant to this extraordinary judicial supremacy? Why have the Nepalese created, perhaps, an even more unfettered and powerful court? It’s not that either nation has had a consensus on legal fundamentals: The Indian “basic features” doctrine was developed primarily to protect private interests (and, in the beginning, especially property rights) against socialist public welfare legislation. This is surely the basic tension which split liberals and radicals in the twentieth century, with supreme courts often acting conservatively to strike down posts at progressive legislation. And in Nepal, there was the more concrete concern by the monarchy itself, while liberals wanted to ensure that it possible a future victory by the Left would never result in the abolution of private rights or of the multi-party system. Yet the vague wording of the new Nepalese Constitution ensures only leaving to all judicial discretion.

I must say that I’ve had a great time so far trying to puzzle through what has led India and Nepal to their present legal positions, and trying to find more prospects for a return to more democratic approaches. Library materials are scarce and word processors virtually non-existent, but the lawyers and law professors I have met in Nepal and in India have been extraordinarily helpful and friendly with me. It has been a delight to converse with them — always at leisure and usually over tea.

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...
Announcing The Forum's Second First Annual Law Trivia Quiz. All law students, faculty and staff are eligible to participate. All entrants must submit their answers to The Forum box in the SBA office by Friday, March 27 at 5:00 p.m. Answers must be in a sealed envelope with the participants name and number on the front. Answers will be published in the next issue of The Forum. The winner will be announced in The Forum's final issue. An appropriate prize will be given to the lucky person.

The following trivia quiz was prepared by Maurice Kelman, Professor of Law, Wayne State University.

1. Recall FDR's complaints about the "Nine Old Men." His Court-packing plan would have added a new justice for each incumbent over age 70. How many of the Nine Old Men in 1937 were septuagenarians?

2. How many of the current justices are over 70?

3. Which President had the most appointments to the Court? And whose ruling on a substantive issue was later overruled by one of his own prior opinions.

4. Who was the last recess appointee to the Court?

5. Which sitting justices once served as Supreme Court law clerks?

6. Who was the longest serving associate justice?

7. Which justice served for the shortest period?

8. Who resigned from the Court and was reappointed some years later?

9. Which justices hailed from Michigan?

10. How many states have never produced a Supreme Court justice?

11. Who was the oldest person appointed to the Court?

12. Who was the youngest justice?

13. Who was the youngest Chief Justice?

14. How many Chief Justices have there been?

15. Which of the Chief Justices previously served as associate justices?

16. William Howard Taft was the only man to have been both President and Chief Justice. Which President earlier in his career turned down an appointment to the Court after receiving Senate confirmation?

17. Who was the longest serving Chief Justice?

18. How many justices are under 90?

19. Who said: "We are under a Constitution, but the Constitution is what the judges say it is?"

20. Who said: "It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory?"

23. Who said: "I know it when I see it...?"

24. Who said: "Pregnancy often comes more than once to the same woman?"

25. Which Supreme Court decisions prompted the adoption of Constitutional amendments?

26. When did Massachusetts, Georgia, and Connecticut ratify the Bill of Rights?

27. Cite a case in which each of the nine justices wrote a separate opinion.

28. Name a case that proceeded through decision in the Federal District Court, the U.S. Court of Appeals, and the Supreme Court in a span of two weeks.

29. Cite a case that expressly overruled an earlier decision, only to be overruled in turn.

30. Cite a Supreme Court decision whose ruling on a procedural point was expressly overruled by one later case and whose ruling on a substantive issue was separately overruled by another decision.

31. Cite a case in which a justice wrote the majority opinion expressly overruling one of his own prior opinions.

32. Cite a case in which a justice objected to a decision agreeing with his own earlier dissenting views.

33. Oliver Wendell Holmes is famous for his dissent that gained later acceptance as majority doctrine. Cite an instance where Holmes' majority opinion was repudiated by a subsequent case.

