3-17-1993

The Forum (Volume 23, Number 9)

Valparaiso University School of Law

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Bodensteiner, Stith Debate Abortion Issue

By Jennifer Freeman

Professors Ivan Bodensteiner and Richard Stith engaged in a debate on abortion Tuesday afternoon, February 23 in Tabor Auditorium. The event was co-sponsored by Coalition for Choice and Jas Vitae. The debate, moderated by Dean Gaffney before more than two hundred students focused on whether the 1992 Supreme Court case, Casey v. Planned Parenthood was correctly decided.

Gaffney set the tone for the debate when introducing the two law professors by saying that "great issues of the day should be discussed thoughtfully, thoroughly and civilly."

Bodensteiner proceeded first. He stated that he agreed with the decision, ruled that recognized 14th Amendment due process considerations in abortion prior to fetal viability. He also said that he was pleased that the Court also recognized that substantive due process was applicable for the choice of abortion. Bodensteiner was also elated that Pennsylvania's special notification statute was struck down by the Court. He concluded that because of the results of last year's presidential elections, Roe v. Wade will be safe from further dismantling. On the other hand, Bodensteiner expressed disappointment over the fact that Justice O'Connor, writing for the five-person majority, justified the Court's position on stare decisis. Bodensteiner said that the Court should have just upheld Roe on its merits, but he surmised that the Court's holding was one of expediency in order to attain a majority. Bodensteiner also iterated that the Court's abandonment of holding abortion to be a fundamental right and shift in favor of a substantial and compelling state interest standard was wrong.

Stith, on the other hand, expressed concern that he was afraid that the Casey decision would adversely affect poorer women because restrictions such as waiting periods may not be accessible to them due to job insecurity, harassment and other forms of discrimination. In contemplating judicial insensitivity towards poor women, Bodensteiner stated, "Justices and judges should have experienced poverty or represented poor people prior to becoming a judge."

Conceding that there were probably too many abortions performed in our country today, Bodensteiner said that society would be served when government starts showing more concern for actual life, such as implementing more welfare benefits, improved access to affordable health care, and support of already born children.

Then Stith gave his introductory presentation. He related an account of a story about America. Analogizing abortion to slavery, Stith said that abortion is exclusionary, just as slavery was. Stith rhetorically asked what happens when ideals come into conflict with exclusions. His answer was that society either ignores the problem, the ideal, or expands upon it by eliminating the exclusion.

Stith was critical of the Bodensteiner that the state should be more involved and concerned with supporting children who are already born. Stith nevertheless stated that he was afraid that a unborn child is fully human; it has all the characteristics of a living human being, including the ability to grow and develop.

Following each professor's opening presentation, there was an exchange of questions and rebuttals. Bodensteiner reiterated that improving the quality of life for women and children was better than taking away constitutional rights. Stith said that women generally support a "pro-life" position more than men. Bodensteiner stated that society is closer to the unborn than the unborn, because abortion is used as a sexually aggressive tool by men to exploit women.

Each professor summarized his points in closing questions from the audience. Gaffney controlled this question and answer period. A reception in the atrium followed the debate.

Law School Holds Gromley Memorial

By Jennifer Freeman

There wasn't an empty seat in the Tabor Auditorium on the afternoon of Wednesday, February 3. Faculty, staff, students, alumni, family, and friends of Professor Charles R. Gromley packed the auditorium to honor the memory of an extraordinary professor, colleague, husband, father, and perhaps most importantly, friend.

After the invocation by David Keltner, Associate Pastor and Associate Dean of the Chapel, poignant reflections on the life of Gromley were delivered. University President Dr. Alan Harre spoke first, likening Gromley's love of his work and students to the Rule Against Perpetuities, emphasizing that Gromley's feelings for his students would go on forever, but would not violate the rule that he loved to be so frustrating for students.

Next to speak was Gromley's "next door neighbor" in the law school, Professor Jack Hiller. Hiller commented that, having the office next to Gromley's, he was aware of the dedication that Gromley had to his students. Hiller recalled that Gromley had a way of making the student feel at home in his office, even if he couldn't recall that student's name; he would say, "remind me of your name."

Next to speak was Professor Rosalie Levinson, to statistics on a teacher, mentor, and colleague for twenty-two years. She relayed a touching anecdote about Gromley, and after she finished her reflection, she said that she obviously felt for him moved many in the audience to tears. Alan Morrison, Chairman of the Board of Visitors and a graduate of the law school, followed Levinson. Morrison's statement that Gromley was the "nicest man I've ever known" - peremptorily summed up the sentiment of the congregation.

Emeritus Professor Louis Bartelt spoke of Gromley's laconic nature at faculty meetings and his love of his work, which instantly made him the former state attorney general. But, he agreed with the decision, because they, as women, were an oppressed class, and because abortion is used as a sexually aggressive tool by men to exploit women.

Each professor summarized his points in closing questions from the audience. Gaffney controlled this question and answer period. A reception in the atrium followed the debate.

Russian Tells Of The Legal Changes In His Native Land

By Mike Thompson

Russian land reform, constitutional change, and current events dominated the lecture and discussion on February 2nd when Veniamin Chirkin, Deputy Director at the Institute for State and Law in Moscow spoke to members of the law school community. Chirkin'delighted with audience for over an hour as he discussed the rapidly changing political and legal environment in the former Soviet Union. Since the unsuccessful coup attempt and the subsequent fall of the Soviet Union, rapid and disordering changes have occurred throughout the former Soviet empire. Chirkin noted that just since last year, over 200 amendments have been added to their Constitution. These amendments have brought changes to private and public institutions, the legal system, and the economy.

Among the most drastic changes has been the move toward privatization. According to Chirkin, over 52,000 state owned enterprises have been sold to private citizens and foreigners. Although non-Russian citizens can purchase property such as factories, shops and banks, the land on which the buildings rest cannot owned by foreigners.

Private initiatives, though once forbidden, are now encouraged. Such a dramatic about-face from the long held Communist belief has led to disordering opinion among the Russian people. The resulting change in the social structure has understood by many.

