



the Commentator

The Student Newspaper of the New York University School of Law

Volume XLIV, Number 5

November 15, 2010

Public Financing Debated

By JOSEPH JEROME '11
MANAGING EDITOR

On Thursday, Nov. 4, the NYU Federalist Society intended to host a debate between William Maurer of the Institute for Justice and, as a last minute substitute, Mimi Murray Digby Marziani, of the Brennan Center, on the topic of the effects of public financing of elections on the First Amendment. While public financing has been constitutional since 1976, the current debate revolves around issues currently before the Supreme Court in *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, which asks whether the First Amendment prohibits states from providing additional government subsidies to publicly financed candidates. The subsidies in question are triggered by both independent expenditures against the candidates and fundraising levels reached by privately financed opponents. However, after Maurer made a strikingly flippant comment toward Marziani for filling in at the last moment, the debate ultimately centered around public financing as it relates to the current situation in Arizona.

"The beauty of a public financing is that it focuses on voters rather than donors," Marziani said, beginning the debate with an overview of the aims of public financing. She maintained that public financing was a potential tool to diminish corruption while simultaneously increasing voter participation and diversity of public officials by reducing the time and resources needed to constantly fundraise.

"Public financing is decidedly constitutional," she said, stressing that government can condition public financing in exchange for some limits on political rights.

However, Maurer suggested that the legal environment for public financing had changed in the wake of *Davis v. FEC*, wherein the Supreme Court invalidated the so-called "Millionaire's Amendment" to the McCain-Feingold Act. He suggested this decision reflected the Supreme Court's adoption of his own skeptical attitude toward the purported benefits of public financing. Marziani countered that *Davis* applied to a "different legal question in a different legal context," that is asymmetrical spending limits

outside of a public financing system. "Public financing and Arizona, by contrast, presents a different regulatory regime," she said. "We allow government to treat entities that have entered different regulatory regimes differently."

Maurer argued that elections are inherently different. "Elections are zero-sum games," he said, suggesting that any benefit conferred on one candidate is necessarily a detriment to any other. He proceeded to provide a cynical rundown of the "long and storied past" of public financing, taking issue with his opponent's suggestion that it could contribute to diversity. Instead, he argued, public financing was a boon to the two major political parties, funding convention "balloon drops" with tax dollars. "You know it is a fine day in the United States when both the Socialist Worker's Party and the Libertarians can both be against something," he said.

Maurer directed most of his criticism toward trigger mechanisms, which pump more money into publicly financed campaigns based on the level of money spent by the other side. "[They] are a catalyst which turns your speech into a benefit for your opponent," he argued. "I do the work and my opponent gets all the benefits — this is speech chilling." Triggering mechanisms necessarily produced less speech, he argued, because campaigns would spend less to avoid hitting triggers to benefit their opponents.

Maurer rejected the entire premise of the other side: "The public already voluntarily finances our elections," he said. "What they're talking about here is forcing people to contribute to candidates whom they do not agree with or, more likely, don't even care about." He questioned what the value of public financing if the end result is only "to save politicians from themselves" by replacing fundraising with tax dollars. "I realize this many not sound like a good argument after an election," he said, when voters are tired of advertisements, but lowering the high-cost of campaigns can only produce "less speech" in the form of fewer advertisements, books, pamphlets, and rallies. Ultimately, he argued, how could this be good for democracy?

See **DEBATE** page 8

NYU Law Students Help Challenge High School Suspensions and Develop Legal Skills

By CATHERINE BERRY '13
CONTRIBUTING WRITER

At least 10,000 students in New York City public schools face Superintendent Suspension hearings each year. While the consequences of these sanctions are severe — suspended students face anywhere from six days to one year outside their classroom — the vast majority of students attend their hearings unrepresented. NYU students founded the Suspension Representation Project (SRP) in 2007 to address this growing need. Now in its fourth year, SRP has recruited law students from NYU, Fordham, CUNY, Brooklyn Law School and Pace to successfully reduce and even overturn hundreds of suspensions a year. Currently most suspended students come to SRP through a referral by a New York City youth organization such as Advocates for Children or Bronx Legal Services. SRP is unique in its ability to take clients regardless of borough or socioeconomic status. Each client is then assigned two law students, one more experienced, who interview the client, assess his or her needs, and then represent him or her in the hearing.

One way to motivate a reverse in this pipeline is to disincentivize rubber stamp solutions. Spector and McNeil argue that you can discourage suspensions by increasing student empowerment. As more students receive support, more charges are reduced or dropped. Suspension, therefore, becomes less attractive as an easy solution. Spector and McNeil hope to make schools "think twice" before

they received the New York State Bar Association 2010 President's Pro Bono Service Award. In addition to the benefits SRP provides suspended public school students, it also gives law students a unique opportunity to develop client interview and oral advocacy skills. The program provides a two-hour training for all new students and all students are paired with a more experienced advocate and a 3L advisor.

stamp solutions to misbehavior. Director Brandi McNeil explains that these suspension hearings are connected to the even more serious school to prison pipeline. Problems that were once dealt with "in house" with a slap on the wrist are now leading to long suspensions or even a criminal charge.

Addressing suspensions is, of course, only one step in reversing the pipeline. Spector identifies neglected behavioral and emotional issues as one of the most severe deficiencies that schools are struggling with. Schools need a holistic way to address these issues, she continues, and fill the social services gap. SRP has been recognized in the past year for its significant contribution to the fight for student empowerment. In October, SRP received the Equal Justice Works Exemplary Public Service Award for a Student Group. This past May, they received the New York State Bar Association 2010 President's Pro Bono Service Award.



Last year's membership in the Suspension Representation Project happily work to keep overzealous school administrative discipline in check.

they received the New York State Bar Association 2010 President's Pro Bono Service Award. In addition to the benefits SRP provides suspended public school students, it also gives law students a unique opportunity to develop client interview and oral advocacy skills. The program provides a two-hour training for all new students and all students are paired with a more experienced advocate and a 3L advisor.

COMMENTATOR CANDID



Gerardo Gomez Galvis

The neon lights of Block Drug Store in the East Village glow at night.

Infra



Page 3: An election happened two weeks ago, so let's reflect on the winners and losers.

Page 6-7: The horrors of Fall Ball are laid out in pictorial form.



Page 8: Everyone enjoys a subjective list of the 10 best television episodes of the past decade.

It's Difficult to Rock the Vote When Voting Bureaucracy is Completely Inept

By MICHAEL MIX '11
EDITOR-IN-CHIEF

A few weeks ago in an issue of *The Commentator*, we ran an article in which a 1L writer recounted the difficulty he had faced in switching his registration in order to vote in time for the primary. When I read that article, I felt secure in knowing that I had registered to vote at my current address, and was all set to cast my ballot in the 2010 midterm election. Unfortunately, I soon found out how wrong I was.

