



# THE COMMENTATOR

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The Student Newspaper of the New York University School of Law

November 16, 2006

## NYU Law Dems: Philly Election Wiz's

**KIMBERLY NORTMAN '08**

Fourteen members of the NYU Law School Democrats (LawDems) traveled to Philadelphia this election day. They were going as volunteers for the Committee of Seventy's election protection efforts.

Election protection, an activity devoted to encouraging fair elections and protecting every citizen's right to vote, has become a hot issue since the Florida recount in the 2000 presidential election. Throughout the recount, concerns arose that citizens had been turned away from the polls.

"Sometimes citizens aren't allowed to cast their votes, just because a volunteer poll-worker may not understand the rights of the voter. Election protection helps to ensure that everyone who has a right to vote gets to cast that vote," said Colin Parent, former President of the LawDems.

Professional lawyers' associations have led election protection efforts, because lawyers are in a unique position to protect legal rights.

"Election protection provides law students with a rare opportunity to break out of our ivory tower of academia and ex-

perience first hand how our laws play out," said Justin Erlich, President of the LawDems. "Through our election protection efforts, we had the opportunity to see how voting issues are being dealt with on the ground."

Nonpartisan election protection groups, like the Committee of Seventy, do more than seek to protect each citizen's right to vote on election day. They also document the issues that arise at the polls, and they use that information to resolve those issues before the next election.

Some law students saw the trip to Philadelphia as a way to be involved in the election in a way that uniquely uses their skills and knowledge as attorneys-in-training.

"Primarily, I found it rewarding to contribute to the development of an infrastructure that might help increase voter confidence in the election system and maybe even turnout in subsequent elections," said Sarah Montgomery, a second year law student from Tennessee.

Others viewed their efforts as a way to contribute to the political process, despite the time constraints of law school.

"Having worked on the Kerry campaign in 2004, it's been

hard not being more involved in 2006," Erlich said. "It's such an important time in our country, so just being able to do something, no matter how small, makes you feel that you were part of it."

The LawDems traveled to Philadelphia because of the national spotlight on the Pennsylvania races.

"We went to Philadelphia so we could volunteer in a battleground area that had national import," Erlich said.

In addition to working a five hour shift, walking from polling station to polling station, the LawDems took the opportunity to learn about the history and culture of Philadelphia.

"My favorite part of the trip was proving to the rest of our group that a Philly cheesesteak is best ordered 'with wiz,'" said Parent.

Erlich, who had never experienced a Philly cheesesteak firsthand, learned the consequences of ordering with provolone the hard way.

"It didn't come melted, and that's when I realized that cheese wiz actually would taste better," Erlich continued. "But I couldn't bring myself to ask for it, so I had to ask my friend to get some wiz for me."

## Bahá'is in Iran & the SBA at NYU

**JOHNATHAN SMITH '07**

Several weeks ago the SBA passed a resolution, entitled: "A Resolution Denouncing the Denial of Higher Education to Bahá'is in Iran." This resolution, which criticized the Iranian's government policy of persecuting Bahá'is in Iran by denying them the opportunity to achieve higher education because of their religious faith, called for the NYU student body and administration to take a stand against this religious intolerance. (The full text of the resolution will be available on the SBA website shortly.)

Some have asked (and I have no doubt many more may be wondering), why the SBA would pass a resolution such as this. On the surface, it may appear that these issues have very little to do with life and issues at NYU School of

Law. However, I would like to suggest that in fact it does have to do with our community here in New York City. First, there are members of the NYU community who are either Bahá'is or who have family members or friends who identify with that religious tradition.

Second, as students who attend a very privileged university of higher learning we have an obligation to speak out against injustice. As Martin Luther King Jr. once wrote, "injustice anywhere is a threat to justice everywhere." Thus, the fact that there are people who are being denied an opportunity to further their education should concern us all.

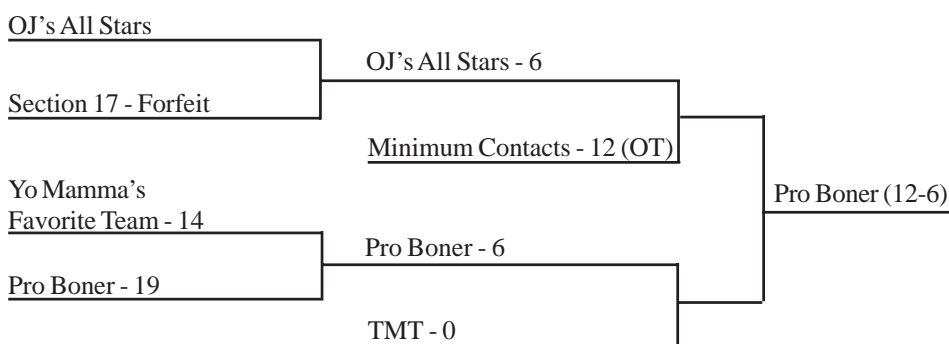
There is a good argument as to what effect our SBA resolution will actually have, but at least it is a first step in the right direction.