34. Cite a case that went through the Federal District Court.

35. Cite a case that proceeded a substantive issue.

36. Describe the Court's packing of the federal system.

37. Describe the Court-packing proposal.

38. Describe the Court-packing proposal.

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NIPSCO, from page 2

NIPSCO has not done its best to deal with the two major issues that are the subject of this campaign. The first of these is the economic decision that the company has made to keep the two generating units running instead of shutting them down as the best environmental choice. The second issue is the company's failure to commit to a specific goal for reducing air pollution.

One of the major decisions that NIPSCO needs to make is whether to keep the two generating units running or to shut them down. It is clear that keeping them running is the best environmental choice, but it is also clear that doing so will cost the company money. The company needs to make a decision about whether it is willing to spend money to reduce air pollution or whether it is willing to let the units continue to operate. If the company decides to keep the units running, it will need to find ways to reduce the amount of air pollution that they emit. This could be done through a variety of measures, such as installing scrubbers to reduce sulfur dioxide emissions, or using new technologies to reduce nitrogen oxide emissions. If the company decides to shut down the units, it will need to find ways to make up for the lost revenue that it would have received from selling electricity generated by the units.

The new regulatory scheme is based on a free market system of allowances for each source of air pollution. Each state will be auctioned a certain number of allowances, which will be traded on a market like any other commodity. The company will be able to buy or sell allowances as it sees fit, and it will be able to use these allowances to reduce its air pollution emissions.

Regulatory allowances will be capped at 18,100,000 tons of sulfur dioxide, and no new allowances will be generated. The driving incentive behind the allowance system is the extension allowances, which will be granted to companies that sell allowances for use in the future.

The new system will also allow for the retirement of some allowances, which will be used to reduce the amount of air pollution that is allowed to be emitted. This will help to reduce the overall amount of air pollution that is emitted by the company.

The new regulatory scheme is not perfect, and there are still some questions that need to be answered. However, it is a step in the right direction, and it is a step that is needed to address the serious issue of air pollution. It is clear that the company needs to take action to reduce its emissions, and the new scheme provides the tools that it will need to do so.

In the next few months, the company will need to work closely with its customers and other stakeholders to develop a plan for reducing air pollution. It will need to be clear about its goals, and it will need to be transparent about how it will achieve its objectives. The company will need to work with its customers to develop a plan that is fair and that is acceptable to all parties. It will need to work with its employees to ensure that they are treated fairly and that they are given the resources that they need to do their jobs. The company will need to work with its neighbors to ensure that it is a good neighbor and that it is a good citizen. The company will need to work with its regulators to ensure that it is complying with the law.

It is clear that the company needs to take action to reduce its emissions, and the new regulatory scheme provides the tools that it will need to do so. It is clear that the company needs to take action to reduce its emissions, and the new regulatory scheme provides the tools that it will need to do so. It is clear that the company needs to take action to reduce its emissions, and the new regulatory scheme provides the tools that it will need to do so. It is clear that the company needs to take action to reduce its emissions, and the new regulatory scheme provides the tools that it will need to do so.
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**The Federalist Society**

In a democratic society, adherence to the rule of law is an absolute necessity. Once judicial fiat is applied, the first step down the road of tyranny is taken.

The Valparaiso Chapter of The Federalist Society will hold an organizational meeting, during which new officers will be elected and speakers & topics of debate for next year, will be proposed.

**Wednesday, March 18**

3:45 p.m.

Classroom A (Pelzer)

Refreshments and Hor d'oeuvres afterward

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**Court Restaurant**

**Early Bird Specials**

Monday thru Thursday

3:00 p.m. - 6:00 p.m.

