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Loyola Law School Los Angeles

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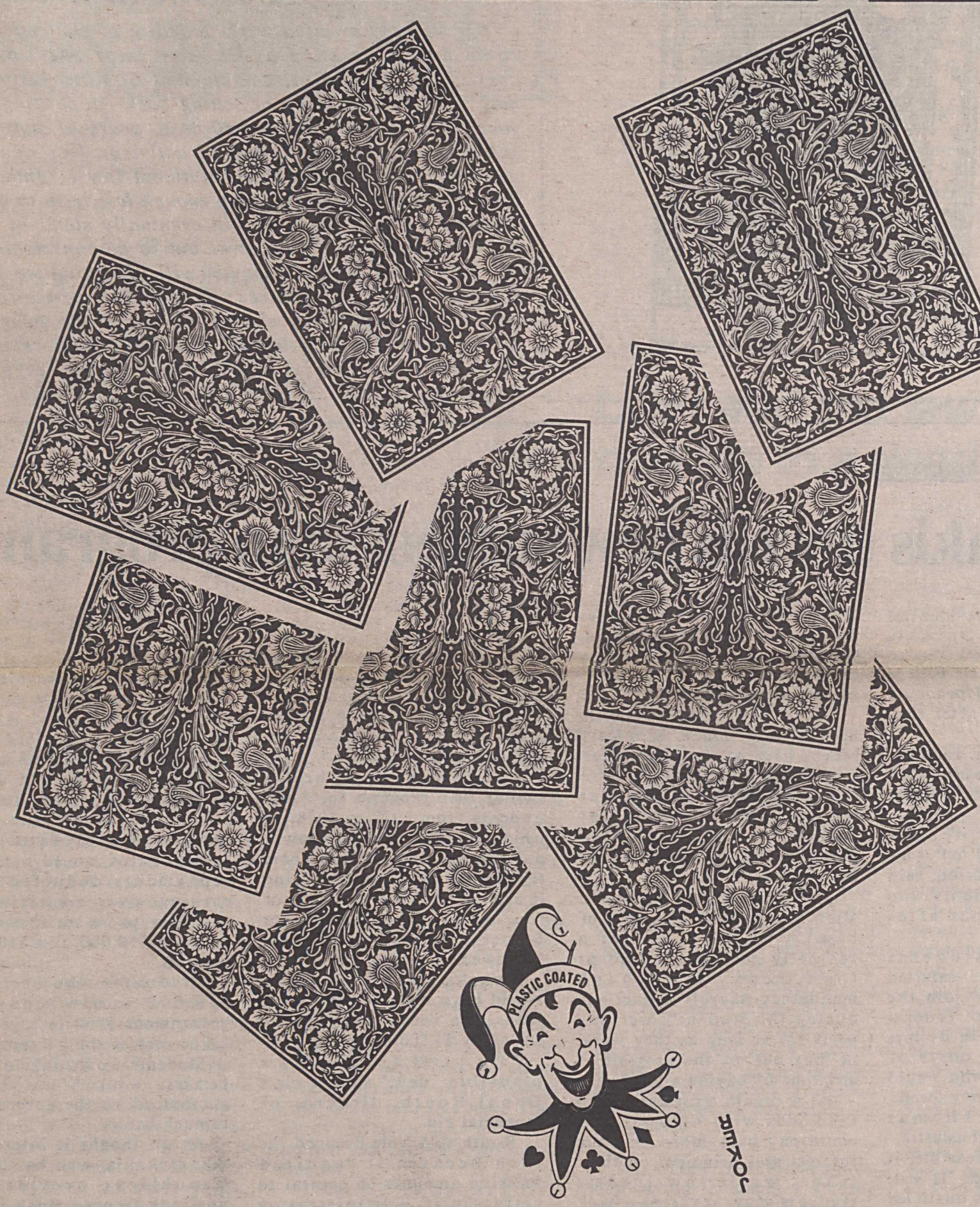


Manic Monday

The Supreme Court deals with a full deck this term, while Republicans wait to see if Anthony Kennedy is a sure conservative or just another wild card.