I grew up in Connecticut, and I was registered there all through college. When I came to law school, I changed my registration to New York, and successfully voted in the 2008 presidential election. I later changed addresses and election districts, and I filed the requisite papers with the Department of Motor Vehicles in order to change my address. On the form, I checked off the box to change my voting information as well. I received my new license in the mail, and I assumed everything was all set to go in order to vote. As a law student, though, I should have known to never assume anything.

A few weeks ago, I typed my information into the New York state elections website, and found out that my name was not in the system. Confused, I typed in my old address, and found out that I was "not active" there. Basically, I had somehow fallen through the cracks in the system, not being eligible to vote at either address. I tried to register at that point, but I found out that the process took several weeks, too much time to vote before the election.

Frustrated, I still decided to attempt to vote, hoping that the website was wrong. Of course, it was absolutely correct and my name was not listed. As I could not vote, I had to fill out

As wonderfully put by Mr. Rosso, the ex-hippie guidance counselor in *Freaks and Geeks*, "You know what all my protesting accomplished in the '60s at Berkeley? 16 scars on my head from a teargas canister."

a provisional ballot and sign an affidavit saying that I should in fact be registered. I was not allowed to scan my ballot like everyone else; instead I had to give my ballot and affidavit to a poll worker, who would take care of it. Even though my vote should be counted in theory if

my affidavit is accepted, I would be shocked if it that actually occurs. I walked out of the polling center pretty disappointed in the

burdensome and evidently often ineffective. Furthermore, I know from my experiences in college that voting by absentee ballot

was full of political posts. Sure, there hasn't been the equivalent of the 1968 Democratic convention or some of the campus protests during the Vietnam War, but what did that accomplish? Richard Nixon was still elected twice and the Paris Peace Accords were not until 1973. As wonderfully put by Mr. Rosso, the ex-hippie guidance counselor in *Freaks and Geeks*, "You know what all my protesting accomplished in the '60s at Berkeley? 16 scars on my head from a teargas canister." The fact is that today's youth is just as involved, but in a different way.

Given that society should encourage this involvement of young people in politics, I think a possible solution to this registration/voting problem is for all states to adopt same-day voter registration. Ten states already have it in some form, and voter turnout is much higher in these states. This would prevent some of the common problems that many young people face while voting, and would keep youths interested and engaged in politics. It would also ensure that people like me stay positive about the democratic process and continue to try and vote in the future.

Comment

The Guy Behind The Guy Behind the Guy

democratic process.

I know that in the grand scheme of things, my experience wasn't that bad. There is still hope that my vote counted, and even if it did not, I am certainly not the first person to be thwarted by ineffective bureaucracy. Also, none of the major New York races were close, so it is not like my vote would have mattered that much anyway.

However, my experience is valuable in illustrating how the election registration process, as it currently stands, tremendously burdens young people, who are for more likely than older people to frequently change addresses. Changing one's registration is

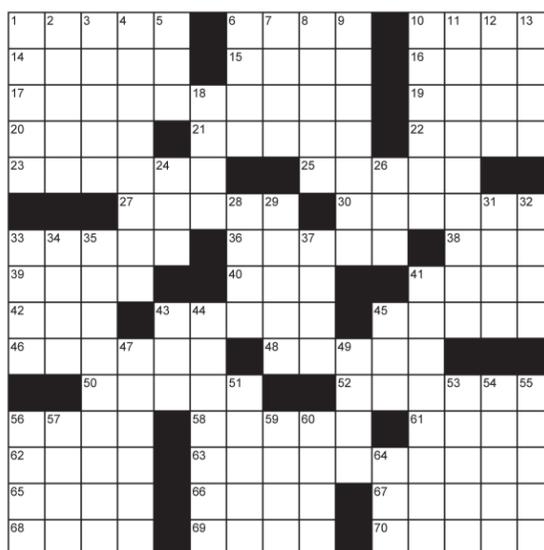
is equally troublesome; it often requires an exchange of way too many documents and requires one to purchase way too many stamps. Likewise, I often seriously doubted that my absentee ballot was ever counted.

Even though some baby boomers like to get on their high horse about how much more politically active young people were in the late 1960s and early 1970s, in actuality, young people are incredibly engaged in this day and age. Just look at the turnout for the Rally for Sanity a few weeks ago, or the role that young people played in the election of Barack Obama in 2008. On election night, my Facebook newsfeed

Commentator CROSSWORD

BY CHRIS ROBERTSON '11

SOLUTION ON PAGE 8



www.CrosswordWeaver.com

ACROSS

- 1 Music copyright grp.
- 6 Color Me ____
- 10 Put to no use
- 14 Armstrong and Diamond, or 53D, e.g.
- 15 Friend, in Marseille
- 16 Old Dodge
- 17 Abundant source
- 19 Old Dodge
- 20 What a baseball game cannot end in
- 21 Ewok home
- 22 Tributes
- 23 Bellowed
- 25 American ____
- 27 One in a gaggle
- 30 Bulls' home
- 33 Singer Joplin
- 36 American Top 40

personality

- 38 Before, poetically
- 39 Actor Bana
- 40 Ends of 17A, 63A, 11D, and 35D
- 41 Third-largest Norman city
- 42 Outfit
- 43 New-world flycatcher
- 45 Finales
- 46 White Russian component
- 48 Eddy
- 50 Hedron lead-in
- 52 Some sports cars
- 56 Couch
- 58 2004 Jude Law remake
- 61 Grandma ____

(Elaine's grandma on "Seinfeld")

- 62 River herring
- 63 Cover man
- 65 Scrabble piece
- 66 McCarthy's org.
- 67 Scottish Inner Hebrides isle
- 68 Gone
- 69 Ms. Krabappel
- 70 Fills

DOWN

- 1 Egyptian-Israeli Peace Treaty signer
- 2 Make certain of
- 3 Flagella counterparts
- 4 Hypersensitive to
- 5 Second afterthought
- 6 Were you raised in a ____?