Served with fresh baked bread, cup of soup or salad

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<tr>
<td>1/2 Slab BBQ Ribs</td>
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<td>Prime Rib</td>
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<td>Lake Perch</td>
<td>$5.95</td>
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<td>Vegetable or Chicken</td>
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<td>Fettucine Alfredo</td>
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<tr>
<td>Broiled Chicken Breast</td>
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**Served with fresh baked bread, cup of soup or salad**

**Sunday Brunch Special**

10:00 - 2:00

$5.95

**Thursday Beef & Champagne Special**

$9.95

**Drink Specials**

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<td>Saturdays</td>
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**Live Entertainment Tuesday thru Saturday**

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**II The Forum**

"**Awesome Baby**", its tournament time

By Trey Aycock and Adam Karp

You know it's that time of the year when people are asking if Duke will repeat and if there are any sleepers? Don't think that Indiana fans have forgotten about Richmond or Cleveland State. Obviously, we are talking about the NCAA college basketball tournament, the most exciting three weeks in sports. Questions such as who will reach the final four, who will surprise, and who will choke need to be answered. We will know pose these questions to our "estem" panel of Mr. Aycock(Trey) and Mr. Karp(A.K.).

Who will reach the final four?

Trey: Since the pairings have not come out, it is difficult to predict the four teams that will make the trip to Minneapolis. As a result, I will give six teams that have a good chance to make it to the final four—Duke(not one of my favorites), Indiana, Arizona, Seton Hall, Florida State, and Alabama. Based on their track record, Duke is a given. However, Arizona has the strong front court with Ed Stokes, Sean Rooks, and Chris Mills along with an improving backcourt in steady Matt Ochick, and the young, but extremely talented, Khalid Reeves.

A.K.: In taking the same approach of naming a possible six teams, I would have to concur on the choices of Duke, Indiana, Arizona, and Seton Hall. In looking at Seton Hall's track record over the last four years, Seton Hall has a tendency to peak at tournament time. Their approach to the tournament is comparable to that of the great Louisville teams of the early 1980's. The two other teams that can reach the final four are Kansas and Arkansas. Although underachieving, Arkansas has Oliver Miller, Lee Mayberry, and the enigmatic Todd Day, three definite first round pick in the upcoming NBA draft. Big question they can maintain any type of consistancy, Arkansas could finally achieve its potential.

Who will surprise?

Trey: In looking at my suggested final four teams, Florida State and Alabama would be considered surprises if they reach that level. In Florida State, it is a team composed of athletes. Also, they have shown their ability to win on the road as evidenced by their six road wins in the tough ACC, Alabama, led by Robert Hurry, LaTrell Sprewell, and James Robinson, always seem to provide an excellent showing in the tournament. Another team that might surprise could be Depaul. With the emergence of the freshman, Howard Natasha at the point, and the strong front court of David Booth and Steven Howard, Depaul could surprise many with their performance.

A.K.: As already mentioned, Seton Hall could go far, especially if the backcourt of Terry Dehere and Bryan Cover get hot and Luther Wright emerges. Another team which entered the season with high aspirations but has played poorly until lately is St. John's. If Robert Verdann returns from injury and Malik Sealy can continue his strong second half performance, St. John's could become a force in the tournament. Houston, led by the return of Craig Upchurch and the transfer of Sam Mack, could be a dangerous team in the tournament.

Who will choke?

Trey: In the Big Eight, Oklahoma State, Missouri, and Oklahoma, despite their impressive records, will find a way to lose. The only team that could do anything in the Big Ten are Indiana and Michigan State. Ohio State, Michigan, and Iowa do not provide a fan with much confidence. In looking at the Big East, aside from Seton Hall and St. John's, no team should advance far into the tournament. Also, teams that have had a good year, such as Tulane, Cincinnati, and UNC-Charlotte, are all candidates for a quick exit in the tournament.

A.K.: UCLA, with all that talent, has a donut offense-noinside game. They seem to have peaked in the first game of the year against Indiana. In the SEC, quick exits can be expected by Kentucky and LSU. Kentucky lives and dies with the three point shot and LSU, despite having The Shack, has had problems implementing an offense around him. Finally, in Ohio State, despite being a talented team, plays a plethora of close games. Although well coached, Coach Randy Ayers seems to implement the wrong strategy. For example, in them demolishing loss against St. John's in the tournament last year, Ayers continued to employ the full court press despite St. John's repeatedly breaking the press and leading to easy baskets.