ON THE COVER

First One in October

The eagerly-awaited First Monday in October has come and gone once again. The Supreme Court, operating with its full complement of nine justices, may well end up fixing or setting back (depending on your point of view) the last 30 or so years of judicial activism with its own brand of activism. Key in this possible restructuring of constitutional law is Anthony Kennedy, who didn't serve long enough last term to give people a feel of where he will eventually stand in the political spectrum. If he turns out to be conservative, the policies of Ronald Reagan will likely outlive Mr. Reagan himself. If Kennedy is a middle-of-the-road vote, nothing much may change. If (perish the thought) he turns out to be liberal, which his past record indicates is not likely, he could end up the "biggest damn fool mistake" Reagan ever made. Stay tuned.

Payments related to income

Dukakis unveils new student loan program

(CPS)--Democratic presidential nominee Michael Dukakis unveiled a plan in September to let students repay their college loans at a rate that depends on how much they earn after they graduate.

The idea--which in fact has been tried at a number of campuses--immediately drew mixed reviews.

Bruce Carnes, deputy undersecretary of the Department of Education, said it would "soak" students who got well-paying jobs after graduation.

He predicted students training to take higher-salaried jobs would refuse to join the program, forcing the federal government to kick in dollars to cover the loan costs of lower-paid students who would never repay all that they owed.

Dukakis aide Thomas Herman was more enthusiastic.

"This is not only feasible, it is desirable," he said. "It will allow everyone who is qualified and wants to go to college to go to college."

"It is a substantive proposal, one that should be discussed," opined Bob Aaron of the National Association of State Universities and Land-Grant Colleges.

"We're extremely pleased that one of the presidential cnadidates has come forth with a new and imaginative program for college loans for people from all walks of life," said Richard Rosser, president of the National Association of Independent Colleges and Universities.

Janet Lieberman of the U.S. Student Association, which represents campus student governments in Washington, D.C., said, "It's a very creative program to help middle-class families, but it doesn't really address the needs of low-income people."

"What low-income people need is grant money," said Dave Merkowitz of the American Council on Education. "They're the least likely to take out loans. Both presidential candidates need to develop plans to address the needs of the neediest."

The Dukakis plan would allow any student, regardless of family income, to get a fedreally guaranteed student loan, repay it through mandatory payroll deductions during the student's working years for as long as they work, or "buy out" of the program at any time by paying a lump sum.

As a result, graduates who find jobs with high salaries could pay back more than the interest and principal on their loans, while low-income students may never pay back all they borrowed.

"The problem with (Dukakis') plan. . . is that it depends on people who are likely to make reasonable incomes being willing to get soaked," Carnes contended.

Rosser believed the federal government will have to subsidize the program to keep it viable--something Dukakis says won't be necessary--but in the long run would deal "with the student loan default question in a very effective way," thus saving taxpayers millions of dollars.

Because the government would take its payment directly out of grads' paychecks, the default rate--at least theoretically--would be minimal.

"It's nice that under this plan you can graduate and go into a low-paying job like teaching and nursing and not worry about paying off your loans," said Lieberman. "We appreciate the creativity."

Yale University had a similar loan program for 3,600 students from 1972 to 1978, in which students could borrow a portion of their tuition from the school and begin repaying it after graduation at a rate of four-tenths of one percent--or $4 per year--for each $1,000 borrowed.

Dukakis' plan, by contrast, would have students repay their loans at a rate of $8 per year for every $1,000 borrowed.

"We still think it's a plausible idea," said Yale's Donal Routh, director of financial aid.

Routh said Yale dropped the idea because it required massive amounts of capital to maintain it. Administrators figured it would take 17 years before payments would reduce the outstanding balance owed the university.

Fears that students anticipating a high income would not participate in such a program proved not to be true, Routh added.

Carnes' own Department of Education has also promoted an "income contingent loan" program, now being tested at 10 campuses.

In his last two federal college budget proposals, in fact, President Reagan asked Congress to replace virtually all Guaranteed Student Loans with income-contingent loans, but Congress, heeding educators' testimony that it was too early to tell if the idea is workable, opted for a pilot program instead.

