



Panelists Square Off on Abortion, Contraception at Women's Issues Forum

"Sex at the Polls" Debate Focuses on Social Issues Heading into Election

By **STEPHANIE BAZELL '13**
CONTRIBUTING WRITER

The panel "Sex at the Polls: Women's Issues for 2012" began with the intention of covering all the ways in which women were to be affected by the upcoming presidential election, but quickly became a debate solely on abortion and contraception. Professor Cynthia Estlund moderated the debate among Faye Wattleton, former president of Planned Parenthood; Lois Uttley, co-founder of Raising Women's Voices and president of the Public Health Association of New York; Christina Hoff Sommers, conservative scholar at the American Enterprise Institute, and Jill Filipovic, an NYU '08 graduate and founder of the blog Feministe.

Professor Estlund opened by asking both what was the most important women's issue in the current political season, and within that season if something had particularly surprised the panelists. Ms. Filipovic set the tone by stating, "This political season I've been particularly shocked and frustrated and appalled with the continued focus and politicization of woman's bodies." She went on to describe issues of contraception and abortion as ways to push back on the gains made by feminists over the past 50 years. Ms. Estlund paused to note that some panelists would agree and others would disagree.

Ms. Hoff Sommers, who is known for her book *The War Against Boys: How Misguided Feminism is Harming our Young Men*, unsurprisingly did not agree with Ms. Filipovic's statements. She added women are concerned in this election by the same thing men are: the economy. She noted her disapproval of the Obama administration's mandate on Catholic institutions to provide healthcare.

Ms. Uttley, who directs the organization MergerWatch that works to protect contraceptive rights when public hospitals merge with Catholic institutions, seemed prepared for such a comment. "I'm afraid that a lot of people who are talking about this controversy have forgotten about healthcare for the 98 percent. Why do I say 98 as oppose to 99? Because 98 is the percentage of Catholic women who use contraception."

After a train delay Ms. Wattleton arrived and remarked that her surprise was the Obama administration's "flagrant" political maneuvering in overturning

the FDA decision on Plan B.

At this point the themes of the debate had begun to emerge. There was the question of the likely trajectory of the reproductive movement, the nature of the anti-contraception movement on the Right, along with some discussion of the legitimacy of a mandate on Catholic churches to provide contraceptive services.

The question of where the reproductive rights movement was bound to go, forced Ms. Hoff Sommers on the defensive, despite having early on proclaimed that she herself was pro-choice.

After Ms. Filipovic noted that indeed young women did not support abortion the way they did social issues such as gay marriage, Ms. Hoff Sommers responded that the "gay right issue had a legitimacy . . . to the cause and its moving inexorably toward progress . . . the abortion issue, it's not going to follow that trajectory because it involves a fundamental conflict, a collision of basic values."

This was quickly rebutted by Ms. Wattleton, who claimed the courts had established a right to privacy. "The issue," she continued, "is whether the government gets to make the decision for the woman."

Some panelists saw the contraception assault as a new issue, with Ms. Filipovic suggesting "personhood amendments are the most brilliant pro-life strategy that we've seen in the past 30 years." While Ms. Wattleton declared, "It is important not to see this as a latter day struggle it has been enduring and it really is a marker for women's status in society."

Ms. Uttley was less weary of the contraception issue and believed it was part of a "strange nostalgia for large families among our Republican candidates for president," though she claimed America seemed unimpressed.

The panel finished with a lively Q&A from the audience. Though Professor Estlund opened it up to any women's issue, in keeping with the night, all questions were abortion-related.

Following the debate was a reception in Greenberg where the four student organizations, Law Women, American Constitution Society, Federalist Society and Law Democrats, after having organized this event over several months on their own, breathed a sigh of relief for a night well done.



Clockwise from upper-right: "Sex at the Polls: Women's Issues for 2012" participants Faye Wattleton, Cynthia Estlund, Lois Uttley, Jill Filipovic, and Christina Hoff Sommers. With Estlund moderating, the debate centered on abortion and contraception.