## Full Contact Playoff Results!!!

As ever, SLAP scores are approximate.

**First Round      Second Round      Championship**



## LC Final Standings

	Wins	Loss	Ties	Forf	TPD	TScore
Flag Burners	7	0	0	0	57	35.57
Little Lebowski Urban Achievers	6	1	0	0	120	31.2
Death Angel Punishment Massacre	6	1	0	0	108	31.08
Crow T Robot Likes Pizza on a Bagel	5	2	0	0	71	25.71
Red House	5	2	0	0	58	25.58
The Baby Choppers	5	2	0	0	50	25.5
Todres's Tortfeasors	5	2	0	0	36	25.36
The Real Balendras	5	2	0	0	31	25.31
Barely Legal	5	2	0	0	-11	24.89
The Testatrix	4	3	0	0	45	20.45
Section 4	4	3	0	0	37	20.37
Carla's Team	4	3	0	0	9	20.09
The Electric Mayhem	4	3	0	0	-18	19.82
Jones-Peacekeepers	4	3	0	0	-19	19.81
Joint Tortfeasors	3	4	0	0	-43	14.57
Crazy Naked Octopus	2	5	0	0	-	10
Law Talking Guys	2	5	0	0	-	10
Miller's Maniacs	2	5	0	1	-	5
Section 6	1	6	0	0	-	-

## SLAP Playoff Schedule

The final standings are in, and it's time for the playoffs! There were 6 two-loss teams tied for only 5 remaining playoff spots, so honorable mention goes to Barely Legal, who lost the tiebreaker.

Friday, November 17, 2006:

**QUARTERFINALS (2pm) (Refs needed)**

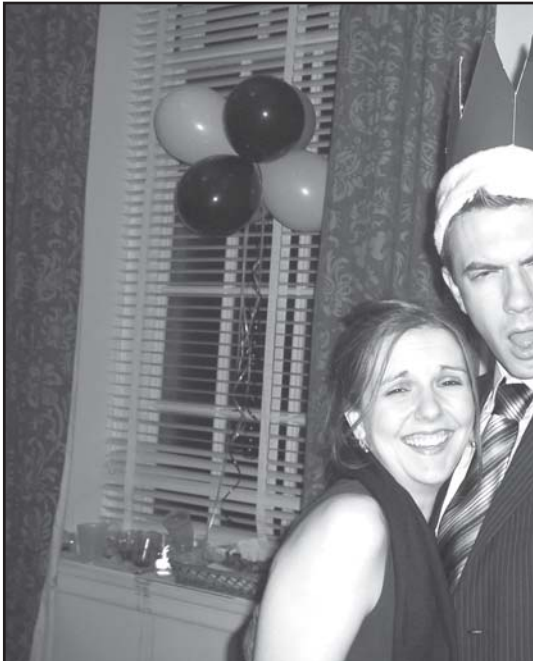
- #1 Flag Burners v. #8 The Real Balendras
- #2 Little Lebowski Urban Achievers v. #7 Todres's Tortfeasors
- #3 Death Angel Punishment Massacre v. #6 Baby Choppers
- #4 Crow T Robot Likes Pizza On A Bagel v. #5 Red House

**SEMIFINALS (3pm)**

- Winner of #1/#8 v. Winner of #4/5 (Refs: Losers of #2/7 and #3/6)
- Winner of #2/#7 v. Winner of #3/6 (Refs: Losers of #1/8 and #4/5)

**CHAMPIONSHIP (4pm) (Refs TBD)**





## THE COMMENTATOR

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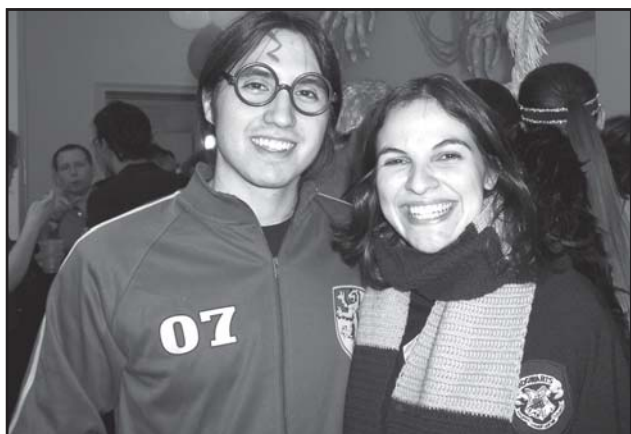
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## Fall Ba