Uncer the Reagan plan, all borrowers would have to repay all the principal and interest they owed in a prescribed time.

Under Dukakis' plan, loan repayments would come directly out of graduates' paychecks, much like their Social Security payments.

Graduates would not have repayments deducted from earnings over a certain cap, probably to be set somewhere between $50,000 and $100,000 per year.

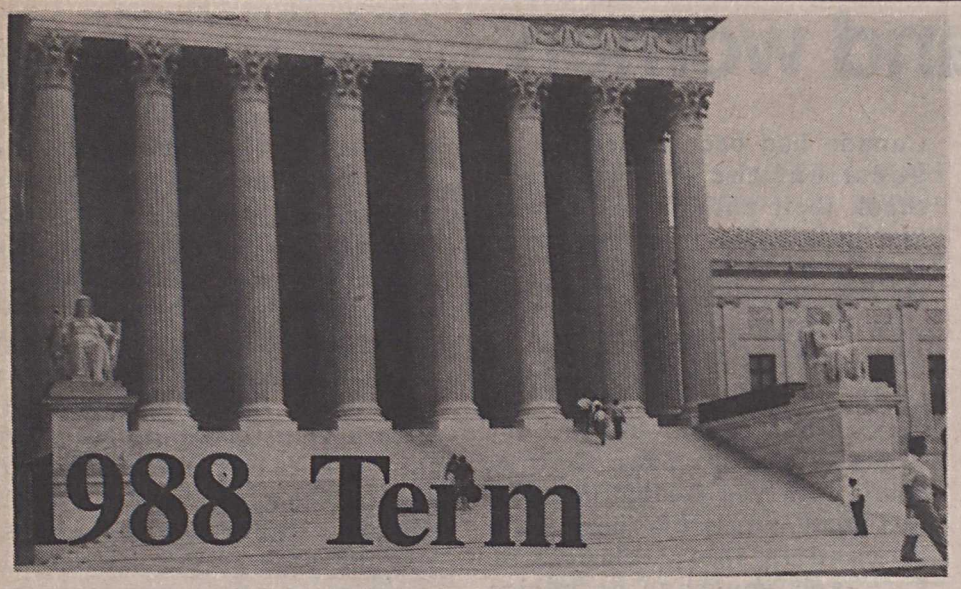
Graduates who borrowed $20,000 would repay the government $500 in a year, or 2.5 percent of their income.

Students would take out the loans, which would be guaranteed by the government, through banks.

Aaron thoght it interesting that Dukakis, who has trailed Republican presidential nominee George Bush in the polls since mid-August, unveiled the "substantive" proposal because he thinks it's something the American people want.

But although he commended the Massachusetts governor for developing a program with meat, Aaron feared it will be used against him.

"Things are a little out of hand. The politicians are carped on because they don't offer anything substantial. Then when they offer something substantial, special interest groups come out with complaints about technical minutiae. It all comes down to jealousy. They're jealous because they didn't think of it first."



Armed with a full court, William Rehnquist prepares for what could be a precedent-setting year for conservatives, if Anthony Kennedy falls in line

by Jim Lynch

With the passing of the First Monday in October, the third version of the Rehnquist Court has swung into action.

Depending on how newcomer Anthony Kennedy casts his votes, the transformation of the liberal Court of Earl Warren into a right-wing entity may be substanitally completed during this term. Where Chief Justice William Rehnquist used to stand alone in dissent, often taking the most conservative stand available, he now heads a solid block of three conservatives and often takes along two moderates to make his majorities.

One of the moderates, Lewis Powell, vacated the seat now held by Kennedy. If Kennedy turns out to be another conservative vote, the conservative bloc will be one vote shy of a solid, consistent majority on labor, civil liberty and criminal law issues. The four conservatives would also be the four youngest members of the Court, ensuring longevity.

Court-watchers will have several opportunities this year to see where the Court is headed, on the political scale. In fact, the Court has already held oral argument on what may be the most important case of this term; the outcome of this case will indicate what is going to become of minorities' civil rights in all walks of life, as the Court is reconsidering the 12-year-old *Runyon v. McCrary*, which outlawed private acts of discrimination.