Deb Ellis to Leave NYU Law

Students were shocked to learn on Thursday afternoon that Deb Ellis – the beloved Assistant Dean for Public Service, and NYU Law alum – will leave the Public Interest Law Center at the end of the academic year. Ellis was instrumental in running PILC, nearly doubling the Root-Tilden-Kern scholarship program for public interest students, hosting the largest public interest career fair in the nation, growing the

Public Interest Summer Funding program to the point that it would guarantee funding for all students, creating the Judicial Clerkship Office to increase NYU's presence in judicial clerkship positions, and, most importantly, helping students obtain jobs year after year. Ellis has been a tremendous asset to NYU and her presence will certainly be missed by her students and friends. Thank you, Deb, for your unfailing service to our school.

Unfortunately, this story broke as *The Commentator* was going to press – we will have more details in our March 26 issue.

—Eds.

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Making The Case for Guest Speakers in the Classroom

By LEIGHTON DELLINGER '12
EDITOR-IN-CHIEF

I am a huge fan of guest speakers in classes. It was only after a professor put it to the class — after we had a particularly assertive guest — that I realized what a strong position I had on the issue. He was concerned that our guest speaker had overrun the seminar — that we didn't feel like the class was as educational because we had less of an opportunity to participate. Now that I've spent a little time thinking about it, I can't believe that the presence of guest speakers is ever questioned in law school pedagogy.

We have plenty to learn from our professors who are steeped in academia — I'm looking at you, Barry Friedman. Friedman's grasp on the doctrine and theory of Criminal Procedure is as intimidating (while on call during his unusually well-executed Socratic questioning) as it is impressive (during any other time). But the stories we hear from our academic professors so rarely concentrate on their own experience, it is just easier to internalize the *experience* of an experience when I hear it first-hand. My favorite day of class this semester was a Monday — my morning class was interesting but the day was carried by the afternoon. In Judicial Biographies from

4-6 we were studying Justice Felix Frankfurter and we were joined by one of his former clerks, Professor Jerome Cohen, a member of NYU Law faculty.

The student presenting her paper researching Frankfurter's life and work was engaging and the information she presented was incredibly interesting — turns out, when Frankfurter was teaching at Harvard he had a close relationship with Justice Brandeis. So close, that Brandeis and Frankfurter ran something of a conspiracy to influence the academic canon at the time. The two men would discuss a topic — my understanding was that ordinarily it was a topic before the Supreme Court on which Brandeis was constrained by the doctrine of judicial restraint, and Frankfurter would write and publish a law review article articulating their shared views. Brandeis would then "reimburse expenses" (to the tune of \$1,000 each year — more than \$15,000 in today's dollar) for the time and effort that Frankfurter put into the project. It was basically an elaborate scheme to allow Brandeis to influence the public without compromising his duty to adhere to the rules of judicial

review. (*Ed. Note:* Judicial Biographies with Norman Dorsen is a fantastic class. Each seminar is devoted to a different Supreme Court justice and we learn about their lives and their work — a real gem for anyone interested in the lifestyles of the dorky and famous.)

The real learning point in this class, however, came from our guest, Professor Cohen. Co-

also have incredibly interesting friends. On this particular Monday we were studying Accounting Frauds. To enhance our discussion, we were joined by both the prosecutor and the defense attorney from the Madoff case. Just to let that sink in, the Madoff case was the biggest accounting fraud prosecution in history. These two men and their professional careers were plastered on our newspapers

the case — and patiently taking our questions. You want to see a fascinating storyteller? Hear Ike Sorkin, Madoff's attorney, explain that Bernie took a settlement because he wanted his wife to be free of the media — that the press was hounding her, taking pictures through their living room window, chasing her like dogs, making her life unlivable — and you will forgive Bernie Madoff of everything, even if just for a moment. When the discussion ended (and no one complained that we skipped our break and ran 15 minutes long) the student across the table from me said, "That was fantastic."