Photos by Julia Fuma, Priscilla  
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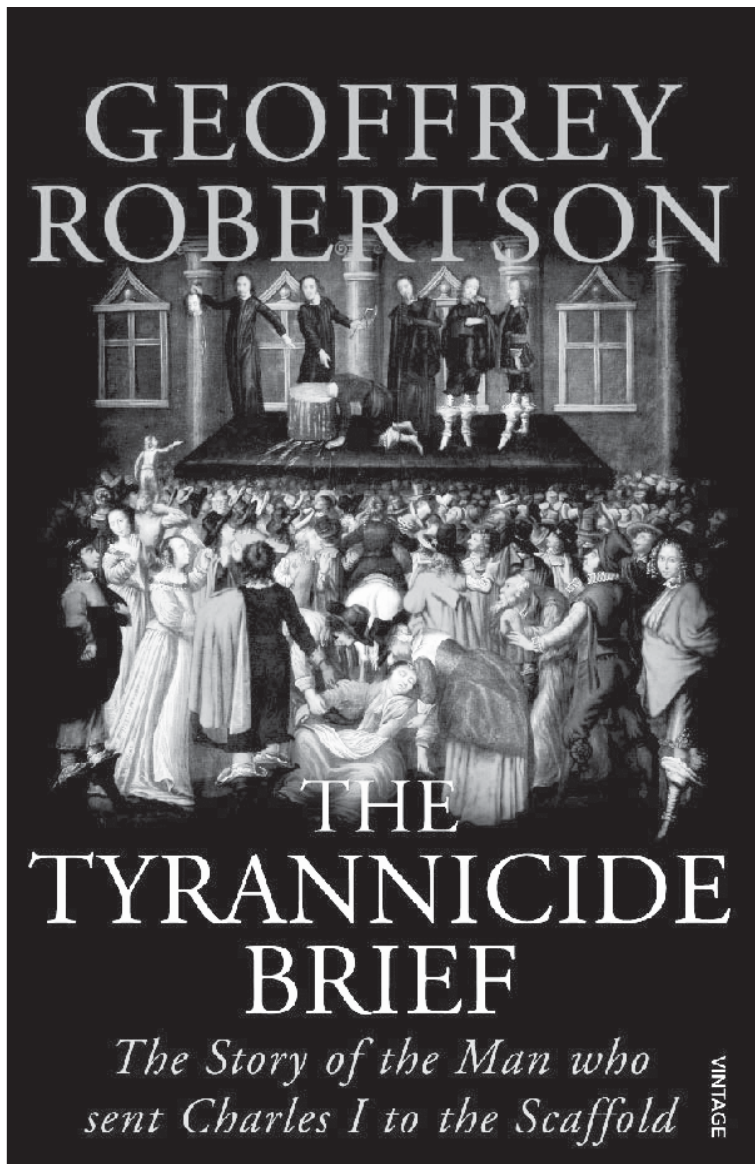


# all 2006

*...cilla Delgado, Daphne Shih, ...ani, and Deborah Fashakin*



# Rex v Rex



The *Tyrannicide Brief* tells the story of *Rex v. Rex*—a tale of treason, murder, tyranny, and Catholics.

By DEREK TOKAZ '08

Oyez! Oyez! Oyez! All manner of persons that have anything to do with British history, political science, or arcane legalisms, depart now and get this book.

Geoffrey Robertson's *The Tyrannicide Brief* tells the story of perhaps the most important trial in the Anglo-American legal tradition. *Palsgraf* and *Erie* pale in comparison, and even *Roe v. Wade* cannot stand up to the awesomeness that is *Rex v. Rex*. King Charles I stands trial for treason, murder, tolerating Catholics, and in general: tyranny. With Saddam having stood trial for similar charges and the rise of command responsibility issues at home, the relevance of Charles' trial is easy to see. But unlike with Saddam, at the time of Charles' capture, most of his enemies honestly intended to restore him to the throne under a constitutional monarchy with a more influential parliament.