For example, Chirkin pointed out, just a few years ago labor strikes were forbidden. Now they are occurring with increasing frequency.
increasingly frequent. Occasionally enough, school teachers often strike successfully, but college students do not. According to Chirkin, is that when school teachers strike, the children have no place to go, so they stay home. The parents then bring their children to new settlement agencies in the labor dispute. "When professors strike," said Chirkin, "nobody cares."

The Russian Constitution proclaims a "state of the entire people." As such, consideration of one class of citizens over another or over the people is a far cry from what a few years ago when only the elite of the Communist party were able to enjoy the full fruits of the Soviet system. Now, with twenty-five years of political reformation and the Ministry of Justice, Communists are prohibited from holding office beyond the local level.

The deadline for the next issue of The Forum is Thursday, March 25th, at 5:00 p.m. No exceptions! Letters to the Editor MUST be limited to 400 words. They will not be printed if they are any longer. All other columns and articles MUST first be approved by the Editor. If they are not, they will not be printed either. All materials MUST be submitted on computer diskette. The Forum has diskettes on reserve at the Law Library Reserve Desk. Submit all diskettes to Locker #78 or Room 202, Heritage Hall. The April 6, 1993 issue will be the last issue done by the current editorial board. (Cheer, if you so desire)

From The Dean's Desk

By Edward McGlynn Gaffney, Jr.

Back in 1990 when I was thinking about whether you should accept the position as Dean at this law school, I reflected that the origin of the term "dean" is the Greek word for servant, diakonos. It is certain that the Valpo style of communal governance by the faculty (broadly defined to include student representatives), the interests of the benefactors of your office (people like Ivan Bodenstein, Al Meyer, and Charles Sturman) and the imperial potentes, but as trusted leaders bringing out, implementing the chosen goals of the community. One of the best things about this law school is the high value that we place on service. Many of the fine people of your colleagues in administration are open to serve the needs of the students. People are paid to serve you. From the admissions office to the career services office, from the registrar's office to the financial services counselor, what we do for a living is serve you. It is, of course, our job to make sure we do a good job of being a good servant. A good servant doesn't always know what you want and try to serve you better, as many of you make clear to me from time to time. But before the cynic within starts wondering what we have done for you lately, think about what's in this model of vocation for you. It may be that what we're trying to do for you, however we are "rated" in your performance by you, is to offer you a model of what you can become: servants of others. For that is what lawyers at their finest are.

That's true of the faculty as well. I might add, perhaps all the more so are the faculty your servants because there is nothing more noble in my experience than the opportunity to serve students by challenging them to learn to the very best of their ability, and to graduate with a law degree. The same is true for your colleagues as well, from the teacher evaluation form to judge us, think for a moment about the debt of service that we demand in it in the lives (and salaries, if you want to talk about "comparative worth") of my colleagues on the faculty, the clerical and student employees. From Charlie Cromley and all of my colleagues live for you, what we do is not just a job, but our abilities! Not just some abstract appreciation for the Law with a capital L. But a desire to give you the ability to think and reason well with the tools of the law so that you will be able to serve others, your clients, with competence and compassion.

The open door policy that governs here is one way of reframing this commitment, not meant to eliminate your own efforts to grasp the meaning of the law, or to foster the illusion that learning occurs when teaching is confused with spoon-feeding. But is simply a way of reframing our commitment form. Not 24 hours a day 7 days a week, any more than you study the law that intensively yourselves. For one thing, you must understand that we are a community of scholars whose vocation demands that we take seriously the task of reflecting on the law and writing about it in an effort to enhance deeper understanding of the law and to foster its change and development.

I return now to the idea of service. One of the proud hallmarks that distinguishes Valpo as a law school is that we think so highly of service that we demand it of all who graduate with a Valpo law degree. Many of you who enroll in the clinical program get close supervision as you learn to serve others. But before you graduate from this wonderful program, you will serve people with real legal needs of one sort or another, even though these people cannot afford to pay you a fee. The pro bono requirement is not a bureaucratic burden or a hoop you have to go through to get your degree. It is a way of teaching you to learn as lawyers by serving others, to do it in relatively low-paying public jobs. For those who serve so that you can have been served are, so that you can serve others.

Finally, I am proud that our law school puts Edsger between our money where our mouth is. Through the efforts of the Equal Justice Alliance we now have a program that provides Grants in the amount of $6,000 to graduating 3L's who line up a job in relatively-paying public service with a grant of $6,000 to graduating 3L's who line up a job in relatively-paying public service. We have fully endowed such one grant in perpetuity. Another is funded through the pro bono requirement. A third is on the way, thanks to you, the students, who voted overwhelmingly in favor of setting aside $10 of your student fees per student per semester to fund this program. I applaud your self-less generosity, which occurred in relatively low-paying public jobs. For those who serve so that you can have been served are, so that you can serve others.

Consider your cover letter an opportunity to serve students, or others in need of legal representation. It is a way of serving others, your community, your profession, the better to prepare you for a career as a lawyer. Please take seriously the task of writing a cover letter that will be of interest to your reader by listing a few pertinent courses, or explaining a relevant assignment or job in greater detail. The length of your cover letter is always a consideration, so these descriptions should be condensed to two or three sentences. Gear information specifically to the employer to which you are applying.

One obvious word process. Mr. Smith, whose eagle-eyed cover letter reviewers have grown accustomed to . . . the slapdash, one-size-fits-all model with generic text. Get the information you are providing specifically to the employer to which you are applying. (Have I said this before?) Only use the term "legal" for homogeneous employers - firms that do the same kind of work, are of the same approximate size, and are located in the same community.

Please submit your cover letter. Each sentence should be easily understood. Clarity is important. Follow these guidelines, your application will be better received, and more closely reviewed. Please stop by Career Services and see me for help with cover letters.

