



THE COMMENTATOR

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October 19, 2006

Revesz Foreshadows Curriculum Changes

BY BOBBIE ANDELSON '08

Dean Richard Revesz held his first Town Hall meeting of the school year on Thursday, October 12 from 11 am until noon in Vanderbilt Hall, Room 214. The Dean holds Town Hall meetings, which are open to all members of the New York University School of Law community, periodically throughout the school year to discuss current issues facing the Law School. The format of the meetings includes a short presentation by Revesz followed by a question and answer period, where students can ask the Dean about any issue of concern to them.

"I've decided this year to put a lot of effort into trying to figure out things about the student experience," Revesz said in his opening remarks. "I'm interested in what we can do here to make [the student] experience more user-friendly."

Along these lines, the administration is in the process of compiling the office hours of all faculty members and putting the information on a website for easy student access.

One of the major points Revesz brought up was possible changes to the curriculum. "In the past three to four years, we have made three significant changes, all of them to the first year curriculum," Revesz said. "We made one of the major first year classes per semester smaller than the size of a full section. We added the Administrative and Regulatory State (ARS) as a required first year course, and we instituted an elective in the first year."

Revesz continued to outline the curricular changes that are on his current radar. There is a committee that is in the process of recommending curriculum points to homogenize the different ARS sections. Additionally, there is a committee looking into the fact that requiring students who did not choose to take Property as their first-year elective to take the class in their second year resulted in some scheduling conflicts. "Based on in-

formal conversations, my guess is the committee will say that you can take Property in your second or your third year," Revesz said.

Revesz also stated: "There has been discussion about our writing requirement for some time. It is somewhat difficult to figure out. I have a sense that it will be resolved and something will be announced this year that will make slightly more sense."

The final curriculum change Revesz mentioned is a possible change in the way the law school meets the American Bar Association requirements regarding Pro-



fessional Responsibility. Professor Samuel Issacharoff is chairing a committee looking into such possibilities as adding more specialized Professional Responsibility classes, incorporating the Professional Responsibility requirement into the clinical programs, and most intriguingly, incorporating the requirement into the first year Lawyering Program.

The major concerns brought up by students included child care, the PC requirement, and reports that surfaced last school year regarding the Pentagon surveilling NYU Law students.

One LL.M. student and mother made an impassioned point: "I really wanted to go to NYU, but I almost considered going to Berkeley or Georgetown because of the childcare they offered," she said. "I am not saying that NYU needs a childcare at the law school, but they should reserve spots at the best childcare facilities around the city for children of students and other members of the law school community. I came here in May, and I spent one week looking for childcare for my children and it was the most difficult thing I have done in my life. In New York, for whatever reason, everything happens way in advance. You don't even know until May where you are going to school, and by then it is probably too late to register in the childcare of your choice in Manhattan for September. I found childcare facilities that I liked that had waiting lists of 50 children."

Revesz agreed with the student that something needed to be done about the childcare options for student parents.

Many students also expressed frustration that the law school requires all students to own a PC laptop when they would prefer to own a Macintosh. Especially now that Macintosh computers run Microsoft, students felt it was dictatorial that they were required to own a PC for purposes of the exam-taking software.

When asked if there was any new information about reports that the Pentagon was surveilling NYU law students involved in the student group OUTLaw, a group for gay, lesbian, bisexual, and transgender students and their supporters, Revesz replied: "An undersecretary of state made a reference that there had been government surveillance at academic institutions, including NYU Law. They eventually admitted that it was an error, that it was an improper use of the legislation. It was an incredible misuse of government money that ought to have been used to monitor legitimate terrorism."

"We have not gotten information to our satisfaction regarding exactly what happened. It wasn't clear what the nature of the surveillance was. It might have involved the monitoring of emails. It might have involved other things. We just don't know."

Assurances have been made that this was a misuse of power and it would not happen again. I thought it was extremely troubling."

JAG Recruitment Isn't FAIR

BY JULIA FUMA '07

On October 6th, the Army and Navy JAG made their biannual recruiting trip to campus. However, this was the first visit since the Supreme Court decided

after *FAIR v. Rumsfeld*.

JAG is the Judge Advocate General's Corp, the lawyers for the military. Because the military discriminates against LGBT men and women through its



FAIR v. Rumsfeld and the mood this year was a little different.

A total of three students interviewed on Friday morning. Three met with Navy JAG and one of these students also interviewed with Army JAG. The amelioration activities for this year included a protest, the distribution of rainbow ribbons for everyone entering Vanderbilt and Furman, and a panel on issues

'don't ask, don't tell' policy, the military violates NYU's anti-discrimination policy. NYU Law stipulates that no employer can interview on campus if they discriminate on the basis of sexual orientation.