Storytelling like that is what makes a winning attorney out of a hopeless case. And Sorkin did win — not on much, but he had a few small victories concerning bail and the settlement of Mrs. Madoff's accounts. Who can tell the story better than the man who lived it? Guest speakers are incredibly valuable for the content they bring to our classes and for the techniques they teach us by example. I say, bring them in as often as we can!

Comment

The Eager Reader

hen explained the influence that Frankfurter's clerks had on his decision-making — indeed, that all the clerks had on their respective bosses. He told us about the tenor of the court during his years there (he was fortunate enough to clerk for both Justice Frankfurter and Chief Justice Earl Warren). His first-hand stories really stuck. The influence of our guest speaker was more than just his ability to recount the cases that came before the court that year and the ways that Frankfurter voted — it was his intimate knowledge of the way that Frankfurter befriended other justices' law clerks to try to win influence, and his incredible charm that had a way of winning over his clerk's wives. The student who researched Frankfurter's astonishing and surprising relationship with Justice Brandeis surely had the story that would stick in the minds of our classmates, but our guest speaker nearly trumped her by lending a depth of humanity and personal experience to the story of Frankfurter's time on the court.

Not only does a guest speaker enhance the character of our discussion with their legal experience, they often have an important lesson to teach us as a raconteur. We learn in almost every class, from Lawyering to Evidence, about the importance of storytelling in litigation and the law. When we read a Supreme Court case and our immediate reaction is to emphatically side with either the majority or the dissent it's very likely a result of skillful presentation of the facts. Sure, sometimes a law is just patently wrong. Or maybe we have a political view that endears us to a cause. But often, cases go to the Supreme Court because they're close — it's a well-told story that makes a close case look obvious.

And what are guest speakers, really, but specialized storytellers? On that same favorite Monday I hurried from Judicial Biographies to my class on Criminal Securities Fraud. The course is already incredibly interesting — two former SDNY securities fraud prosecutors (now a Second Circuit judge and a white-collar defense attorney) teach the seminar. They have intimate knowledge of every facet of a case in this area; they

for months. We were collectively awed as they sat before our class sharing their stories — beginning with the phone calls that brought the whole mess to light and ending with an assessment of their performance and the different factors that controlled the outcome of

the commentator

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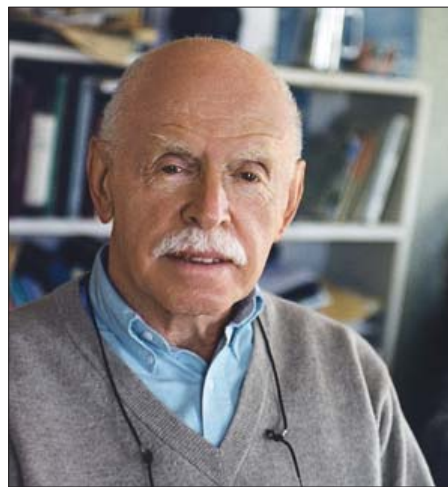
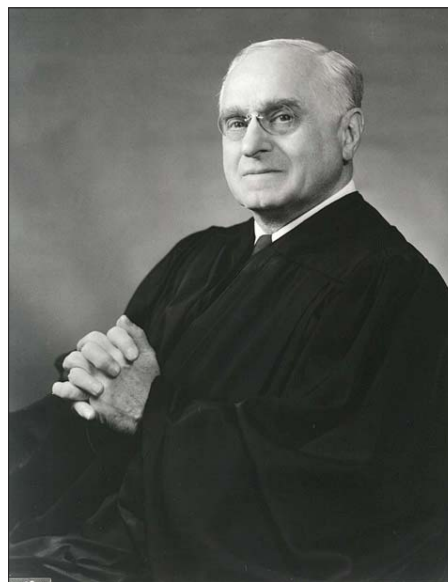
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Above: Justice Frankfurter; Below: Professor Jerome Cohen

Community Board Unanimously Rejects NYU Expansion Plan



Above: Community organizers opposing the NYU expansion created flyers and flocked to the Community Board 2 meeting on Thursday night. Below: Projections for the NYU expansion