The Forum

March 17, 1993

VOL. XXIII

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The opinions expressed in The Forum are those of the authors and do not necessarily represent the views of the School of Law, faculty, students, or the administrative staff. Please send correspondence to: Editor, The Forum, Valparaiso University School of Law, Wesselman Hall, Valparaiso, IN 46383, (219)465-7831. Fax: (219)465-7872. Articles and Letters to the Editor should be limited to approximately 500 words or less. Articles may be submitted to: The Forum, office, Room 202, Heritage Hall. Contributions may also utilize The Forum's floppy diskettes, which are on reserve in the Library's audio-visual reserve section. The Forum encourages and accepts advertisements. Rates available upon request. The Editor reserves the right to edit articles for punctuation, grammar, brevity, good taste, accuracy and libel. The Forum is published monthly during the academic year. Subscriptions are available for $8 an academic year.

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The Right Side
By Daniel Buksa
Editor

There was a battle waged inside the walls of our law school last month. This battle was part of a larger war, a war of ideas that is being fought right now throughout our country.

This newspaper, which controls if and how, was the objective of this battle. Those of us who believe in values such as hard work, integrity, and moral优in were pitted as combatants against those who have no values except for their overwhelming desire to see a specific candidate win. However, a small group of radical, leftist students decided that The Forum was "too conservative" and that they had to do something about it.

Despite the absurdity of their position, they succeeded in subverting the independence of The Forum by having the SBA select future editors-in-chief, effectively replacing the user of this newspaper with a new policy under SBA control. Like all other student organizations, The Forum has always conducted its own affairs responsibly and free from SBA interference.

Even though The Forum is technically a committee of SBA, it has always functioned as an independent organization (as a newspaper should). The student body has always trusted The Forum as a separate organization. The Forum extends membership to all law students who wish to write or work on it; no journalistic experience is required. The mission of The Forum, as with all newspapers, is to report the news, provide entertaining features, and to provoke thought with hard-hitting, decisive editorials on the issues of the day. It's what The Forum endeavors to do.

Ascension to editor-in-chief and other editorial positions are predicated on merit, knowledge, and experience. It's why The Forum endeavors to do. After consultation with the editorial board, the editor-in-chief selects his or her successor based upon the following qualifications and standards provided for in The Forum constitution:

- must have spent two hours lay- ing out 50% of the year's issues
- must have written at least one article in 50% of the year's issues
- must have attended at least 50% of the year's weekly meetings
- should be familiar with editorial and journalistic standards and know how to utilize The Forum's desktop publishing programs
- Meet the school's academic standards and preferably have prior editorial experience.

These are the sole grounds on which the next editor-in-chief of The Forum will be selected. The Forum wishes to commend the members of this extraordinarily defen- sive committee of SBA who resisted the hostile machinations of a few radical, leftist students who were trying to seize control of The Forum, without regard to the policies of tolerance and acceptance are hollow and hypocritical blather.

As for The Forum, all students are welcome, and both our conservative and viewpoints. Any student who wishes to join The Forum staff is welcome to do so (We meet every Monday at 10:05 in Room 202, Heritage Hall). I will not stand for any personal attacks leveled against The Forum or against any of its staff members.

Pilgrim In An Unholy Land
By Mike Thompson
Managing Editor

No, It's Character, Stupid

No one has more respect for the office of the Presidency than I do. I have been fascinated with the occupants of the White House ever since 1972, when, just a couple of weeks prior to my third birthday, I sat on my dad's lap and watched President Richard Nixon drive through Hattiesburg, Michigan in his re-election campaign. In the twenty years since that time I have studied the history of the Presidency, and although there were many Presidents with whom I disagreed politically, I have tried to maintain respect for them as men. As for the men who have held it.

So in spite of the fact that I have fundamental philosophical disagreements with the current administration, I tried to keep an open mind...as I listened to President Clinton outline how he intends to grind our economy into the ground.

As I listened to his address to Congress, my thoughts kept returning to the campaign. If you will recall, President Bush was assailed by the media and the Democrats every time he tried to raise the character issue. We were told that character doesn't matter—people want to hear about the issues. Everything else was muddling. "It's the economy, stupid," it was what we were told whenever we tried to inquire into Mr. Clinton's trustworthiness.

As I sat in front of my television, hearing one campaign promise after another being broken, I thought, "No, it's character, stupid." How on earth can you focus on the issues when you can't believe what the candidate — or the President — is telling you?

In the few short weeks since President Clinton took office, I have literally been sickened by the disrespect that this bunch has shown for the American people. Every day the White House issues a statement denying what they said the day before. The President will say one thing to one group of people, and while his words are still hanging in the air, he will say a completely different thing to another group of people. No sooner does he finish with that than of his spokespersons will deny that the first two statements were ever made.

This malarkery started even before Inauguration Day when Clinton lied about what he knew about the deficit. He believed the deficit would be enough. His lies have gotten so far out of hand, I don't even know how to tackle them any more. I've covered the deficit and its implications longer than he could have anticipated.

If I was more honest and wise men ever rule under this government, it's hard to speak to the problems of his administration — the President, himself. Let him present his agenda for change. Let him work to leave his mark on world history. I say that's not good enough. It's hard to speak to the problems of his administration — the President, himself. Let him present his agenda for change. Let him work to leave his mark on world history. I say that's not good enough.

I'll be the first to admit that neither party is blameless when it comes to stuff like this, but the current administration has taken lies, fraud and deceit to new lows. In my mind they have seriously undermined the credibility and the prestige of the White House, and by convincing the leaders of their own party to publicly justify their lies, they have cast a very dark and menacing shadow over the American political spectrum.

Back in November, I quoted the prayer President John Adams' uttered upon his move into the White House: "...May none but honest and wise men ever rule under this roof."

So much for Yankee idealism, and so much for President Adams' faith in the American people and those whom they elect. The thing that troubles me most of all out of this whole sorry affair is that the people seem to be taking it lying down. Either we have accepted the explanations of the Democratic leaders that this deceit is all business as usual, or we just don't care anymore. Either way, those explanations scare the tar out of me.

It has always been my belief that the role of the loyal conservative is to criticize the performance of the other side without having to stoop to personal criticisms. That's not easy, but it can be done — and I believe we can with the media and conservative leaders. Let him present his plans honestly and without deception. Let's go ahead and look at the issues, but just remember — character is the biggest issue of all.
Forum: Humor Not Funny

White Christians Are Racist

Dear Editor:

"Witch Clinton is in Charge," begins the forum on this week's Table of Contents, p. 1, Feb. 12, 1993.