Unfortunately, in the case of the military, implementing our non-discrimination

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Fall Ball Sure to Be a Thrill for All

BY GEORGE MUSTES '09

New York developers have long prided themselves on being able to turn any vacant building into a nightclub, but the New York University School of Law will do one better on November 2nd. One night only, Vanderbilt Hall will be transformed into a Halloween themed dance factory cum fairground for the annual Fall Ball.

Fortune tellers and face painters will wander the Halloween bespeckled halls while students grind the night away in Greenberg under the approving gaze of so many framed deans. Upstairs, Golding will provide arts and crafts projects for those of us who have yet to surrender our creativity and, finally, although the location is unknown, the enterpris-

ing student should have no problem following her ears to the karaoke room.

As always, the Fall Ball is run by the Office of Student Affairs and open to all NYU law students and their spouses and domestic partners. Tickets will be placed in the Vanderbilt Hall student mailboxes the week before the event. The party runs from 9:00 p.m. until 1:00 a.m., and, like any true Halloween festivity, this is a costume event so kindly refrain from wearing any attire that would be considered appropriate in Vandy the other three-hundred and sixty-four days of the year. Currently, there is no planned costume competition, but per-

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haps a few students could practice the leadership skills they lie about in interviews and take the lead in organizing one.

If all this sounds like one large, embarrassing middle-school dance, fear not, an open bar will be generously provided by our august institution. The bar will only be serving the strong stuff

until mid-night though, so the fashionably late will have to sate themselves on Sprite.

For those of you on the fence, ask yourself when the last time was that NYU Law spent twenty-thousand dollars on you. By the way, only ten to twelve-thousand of those dollars are going into the entertainment so there should be plenty of beverages and pretzels to go around.

JAGs Protested

Continued from page 1

policy is not possible. In 1995, Congress passed the Solomon Amendment, which denied Department of Defense funding (and later included the Departments of Labor, Health and Human Services, Education, and Transportation) to schools that do not allow military recruiters.

speech, association, and academic freedom. But this past March, the Supreme Court held that the government could deny funds to schools that refuse to let the military on campus. Thus, as before the decision came down, the law schools allows military recruiters but provides the student body with ameliorative activities.

The FAIR decision changed

ing the Military in conversation than in past years; in contrast, we did not notice verbal interaction between the protesters and student interviewees.”

For Nick Durham, president of Outlaw, the FAIR decision did seem to change matters. “[The protests] did seem different, in a way, on both sides. Despite talking about it, since these protests have been going on so long it’s almost as if they are old news.”

Durham also expressed his frustration with the school this year. “I’m a little fed up with the administration. It is true they help us organize the event, Sharon and Irene were entirely instrumental. However, besides a few administrators, when it comes time to actually show up or hand out ribbons not one professor

could dedicate a little time. I expected the Dean to at least pass by, but I guess that’s out of the question too.”

The effort to change the nation’s policy has shifted to Congress. While those lobbying efforts might succeed one day, until then the NYU’s amelioration will continue. The budget for amelioration has been between \$1500 and \$3500 throughout the years. It is not clear how much it was this year, but Durham is already looking towards next year: “I’m actually working on a proposal right now to get them to do more when it comes to Amelioration funding/programs because it definitely does not seem adequate,” he said.



Despite the loss of funds, the law school continued to refuse to allow military recruiters on campus. However, in 2000, Congress reinterpreted the Solomon amendment so that if any part of the University refused to allow the military on campus the entire university would be denied funds. The University could not afford to lose government funding: The NYU Medical School receives more each year in federal funds than the entire Law School budget. The Law School also joined the FAIR litigation, which argued that the Department of Defense practices were not authorized by statute and violated the First Amendment’s rights to

the amelioration activities this year. Sharon Brooks, Director of Counseling and Career Services, and Irene Dorzback, assistant dean for career services, pointed out that the major difference between this year and other years is that this year’s amelioration panel included “comments on the FAIR decision and proposals for how to oppose the ‘don’t ask don’t tell’ policy, post- FAIR, which had not been the focus of pre-FAIR panels.”

As for the protest, Brooks said that the tactics seemed to have changed somewhat. “One noticeable difference was that the student protest was more focused on the JAG recruiters and enga-

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THE OFFICE OF STUDENT AFFAIRS INVITES YOU TO THE 2006 FALL BALL

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The Commentator Presents Point-Counterpoint: JAG Recruitment

Just Because It's FAIR Doesn't Mean It's Right

BY COLIN PARENT '07

Every year at NYU Law, members of the law school community protest the coming of the military to recruit law students into their Judge Advocate General program.

But this year brings something new. In their decision in *FAIR v. Rumsfeld*, the Supreme Court of the United States upheld a law which strong arms universities to allow the military to recruit on campus, even if those universities have a policy of prohibiting on campus recruitment by employers that discriminate against LGBT persons.

For the first time, protests on our law school campus must oppose a law given constitutional validation from our nation's highest court. My editor at *The Commentator* suggested that these new circumstances invited a new approach to the standard op-eds about military interviews on campus. As an example, he suggested that I could respond in some creative way to the situation, "now that we know the [government's] position is legal."