- 7 Surrounded by
- 8 T. Rexes, e.g.
- 9 Break down
- 10 Like modern plumbing
- 11 Straight forward
- 12 Mythology
- 13 Tolkien talking trees
- 18 ____ Bear (Internet meme)
- 24 Aurora, once
- 26 Silent
- 28 Bias
- 29 Relaxes
- 31 Zone
- 32 ____ rea
- 33 Steve Martin vehicle, with "The"
- 34 Diva's solo
- 35 Day's end
- 37 Brain ____ (Green Day hit)
- 41 School that is vastly inferior to NYU
- 43 Call's opposite
- 44 Cold symptom, sometimes
- 45 ____-Magnon
- 47 Like illegal gasoline
- 49 Frozen drink
- 51 Spoken
- 53 "Styx" drummer
- 54 Event host
- 55 Rice wines
- 56 Grounded birds
- 57 Homeland of Taft and McKinley
- 59 "Nanny" Drescher
- 60 Cuzco resident, once
- 64 Off. linemen

thecommentator

The Student Newspaper of the New York University School of Law

Editor-in-Chief
Michael Mix '11

Managing Editor
Joseph Jerome '11

Associate Managing Editor
Stavan Desai '11

Staff Editors
Erika Anderson '11
Elyse Feuer '11
Terra Judge '12
Matthew Kelly '13

Staff Writers

- Farrell Brody '12
- Dennis Chanay '11
- Erica Iverson '11
- Ryan Kairalla '12
- Doug Martin '11
- Jennifer Rodriguez '11

Crossword Editor
Chris Robertson '11

Staff Photographer
Gerardo Gomez Galvis '12

The Commentator serves as a forum for news, opinions and ideas of members of the Law School community. The Editorial Board consists of the Editor-in-Chief and the Managing Editor. Only editorials and policies developed by the Editorial Board reflect the opinion of the Editorial Board. All other opinions expressed are those of the author and not necessarily those of *The Commentator*. *The Commentator* is issued on alternate Wednesdays during the academic year except during vacations and examination periods. Advertising rates are available on request. Subscriptions are also available at a rate of \$15 per year. Letters to the Editor should be sent to the following address, either on paper or via e-mail. All submissions become property of *The Commentator*.

240 Mercer Street
New York, NY 10012
212.998.6080 (phone)
law.commentator@nyu.edu

Eat, Read, Live: This is Why Everyone Should Study Abroad

By **DOUG MARTIN '11**
STAFF WRITER

FLORENCE, Italy — This semester I have the privilege of participating in the law school's exchange program with European University Institute in Florence, Italy, a graduate level institution whose unfortunate name belies its reputation and prominence in academia. The university has four departments, Law, Economics, Social and Political Science and History, and the law courses offered are often cross-listed with another department. The courses cover a range of subjects from Transnational Regulation to the Environmental Dimension of Human Rights. I am taking the latter, as well as courses on the Accommodating Cultural Diversity in Liberal Societies, the Transformation of War and Legal Issues in the Fight on Terrorism. These courses reflect my own interests of course, but there is really something for everyone.

However, as you might expect,

the academic aspect is rarely the sole reason to study abroad. While the work hours are similar to what one could have at NYU taking 12 credits (that is all they will allow me to take), the courses are structured much differently. Much less time is spent in the classroom itself, with more reading outside of class. While I have a good deal of reading for each course, I can read wherever and whenever I want. I only spend two hours per course per week in class. So while the time spent working is similar due to the greater reading load, I can spend more time wherever I want. My reading is often done on the train coming or going from some fantastic European destination. I'm writing this article while on a train to Rome.

Other aspects of academic life here are even more appealing. Some of the professors are familiar with the Socratic method, but none of mine employ it. This leads to some awkward silences at times when they ask questions no one will answer, but I can deal with it. Perhaps

most alluring is the fact that there are no exams. That's right, none. Most of the resident students are Ph.D. researchers, so there's no need. In most of my classes, I have

there is the travel. Florence is an amazing city in and of itself. If I went nowhere else while here, I could be perfectly content. But I generally explore Florence dur-

Nice, gambled in Monaco, drank at Oktoberfest in Munich, and in December I am visiting Paris and the Champagne region. Admittedly, much of this travel was done in September, since classes did not begin until October.

Studying abroad is pretty fantastic, but of course it is not for everyone. Missing out on my last season of SLAP football is just barely countered by the sunset views from the hills above Florence (where the villas of EUI reside). Many courses and clinics are only offered in the fall at NYU. Plus it is not cheap, but then again neither is New York. If you are a 3L right now, it is already too late for you anyway.

Nevertheless, for the rest of you, I definitely recommend it. Many other top-tier schools do not allow it (Chicago), or discourage it (Stanford). There are lots of other countries available besides Italy, and most of the schools give courses in English. The food probably will not be as good though.

Comment

Your Girl's Favorite Columnist

to give a small presentation at a time of my choosing and on a subject of my choice, but I would rather do that than take an exam any day. While I am sure that working on a dissertation is a lot of work, I still think that the resident researchers have it even better — most of them are only taking one or two courses, and do not have to give a presentation at all for credit.

Finally, as I mentioned before,

ing the week, and travel on my extended weekends (EUI has no classes on Friday or Monday). Within Italy, I have been to Venice, a chocolate festival in Perugia, Sicily (Palermo and Marsala, to be precise), the beaches of Viareggio and Monte Argentario, sailing around Elba, and by the time you read this Rome. Outside of Italy, I visited fellow NYUer Bryan Warner '11 in Amsterdam, sunbathed in

Midterm Mania: The Real Election Night Winners and Losers

By **DENNIS CHANAY '11**
STAFF WRITER

Week Old Election Coverage, dun-dun-duuuuuuuun. Rather than focus on individual candidates, I have decided to look at the "big picture" of winners and losers in this mid-term election cycle. Let's jump right into this.

Winner: *Republicans*
Loser: *Everybody Else*

The boring stuff comes first. The Republicans made historic gains in the House of Representatives and picked up a respectable number of seats in the Senate, while the Democrats received an old-fashioned "shellacking," a word that we all thought had gone out of style with the woodshed and pre-ironic handlebar mustache. Most importantly, the Tea Party did not seem to be an obstacle to Republican victory. There were only two races where the

Tea Party was seriously expected to split the right in the general election, Florida and Alaska. In Alaska, the Tea-Party candidate was defeated by a more mainstream, albeit write-in, Republican and in Florida the Tea-Party candidate soared to victory with the (R) next to his name.

On the losing side, when I say "everybody else," I mean exactly that. The Democrats are the most visible losers, but every other third-party that may actually stand for something beyond the never-ending pissing-

amounts to little more than "Great Taste!" vs. "Less Filling!" So, don't worry Democrats, you got a shot in 2012. Everybody else, go home and shut up.

Winner: *Hyper-Partisanship*
Loser: *"Non-Partisan" Rallies*

The loser of this match-up goes to "Non Partisan Rallies." First, we had the Rally to Restore Honor. Then we had the One Nation Rally. Finally, we had the Sanity/Fear Rally.

of reconciliation early, rather than declaring ourselves the only sane, non-radical, centrists and being left with this coming mess.