Every cut. Apparently, all successful women are witches. Is that what The Forum was get­ ting at? Or was it to mean all women are witches? I mean, maybe just those women named Hillary who graduate first in their class at Yale or Harvard or who are nomi­ nated to be a Democratic president. Please clarify the meaning. I want to know if I should be afraid.

When I first read the Table of Contents, I thought it was just a typo, but then I remembered I was reading The Forum. I looked for the article, but couldn't find it. So, I figured that was a political joke? I guess it is pretty funny to imagine a woman in charge of this country. That could mean only that people (genders) are equal and we know that isn't true. The "American Dream" is only available to the American population. It is purposefully manipulated by those who believe they are still white. Does that mean that Hillary Clinton is a radical and incompetent and successful lawyer? I just finished watching the camera person who worked the American Revolution because it would certainly help with meeting goals. The photo editor's intent to imply that small, white, religious-oriented schools are public schools. Then she believes white students do not have the ability to succeed even in college.

I am embarrassed to admit I got the impression that Valparaiso Law School. This realization hit me earlier this school year and sim­ ply cannot be expressed in any other terms than pure "embarrass­ ment". The specific contributing events and factors are too numer­ ous to delve into, but I can char­ acterize one word intolerance. After two and one­ half years in the business of law, I am still impressed with the number of Rehnquist clones that come to the surface each and every day in class, at each and every school.

Concerning this enlarged pamphlet, I cannot think of a better reason for writing you, the editor, than the fact that I have been a member of the Valparaiso Law School faculty for twenty­one years. However, class discussions as well as out of class discussions with fellow students have only been coming to my mind as an example of the intolerant student this school attracts.

The problem I have with the Forum is that it is not as much the specific articles written because the intolerance and elit­ ism expressed therein can be attributed to three or four persons. Unfortunately, the problem I have with the Forum is that when I happen to come across a student whose intolerance and bigotry is so blatant that it is simply not possible to ignore. I have been in contact with several other professors at this school who would have been punished if they had been caught writing the articles. Given the fact that they are not (I am referring to the terms "Black" and "African American": Mr. Buksa, If some­ one wants to be called a damn "Martial" how does that affect you?)

Besides, how many other professors have gone to Johannesburg with Arthur Ashe, met with Jesse Jackson, and knew Thurgood Marshall?

Unfortunately, the intoler­ ance and racism is not just coming from the student body. The law school administration has made it clear that it WILL tolerate obvious incidents of racism.

Mr. Buksa responds: Brad, you are obviously suffering from severe chronic delusions. Such a view about Valparaiso and some Prozac is in order.

Right Side in Left Field

Dear Editor:

This letter is in response to the baseless, unintelligent viewpoints written in the last edi­ tion of the "Forum". I am in the unique position of being able to read the editor's column, the "Forum", and the "Forum" which you have printed in the Valparaiso Law School. This is why I am embarrassed to admit that I am from Valparaiso Law School.

Brad Pippen, 3L

Mr. Buksa responds: Brad, you are obviously suffering from severe chronic delusions. Such a view about Valparaiso and some Prozac is in order.

Forum: Humor Not Funny

White Christians Are Racist

Dear Editor:

Mr. Buksa responds: The real issue here is not one of gender, but of philosophy. I think that women like Jeanne Kirkpatrick, Phyllis Schlafly, and even Margaret Thatcher were be­ come capable and successful presi­ dents. The fact is that there is no such thing as a "political feminist", whose character was purposely manipulated by those who wanted her to fail in order to make her more palatable to the American population. There is no doubt that she is an intellectual woman, just as there is no doubt that the influence she wielded would cause this republic great dam­ age.

First, I have not written before because I am afraid of giving credit to this embarrassment some people call a "newspa­ per". I have been a member of Valparaiso Law School because I could not get into a state school, ("The I visited the campus and fell in love in "Forum" routine does not do anyone.

I am embarrassed to admit I got the impression that Valparaiso Law School. This realization hit me earlier this school year and sim­ ply cannot be expressed in any other terms than pure "embarrass­ ment". The specific contributing events and factors are too numer­ ous to delve into, but I can char­ acterize one word intolerance. After two and one­ half years in the business of law, I am still impressed with the number of Rehnquist clones that come to the surface each and every day in class, at each and every school.

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Right Side in Left Field, from previous page

the editor is confused as to which day is a national holiday, maybe he should try to do some banking.

In addition, the editor also states so called "radical mil­

Kush" individuals are not con­

firmed for their anti-white state­

pagans. He names Louis Farrakhan and Professor Jeffries as examples. On this point I state research is a valu­

able tool. Louis Farrakhan has been and remains under the con­

stant scrutiny of the F.B.I. The luxury of purchasing a home in Scottsdale, Arizona was denied to him, forcing him to reside elsewhere. The government monitors his phone lines, he lives in constant fear for his life and has a constant entourage of bodyguards whenever and where­

ever he travels. Professor Jeffries also has been reprimand­

ed. Professor Jeffries has attended a City University fol­

lowed this story closely. Jeffries was dropped from the faculty and con­

victed by the media. His reputa­

tion and standing in the academic and over all community at large has not been undamaged. Many groups whether public or private called for his resignation and expulsion from the pedagog­

ical community. The Underline of learned more about Black History had he attended any events sponsored by BLSA dur­

ing the month of February.

Maybe Craig McKenzie said it best, all individuals ranked beneath those admitted under a special advancement pro­

gram, such as a quota or affirmative action, should be withdrawn if the quota or affirmative action was done. The reasoning is simple, if a person admitted under a special program is unqualified then it only extends the disadvantage far from qualified to succeed in a law school environment.

Furthermore, any statistic compiled in respect to the population of detention facilities, will depict them as the most sig­

ificant guardian of african-american students next to their parents. I challenge the editor to prove oth­

erwise. African americans do not escape the criminal justice system.

Finally, the editor sounds somewhat paranoid when he writes of multi-culturalist groups taking over our schools and universities. His "they are every­

where" mentality is based in fear and ignorance of other cultures and races. Once you understand and are familiar with a group, fears are diminished to reasonable and under control. The importance of Black History Month strives for the basic premise of exposing other cultures to African-american her­

tage to eradicate unfounded fears and bias.