That's a good starting point. But we'll end up somewhere else.

Generally, there are two objections to the military interviewing on campus. The first objection is simply that the military discriminates against LGBT persons. The second objection is that by a federal law known as the Solomon Amendment, universities forfeit all federal funding if they do not allow the military to recruit on campus. The threat of being cut off from federal funding unfairly coerces the university to allow military recruiters, despite a policy of prohibiting on campus recruiters that discriminate.

Discrimination against LGBT persons itself is objectionable and wrong. That the military, an arm of our very government, engages in such discrimination is particularly upsetting. And to add insult to injury, the Solomon Amendment eliminates the law school's ability to choose not to sanction the military's discrimination.

It is a simple thing to say that just because a policy is "legal," does not mean that it is right, from a normative, or moral perspective. That the Supreme Court believes that the Solomon Amendment or discrimination against LGBT persons may exist within the Constitution's confines does not make them correct policies. Even the fact that a congress and president enacted the Solomon Amendment and endorse discrimination, does nothing to prove that those are the right things to do. And fortunately, few people, and fewer law students or lawyers, believe that everything that is legal is moral.

Yet it is unsatisfying for us to claim merely that the discrimi-

nation against LGBT persons is legal, but wrong. We came to law school to learn the mechanics of justice, and to prepare ourselves to function as lawyers. As lawyers, our vocation will be to enter the world through the law. And even the most jaded lawyers, with the most skepticism of the law's moral justification, implicitly and fundamentally defer to the law's validity by operating through it. So it is unsatisfying to believe in the legitimacy of the law, and yet to understand that it is immoral and unjust. It's much more satisfying to believe that the law is good, and that the Constitution does affirmatively protect our values of equality and fairness.

Chief Justice Marshall famously proclaimed that it is "emphatically the province and duty of the judicial department to say what the law is." So it is an act of considerable impudence for mere law students to say that the nation's highest court is in fact wrong on the law. But it is something we must say.

We did not come to law school to do easy things. We came to law school to do what was difficult, but worthwhile. And the more difficult thing to say is not that discrimination against LGBT persons is wrong, although it is. The more difficult and more worthwhile thing to say is that discrimination is illegal and unconstitutional, even when the Supreme Court says otherwise.

America is an ideal and we have to believe in it. We have to believe that our Constitution represents the values we know and share. We have to believe that our system does not sanction the unequal treatment of people. We have to believe that government cannot force private institutions to associate with or sanction discrimination. We have to believe that the Constitution will not allow people to be denied certain rights without due process, without a rational reason.

And we have to assert those beliefs. We have to stake a claim on America, and consistently affirm our belief that the law and the constitution do not allow for

discrimination. We can't concede that discrimination is legal just because the Supreme Court says something incorrect about our Constitution. We can't give up on the law.

In America, statutes are overturned by challenging them, by breaking them and testing them in the courts. Precedent is overruled by asserting their invalidity, and demanding the courts admit their past mistakes. Not all injustices void the system, or demand violence in the street, but all injustices demand vigilance and con-

viction. All injustices demand that we call them out, and work toward their remedy.

These protests are not about the military. They are about discrimination. They are about the wrongness and the illegality of it. Many of us in law school, myself included, feel that even in these times of unjust and unpopular war, service in the military can be a noble and worthwhile use of a legal education. My own grandfather, as a Captain of the Army and an instructor at the Army's Judge Advocate General's School, published an article in our

own N.Y.U. Law Review. *Dwan V. Kerig, The Absent Defendant and the Federal Soldiers' and Sailors' Civil Relief Act*, 33 N.Y.U. L. Rev. 975 (1958). For those of us who believe in America, it is a painful thing to refrain or be prohibited from serving their country. We should not concede the law to serve such ignoble ends.

These protests are a footstep on the long march toward equality. They are an assertion of our belief in a better Constitution. They are a statement that the law is better than some claim it to be.

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Let’s Add Discourse to Our Protests

BY MICHAEL BLAUVELT ’06

Almost one year ago, *The Commentator* featured a substantial article addressing the on-campus interviews by the military—the first time that *The Commentator* or any other organization at New York University School of Law made a concerted effort to consider military recruiting interviews from multiple perspectives. It was also the first time I spoke publicly about my decision to interview with the JAG Corps on campus and my experience with the semiannual JAG protests. To its credit, the law school community responded admirably—expanding efforts to consider both sides in planning the protests. Now, after yet another set of JAG interviews and protests, it is clear that although much has been done, much more is needed.

The administration, particularly the Office of Career Services (already a strong advocate for the GLBT community), reached out to me to participate in several amelioration panels to discuss my experiences interviewing with the JAG Corps and continued to work with OUTlaw and others to find the proper balance between asserting justifiable indignation over being prevented from openly serving in the military (and having the military on campus as a reminder) and ensuring the safety of the interviewing students.