Justice Harry Blackmun, the author of the embattled *Roe v. Wade*, has suggested that the Court may also overturn the 15-year-old women's rights precedent this term, if Kennedy is anti-abortion.

The Court usually overturns one or two precedents each term, but has rarely overturned major individual rights cases such as *Runyon* and *Roe*. If the Court were to overturn both in one term, many feel that this would be a clear indication of the Court's future direction under Rehnquist.

Some of the major cases being considered by the Court this term include:

Patterson v. McLean Credit Corp.

Private Discrimination

A black employee petitioned the Court on the issue of whether 42 U.S.C. 1981 applied to cases of racial harassment in the workplace. Section 1981, one of the Reconstruction Era statutes, prohibits interference with contracts through racial discrimination or on the basis of race. Until the Court reinterpreted Section 1981 in *Runyon*, the statute was only considered to apply to interference by the state or state actors; when the Court handed down *Runyon*, however, it extended the reach of Section 1981 to include "purely private acts of racial discrimination."

The oddity of *Patterson* is that neither party questioned whether *Runyon* was a proper interpretation of Section 1981; the Court decided on its own to hold the case over for reargument, and requested the parties to prepare briefs on the issue of whether or not the precedent should be reconsidered and overturned.

There is significant opposition to overturning the precedent. More than 40 states, 60 U.S. Senators and a host of other state officials have filed amicus briefs or gone on record against the Court's overturning *Runyon*.

If Justices Sandra Day O'Connor, Antonin Scalia and Kennedy join Rehnquist and Byron White, who dissented in *Runyon*, the precedent will be overturned. Scalia and O'Connor are considered certain votes to overturn; Kennedy's vote will decide the case.

National Treasury Employees Union v. Von Raab

Burnley v. Railway Labor Executives' Association

Drug Testing

These two cases present one of the hot topics of the '80s, the issue of whether mandatory drug testing of current or prospective employees is constitutional. *Von Raab* deals with government employees, while *Burnley* deals with private sector employees.

The two cases differ in several ways, aside from the different types of employers.

The Fifth Circuit, in *Von Raab*, disposed of a Fourth Amend-ment challenge to the drug testing on the basis that the drug testing was minimally intrusive and justified for administrative purposes because the results of the test were used solely for hiring decisions and were not disclosed beyond that. Von Raab argues that there should be probable cause for such a search, or else it is drug testing did not satisfy either prong of this standard.

Once again, Kennedy's vote will be key in the decision, as the reasonableness of searches has often divided the Court along liberal and conservative lines; generally, the conservatives have used a lower standard, at least implicitly, in determing the reasonableness of such searches of the body.

The Ninth Circuit held for employee Burnley, but first had to determine that there was government action, in order for the Fourth Amendment to apply. In this case, the Federal Railroad Administration required rail companies to test, for drugs and alcohol, all employees involved in job-related accidents which resulted in the death of a railroad employee. The court found that such involvement by a federal agency was significant enough to apply the Fourth Amendment.

The Ninth Circuit decided that drug and alcohol tests constituted a search, but did not require probable cause to conduct the search. Rather, the court said, the search must be reasonable at its inception and reasonably related to the circumstances that justified the search. The court found that unreasonable, and further asserts that the test is too intrusive.

Latin and the law: giving new life to a dead language

by Leslie Reeks
Staff Writer

If Orwell's foreboding of Newspeak has hit our generation, I haven't noticed, though perhaps I was born too late to know for sure. But one has to admit that 1949 was a pretty grim year and, at least in Orwell's fantasy, the concept of such a dietary vocabulary was frosting on a perfectly rotten cake. This unleaded version of our language would have us combine or change words in order that thought processes would be limited to what was ideologically desirable. The portend had it that the complete disappearance of Standard English would not occur until the mid twenty-first century, though it wold begin hiding its shameful, obsolete face right away. This would require many updated dictionaries to be written in the meantime, lest some foolish lovers of the English language and the freedom of expression it offers tried to keep grasp on its memory.