Lesley Andrews, 2L & Bernita Harris, 1L

The Forum

March 17, 1993

By Dave Richards

The Forum column you write. That was very thoughtful of you.

Now, I would like to address some of the arguments that you de­

fended in your column in order to make some things clear. First, I will address last summer's EJA program that I administered.

See Bob, Page II

Pecker Rights

Dear Editor:

I agreed with the authors of the Pecker Article which appeared in the last issue of The Forum when they stated: "By the time we focus on the fetus we are too late." They are ex­

actly right; by this time it is late to make responsible choices about the fate of the fetus. I also agree that men have as great a responsibility in preventing pregnancy. Unfortunately, despite the authors' desire for men to become more involved pre-conception family planning, there was a striking lack of dis­

cussion about the fathers' rights and responsibilities. It seems to me that those who call themselves "Pro-Choice" are not concerned about the 'volunteers' position. But, this is America and we are all Americans. If we do not attain a collective identity through assimilation, then we are destined to be a Lebanon or a Yugoslavia.

Douglas J. Rooks, 3L

A Response to "Our" SBA President

Dear Trino:

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See Bob, Page II

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Douglas J. Rooks, 3L

March 17, 1993

By Dave Richards

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The Six Of Spades
By Garth Snider
Contributor
It can not be said that the reoccurring theme of abortion is novel to our legal institution's newspaper. Speaking out, either for against abortion, allows individuals to fulfill the basic human need of aligning oneself with a cause. In doing so, however, both sides have fallen prey to humanistic myopia. It is not so much that the answers they proffer are wrong, it is more that they are failing to ask the right questions, in a open minded and compassionate manner. Listed below are a few of those questions.

Query #1
Do human really have an unalienable right to life? Or more properly put, does society have a right to procreate as many times as it would like? As there is a finite amount of land upon the earth, the sustained exponential growth that society is now experiencing will at some point in the future overburden the earth's natural capacity to maintain a stable ecosystem. While it can be argued that each person has the right to procreate once in their lifetime, it can hardly be said that every person has the unassailable right to breed limitlessly. For doing so would give rise to the great possibility of adversely affecting the lives of an unlimited number of people in the present and in the future.

On a more micro scale, is it just to subject individuals, such as siblings, to the economic, mental, and physical hardship that accompanies the birth of an unwanted pregnancy? (Distance this question from the battle cry of the pro-abortionists who incessantly harangue the mantra of the woman's rights.) Many times, though not always, the woman who is considering an abortion is poor and already struggling with the financial rigors associated with the rearing of children. Does a unborn child have the right to subject other individuals to a lower standard of living? Does society have the right? Regrettably, it is an equation of fault, and as neither party is guilty of anything other than being conceived, it may come down to an assigning of weights upon the present tangible interests: a unborn child vs. a child that has breathed the air of spiritual existence.

Query #2
Are men qualified to make a decision on whether or not a woman should abort her child? It is very easy for men to pass judgement on a physical and mental state that is totally foreign to them. For a person is quick to make dogmatic decisions when the end result of their decision does not directly affect them. Thus the men who scream for the end of abortion can do so because they will never have to face the hardships of carrying a child. Moreover, their decisions will be shielded, in that they will probably never have to meet those individuals whose lives were worsened by their successful effort to have abortion banned.

Query #3
Is the pro-life anchor argument of adoption realistic? Theoretically it is a viable and sensible alternative to abortion, and should be given extensive consideration. Realistically, however, it rarely applies to our society. Right or wrong, people put a great deal of emphasis on the chance of raising a child that is from their own gene pool. For the pro-lifers to gain credibility, by showing the country that they really are the beneficent and compassionate humanitarians they say they are) they need to champion a plan whereby adoption is chosen over having a child of one's own. As many of the children will be of a minority stock, the W.A.S.P. dominated pro-lifers will many times have to adopt a ethnic non-infant child. It is sad to say but such a hope is Pollyonic.

Are we as a society willing to face this problem in our homes an lives, or is better just to keep the issues relegated to debates, marches, and political platforms? It is my opinion that the answer is in the latter, which leaves us stuck in the mire of the abortion debate, with the most feasible lifeline coming from the pro-choice side. This is not to say that all fetuses should be aborted at the whim of the mother, but rather both the mother and father (if he is willing) should discuss this matter with their choice through prudence, logic, and compassion.

Query #4
Have men avoided self-introspection for so long that he honestly believes that all the questions to life are answered by one ancient and revered compilation of purported diestical mandates and laws? It is time for men to rethink the malleable definition of moral conduct. To defend a set of morals that were formed through the reassessment of one's own ethnocentricity, chauvinism, and religious bias is noble. But to rabidly guard a set of morals simply because a priest said so, or because it is the party position, or because your mother and father told you, to displays a weakness of character, and is debilitating to the ontological progression of man.

When this type of unquestioned obedience is combined with hypocrisy, as when men make brazen statement about how people should not have sex until their married, although they themselves have not conformed, and state that it is the morally correct choice to have the baby, although they would not have or wish a world is created that is more like the last place mentioned on Earth in the Bible, than the first.

Query #5
Does the ability to choose whether or not to have an abortion give women an absolute and See Spades, Page 11
Taxman

My worthy opposition to this opinion will predictably raise several necessities and expected benefits stemming from our President's economic plan. Mr. Klein will tell you the same old line, including the usual litany of masses in order to get your heads into the dire straights the deficit places upon the nation, as well as the richness in light of the hard work you shall belch out before you die.

I will not dispute all of Mr. Klein's positions, especially if he should mention concern over the deficit - I think common ground is found there. I would, however, liken his defense of anybody's proposition that President Clinton's plan is laudable due to expansion in government spending to an argument that government assume its role as a provider for those without jobs, homes and medical coverage. I am sure he will not forget to pit the rich against the middle and lower middle classes by advocating wage in jealousy agreement. I only hope none of you aspire to richness in light of the hard work you shall belch out before you die.