While a student, I interviewed with the JAG Corps on campus, and I experienced the threats and the intimidation from my peers. As a result, I have gladly participated in these panels in order to discuss the harmful results of some forms of protest and to share the benefits of the JAG program with students. These JAG internships provide a unique opportunity to learn about military law and the inner workings of a relatively secretive organization. Students motivated to help servicemembers (regardless of sexual orientation) can utilize that first-hand experience to actively improve the lives of all servicemembers.

In previous years, protests against JAG recruitment interviews on campus have led to physical violence between protestors and interviewing students. I personally was threatened by a classmate during my 2L year as I left a JAG interview. Thankfully, the law school community has demonstrated great composure in its recent protests and was very courteous to me during my participation on the amelioration panels.

For my part, I attempted to use the panels in a variety of ways. As a student, I tried to emphasize the simple, but easily overlooked, point that the interviewing students and military recruiters are people too and that, while the recruiters are used to the protests and are at NYU only briefly, the interviewing students are members of our community—the way we treat them during the protests carries over into other arenas. I spoke of my experiences being threatened by a classmate, having friends give me the cold shoulder,

and having professors express their “strong disappointment” regarding my decision. Although I recognize that no one has an obligation to be nice, the swift reaction (especially as a 1L) was surprisingly harsh. I also tried to emphasize what the community has worried about in the past—that gay students might want to interview and work for JAG and be scared off by the protests, and that sympathetic students who agree that the ‘don’t ask, don’t tell’ policy is unfair (and may, as in my case, have actually received recognition for their support of the GLBT community before coming to NYU) are nonetheless accused of being anti-gay because they choose to interview—an unfavorable reputation generally and particularly at NYU.

As a graduate, I tried this year to focus my message less on my experiences as a student. It has been several years since I last interviewed with JAG or attended the protests, and frankly, my experiences are less relevant now. Nonetheless, the community deserved recognition for its success and insights for the future. To the extent that my experience with the program has given me a unique perspective on the interviews, I wanted to encourage the audience to proactively engage each other and to take advantage of the incredible opportunity the JAG internships provide to help servicemembers generally and gay servicemembers in particular.

I have not received any direct questions during the panel (which makes sense in that the other panel members are infinitely more interesting than I am) but after (both immediately and months later), I have had classmates ask me to talk in more detail about the process. Mostly, I have found that the panels make me a friendly ear for those who also have concerns about the protests—something which has provided a great deal of context to the debate.

In hindsight, it is hard to imagine why both classmates and administrators expressed so many concerns about my safety when they learned of my participation on the amelioration panel last February. Although most of the comments were made sarcastically, the sheer volume of unsolicited offers of protection and warnings are disconcerting. In many ways, the recent graduates of NYU Law have pushed harder and antagonized more than was necessary or prudent because, in the end, there were no expected consequences. It is a problem inherent in a law school that brings together such a diverse group of people for a brief period of time and then watches them disperse all over the globe.

For my part, I wasted too much of my time at the law school content to avoid the debates I cared about. Now I consider myself fortunate to be invited back by the university to help suggest ways to make the semiannual JAG protests more effective in the long run while still satisfying students in the short term. To hit the nail

directly, in the short term, open and brief confrontation is more exciting and much more likely to get press (and perhaps even national recognition, as one student did), but it merely stokes the embers of conflict and exacerbates whatever underlying tensions exist. In my case, my participation on the panels has been criticized because I did not take my point to the extreme and condemn the protestors even though I had a soapbox on which to do it. I sincerely hope that by avoiding extremism in my participation I have made a difference in the ways in which the protestors, interviewees, and administrators treat each other. It means my already unexciting 15 minutes of fame are even more mundane, but I think it helps.

To the protestors—thank you. In the past year, you have demonstrated a great deal of restraint and maturity in your protests and a sincere effort to consider the views of others. In the past, protestors by both argument and threat actively sought to discourage their classmates from interviewing on campus with the military. The smaller the number of interviewing students, the greater the victory and bonus points that were effectively given for those students who initially signed up to interview and then decided to cancel their interviews after receiving e-mails sent only to them that made it clear that the protestors knew exactly who they were.

Lest we repeat the mistakes of the not-so-distant past, please remember that neither violence nor intimidation is necessary to convince your peers within the friendly confines of NYU Law that the military should accept openly gay servicemembers. Most of the JAG officers who conduct the interviews and the vast majority of students who interview with the JAG Corps do not believe that the current national policy on gay servicemembers can or should continue into the future. Few, if any, JAG interviewers or interviewees have any desire to participate in the discharge of an openly gay servicemember or to hurt the feelings of the other members of the community. Nonetheless, in spite of these feelings, some students (straight and, perhaps, gay) choose to interview. Although it is easy to attribute the decision to interview on-campus with anti-gay sentiment, their real reasons are likely much less controversial. I encourage both sides of the protests—the interviewing students and the protestors to openly communicate about their decisions to participate in their respective capacities.