**Ringside**

What have I learned from the Mike Tyson trial? I was happy to hear that Mike Tyson finally found his way home. I think everyone who has followed Mike Tyson's career knew that eventually Tyson would end up looking from the inside out. I am sure both Mike Tyson and our country's female population will feel much more comfortable with Tyson being at home. I was happy to hear that Mike Tyson finally found his way home.

Mike Tyson in his new place of residence. It probably will work out for the best in the long run with Tyson in prison since now Mike Tyson will be able to use his unique skills to inflict pain on truly deserving recipients. I was also very impressed by Donald Trump's compassion, and general respect for the american judicial system. Donald Trump proposed that Mike Tyson should not serve time in prison but should be allowed to fight for the heavy weight championship of the world against Evander Holyfield. Mike Tyson's multi-million dollar purse would be donated to rape victims' groups. Self-interest How about if we also donate your casino's cut from the fight. The mere thought of allowing a convicted rapist the option to buy out their sentence is so repugnant that Donald Trump should have to serve the sentence with Mike Tyson just for making that proposal. The fire was an intimidation tactic implemented by the mob.

**The Governor's Court**

Jim Thompson

Assistant

Sports

Ringside

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"No punishment given to a convicted rapist seems severe enough." to me that justice is not distribut ed evenly in our society, Several factors that are consid ered are whether the individual is white, highly educated, wealthy, and a relative of one of the most politi cally influential families in the history of our country. Another factor the judicial system will consider is whether the individual has been deprived from childhood, exploited through life by greedy immoral business people, and is otherwise politically safe to convict. After the not guilty verdict was rendered against William Kennedy Smith, Mike Tyson had an almost impossible hurdle to climb. In addition to being tried in 12 court of law, Mike Tyson was trying in the public arena. Mike Tyson never had a chance to survive the prejudiced minds of an Indianapolis jury, but Mike Tyson also tried to convince the public that he had a right to back up the sacrificial lamb. Mike Tyson displayed ideal criteria and evidence from all states of See Ringside, page 12
After William Kennedy Smith was acquitted the next public figure brought up on date rape charges was sure to fall. Mike Tyson was an easy target. He was a single man rebounding from a difficult divorce. Mike Tyson was actively dating women. He was a high profile athlete worth millions. Mike Tyson has a history of confrontations with females that was exaggerated to the public by the press. Anyone looking to score millions and willing to fabricate a date rape charge would have selected Mike Tyson as their number one victim. Beware professional athletes.

Regardless of the facts, William Kennedy Smith would have been acquitted in any state, including the State of Indiana, simply because of his political connections. But, can we honestly say that had Mike Tyson’s trial occurred before William Kennedy Smith’s trial that Mike Tyson still would have had found himself as the sacrificial lamb? Further, would the verdict have been different if the State of Indiana had not used a hired gun, but had processed Mike Tyson like any other accused rapist?

Cheers: The administration for yet another excellent addition to the Law School faculty. See front page.

Jeers: (To those who apparently misunderstood the viewpoint of Dan Buksa, printed in our February 12 edition.) Point of reference—Mr. Buksa’s article was inspired by, “A Modest Proposal” which is a famous satirical piece written by Jonathan Swift, an 18th Century English writer. I recall Mr. Swift’s proposal being required reading in high school. For those of you who did not read it, the works of Jonathan Swift may be found under call number PR 3722 & 3724 in Moellering Library.

Cheers: To the Moot Court Board, whose efforts have provided the foundation upon which the Moot Court Society build in the years to come.

Jeers: To Michelangelo, What a flop!

Jeers: To a one week spring. I’d rather have mandatory saturday classes that I will never attend.

Cheers and Welcome Back: To Professor Gromely, you were missed.