By Jim Kraayeveld

A Hidden, Ugly Secret

This past summer I worked in a county prosecutor's office. Of the misdemeanor crimes allegedly perpetrated, assault was the second most charged offense. Assault cases consisted mostly of spouse assault. Only drunk driving charges were brought more often. For example, one assault happened more often than drug use, theft, or careless or reckless driving. I admit that assault cases are usually reported to the police. The other crimes must be noticed by the police, but the large number of incidents of spouse assault is still troublesome.

In the few months in the prosecutor's office, I encountered only one case in which a woman had assaulted (for purposes of this article assaulted means battered) her boyfriend. Thus, my concern lies too often in the proverbial cases of wives or boyfriends by their husbands or boyfriends.

I am only aware of the reported cases. Just think about how many women do not dare to report abuse because the abuser will retaliate. The abuse will very likely escalate if she reports him to the authorities. Yet, I am not sure that reporting the abuser to the authorities and having him punished is the answer to this problem. Counselling might be good. Should my plea for expenditure cutting be given even a mere cursory glance, what should be noted? First, turn the ax towards nonsense spending. While I would include certain overlapping and unjustified defense payments, I also urge getting rid of the Public Broadcasting System. Let it sink or swim with other networks in the market and we will see just how great Bill Moyer's (four million per year) and the rest of the boot-tube communists really are! If the government is the root of the Arts ought to be erased as well. The arts and croissant crowd (of which I claim an affinity) wants to force a bunch who can afford to get off their country butts and find private funding. Maybe that would give us art that passes a little popular good bye. Remember, most birds push their young from the protection of the nest. Some die, but most just fly free and give us the right direction. I hope that this terrible problem of spouse abuse has not sparked bad memories, I am very sure he change your views about women, thinking and know that they are beings must be eradicated before any progress can be made. The root of the problem is that our "progressive" and "enlightened" society, with its "equality" and "fairness" values encourages assaults on human life. For example, we hear of more and more incidents of murder, rape, child abuse, sexual harassment, pornography, and spouse abuse. Generally, in all of these areas the physically weaker person is the victim. I am sure he grotesquely perverted mentality of many Americans.

In the root, society's mindset about fellow human beings must be radically corrected before any progress can be made. But until people begin to think and know that they are created equals as human beings, they will not act like they are equals.

I hope that this terrible problem of spouse abuse has not personally affected anybody reading this, but if it has sparked bad memories, I am very sorry. Yet, it is for you and for others like you that I am writing. As for those of you who are guilty of abusing your wife or girlfriend, I hope that you will change your views about women, and get some counseling.

The root of the problem is that our "progressive" and "enlightened" society, with its ever decreasing respect for life, encourages assaults on human life.
The ruling by Judge Bruce Mohl in the Dartmouth College pre-trial hearing is a stunning blow to the pretensions of Dartmouth justice. Judge Mohl was ever-so-careful not to speak broadly about the case of the Dartmouth administration vs. two students involved in student conservative journalism. He elected to rule on a narrow point, and gave a gentlemanly dismissal to the broader charges against Dartmouth's disciplinary committee. But the fact remains that the whole Dartmouth establishment has been discredited.

It boils down to this: Dartmouth College ordered two students, Christopher Baldwin and John Sutter, to stay away from the premises of the college until September 1989, and the court has issued an injunction requiring Dartmouth to reinstate the two students effective immediately. That is the nut of what has happened. Details. The conflict arose when The Dartmouth Review, the dissent, conservative student paper, published a transcript of the classroom meanderings of a wild black music professor, raising the question whether he was qualified to teach American music when what he spoke primarily about was white racism, exploring the frontiers of abusive and profane language. After the publication of the transcript, four students approached the professor after his class, intending to advise him that he was free to answer in his own language the article published about him. This encounter resulted in the exchange of vivid language, primarily that of the professor, who instantly fled to the authorities demanding that the students be prosecuted, which they were by Dartmouth's Committee on Standards. After a hearing, the COS found the students guilty of harassment, disorderly conduct and invasion of privacy. The penalty: Six terms suspension. The students then brought suit against the university for violation of contractual rights and discriminatory treatment.

Judge Mohl restricted himself to documenting that one of the jurors on the disciplinary committee, Professor Albert LaValley, was clearly disqualified from rendering a disinterested decision that the defendants were guilty, the dean rushed out to give the good news to — API? UPI? The New York Times? No, To the Afro-American Society, the Black Caucus, the Native American Society, the Women’s Issues League, and the Dartmouth Area Gay and Lesbian Organization — the longtime targets, and adversaries, of The Dartmouth Review. Theoretically, the university could send the case back to the Committee on Standards, minus Professor LaValley, and try the whole thing again. But this time, it would need to make a case in the teeth of all the information that came out during the heavy depositions that preceded the trial before Judge Mohl. That is Dartmouth’s alternative.

The students' alternative, it would appear to this layman in the absence of counsel, is to file a damage suit against Dartmouth. The case was won under the brilliant leadership of a major New York trial lawyer, Harvey Myerson of Myerson & Kahn, and New York lawyers do not give away lightly 200 or 300 hours of their time. The careers of the two students have been set back by one year, and they will not graduate with their class. How much is that worth, in a society that sets dollar figures to calibrate the value of everything from a bloody nose to palimony?

What yells out at the U.S. public, alerted to the Dartmouth case by columnists, editorial writers, feature writers, "60 Minutes" and the "Today" show, is the incandescent hypocrisy of so many people who, in the name of free speech, persecute its practitioners — if their opinions are conservative. Taken from the On the Right column by William F. Buckley COPYRIGHT 1989. Reprinted with permission of Universal Press Syndicate.
Trends in Environmental Regulation

By George VanNest

Contributor

On January 29, members of MELC represented the law school at the 1993 National Environmental Law Societies Conference at Indiana University School of Law.

One of the panelists addressed the topic of trends in environmental regulation within the United States. The four panelists were the following:

David Rivkin (President's Office, Rosemary O'Leary (Maxwell School, Syracuse University), Andrew Otis (EPA, Washington), and Kip Winters (Washington, Department of Environmental Management).