But often in the attempted destruction by some of a thing in which others find value, something goes amiss. It is for this reason we can today visit the Eiffel Tower, the city of Paris itself, or that we may study the dead language of latin. I studied latin for a couple of years in high school and, while I can still recite the first declensions of agricola and puella, and I can put together a whole sentence--albeit grammatically incorrect--('Semper ubi sub ubi' means 'Always where under where'), I haven't the foggiest recollection of the meanings or purposes behind the dative or genative constructions. But the study of latin offers practical value. Given my mathematical prowess (written with a sarcastic grimace), I attribute many of my passing exam scores in my academic career to a prior exposure to latin, since that dead-as-a-doornail language seems to double one's vocabulary.

Wait! Nobody move! I feel a paradox coming on. Yes. . . here it comes. . . something. . . something I sense is at least partially intellectual, though yet too elusive to grasp with anything other than the emotional. If I tried to break it down into its elements, I come out with something like:

a) Newspeak is a limiting thing and, thus, presumably undesirable;

b) Newspeak is limiting because it clouds over the real meaning or issue being dealt with;

c) Latin, like Proper English, offers great practical value in the freedom of expression it permits;

d) Latin is a dead language;

e) In law school and in the legal community, latin is used frequently to express ideas which could have been more easily expressed in english;

f) This use of latin just serves to cloud over the issue at hand.

Do you get it? Probably not, since I'm not yet sure I do. Let's try a simplified version of the same sequence:

a) N is bad;

b) N is bad because it 'hides the ball';

c) L is good because it helps FIND the ball;

d) But alas, L is gone;

e) But wait! L isn't gone! It's alive and well and living in the legal community where it now serves the purpose of N! It hides the ball.

Just think, if E were used, everyone whould get the joke, even if they never went to law school.

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The war between men and women

by Leni Janner
Staff Writer

In the beginning, or so the story goes, there was man. And there was woman. A few other stray odds and ends were later added to this list to try and remedy the situation, but they tended to only make matters worse. The mold was broken, the cat was let out of the bag, and now there's no turning back. We might as well make the best of a bad situation, and play the hand that fate has dealt us.

From the very first moments of creation, a war has been waged between the sexes. Historians are not exactly sure what started it all. Perhaps Adam wanted to go drinking with the boys one night oo many, or maybe Eve simply needed her space. No matter. The war between men and women (and dogs, as Thurber was so fond of pointing out), has continued throughout the centuries. No moment in history can lay claim to a time of peace. No person can claim exemption from the battle.

Sampson had his Delilah. Romeo had his Juliet, and I had. . . Well, let's not get into that one. Skirmishes have been launched, assaults have been fought, but no side can ever declare an absolute victory. The spoils of war remain unclaimed, and the scales of justice look more like an overworked seesaw than a somber mechanism of equity.

There are no rules to this battle. The Marquis of Queensbury is little more than a massage parlor off Santa Monica Boulevard, and kicking, biting and scratching is not only allowed, but encouraged. You can call her up in the middle of the night to see if she's home, and she can let the air out of your tires to make sure you stay home. General Douglas MacArthur summed it up best when he said, "War is hell," and not one of the General's troops ever doubted these words of wisdom. Of course, what the General had failed to mention was that Mrs. MacArthur was waiting at home for him with an angry ladle, and the war in Europe, as hellish as it may have been, was still a lot safer than the one back home.

"But what does all this have to do with law school?" one might ask inquisitively.

"What does law school have to do with anything?" I would smartly reply.

However, relevancy raises its ugly head at the least opportune of times, and rather than let the conversation dwindle like a bad party, I rejuvenate it with a dose of discourse. We steer ourselves towards more familiar waters, and discuss that which is a point of interest to all parties concerned.

Dating on campus.

Anyone can intervene, cross complain, or move for a class action, but no matter how you plead your case, eventually you have to get to the merits. The verdict will be rendered, and it will be unanimous.

Just say no.