Of course, this communication is normally welcomed by the protestors but rarely met by the interviewing students. This problem does not lend itself to a quick fix, but it is nonetheless worth the effort. One solution that has been attempted regularly, with little success, is asking students who interview on campus to wear gay pride flag pins into their interviews. This effort has been stymied, in

part, by a perception (sometimes justified and sometime not) that, in the context of military recruiting on campus, the pride pins represent support for the protestors and not necessarily gay rights.

An additional problem is that although the law firms that interview on campus have all

Neither violence nor intimidation is necessary to convince your peers that the military should accept openly gay servicemembers.

agreed not to discriminate, many students would not agree to wear pride pins to their interviews with law firms. If the law school community concludes that pride flags are really an important symbol of solidarity they should be more widely incorporated into the interview process and not merely badges for interviewing students to declare their allegiances, especially in light of the “protestors not the cause” perception of the pride flags. Let me be clear – I think that the pride flags can be an important part of the community’s amelioration efforts but their value is directly related to the protests—the more narrowly focused the protest’s purpose, the more effective the pride pins.

I encourage students on both sides of the issue to consider opportunities beyond protesting the Solomon Amendment or the ‘don’t ask, don’t tell’ policy to advance the interests of gay servicemembers. For those who interview and later intern or work with the JAG Corps, the insight into military life and law is invaluable in protecting the men and women currently serving in the military. For those who protest, it is an opportunity to further develop connections to national and regional public interest organizations.

Ultimately, it seems that the law school community is less interested in the JAG on-campus interviews than it used to be. In large part, I suspect this trend of apathy is because both sides stagnated for so many years—the protestors shouted and intimidated, the interviewees snuck into and out of the interviews and faded into the woodwork, and the administration released the same general statement condemning the interviews and encouraging students to interview off-campus (even while acknowledging it was not a viable option).

However, over the past year the debate has changed. For the first time in a long time, the law school community is striving for an open and honest debate about a controversial issue and the insults and threats are beginning to fade from memory. It may soon change again. Several administrators have privately expressed con-

cerns that the student body will seek to press the issue of equal access and force the courts to define exactly what they can and cannot do to protest the military. That would be a mistake.

It is tempting, in light of the language of *FAIR v. Rumsfeld*, to see exactly how far the community can go in protesting the military recruiting. As Professor Christina Rodriguez discussed during the panel (as best I remember it) it is clear from the Supreme Court’s decision that protests are allowed, but it is unclear exactly what protests are permissible. There has been talk about pushing the military’s buttons to force the issue—making the protests so unbearable that no students genuinely interested in JAG will interview and generally making it uncomfortable for the recruiters when they visit campus. From what I have seen and heard, the community is currently resisting these suggestions, but the further removed we are from the physical violence of some of the early protests and the threats and intimidation of the protests of my era, the easier it is to justify returning to those extremes.

The gay servicemembers currently serving in the military need the best representation they can get. In my opinion, were I in their shoes, I would rather have sympathetic, smart lawyers representing me in all aspects of my career. The openly gay students who want but cannot serve now because they cannot or will not hide such an important part of themselves are best served by working expeditiously to a favorable resolution and not fighting about how much protest is too much under the Supreme Court’s decision in *FAIR v. Rumsfeld*. In short, as tempting as it may be too make a name for yourself in the brief time you have at NYU by doing something extreme, the community and the cause are often much better served by cooperation than by antagonization.