The discussion centered on the discussion that there were several recurring themes that represent the future path of environmental regulation within the United States. While the panelists touched on a variety of regulatory issues, the four factors which kept being raised were the following:

1. The requirement to improve the relationship between the federal government and the states.
2. The need to develop a good method of analyzing risk, to gauge the importance of various human risk factors.
3. The need to improve the relationship between the federal government and the states.
4. The need for a more efficient, developing a practical regulatory scheme that crosses agency boundaries and touches all areas of government action.

The panelists pointed out that a variety of regulatory issues are being considered, and that there is a growing awareness of the need for a more efficient regulatory scheme that crosses agency boundaries and touches all areas of government action.

First, environmental regulation needs to be updated and streamlined to work within the context of the complex regulatory scheme that currently exists. The government needs to be given the ability to enforce many of the federal regulatory programs. Unfortunately, given the present state of the federal regulatory programs, the government needs to be given the power to enforce these programs. Unfortunately, given the present state of the federal regulatory programs, the government needs to be given the power to enforce these programs.

Second, risk analysis must be refined so that serious environmental risks can be quantified and administrative resources can be used efficiently to deal with the true problems. At present, the government and the states use a combination of cost-benefit analysis and risk analysis. The problem is that cost-benefit analysis often indicates that environmental regulation is not a wise option, while risk-based analysis indicates that regulation is very necessary. A method of analysis needs to be developed to consider the cost as well as the human risk factors.

Third, the relationship between state regulatory agencies and the federal government needs to be drastically improved. Presently, the responsibility for enforcing many of the federal regulatory programs is being given to the states. Unfortunately, given the present state of the federal regulatory programs, the government needs to be given the power to enforce these programs. Unfortunately, given the present state of the federal regulatory programs, the government needs to be given the power to enforce these programs.

Fourth, market incentives need to be developed to encourage the states to develop a more efficient regulatory scheme.

The resolution of these four issues will determine the future path of environmental regulation within the United States. The panel discussion indicated that although there is no single solution to these problems, the resolution of the problems, there is recognition of the issues and a strong desire to improve the situation. The challenge is to contribute to improving the regulatory scheme for the benefit of our generation and those that will follow.

We have to recognize that environmental regulation is no longer a distinct segment of government policies. Environmental regulation now affects all boundaries to affect our lives in a variety of ways.
LAW WEEK
UPDATE

There's still time, ticket sales are March 15-19:

Monday, March 15  9:00 a.m. - 2:00 p.m.
Tuesday, March 16  9:00 a.m. - 2:00 p.m.
Wednesday, March 17  9:00 a.m. - 2:00 p.m.
Thursday, March 18  9:00 a.m. - 1:00 p.m.
Friday, March 19   9:00 a.m. - 3:00 p.m.

Pick them up by the 19th in the Duesenberg Commons (Atrium). If you don’t, you’ll miss all of the fun!

Also, don’t drink and drive the night of Barrister’s Ball—
Pick up a list of the surrounding hotels and their prices in the SBA office.

No other details...you already know everything...BUY YOUR TICKETS NOW AND PLAN ON HAVING A GREAT TIME!

Organizational Update

Things are progressing well for the remaining MELC activities for the year. The organization has accepted a softball challenge from EJA, date TBA. In addition, Carrie Wohling, a Special Assistant to the Director of U.S. EPA, is scheduled to speak during the Earth Day event scheduled for April 16. Attorney Brett Warning of the Office of Regional Counsel for the U.S. EPA Region V in Chicago will receive this year’s environmental practitioners award during the day’s events. In the meantime, Jennifer Sackett has the Environmental Education program at the local “Y” geared up for the benefit of latch key children. Beth Henning Gurna continues to be a hit on the brown bag series with two presentations down and more to come. Elections are scheduled for the last week in March. All MELC members are encouraged to attend.

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Athletic products

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Sandwich Bar
10% Discount with VU Student ID
Winters injected more humor into the evening by remembering Gromley the dog, (the pet of a former law student) who was, just as Professor Gromley, man's best friend. Said Winters, "We were all his students. He was a teacher, he taught us about life." Winters concluded his reflection by commenting, "You'd hate to be someone Gromley disliked; you know you'd really have to be despicable!"

Director of Admissions and class of 89 alum Mary Beth Lavazaniello stated, "This program is a true tribute to Charlie's person. I wish he could have been here to see it!" Bernie Van Wormer, '92, echoed MB's sentiment, "There hasn't been a person to pass through the doors of this law school that Gromley hasn't touched."

Following Associate Dean Berner's reflection of Gromley as a storyteller, a member of the Gromley family spoke to the silent audience who had gathered to remember a great man. Kevin, Gromley's son, told the audience how his father loved teaching the law, and most of all, how Gromley loved seeing his students' successes.

Dean Gaffney closed the tribute to Gromley by reminding us of the J.D. Salinger classic, To Kill a Mockingbird. He asked us to remember Atticus Finch, the great attorney who had stood up to racism in a small town. In particular, Gaffney directed our memory to when Finch's daughter was in the courtroom, watching her father defend a black man wrongly accused of rape. At the end of the trial, when her father was leaving the courtroom, a black courtroom observer, sitting next to Finch's daughter, said, "stand up, your father's walking by." Gaffney, by his analogy to Atticus Finch, invited us to stand up and show our respect for the great man, friend, husband, and father called Gromley.

A reception followed in the Duesenberg Commons.

Heimlich Hall teeters behind the law school, gutted by fire. Photo By Paul Richards

unquestioned right to do so? This must be answered in the negative. Radical feminists place too much emphasis on self-interest, and not enough on the value of human life. The ability to choose abortion is not an absolute right. Rather, it is a right that is derived from the realistic view that life is not an endless series of right or wrong choices. Therefore, women must frame their decisions in their own morals—not morals given or loaned to them by the patriarchal religious establishment. Women need to be bracingly aware that they do not live in a vacuum, in that their decision will have lasting repercus-

sions, whether they abort the child or not. As life can be the greatest gift or the worst nightmare, it is imperative that both sides open-mindedly listen to the concerns of the other side. Intractable adherence on the part of either side will have a deleterious affect on the very individuals that they seek to protect. Given the fact that this problem is not going to go away, is it not more humane to focus on the individuals whom are most affected by the issue, and get away from the self-serving interests that have transformed this personal dilemma into a pub-

lic controversy.