By **MATTHEW KELLY '13**
MANAGING EDITOR

Community Board 2 unanimously voted to reject NYU's expansion plan at a public meeting last Thursday night. The Board's action, although merely advisory and widely expected, signals strident community opposition and may affect the plan's chances for approval later in the process. NYU's proposal — called the NYU 2031 Core — would add 2.4 million square feet for academic space, student and faculty housing, a new athletic facility, a hotel and retail, much of which will be below grade, on two “superblocks” bounded by Houston Street, Mercer Street, West 3rd Street and LaGuardia Place. From here, the project will be considered by the Borough President in an advisory role; its ultimate fate will be decided by the City Planning Commission, City Council and Mayor. Final word on the proposal should come this summer.

The Board approved a lengthy letter, previously hammered out by a committee, that cited reasons for disapproval, including bulk and density, “20-plus” years of construction, transfer of city-owned land to NYU, deficient open space, and transportation and environmental impacts.

“CB2... strongly opposes the NYU 2031 plan,” the letter says. “Its effects would forever change the character of this historic neighborhood, dramatically increase built-upon land at the expense of the light, air and recreation opportunities of existing open space, convert city-owned land to largely private use even if access is permitted, imperil affordable housing stock, significantly reduce residents’ quality of life, [and] have adverse [effects] [on] local infrastructure and subject residents to decades of construction and its effects.”

Alicia Hurley, an NYU spokesperson, said the school will continue to work with the broader city on its proposal.

“The University will review the resolution that Community Board 2 has put forth, but looking beyond tonight’s vote, we look forward to continuing the discussion with the broader community and the City about our academic needs,” she said in a statement. “NYU appreciates the Community’s feedback to date and believes that our five-year dialogue with our neighbors has already



yielded tremendous results.”

Hurley pointed out that NYU has already responded to community input in its plan by developing its own footprint, expanding outside the Village, providing open space, and donating space for a public school — all without eminent domain, as was used for Columbia’s Manhattanville expansion.

The Board’s public meeting and vote was held in the St. Anthony of Padua church on Sullivan Street. Hundreds packed the basement meeting space, and 115 people signed up to give one-minute public comments, the vast majority against the project and many of whom said they were longtime Village residents. The public comment was much more one-sided than the Community Board’s last public meeting, in which union construction workers and professors spoke in favor of the project. In fact, the first person to explicitly not speak out against the project last was an opponent plugging an event at Furman Hall’s Poe House — itself a concession to the community during a previous university expansion.

Greenwich Village Society for Historic Preservation director Andrew Berman, who held an opposition rally prior to the event, said, “I’m here to urge CB2 to reject NYU’s plan, and send the university back

to the drawing board.”

“It’s wrong. It’s not the right plan for the city; it’s not the right plan even for the university,” he added.

Invoking anti-development icon Jane Jacobs, Board Chair Brad Hoylman said that even though some thought the Board was “not rich enough or powerful enough to take on an institution like NYU,” he was proud of the work the Board put into considering the project.

The project involves the creation of four new buildings, to be built in phases on the Washington Square Village and Silver Towers superblocks. The buildings will occupy, roughly speaking, the Coles site, the Morton Williams site, the strip of retail where the Bare Burger is located, and the open area mid-block across the street from Mercer Dorm on Mercer Street. NYU says that the project would create more than 18,000 construction jobs and 2,600 permanent jobs. In addition to the building construction, the project would create three acres of open space. NYU also proposes giving land for the creation of a new public school; some testifying at the hearing said NYU already agreed to build a school years ago and called on NYU to delink such a promise from its expansion.

NYU started the city’s roughly

seven-month public review process, the Uniform Land Use Review Procedure, in January. Although NYU already owns almost all of the land in the development site, the City must approve rezonings, the transfer of small strips of city-owned land to NYU, and the elimination of a deed restriction on the superblocks for the project to move forward. In addition, NYU is also asking for a Large Scale General Development special permit to waive setback, height and rear yard requirements. Over the past two months, the school has briefed board committees about land use, transportation, open space, education and construction. The Board says this is the largest ULURP application it has ever considered. Bryan Cave is representing NYU in its ULURP application.