Winner: *Sensationalism*
Loser: *Voter Turnout*

This fits in directly with the preceding point. This election brought head-stomps, broken foot stomps, an unusually high amount of race baiting and, all-around, the kind of bad vibes that are hard to shake off in the short time before our President and new Congress have to begin governing together. Yet, despite all the sensational outrage and controversies, voter turnout was surprisingly lackluster. Coincidence?

Winner: *George W. Bush*
Loser: *The Coffee Party*

George W. Bush is going to sell a ton of freaking books. That is a fact. And I'm pretty sure it has something to do with the timing and sensationalism surrounding this election. The guy is going to make a lot of money and garner plenty of controlled, softball media coverage in the coming months. Is this a bad time for the ex-President to try to make his come back? Hell yes it is. With all this divisiveness the last thing we need is Bush in the picture right now. But, from his end, the point of his successor's greatest political weakness, it is a sly move.

As for the Coffee Party, do they even exist? Is this a myth? I feel another Church of the Spaghetti Monster coming on there and it is disappointing. Alternatives are good. If you ask me, whoever founded the movement first went wrong when they chose the name. It is just a bad play off of the Tea Party movement with no real meaning in its own right. It screams "I'm Against You." But that kind of sounds like "The Party of No?" Only in this case it is "The Party of Nah*sticks out tongue*." The Coffee Party folks need to go back to the drawing boards, that is, if there is a Coffee Party.

Winner/Loser: *All the Kooky candidates that the media wasted my time with*

I saved this one for last because it made me the angriest. Never before have I been barraged by so much news about candidates running in districts I have never set foot in. "The Rent is Too Damn High" Guy was great, he came, he shouted, YouTubers everywhere got some great source material; but Christine O'Donnell? Was that really necessary? Comparing how much of the media spotlight she received versus how badly she was trailing/eventually lost just baffles the mind. It all started with Bill Maher and fair enough. But the mainstream media really took the ball and ran with it in a way that seemed more like an unhealthy obsession than journalism to me.

Oh no! She hates masturbation! Oh no! She was a witch! I have never so much as ridden a bus through Delaware in my life. I may have never even flown over it. But the way she was covered you would think she was an early front-runner for the GOP Presidency nod. And despite the volume of coverage, in the end, the masturbation and the witchcraft are about the only two facts I know about the lady.

To conclude, I think this election stands out amongst the others this previous decade. There is always going to be division. But this time we talked past each other, around each other, about each other but never with each other. For one shining moment we were not a white America or a black America, a liberal or a conservative America. We were just an angry America, a dysfunctional family of a nation. Voices were loud but turnout was low. We bought into the inevitability of a showdown and created a self-fulfilling prophecy of craziness. Here's looking forward to 2012.

Comment

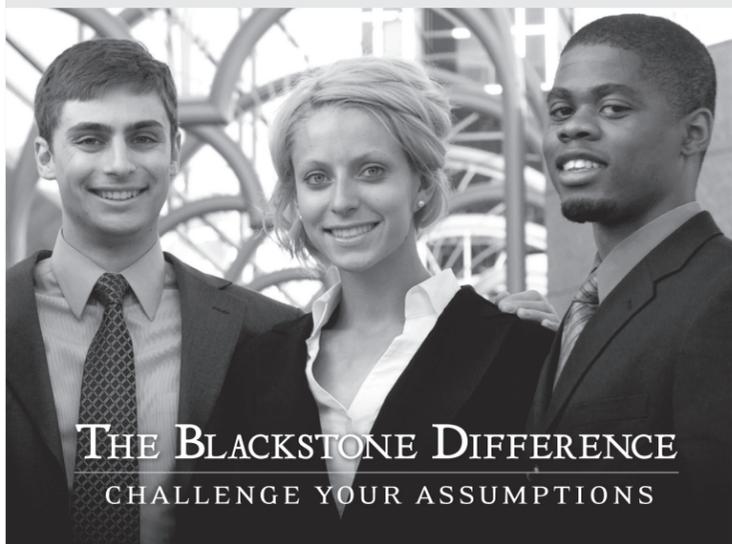
Full of Sound and Fury

match that we call a two-party system lost too. In the big scheme of things, the debate between our two parties

All three claimed to be non-partisan gatherings with great turnout and a mission to unite the nation. All three will also silently whisper in your ear that the other two were just a bunch of hyper-partisan loons whose rallies were around the size of a 75-year High-School reunion. But that is O.K. because deep down inside ... Wait a minute ...

Let's be honest, all of this stuff was partisan. I like going out to wide-open spaces with 100,000 strangers and waving signs around as much as the next guy, but usually when I do so I do it because I believe in something ... something non-lukewarm-ish. The minute the election is over we all dropped the charade.

The Republicans who picked up seats are even more hard-core right then the more established Republicans they will be joining. The Democrats who were voted out where some of the more moderate Democrats. We have talks of investigation, government shut-downs, show-downs, everything but hoe-downs and the new Congress has not even been sworn in yet. We are in for a rough two years folks. Maybe we should have all admitted our differences and started the dialogue



THE BLACKSTONE DIFFERENCE
CHALLENGE YOUR ASSUMPTIONS

The Blackstone Legal Fellowship is a leadership development program that uniquely integrates an intensive study of foundational first principles with a rigorous legal internship.

Blackstone graduates have consistently secured highly coveted positions with jurists, prestigious law firms, and key national organizations.

Those selected will be awarded a financial scholarship competitive with a paid internship.

Blackstone Legal Fellowship
AN ALLIANCE DEFENSE FUND MINISTRY
LEARN. LEAD. DEFEND.

BlackstoneLegalFellowship.org

Pictured: Blackstone Fellows 2009 - David S., Shannon R., Jaustin O.

MoMA P.S.1 Fair Celebrates the Hybrid Medium of the Art Book

By: JENNIFER RODRIGUEZ '11
STAFF WRITER

On Saturday, Nov. 6, MoMA P.S.1 appeared like any high school. Hundreds of people milled around the entrance. They chatted in clumps or spaced out on the steps. But inside, three levels of the former school building were transformed into a showcase for 280 art book publishers from around the world. This was the fifth annual New York Art Book Fair. It was presented by Printed Matter, Inc., a Chelsea-based artist publication shop and small press.

When I spoke with Printed Matter staffer Keith Gray about the inspiration for the Fair, he indicated that it came from sheer love of the art book form, which is unique among publications in its innovation and diversity. Artists wish to tailor the experience of their work through the physical presentation of the art book. Publishers help them do so. The result is a hybrid medium that manifests a blend of art, design, writing and marketing. In many cases, the finished art book is as inspiring as its content. As Gray put it, "The [art] book itself acts as an exhibition space."

