

INTRODUCTION

DEAN NORMAN REDLICH*

I welcome all of you to this program sponsored by the *New York University Review of Law and Social Change*. The idea for this colloquium series began in one of my constitutional law classes. The subject was obscenity, and I asked a woman student in the class if she would discuss the feminist position on obscenity. As you know, in a law school class, at least in New York City, it is difficult to generate two sides to the question of obscenity. Almost everyone believes that the first amendment protects obscenity. Despite this, some feminists charge that obscenity is degrading and is a form of violence. This argument jolted many of the students and led to the best classroom discussion of that topic that I have heard. Following the discussion, I suggested to the *Review* that it might institute a series of annual colloquia, based on scholarly papers, which rather than taking a traditional liberal versus conservative approach, would present topics where people with fundamentally similar outlooks might have differences of opinion. The *Review* has successfully addressed issues pertaining to religious cults, campaign financing and labor relations.

This year the *Review* organized a program on the vitally important topic of prison overcrowding. I want to express my appreciation to the students and others who have worked so hard to make this program possible: Karl Schwartz, Peter Koneazny, Lester Lenoff, Martin Fleisher, and John Gevertz of the *Review* staff and Davida Wittman, Office Manager of the *Review*. I am grateful to members of our own law school faculty who have contributed to the colloquium. Professor James Jacobs will present his study of the politics of prison construction. Many of the moderators have been drawn from the ranks of our faculty including Graham Hughes, professor of criminal law and legal philosophy; Claudia Angelos, who is a member of the clinical faculty; David Richards, professor and philosopher of constitutional law, Daniel Pochoda, a member of our adjunct faculty; and Robert McKay, whom you all know, my predecessor as Dean and now the Director of the Institute of Judicial Administration. Our other speakers and panelists include noted academicians, correctional practitioners and attorneys. I would like to thank them along with those I have left out, who have been helpful in making this program possible.

Today's keynote speaker is the Honorable Morris E. Lasker. Judge Lasker is both an ornament to the federal bench, and a person whose name

* Norman Redlich is Dean and Judge Edward Weinfeld Professor of Law, New York University School of Law. He is the co-author of a constitutional law casebook and the author of a problem-method teaching book on professional responsibility. He was Assistant Counsel to the President's Commission on the Assassination of President Kennedy (1963-1964) and Corporation Counsel of the City of New York (1972-1974).

has become synonymous with managing the range of issues that we will be discussing during these two days. I was Corporation Counsel of New York City and the lawyer for the City Department of Correction during the time that Judge Lasker started to become involved in correctional matters. I can tell you that there was and is not a more respected judge anywhere in this country. He is someone who is able to deal with enormous sensitivity to all sides—to those who are concerned about their clients' constitutional rights, to the correctional institutions that have the responsibility of running our prison system, to the governments in which those correction institutions are found, and to the various competing demands on those governments. If we had government officials who responded with the level of sensitivity that Judge Lasker demonstrates, I think we would be making much more progress than we have been.

Judge Lasker received his B.A. from Harvard University and his L.L.B. from Yale Law School. He was appointed a United States District Judge for the Southern District of New York in 1968. Judge Lasker is well known for landmark decisions in the area of civil rights. In *Martarella v. Williams*,¹ he held to guarantee due process rights to minors incarcerated as "persons in need of supervision." In *Kirkland v. New York State Department of Correctional Services*,² he held against discriminatory civil service exams. Most relevant for this colloquium, in *Rhem v. Malcolm*³ he required reforms at, and later ordered closed, the Manhattan House of Detention, known as the Tombs.

I am pleased to introduce to you Judge Morris Lasker.

1. 558 F. Supp. 109 (S.D.N.Y. 1983).

2. 374 F. Supp. 1361 (S.D.N.Y. 1974), *aff'd in part, rev'd in part*, 520 F.2d 420 (2d Cir. 1975).

3. 371 F. Supp. 594 (S.D.N.Y.), *modified*, 377 F. Supp. 955 (S.D.N.Y.), *aff'd*, 507 F.2d 333 (2d Cir. 1974).