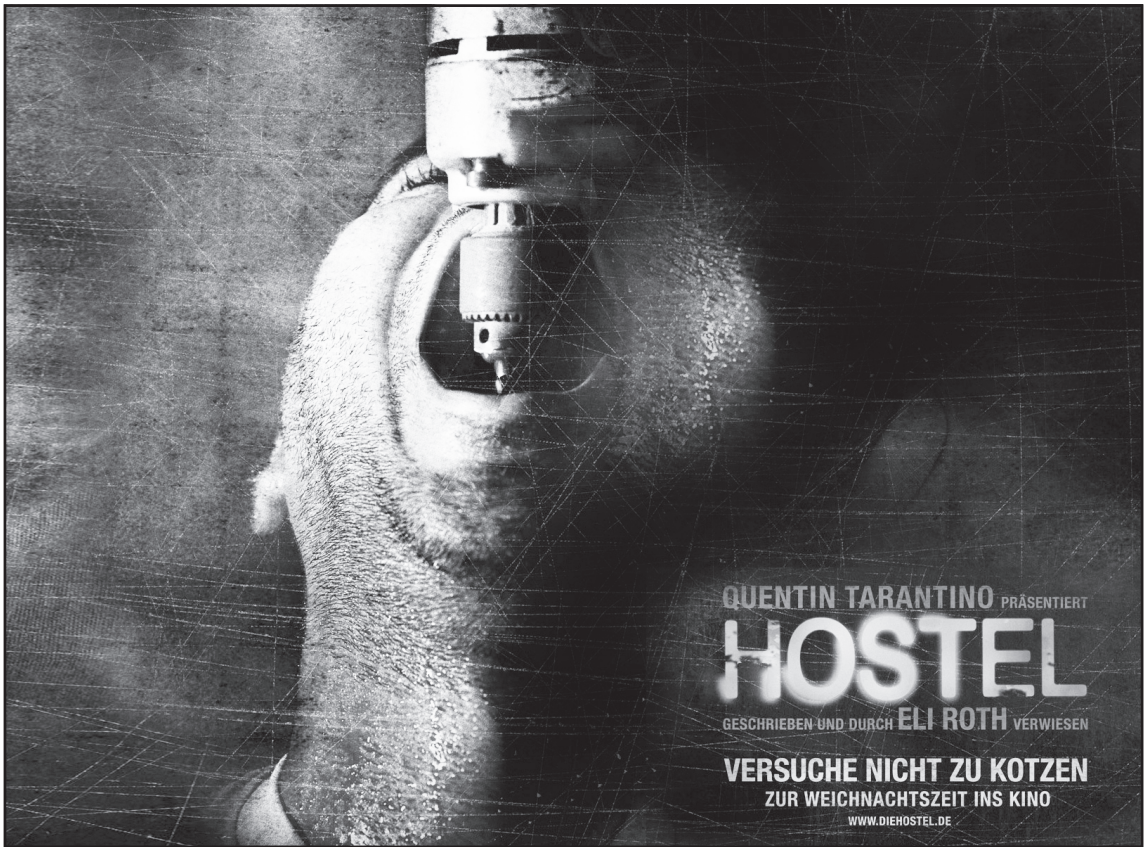
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Reviewing The Classics of 2005

Hostel: Blood, Guts, and No-Name Hotties



Hostel consistently tops the critics' list of 2005 classics.

(This article contains words that may be offensive to some people. The Commentator is not a family publication. It is for bitter, worn-out law students.)

By Kartik Venguswamy '07

I have a request. If you're a director that has reached iconic status and can command a following with just your name, you owe it to the movie-going public to use discretion in tagging your name onto movies. Quentin, I'm looking at you here. Seriously - couldn't you be happy just giving a blurb they could use on the box? Instead, it's "Tarantino presents Hostel" and I end up sitting through 2 hours of body parts. A couple of friends on vacation decide to go to Slovakia because that's where the hot girls are. Turns out the hot girls get paid to lure the stupid Americans to where they can

be kidnapped. Then rich people pay money to fuck with the kids - if it can be burnt, movie if there's a cool idea and I can admit the dramatic effect of a well-placed spurt of blood.



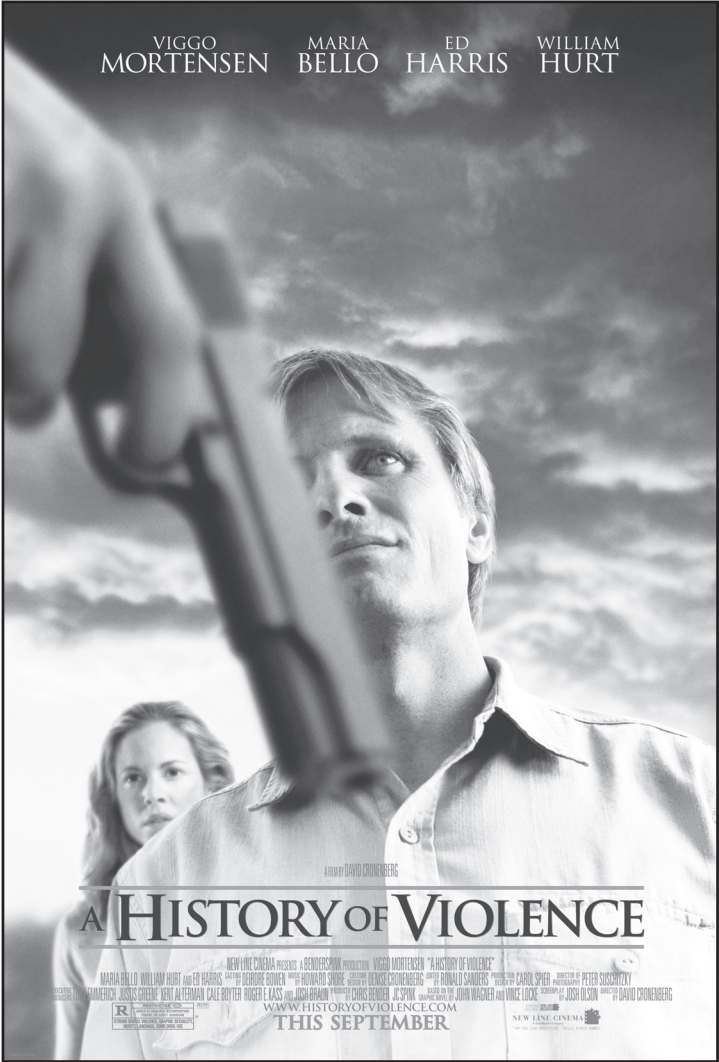
Hostel is also a classic film in le France.