Consider this: two large gems — one purple and one blue — were positioned on Tara Auerbach's table. Their faces were so close it looked like they might kiss. In front of me a young staffer picked up the display and, with medical nonchalance, folded it in half. The gems collapsed. Then she opened it slowly, and the gems ballooned again, uninjured.

This was one spread in Auerbach's limited edition pop-up book, published by Printed Matter. The collection of paper sculptures was a feat of engineering and aesthetics. Looking at it made it easy to understand Auerbach's reputation as a master of optical illusion art, or op-art.

Other publishers made simpler but equally elegant adjustments to the bound book. In *Stolen Lands*, published by Montreal-based publisher Anteism, each page was an envelope that contained a removable art print. Stockholm-based Raketa produced a zine.

Variety was found not only in the books themselves but among the artists who attended the event. Celebrities and up-and-comers stood at their publishers' tables and hobnobbed with fans.

Spencer Sweeney took up a position on the third floor of P.S.1. There the Manhattan artist, DJ and club-owner found his biggest fan in the form of a small girl. Her name was Gigi. She was six years-old. Whether she was attracted by the multi-colored balloons that floated above Sweeney's table, or by the man himself in a leather jacket with a pencil stuck through his impromptu bun, or by an innate appreciation for De Kooning-esque line drawings is unknown. Suffice to say the bright smile below her blond bangs lit up the room. Rather than autograph Gigi's copy of *The End of the Rainbow*, Sweeney drew her portrait in rainbow crayon. When he handed it to her, she uttered a singular word: "Pretty?"

The Fair provided an oppor-

tunity for lesser-known artists to present their work to a broad and influential audience. Photographer Jan Kempanaers came from Belgium to sign copies of *Spomenik: The End of History*, distributed by Roma Publications. When I approached him he apologized that he could not show me his photographs of Communist monuments. His book was sold out. He bumbled a bit, and then pulled a picture from his wallet and handed me a card. "The school provided it," he said, referring to the University College of Ghent where he is on the Fine Arts Faculty. With some dejection, he added, "It looks like the card of an insurance man." I suggested, rather, a dentist, and we shared a smile. We'll see what this year's Fair exposure will do for next year's cards.

It would be impossible to review this event without mentioning the magazine producers. Art journalists have always enjoyed a complex and essential role within the art world, where they are critics, sycophants, voyeurs and above all guardians at the gates of notoriety.

In 2000, the Brooklyn-based magazine *Cabinet* was launched because its founders wanted to take control of international discourse. "We started *Cabinet* because we were bored with other art magazines," said Sina Najafi, Editor-in-Chief and Co-founder. "[Other magazines] weren't interested enough in what artists were interested in—the background, what's up on the walls in the artist's studio..." In Najafi's view, a spectator will have a stronger appreciation for art if he grasps the physical and

mental labor that went into its creation. He expressed this sentiment with a comparison. "If we knew how our toasters were made," he said, "we wouldn't be so quick to throw them out when they malfunctioned."

The comparison of art to a utilitarian object says something about Najafi's own feelings on the underlying importance of art to society, and the value in understanding a class of creation often viewed as frivolous. Indeed, Najafi's point-of-view added a sincere and serious tone to the weekend's production.

The atmosphere at Dutch magazine *Metropolis M* was celebratory. This may have had something to do with the fact that the Netherlands was the Featured Country at the Fair. According to writer Moosje Goosen, a group of students started *Metropolis M* in 2000 to give representation to the Dutch artists, who

they felt weren't getting exposure in international art magazines. Goosen beamed at the magazine's progress. "In 2000, you would be happy if you wrote an article and they sent you a copy for yourself," she said, noting early financial struggles.

"Now we're here in the New York Art Book Fair, and the Netherlands is the Featured Country!" She went on to mention that *Metropolis M* is one of the most-read magazines in the Netherlands, and that it is known for its design as well as its content. She didn't shy from some well-deserved bragging when she added, "Americans like it even though they don't read Dutch."

Overall, the weekend's education in art book publishing was enlightening. The most inspiring thing about this year's New York Art Book Fair was Printed Matter's continuing commitment to diversity of expression. The Fair was truly an industry-wide show-and-tell in which small publishers, glossy institutions and artists of all stripes were able to show off the fruits of their efforts and tell their personal stories. The result was that each table contained a surprise. The only sure thing was that true love for the publication form reigned among the vendors, exhibitors and "students" drinking wine in the hallways. Cheers!



Street Smart: A Candid Interview with the Artist Duo Faile

By: JENNIFER RODRIGUEZ '11
STAFF WRITER

Faile is the name of the Brooklyn-based street artist team Patrick Miller and Patrick McNeil. Their most recent exhibit, "Bedtime Stories," opened on Nov. 4 at Perry Rubenstein Gallery in Chelsea. The opening commemorated 10 years of collaboration. During these years, Faile have gone from obscure street artists to some of the most respected artists in their genre. Their work has expanded from midnight paintings on urban walls across the globe to include studio-produced installations and even state-sanctioned work in Portugal on temple ruins. In addition, Faile has participated in the Underbelly Project — a collaborative project among the global street artist network. It is a massive, secret and illegal installation housed in an abandoned New York subway station. New York City officials do not yet know where it is, as only a handful of bloggers and editors have been given access to the location.

You have been together for 10 years. Can you describe a memorable moment during your collaboration, either a favorite project or a major inspiration? What was the point when you realized your work was gaining momentum and recognition?

In 10 years, there have been several memorable moments. Many late nights roaming foreign cities putting

up work come to mind. I would say working on the "Separation Wall" in Palestine was a vivid moment. The Faile Boxers image on that platform brought a new meaning to the work, not only as an art piece on the Palestinian side but as a symbol from a worldwide perspective as images moved through the press and other media.

In addition to the above, exhibiting at the Tate Modern in London was certainly a huge honor and was a moment when you pinch yourself and think how far we've come.

In putting your work in public, you let go of control over the audience's experience of it, and you expose people to it who may not know anything about art. What kinds of feedback do you get? Do people ever have reactions that surprise you?

Yes, that's always been a part of the work. I think it's one of the best qualities of Street Art, that the viewer can stumble across work when they don't have their guard up. Galleries or museums tend to put the viewer in a frame of reference to process art

on a certain level; where work on the street can connect with you in a very immediate and profound way. There are many who tell us how they fall in love with an image that reminds them of a time in their life where they would see it every day on their

way home. It's just a simple moment but that connection to the work is so natural and unintended that it becomes quite meaningful.