The Village expansion plan is the central piece of the University’s 20-year growth strategy, called “NYU 2031,” which calls for an additional six million square feet over 25 years across the city.

The heart of the 2031 plan is the “Core” expansion. The so-called Zipper Building would replace Coles with a new athletic center, housing, retail, a hotel and conference space. It will have a series of towers of staggered heights from 10 to 26 stories, giving the building a distinctive “zip-

per” shape. The “Bleecker Building” will replace the Morton Williams with a 14 stories of academic space, a public school and dorms. On the Washington Square Village block, NYU plans two curved buildings of roughly a dozen stories to contain academic and retail space. The school also is requesting a rezoning to allow for more retail on the land it owns just east of Washington Square Park. According to a NYU Law spokesperson, the law school will not receive space in the expansion.

Critics of the project have held periodic rallies and press events in the weeks leading up to the Board’s vote. Last Tuesday, a group of NYU students protested in front of Stern, claiming that the project would cost \$6 billion and divert from academics. On February 11, local Assembly Member Deborah Glick led a rally outside Judson Church, charging that the expansion was out of scale and would limit light and air. And on February 16th, dozens of NYU professors, including famed novelist Zadie Smith, sent President John Sexton a letter pointing out that the plan calls for Coles to be demolished as soon as next year, but that the only gym open to students and faculty during the construction period would be the Palladium.

Some of the specific critiques the Board levels in its letter include: the project would double the density on the two blocks and cast shadows as far as Washington Square Park; the “zipper” building would detract from the I.M. designed landmark Silver Towers; the phasing of the project and creation of a temporary gym for NYU’s varsity teams would result in 20 years of “continuous construction;” the hotel and retail development would be inappropriate for the community; and the open spaces are “ill-conceived.” The strips of open space along LaGuardia Place and Mercer, West 3rd and West 4th Streets are also a contention: they are in fact mapped as streets. NYU is proposing to have the City demap and transfer title of certain strips to NYU, while converting others to parkland, but give NYU an easement.

Ironically, while community opposition sees this as their Jane Jacobs “moment,” the status quo of broad towers-in-the-park superblocks is actually antithetical to the Jacobs vision of lively urban areas.

"The Turin Horse" and "Claudine" Tell Stories of Darkness and Defiance

By THOMAS PRIETO '13
STAFF EDITOR

"The Turin Horse" (Béla Tarr and Ágnes Hranitzky, 2011) left me with an image that will likely haunt me for the rest of my life. That image is a black-and-white, exterior shot of a girl looking out of the window of her cabin as the wind blows furiously, obscuring her face. Béla Tarr claims this will be his last film and considering the film's focus on the inescapability of death, it is very easy to believe him.

"The Turin Horse" begins with a story about how Nietzsche once saw a cab driver abusing a horse on the street. He ran up to the horse and hugged it. This event, the legend goes, drove him insane. After a powerful opening tracking shot of an old man driving a horse through a forbidding landscape, the film focuses on its main area of interest, the daily lives of the old man and his daughter.

We are shown six tedious and somewhat monotonous

roll) has met a nice and cheerful man, Rupert (James Earl Jones). They begin to date each other and initially, their understanding nature allows them to overcome some common relationship impediments (lack of time due to work, children from previous failed marriages, and the like). However, societal expectations, unfair social programs, and the police do everything possible to break down both Claudine and Rupert. The sensuality of Claudine and Rupert's relationship is captured exceptionally well by the fluid camera work of Gayne Rescher. Of particular note is the scene in which two of Claudine's children race through the New York City streets on a bicycle that includes some pretty fantastic POV shots of the bicycle narrowly passing between cars.

As the film progresses, the obstacles begin to appear more rapidly, climaxing in the film's rather absurdist and final pre-credit sequence. After having escaped from a rally that was being



"The Turin Horse" and "Claudine" both portray families leading difficult lives, in very different film formats.