chopped, drilled, or mangled, there's a good chance that such is done in this movie. And there's just no point: it's just one horrific, stomach-turning scene after another. I mean, kudos for getting some truly inspired blubbering out of the frightened amateur actors, but I couldn't be entirely sure I wasn't just watching a snuff film here! Seriously, this movie sucks. I'm not above the application of blood and gore to make a point - I liked Saw. I can forgive a

But if your entire movie is about kidnapping Americans in Slovakia to perform bizarre and pointless amputations, you're going to need more of a plot hook than "and isn't that bad?" I'll be the first to admit that I'm not a bastion of good taste. (See enjoyment of Saw) But this is a really sick, twisted, sadistic movie. I suppose I shouldn't pass moral judgment on people that might like watching this, but don't go into this expecting something like Saw, where the gore is incidental to the underlying ideas. Imagine Dead Alive, only the movie takes itself seriously and isn't camp or cheese at all. And because the effects are so realistic, you can't just laugh along. Just know what you're getting into with this one. And fuck you, Quentin, for putting your name on this shit. This is the kind of thing that ends up with me watching "Martin Scorsese presents eXistenZ 2: eLectriC bOogaloO".



A History of Violence



A History of Violence is heavy on the violence, but light on the history.

By Kartik Venguswamy '07

I was originally planning on waiting to write until I saw something truly terrible that I could rip on. In other words, I certainly wasn't expecting to write a review about this movie. Not after all I heard about Cronenberg and his phenomenal vision. Not after everyone told me that Aragorn could act. Not after William Hurt got an Oscar nomination for roughly 2 minutes of screen time. I wasn't impressed. Don't get me wrong - the movie's interesting. Viggo's a former mobster who's tossed out his old life and moved to the midwest. He's married, has kids, owns a diner, basically "lives the American Dream" to quote Hurt. One day he thwarts a robbery, makes the national news, and the old Philly mob comes calling. Violence ensues. (You knew it was coming, it's in the title!) The thing is, it's not really anything new. Seriously. Split personality, where a calm, unassuming guy hides a mean killer? It's been done. Watch

how violence and killing can tear apart a family and a small town? It's been done (and quite well by movies like In the Bedroom). Will Tom be able to rebuild the shattered bonds of marriage and parenthood? You'll have to excuse me if I'm not on the edge of my seat. To quote from an IMDB troll (and I know exactly how weak that makes my next point), if this had starred Steven Seagal over a tagline of "This Time, They Messed With The Wrong Man," or had been directed by Uwe Bull or some other jackass, no one would think twice about this movie. But give it Hurt and Viggo and Cronenberg, have an awkward sex scene on the stairs, and suddenly all the stereotypes and clichéd plot devices become ironic and clever, and not just dumb. I'm not saying this movie was bad; but was it really this great and deep look at the long-term impacts of violence in small town America or whatever else people say? Absolutely not. But, in retrospect, I guess I shouldn't be surprised. It's entirely possible I just don't get Cronenberg. I mean, the man is responsible for that masterpiece of film-making: eXistenZ.



1/3: The Reason Why I'm More of a West Side Guy

East Village Cinemas
E. 12th St. @ 2nd Avenue
98 minutes

By ROBERTO REYES-GASKIN '09

After spending a whole morning and most of an afternoon confined to the belly of the law library, reading about whether there really is an affirmative duty to assist and the vagaries of subject matter jurisdiction, I caught an early screening of *1/3*, Yongman Kim's first venture into film direction (although he produced the 1996 Korean-language film, *Hak-Saeng Boo-Keun Shin-Wei* (Farewell, My Darling)). Korean-born Kim briefly attended NYU's own film school with Spike Lee and Ang Lee and then went on to found a successful chain of eponymous video retail stores, whose irreverent and often accusatory clerks have long been the subject of urban legend (including a time when your intrepid correspondent was accused of damaging the DVD of a Czech documentary on sex workers).

1/3 chronicles the epic, though sometimes tiresome, routines of a Buddhist monk with a satisfyingly elegant brow line who spends his days sketching passersby in Washington Square Park. He shares a squalid-chic apartment building with Letusia, a damaged

goods S&M prostitute with a Catholic schoolgirl getup. Their divergent lives—his of an isolated if stereotypical East Village aesthetic and hers of a girl with a small cadre of old and kinky johns—converge when an errant screw punctures through the drywall that separates their flats. They begin to secretly view each other in a series of vignettes accompanied by new age music for his Buddhist contemplation and ghoulish screams and rock music for her S&M encounters (which she typically dominates).