After working on "Temple" in Portugal, do you aspire to work on the Rome ruins or the South American pyramids? Where is your dream site?

The Temple will always feel at home in Lisbon as it inspired the project completely. I think we have a Monument Valley inspiration at the moment. I'll leave it at that. For us, there's so much inspiration from these objects, architecture, cultural and sacred artifacts. The research process lends itself to many new ideas and aesthetics. We try to embrace and mix together these cultural elements in our work. Detroit is sounding more and more like a dream site lately.

How did you come to work on the Underbelly Project? Describe the conditions down there.

Did the environment present challenges? Were you ever scared for your safety? How did it feel to get the chance to work on this project with so many other street artists?

We were invited to be a part of the Underbelly project, it sounded amazing and that was all we needed. It's a strange, silent, pitch-black place stuck in time, there are a lot of particles in the air; it feels both dirty and clean. I don't know about being scared. There's always a level of anticipation and adrenaline when you do these things. Maybe you keep a few quarters in the pocket just in case you need to make a call. Getting in and out were certainly a challenge but to be a part of such an amazing exhibition was well worth it. I only hope the city embraces it and it quietly lives there for many years to come.

Let's talk about women. Your posters have featured two women kissing, with the words "No change my heart shall fear" below; another poster said "Faile supports single moms" — not to mention the gorgeous representations of female nudes. Would you call yourselves feminists? Also, what do you find sexy?

Women have always been one of the most classic and celebrated subjects in art history. We only hope to continue that tradition. Women are certainly mysterious and inspiring to us. I don't know about feminists

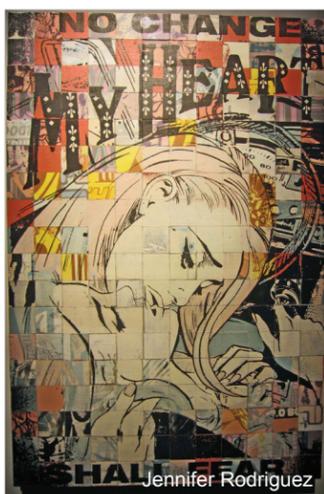
per se but we've definitely grown up with very strong women in our lives. What do we find sexy? ... Our wives.

What music inspires you? Do you have any favorite bands?

Music is a huge part of our time in the studio. Honestly, so much plays here that it's hard to pin any one thing down. To name a few: Radiohead, Paul Simon, Bob Marley, Arcade Fire, Van Halen, Art Blakey, the Beatles, Blind Melon, Devendra Banhart, Flaming Lips, Johnny Cash, Liars, Black Keys, Prince ... Working with Seth Jabour from Le Savvy Fav to create the music for the Deluxx Fluxx shows was a lot of fun. It's really great to bring that element to the work in a way that can sonically support the aesthetic.

You've had some interesting collaborations, such as those with Comme des Garçons and Duran Duran. Who would you like to collaborate with in the future?

In the early years of Faile, commercial collaborations helped but it was never really a strong interest of ours. More of a means to an end, which was focusing on fine art. That being said, we are certainly adept at collaboration. Musicians, writers and other types of artists are great to work with. Even a chance to work with the theatre could be really amazing. We're pretty open to new challenges, and collaborations offer great opportunities.



Jennifer Rodriguez

NYU Law SLAP Flag Football Standings as of November 11

Team	Record	Point Differential Per Game
Sack Lunch	6-0-0	26.0
In re: Dicolous	7-0-0	14.4
Prima Facial	5-0-0	13.8
Cunning Litigants	5-0-1	7.8
Cade's Cadets	6-1-0	15.8
The Cupcakes	6-1-0	9.2
Bob Loblaw's Law Blogs	5-1-0	11.3
Back that Pass Up	5-1-0	11.3
Uncivil Procedure	4-1-0	14.0
Dicta in a Box	4-1-1	10.4
Shock & Law	4-2-0	9.3
The Unstoppables	4-2-0	-1.0
Krypton Krew	4-3-0	-8.3
Trespass on the Face	2-2-1	2.3
Charg'rs	3-3-1	-11.3
Uno Ballers	3-4-0	-4.0
The Laidlaw Bombers	3-4-0	-13.0
Team John Wicker	2-3-0	1.0
Lynn Lu's High Rollers	2-4-0	0
APALSA	2-4-0	-11.7
Tall Boys	2-4-0	-27.3
International Cleat	2-5-0	-5.5
Offensive Batteries	2-5-0	-8.7
Minimum Contacts	2-5-0	-13.8
The Return of Betsey's Ballers	1-4-1	-10.0
Revenge of the FSA	1-5-1	-16.5
FSA	1-5-0	-22.3
Hung Jury	0-4-0	-29.5
The Texitants	0-5-0	-33.0
The Trannies	0-6-0	-39.7
Tintolating	0-4-0	-42.5



Stavan Desai



Stavan Desai



LUCKILY THE GM COLLEGE DISCOUNT DOESN'T.



In fact, it's the best college discount from any car company,¹ and can save you hundreds — even thousands — on a new Chevrolet², Buick or GMC. If you're in college, a grad program or even if you're a recent grad, take advantage of this discount today and get a great deal on a new ride to call your own. Check it out:



	2010 Chevrolet Camaro LS (Discount Example)
MSRP (sticker price on vehicle)	\$ 23,855.00
Preferred Pricing ³	\$ 23,330.24
Your Discount	\$ 524.76



	2010 GMC Terrain SLE FWD (Discount Example)
MSRP (sticker price on vehicle)	\$ 24,995.00
Preferred Pricing ³	\$ 24,208.95
Your Discount	\$ 786.05

Don't forget... you can also combine your discount with most current incentives.