Comment

The Man With a Name

days in their meager lives. Tarr seems fascinated by their routines and their attempts to cling to it as the world (or at least their world) is coming to an end. Tarr cares not about storytelling — very little happens in this film in terms of plot and dialogue. Rather, "The Turin Horse" takes advantage of the resources unique to cinema — beautifully choreographed camera movements, exceptional usage of lighting, depiction of events in real time, and the plasticity of perspective. As the film progresses, it gradually shuts down somewhat like an anti-Genesis story. It feels like God is unmaking the world in six days.

"Claudine" (John Berry, 1974) is about how incredibly difficult life was for black people in New York City during the 1970s. Whenever any character (and in particular the titular protagonist) begins to hope or dream of a happier life, society conspires to thwart them. Claudine (Diahann Car-

roll) has met a nice and cheerful man, Rupert (James Earl Jones). They begin to date each other and initially, their understanding nature allows them to overcome some common relationship impediments (lack of time due to work, children from previous failed marriages, and the like). However, societal expectations, unfair social programs, and the police do everything possible to break down both Claudine and Rupert. The sensuality of Claudine and Rupert's relationship is captured exceptionally well by the fluid camera work of Gayne Rescher. Of particular note is the scene in which two of Claudine's children race through the New York City streets on a bicycle that includes some pretty fantastic POV shots of the bicycle narrowly passing between cars.

As the film progresses, the obstacles begin to appear more rapidly, climaxing in the film's rather absurdist and final pre-credit sequence. After having escaped from a rally that was being

brutally shutdown by the cops, Claudine's oldest son runs into their apartment where Claudine and Rupert are getting married. Unfortunately, the cops have followed him. The wedding attendees, including Rupert, fight off the cops and are themselves arrested. They are placed in a police van. Suddenly, Claudine and the children hop into the van before it drives off. The film then cuts to Claudine, Rupert, and their family walking down the sidewalk holding hands as the credits roll. This defiantly joyful scene perfectly embodies the film's central message: being black in the 1970s is impossibly hard and there will be many sad times, but one must find joy wherever they can even if it means letting go of reality.

I would be remiss to not mention the film's fantastic soundtrack, which is written and composed by Curtis Mayfield and performed by Gladys Knight & the Pips. No one captured the plight of black Americans during the 1970s quite as well as Mayfield. Gladys Knight & the Pips do a good job of capturing some of the funkier aspects of Mayfield's music albeit in the smoother style typical of Motown. After a particularly demoralizing no-show to a Father's Day party, Claudine has a drink, turns up the music, closes her eyes, and begins to dance.

"The Turin Horse" is currently playing at Cinema Village and The Film Society of Lincoln Center. "Claudine" is available on DVD.



Diahann Carroll as Claudine

Reviews in Brief

"Faust" (Aleksandr Sokurov, 2011): "Faust" features both the grotesque and the beautiful. First, the grotesque: the Mephistopheles (Anton Adasinsky) character is highly deformed and behaves in a disgusting manner. Yet, he is able to tempt Faust (Johannes Zeiler) with the incredible beauty of a young woman named Marguerite (Isolda Dychauk). Mephistopheles and Faust guide us on a tour of the dirty city. Taking advantage of the physicality of film, Sokurov has his actors constantly pushing and pulling against each other. Faust ultimately gives in to the temptation and is trapped in an otherworldly purgatory. "Faust" will be screening at the Walter Reade Theater on February 28 at 9 pm as part of the Film Comment Selects program. This is the last screening for the foreseeable future, so make sure to catch it now.

"Face to Face" (Ingmar Bergman, 1976): "Face to Face" is not a Bergman classic. The script is overwrought and the usage of Freudian imagery becomes a bit tiresome. However, the film does include an excellent performance by Liv Ullmann as a psychiatrist that begins to go insane. There are no good DVDs of "Face to Face" available in the United States (don't be fooled by the poor quality of the Olive Films DVD). Thankfully, we can resort to the Internet.

- Thomas Prieto '13



Liv Ullmann stars as a psychiatrist with mental issues in "Face to Face."