Dating on campus is the last of the great taboos. The final frontier of forbidden pleasures. It ranks right up there with adultery and coveting bridge partners, and if Moses had thought of it, there would have been an eleventh commandment. Despite the fact that no statute, federal or otherwise, has ever expressly prohibited it, I know of a certain Chief Justice on a certain Supreme Court who would grant cert in a heartbeat if he got the chance. Said Chief Justice still no doubt regrets the day he asked Sandy to go with him to the local sock-hop.

"Now she just won't leave me alone," Bill Rehnquist mutters to himself in his office.

In the next room over, Justice O'Connor puts the finishing touches on an inter-office-memobomb.

Despite evidence to the contrary, despite fair warning and frowns of disapproval from all sides, you go ahead and do it anyway. Your friends said no. Your study group said no. Everyone on the face of the earth said no. If the moose in Canada had been polled on the question, they would have shook their antlers east to west and back again to try and keep you from dialing that number. But deep down inside, you know that your destiny in controlled not by the cool analytical reasoning from above, but rather by the hot fires of libido from below. They push you forth, then pull you back. You are a mere grain of sand in their tempest of fate, and you have no choice but to be propelled by their whim.

People have tried to resist, but all efforts have failed. The locks on chastity belts get picked open, and the saltpeter gets spiked with oyster sauce. You can run, but you can't hide. You can negotiate, but you can't settle.

Albert Collins knew your zip code when he sang, "I can see your lights on, but I can't see nobody home," and cursing the day that Mr. Collins first picked up a Fender guitar, you go back home to corner the market on Jack Daniels and Night Train. (Shaken, not stirred) Time takes on a new dimension, and rather than continuing onward in a systematic progression, it expands outwards from point zero. All directions, permutations, and combinations of conduct are considered and tossed in the out file. A great deal of conversation is done with the face in the bathroom mirror, and your biggest regret is that you didn't listen to a bunch of moose from Canada.

Months down the road, your friends say, "I-told-ya-so," your conscience mutters, "Never again," and the rampaging beast within is satiated, at least for the time being. You return to something infinitely less complex, like Erie v. Tompkins, and the next creature from the opposite sex to come along, no matter how polite and sincere, is regarded with scorn and disgust.

"Could you please tell me what time it is?" they innocently ask.

"You're evil," you reply, fingering your garlic and cross collection.

But time heals all, or so the saying goes, and the day will come again when rent money is spent on flowers, and if she wants those disgusting chocolates with the nauseating creamy centers, you know you're gonna get 'em come hell or high water. The cycle repeats itself, the moose become convinced that no one ever listens to them, and only Justice Rehnquist, now opening his office mail, is worse for the wear.

Dear Ne Ne

Dear NeNe,

Your answer to "Sour Grapes" in the Sept. issue sounded like NeNe is really--what's his name--Mr. Bad Attitude of yesteryear. And if you're not Mr. "B.A.," then what's the reason for old B.A.'s mysterious demise? Did he get sick of being recognized by his byline as the true 'A------ of an Attitude' guy that he was?

Tell me. . . are *you*, NeNe, just his unrepressible alter ego? Which brings me, finally, to the problem I'm writing to you about in the first place. (God, I'm using a lot of paper writing this with my crayola) My problem is that I was plagued mercilessly for months last year by a boy named Pollak and read him because. . . well, it's like trying to find "Upstairs, Downstairs" on t.v. and settling for "Three's Company." So, I got to like "Three's Company"--see?

So where's Mr. B.A.? Or am I now going to be plagued with *you* till next term when I may get used to *your* equal demeanor? So--what's the poop?

Almost Sincerely,
A 'B.A.' Anti-fan

Dear Almost,

It seems as if you kind of miss Howard. Not to worry. He's still around (Didn't you read the last issue of the Loyola Reporter?).

Moreover, far be it from me to even imagine that I might one day usurp from Howard that special place in your heart.

However, I do invite you to "get used to (my) equal demeanor." I won't abandon you. . . at least not until June of '89. Until then, Almost, I challenge you to discover my secret identity.

Dear NeNe,

Your last article re: OCI tension really hit home. I am one of "those" students scrambling around frantically looking for a job and hoping to be "discovered" through OCI. In the meantime, I just wanted to take a minute to thank you for helping me to put things into perspective.