Discover your discount today at gmcollegediscout.com/NYUlaw

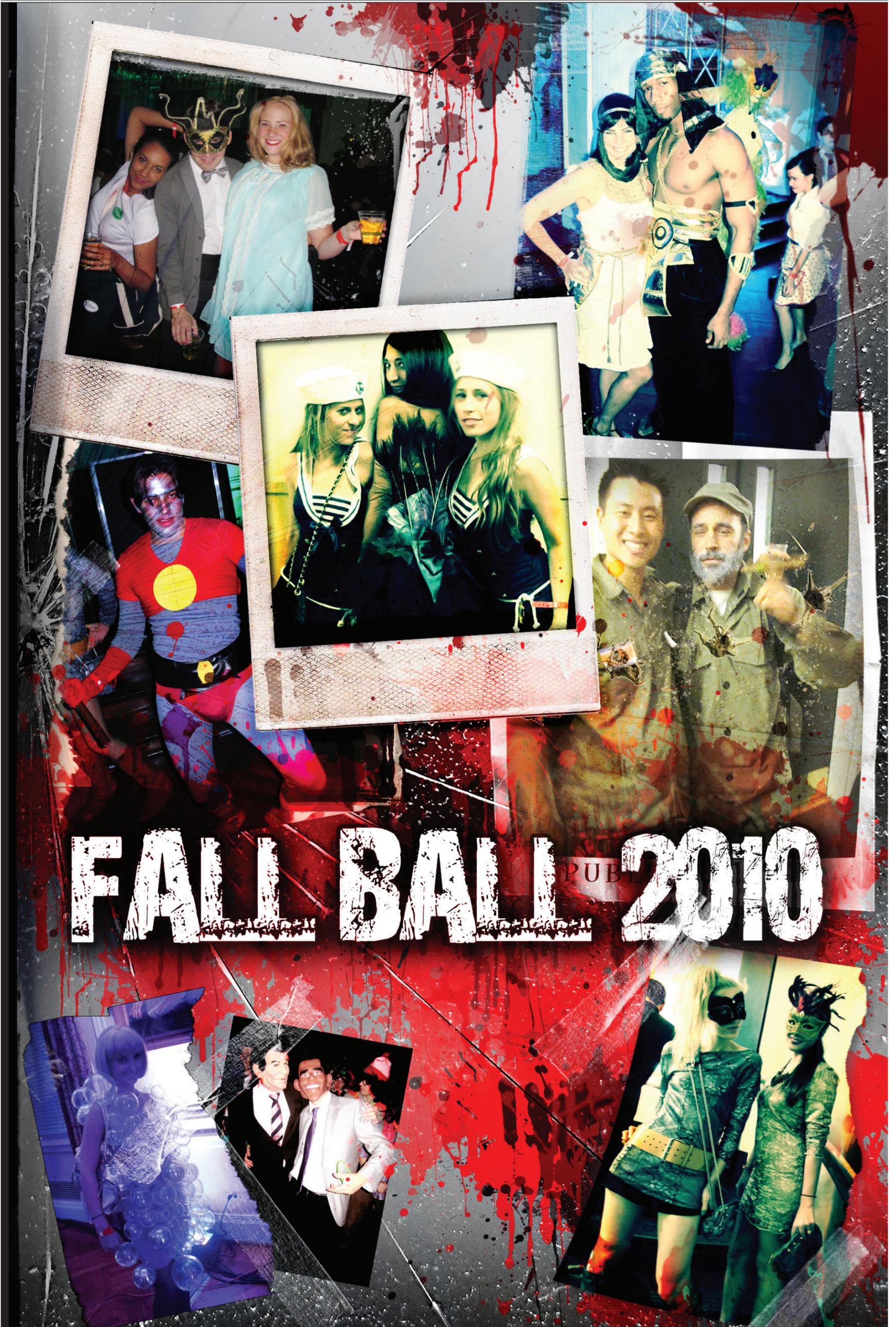


¹ Eligible participants for the GM College Discount include college students (from any two- or four-year school), recent graduates who have graduated no more than two years ago, and current nursing school and graduate students. ² Excludes Chevrolet Volt. ³ Tax, title, license, dealer fees and optional equipment extra. See dealer for details. The marks of General Motors, its divisions, slogans, emblems, vehicle model names, vehicle body designs and other marks appearing in this advertisement are the trademarks and/or service marks of General Motors, its subsidiaries, affiliates or licensors. ©2010 General Motors. Buckle up, America!



Snapshots courtesy of
Dan Ernst
Gerardo Gomez Galvis
Jennifer Rodriguez
JLP

Spread by Joseph Jerome



FALL BALL PUB 2010

The Top-10 Episodes of the Past Decade, Because I Feel Like It

By MICHAEL MIX '11
EDITOR-IN-CHIEF

I will admit, there is absolutely no reason for me to write this article about my favorite TV episodes except for the fact that I randomly started thinking about it a few days ago, and I thought it would make for a pretty interesting article, especially because we all know that everybody loves lists. So here it is: my list of the 10 best episodes of television in the last 10 years. The ground rules: 1) The episode must have aired after 2000 (because I am not as well-versed in pre-2000s TV as 2000s TV); 2)



I can only include one episode of a specific series; and 3) Spoiler alert!

10. Parks and Recreation, "Ron and Tammy" (Original Air Date: Nov. 5, 2009) — Last year I documented my love for the excellent but little-watched *Parks*, and I think this episode best exemplifies its amazing second season. Ron Swanson (Nick Offerman), the head of the Parks Department, is the show's funniest character, mostly because of his virulently anti-government attitude and his irrational love of breakfast food. In this episode, he reconnects with his crazy ex-wife Tammy (Megan Mullally), whom he hates with a passion, but he cannot stop himself from having sex with. The episode also contains a hilarious running gag about how everyone in the Parks Department hates the library, where Tammy happens to work.



9. Malcolm in the Middle, "Bowling" (Original Air Date: Apr. 1, 2001) — Yep, that is right, I chose an episode of *Malcolm*, a much-forgotten show. But everyone forgets that *Malcolm* was ahead

of its time as a single-camera, laugh-track-free network sitcom. "Bowling" epitomized its progressive nature; we see how Malcolm's night would end up differently depending on which of his parents took him bowling, complete with split screens. This kind of gimmick would be right at home with many contemporary sitcoms, but nine years ago this sort of thing was brand new, and equally hilarious.

8. 24, "Day 1, 11:00 p.m. – 12:00 a.m." (Original Air Date: May 21, 2002) — This episode doesn't really stand out at all except for the final scene, which is in my opinion is the most shocking twist in the history of television (I won't spoil it). That twist proved that 24 would do anything, and that no character was safe from elimination. It also set the dark tone for the rest of the series, as we see Jack Bauer's (Kiefer Sutherland) descent into deeper despair.

7. Breaking Bad, "Grilled" (Original Air Date: Mar. 15, 2009) — This is possibly the most suspenseful hour of television I have ever witnessed. After being captured by crazy crystal meth

kingpin Tuco (Raymond Cruz), Walt (Bryan Cranston) and Jesse (Aaron Paul) must find a way to escape. The catch is that Tuco brings them to an old house with Tuco's senile uncle,

who communicates by ringing a bell. The result is a number of Tarantino-esque scenes that ratchet the tension up to 11. Never before has a bell been so scary.