Biblical references abound, though I found them far too obvious at times. Much has been made of the on-location low-budget shooting in the East Village and (briefly) in Brooklyn. Yongman Kim revealed at a talk after the screening that the title refers to Dante Alighieri's *Inferno*, the 14th century Tuscan poet's romp through Hell where he liberally placed his fellow Florentines. While some of the Dante-esque motifs seem to beat you on the head, others are less clear (which surprised me, as I have read the whole *Divina Commedia* backwards and forwards in the Tuscan dialect).

NYU Announces Plan to Purchase 118 Million kWh of Wind Power—the Largest Purchase of any U.S. College or University

By JOHNATHAN SMITH

Recently, New York University announced that it would purchase approximately 118,000,000 kWh of wind power, which is equal to the amount of power that the University purchases from Con Edison. In a press release that the University sent out on October 5th, this purchase will “be the largest purchase of wind power by any U.S. college or university, according to the EPA's Green Power Partnership Program, the largest purchase of wind power by any institution in New York City, and the 11th largest purchase nationally.” The decision, which was publicly announced at a NYU University Senate meeting is only one part of a larger sustainability project, called the Green Action Plan (GAP) by Michael Alfano, NYU's executive vice president, who stated: “We are all familiar with

the increasing pressures from the burning of fossil fuels that risk our health, compromise our national security, and imperil the planet. This purchase of renewable energy, our pursuit of greater conservation, and the promise of a more sustainable campus are institutional responsibilities, consistent with our community's values and made more relevant by the Mayor's recent announcement of an ambitious environmental agenda for New York City, of which NYU wants to be a part. Cities and universities share an important characteristic - they are the places that draw in mankind to confront, contemplate, and address our most pressing challenges. It is in that spirit that we take this step.”

This is an exciting step, and we at the SBA welcome and approve of any steps taken by the University to combat inefficiencies in energy use at NYU. While this is a broad step taken

that will have repercussions throughout the university, including here at the law school, there are of course steps that we can take individually to make our campus greener. I am sure most, if not all, of us are guilty of keeping our laptops on unnecessarily long and of keeping lights on when they should have been turned off. By being conscientious of how we are using energy we can all do our own small part to make the campus greener.

Over the next year the SBA will be looking into ways in which the law school campus can take steps to make sure our campus is green and energy-efficient. We hope to work with faculty, student groups, and all other interested parties to take the steps we can to make NYU Law as efficient as possible. If you have suggestions please do not hesitate to contact me or your favorite SBA representative.

The Kindergarten Cops

By IAN SAMUEL '08

The law school's exam taking methods are foolish and ought to be changed.

For the 1Ls who do not yet know, or historians who are reading this to discover what a backward age we lived in, let me briefly describe this process to you. Before you are allowed to take your exams, you must install a piece of software called “ExamSoft.” This software is buggy and runs only on Windows. Its purpose is to ensure that you do not cheat by, for example, chatting on AIM with John Roberts during your Constitutional Law exam. To do this, it “locks” your entire computer, rendering your computer little more than an expensive, hot typewriter.

The use of clumsy “anti-cheating” software treats adult students in professional school as if they are no more trustworthy than a group of rambunctious nine-year-olds with jam on their faces. Other law schools simply use an honor code, the contents of which will be familiar to readers who attended college. At Chicago, students type their exams into any word processor they like and then, at the end of the exam period, they e-mail the professor the document. If prospective lawyers can't be trusted not to cheat on their exams, should they even be admitted to the bar?

ExamSoft is also a waste of money. The law school must purchase a license for every single user of the software. A little imagination would produce dozens of ways this money could be better spent. Two-ply toilet paper in the bathrooms, for example. Or a complimentary Pez dispenser for all incoming students. One way to use the money more usefully would be to fold the bills into paper airplanes and throw them out at the audience during events.

Worst of all, ExamSoft forces anyone with the good sense not to use Windows to either install it or fail out of law school. (It's unclear which is preferable.) Anyone whose laptop can't run Windows—older PowerPC-based Macs, for example—must waste money buying a new one. NYU wasting its own money is bad enough, but it takes a lot of nerve to waste the money of incoming students.

If we haven't already lost prospective students to peer schools that treat them like adults and don't force them to waste their money, we will soon. More and more college students use MacOS or Linux, and having an irrefutable presumption of dishonesty applied to oneself has never really been in style.



NYU recently announced that it will purchase approximately 118,000,000 KWh of wind power.

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Deborah Malamud, An-Bryce Professor of Law, NYU Law, moderating a panel including:

- David Martin, Warner-Booker Distinguished Professor of International Law, University of Virginia Law School
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- Hon. John M. Walker, Jr., Chief Judge, United States Court of Appeals for the Second Circuit

Keynote: Marcelo M. Suarez-Orozco, Courtney Sale Ross University Professor of Globalization and Education, NYU Steinhardt School of Education

Fall Ball. After Halloween.

DUMB

Write for *The Commentator*.

Defend Fall Ball. Or Halloween.