Spades, From Page 6

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Like Adam Karp
Sports Editor

Do you ever wonder why the Super Bowl begins at 5:18 P.M. or why a college basketball game always has a timeout with 15 minutes left in the first half? The reason is television or more precisely, the money generated from television coverage. Television has provided athletes with improved financial opportunities and has allowed for the country to see events that they would not normally see. However, television has become the primary consideration and influence on sports.

**BASEBALL**

In evaluating the four major sports, baseball is currently in the worst financial position. Television and free agency have directly contributed to the downfall of the sport. Prior to 1974, teams would raise a player in their farm system and the player would remain with the team through his entire career. When free agency began, teams in the smaller markets would be able to compete with the teams located in the major markets of California, New York, and Chicago for the available free agents. Unfortunately, cable television has played a prominent role in polarizing the even balance between the smaller markets and the larger markets.

For example, the New York Yankees have a cable television deal which will pay them $1.3 million for the team. Over the last three years, the Pirates have won 3 National League East Divisions. Because of financial constraints, the team has been virtually dismantled. Last year, the Pirates lost Bobby Bonilla to free agency and traded John Smiley, and released Bill Landrum. This year, the Pirates have lost Barry Bonds and Doug Drabek to free agency, traded Jose Lind and Steve Busche(traded during the season), and opted not to resign utility players Bob Patterson, Roger Mason, Cecil Espy, and Gary Yates. It is deplorable for a baseball fan to watch a team build through the farm system, astute trading, and excellent use of the waiver wire, only to disintegrate because of money. The money from television has forced the smaller market teams in the smaller markets to become a farm system for the teams in the larger markets.

Another influence of television on sports occurs with the television times of World Series games. As a kid growing up in New York, I would run home from school to watch the Yankees in playoff and World Series games. The Cubs, my favorite team, never seemed to be playing at this time of the season. Over the last 7 years, every World Series game has been played at night. Since the TV ratings and money generated increase tremendously when the game is played at night, major league baseball has succumbed to the pressure of television to play every Series’ game at night. Because of the late hour, children have no opportunity to watch the game.

During the past summer, former commissioner Fay Vincent tried to realign the baseball divisions. His proposal called for the Cubs and Cardinals to switch to the West, and the Braves and Reds to move to the East. Although it makes sense geographically, I was not in favor of the switch. From my perspective, if the Cubs switched divisions, it would eliminate a great rivalry with the Mets(My Dad still shed a tear about 1969). Also, it would curtail the amount of times that I could see my team live since the Cubs would not come into New York as often. Although the Cubs blocked Vincent’s plan, the reasons provided were different from the ones that I mentioned. The Tribune Company, the owner of the Cubs and owner of WGN, the television network of the Cubs, opposed the move because it worried that the late starting games on the West Coast would interfere with their television news. The Tribune Company never mentioned the fans’ interests for its reasons for opposing the realignment. In being interested to see the influence of the Tribune Company in the years to come since the Company is now televising 1/4 of the teams in baseball/Cubs, White Sox, Angels, Dodgers, Yankees, Rockies, and Phillies.

**COLLEGE SPORTS**

In 1990, the University of Notre Dame entered into an exclusive television deal in which NBC will televise Notre Dame football games and the university will receive $37.5 million over the next five years. Although the football team is thriving from the new deal, Notre Dame’s basketball team has suffered and will continue to suffer. In college basketball, it is imperative to be in a major conference in order to be successful. Currently, Notre Dame is the only major independent football school and because of the benefits that it receives from its football situation, the school will not join a conference. Since ESPN televises only teams that play in conferences, the trend is for the top high school basketball recruits to only play for teams that play in conferences. If Notre Dame joined a conference, they would have to become a member of the College Football Association and thus, lose their exclusive deal with NBC. Because of the enormous wealth received from the television deal and the independence that Notre Dame enjoys in their football schedule, Notre Dame will not join a conference. Another example of the influence of television occurred when CBS assumed total broadcasting control of NCAA basketball tournament from ESPN. ESPN used to cover the first round of the tournament; ESPN’s coverage of the first round was outstanding. Over the last 2 years, CBS has assumed control over the first round and the coverage has been abysmal. Because ESPN is a cable network, ESPN had the ability to jump out of games that were not appealing in order to bring the more exciting games to the fans. ESPN also does not have to worry about commercials and covering games in certain regional areas. Since almost every sports fan has ESPN or access to ESPN, the fact that ESPN is not on regular television is not a significant issue. The NCAA did not consider the fan when it decided to allow CBS to have total control over the tournament; the NCAA only considered the monetary side of the situation.

**MISCELLANEOUS**

The one league that has managed to keep the influence of television in perspective is the National Basketball Association. The NBA has managed to keep the television influence away from tarnishing its product. The National Hockey League, the one league without a major television contract, has hired Gary Bettman as its new Commissioner. The NHL hired Bettman away from the NBA in hope that Bettman can bring the NHL the same success as the NBA. Bettman’s primary goal is to get a major television deal. Hopefully, the NHL will follow the pattern of the NBA and not Major League Baseball.

**Abortion, From Page 6**

denial of life without due process. Likewise, no court could declare in one trial that all prisoners over age 65 may be killed because their interest in life is outweighed by the interest of the younger prisoners in having more prison space. The state, or the other prisoners, would have the burden of proving in each case that the older prisoners’ interests in life is insufficient to permit its continuation.

Likewise, with abortion, even if the Supreme Court reversed Roe v. Wade, the states would have the burden of proving that the fetus’s interest in life is insufficient to permit its continuation. Anything short of this violates the Fifth Amendment.

**Be Reasonably Prudent:**

**Read The Forum**

Next Deadline: Thr, March 25. Letters to the Editor must be limited to 400 words. All other articles must be approved by the Editor. All work must be submitted on diskette to Locker #78 or The Forum office, Room 202, Heritage Hall.

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