Obviously such an odd and unprecedented case is going to present some tough and novel issues. The Magna Carta guarantees all Englishmen the right to trial by their peers, but by definition, the king is peerless. Parliament has a hard time claiming to have formed a legitimate court when the majority of MPs are locked up, in exile, or otherwise kept from voting, and the House of Lords isn't meeting at all. But, the legal difficulties are only the beginning of Parliament's troubles. In the aftermath of a second civil war, with a third looming on the horizon, lawyers and judges alike want little to do with the case. Charles could

be court-martialed as an enemy prisoner, and promptly executed by firing squad. But Parliament is uneasy about summarily disposing of the king this way. They want a full fledged criminal prosecution, open to the public, and complete with bifurcated proceedings for guilt and sentencing.

Thus we get our hero, John Cooke, a moderately successful puritan lawyer from humble beginnings with some radical ideas—we should get speedy trials, we shouldn't have to self-incriminate, and lawyers shouldn't work on Sundays. His dedication to pro bono work makes him our legal tradition's first instance of legal aid. But Cooke's role isn't to humiliate and harass the king in a trial where the outcome is predetermined. Years earlier Cooke had defended a top royalist charged with treason on grounds that while his acts were abhorrent, under English law treason is a crime committed against the king, and his client acted under the king's command, so treason was impossible. Cooke is serious about finding a solid legal position which overcomes the problem that *Rex is Rex*, and thus the king can do no (legal) wrong. Not everyone is convinced he can, and it's unclear what will happen if he fails, or even if he succeeds.

*The Tyrannicide Brief* follows Cooke's legal career from his days as a student, through the execution of Charles and the interregnum, to the restoration of Charles II. And, as you can imagine, Charles II is pissed off about what happened to Charles I.

## The Connections Between People

By YOURS TRULY

A hallmark of modern urban life is alienation. Affection between adults and children is discouraged. Children are expected to scornfully reject the values of their family instead of drawing strength and inspiration from their heritage. We marry and divorce as though we're playing musical chairs, and we change friends every time we change jobs or residences. We no longer bond; we "hang out," and when one friend or lover isn't available, then we just hang out with someone else. With so many relationships, whether romantic, familial, or friendly, reduced to mere diversions from the attention we put on careers and cable TV, what we lack in our everyday lives is a true and intense connection with another person.

The movies I tend to enjoy explore this alienation and the drive to break free of it. The *Ice Storm* and *American Beauty* address the disconnect between how families appear and how they actually are, how muddy and turbulent the waters are underneath the surface. In both, the families appear happy, bonded, and normal, but in truth, the characters are searching for something, anything, that brings them that in-

tensity, that bond, that they are not finding in the lives they have.

It is no accident that many of the characters in these films are searching for that intensity through sexual relationships. Sex is a visceral experience, the most intense physical pleasure we can experience, and, because of its intrinsic physical intimacy, is the easiest way to fake having emotional intimacy. The physical connection can, at the right time and with the right partner, be intense enough that we actually convince ourselves that emotional intimacy is present when, in fact, it is not.

Pursuing sex in hope that the sexual connection will lead to an emotional connection is the subject of Neil LaBute's *Your Friends and Neighbors*. LaBute isn't a director for everyone, and this in particular is a brutal, disturbing film. It is disgusting and appalling and, in my opinion, the most accurate description of modern human interaction and relationships that I've ever seen. The characters are alienated from themselves, from each other, and even from the audience; what was once a search for intimacy and connection degenerates into alienation so complete that the characters are completely unable to empathize, completely unable to recognize the pain they cause others, or themselves.

However, cinema that explores

alienation does not, as I recently and happily discovered, have to be so dark. *Me and You and Everyone We Know*, a film I saw for the first time last week, is ultimately about innocence. Where "Your Friends and Neighbors" shows us the infinite power people have to hurt one another, "Me and You and Everyone We Know" is about the ability of people to reach beyond their hurt and loneliness and truly, if only for a moment, connect with another person as a friend or as a lover. In a scene that I felt was written especially for me, a character detailing his fantasies about two teen girls ends his fantasy not with sex, but with holding them as they all fell asleep together. Sleep, not sex; intimacy, not orgasm; these were the components of his ultimate fantasy.

It is this connection for which I'm searching when I say that I seek out intensity. That connection, that bond—however momentary it might be—is the most powerful of human experiences. The links we form with other people are so often brief and meaningless. Even where we feel close with another, there is often so much of ourselves that we keep closed off and refuse to let another see. A true and lasting bond, the trust we must exchange in order to reveal our naked soul to another, is rarer than the unicorn. But there is, at times, the momentary closeness.

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