6. South Park, "Best Friends Forever" (Original Air Date: Mar. 30, 2005) — This probably isn't the funniest or most perverted *South Park*, as those honors probably go to the classic "Scott Tenorman Must Die." But *South Park* is renowned both for its comedy and for its take on current events. Because of its short production schedule, it is perhaps the timeliest scripted show on television, though nowadays, the show's commentary seems a little forced. *South Park* also usually does a great job of portraying a group of juvenile, male friends, complete with insults and infighting. "Best Friends Forever" effortlessly blends those two elements as it offers a criticism of the media's handling of the Terry Schiavo controversy along with a surprisingly touching story about Kyle, Stan and

Cartman's disparate reactions to Kenny being kept on life support. The episode expertly paints the two sides of the debate, as Stan and Kyle want Kenny to live for the right reasons (because they are his friends) but Cartman wants him to die for the wrong reasons (because Kenny's will leaves Kenny's Sony PSP to Cartman).

5. Freaks and Geeks, "The Garage Door" (Original Air Date: Mar. 13, 2000) — My favorite *Freaks and Geeks* episode, "Beers and Weirs," unfortunately originally aired in 1999, so I went with this one instead. It was still difficult to choose, as almost every *Freaks and Geeks* episode is a classic in its own right. But I like "The Garage Door" because it is a rare episode of the show where the geeks' story ends with pathos, rather than just normal comedy. The episode revolves around the aftermath of Sam (John Francis Daley) accidentally finding out that Neal's (Samm Levine) father is having an affair, leading to Neal's discovery of a rogue garage door opener in his dad's car. The boys'

long search for the garage it opens is perfectly executed, and illustrates the bildungsroman theme that the show had been building to all season. This episode is also one of two where the freak plot revolves around Ken (Seth Rogen) instead of Daniel (James Franco) or Nick (Jason Segal). His courtship of band geek Amy is a nice moment of development for the normally sarcastic and unemotional Ken.

4. Lost, "The Incident" (Original Air Date: May 13, 2009) — I really, really like "Greatest Hits," but ultimately I had to choose *Lost's* Season 5 finale over Charlie's redemption. The amount of things that actually happen in this episode is staggering, but the most interesting aspect of the episode is the reveal of Jacob and the Man in Black in the opening minutes, which led to about nine months of deconstruction and speculation. The episode is also a standout for Sawyer (Josh Holloway), who was really the star of that season. Holloway proved in this episode that he was definitely



the third-best actor in the show, behind Michael Emerson and Terry O'Quinn, and his intensity during the scene where he is trying to prevent Juliet from falling into the hole should have garnered him an Emmy.

3. Mad Men, "The Wheel" (Original Air Date: Oct. 18, 2007) — When I think of Don Draper (Jon Hamm), the first thing that pops into my head is the "Carousel" pitch to Kodak during this episode, and it is justifiably probably the show's most famous scene. That amazing monologue in that scene is perfectly

delivered by Hamm, and expertly illustrates the deepening void between Don and his family.

2. Arrested Development, "Pier Pressure" (Original Air Date: Jan. 11, 2004) — This episode epitomized *Arrested* at its madcap best. The whole J. Walter Weatherman plot is ridiculously absurd (that the one-armed Weatherman fakes losing an arm to teach kids lessons), and dovetails wonderfully with Michael's (Jason Bateman) consternation at the potential of his son George Michael (Michael Cera) doing drugs. Add to that the "Hot Cops," who are a group of strippers pretending to be cops, and you have one of the funniest episodes of all time. I have seen this episode numerous times, but when Job (Will Arnett) says to George Michael, "George Michael, let's deal some drugs," I always crack up.

1. The Sopranos, "Funhouse" (Original Air Date: Apr. 9, 2000) — I don't know how to adequately describe what makes the Season 2 finale so great. The episode is a de-

constructionist's favorite, as Tony Soprano (James Gandolfini) suffers food poisoning and has a fever dream where a talking fish tells him that one of his

best friends, Big Pussy (Vincent Pastore), has been talking to the Feds, a fact which Tony should have known but had not yet put together. The subsequent scene on Tony's boat where he, Silvio (Steven Van Zandt) and Paulie Walnuts (Tony Sirico) confronts Pussy is one of the series' saddest and best-acted moments. The entire episode is a masterpiece from beginning to end, and the bold decision to include a talking fish as a major plot point just adds to the episode's mystique. Seriously, if you watch one *Sopranos* episode, make it this one.

DEBATE: Experts Discuss Chilling Effect

Continued from page 1

He then turned to debunking Marziani's suggested benefits. He noted in Arizona, for example, that half the voters were ignorant of the public financing system, that incumbency had not decreased, and that legislative polarization had increased. Public financing, he argued, encourages "crazies" to run. "I would argue that Arizona's [controversial] immigration law is the direct result of 'clean elections,'" he said. He could not help put plug his small government bona fides. "Public financing ultimately treats a symptom — corruption, but not the disease, which is government that is too big or doing too much," he said as he sat down. Marziani dismissed the way Maurer

equated the "many, many problems with our political system writ large" with misleading information about public financing. "It's a strange claim to say public financing doesn't let people into the system," she said. "How is it also letting in the 'crazies?'" According to Marziani, there was simply no evidence that public financing limits speech in any way, either nationally or in the current situation in Arizona. Marziani was very concerned that Maurer's position equated money with speech in an electoral context. Maurer had pointed to President Eisenhower and Eugene McCarthy as candidates supported by large amounts of money by a small donor base, and Marziani cautioned against correlating public support with fundraising prowess. The two went back and forth as to what

system was more conducive to allowing counter-productive fringe viewpoints into the political forum. "[Public financing in Arizona] is supporting people claiming their opponents are shape-shifting lizards," Maurer concluded. "I am not claiming public financing can save Arizona," Marziani shot back. The audience largely supported Marziani's point of view, which led to a question-and-answer session dominated by Maurer with Marziani serving as the audience's cheerleader. When confronted with question after question suggesting public financing, for better or worse, was best left in the hands of a political body like state legislatures, Maurer was left repeating the following refrain: "This is different because speech is different. It's the First Amendment."

Commentator CROSSWORD Solution

S	E	L	V	S		V	A	N	D	E		D	T	O	S
E	R	E		T	I	R	C	H				E	L	L	
K		B	A	R		N	E	R	C			D	H	S	
V		M	E		M		E	I		A	L	F	A		S
S	E	P		O		C				V	A		T	E	
				L		R		I		S		V	L	H	K
S	V		D	O		C		E		E		P	E	G	R
N			C	A		V				S		T	E	S	E
R	E					M		S		E		K	A	S	J
M			H	R		A		D		S		E	O	G	
			V			O		A		M		S			R
S			O			D		R		O		N		E	A
T			D			V				G		N		P	W
N			N			E				I		A		S	N
L			I			D				B		A		P	A