Sincerely,
Slightly Burnt

Dear Slightly,

You're welcome. And don't worry, OCI is not the only avenue of "discovery." Get names from the Placement Office of firms that you're interested in. Write down their phone numbers and addresses as well. Next, call them up to see whether or not they are hiring. Try to get an interview. If they seem interested but require a resume and writing sample, send it in and call back one week later. Also, many professors on campus are willing to help students get their collective foot in the door. Good luck.

Dear NeNe,

I found your necrophilia poem in extremely bad taste. First, it was violent. Second, the object of such violent sickness was a woman. Thus, we have yet one more example of violence against women. Is this really something we need more of?

Signed,
Disgusted

Dear Disgusted,

I agree that the poem lacked serious artistic, social, etc. value. None of us is fooled by what at first glance is an innocuous little ditty. We immediately recognize that violence against women, however subtle its expression, is insidious. We become desensitized through its repeated and diverse expression. My point in including the poem after Sour's complaints was in recognizing (while simultaneously giving advice as to how to best cope with) the violence the OCI process inflicts upon its coerced participants. I say "coerced" because OCI means jobs and jobs mean money. Money--all would agree--is a necessity. It is also very corrupting in that good souls are being bought off by corporations or firms disinterested in anybody or anything but clients with money to pay the bills. So much for public interest. So much for the poor and needy. Such is the nature of the system. It's all part of the package. Perhaps one day you'll reject this package with as much fervor.

Latin: Greek to me . . .

continued from page 3

Of course, as a student, in the midst of my transformation from layperson to lawyer, I accept the use of latin in law. And while its source is more easily explained than the deliberate perpetuation of its presence, there are still a whole lot of laypersons out there who think being an intellectual amounts to a use of sentences such as, "The drive-thru fenetre at McDonalds is always greasy; ergo, I'm switching to Carls'."

Oh well, whatever. Fact is, I know as well as everyone else that the topics of both Newspeak and of the legal world's latin use are just about as overdone by writers as they come (though talking to your typewriter means never having to say you're sorry). No, I'm not truly a hackneyed pseudo-intellectual, though I must admit my propensity to ramble on to those in captivity before reaching my point. Which brings me to my point. I'm here to offer something of tremendous social value. I shall do my part here to close the gap between layperson and lawyer by defining those bothersome latin and other foreign or difficult words legal people love to use:

EX FACTO: This is when any witness named McDonald who lives in a rural area changes his story on the stand.

INTER ALIA: This is what you say to Al's twin sister when she knocks on the door.

DEMUR: This is what a bashful litigant will do to a denigrating opponent to point out that the opponent has no right to judge.

CERTIORARI: This is just another way of saying that when the members of the high court are suffering from bad breath, they will rarely be in the mood to review your case.

IN LIMINE: This is the state of mind of a french grand prix participant right before the race.

HEREDITAMENT: A fancy word for anything owned by someone who likes you.

NUDUM PACTUM: The state of nude beaches during the summer.

VEL NON: A word for old-fashioned tennis shoes still secured to the feet by laces.

FIFO: The name of a hick merchant's dog.

IN RE: In a res ipsa case, where the scalpel was left.

CORPUS DELICTI: A very sexy person.

REDRESS: What an attorney does who thought it was Sunday but learns that it's Monday.

REMAINDERMAN: The guy who sticks around hours after the party's been over.

RUNNING WITH THE LAND: How a very lazy person exercises.

SERIATIM: What Seri the cat did to lab mouse two after doing it to lab mouse one.

SUI JURIS: Someone with relations with the law who possesses porcine qualities.

There. So, my heart is happy, my conscience clear at having been able to possibly lessen the confusion with respect to a few ever-bothersome words.

Write Now!

The next issue of the Reporter will be published on Nov. 4, right before the Nov. 8 national election.

If you have any views or opinions on the candidates or California's propositions (which will impact significantly on the legal community), send us a letter. We need the material, and this is your last chance to speak out before voting.

WANTED

The Reporter needs a Business & Advertising Manager.

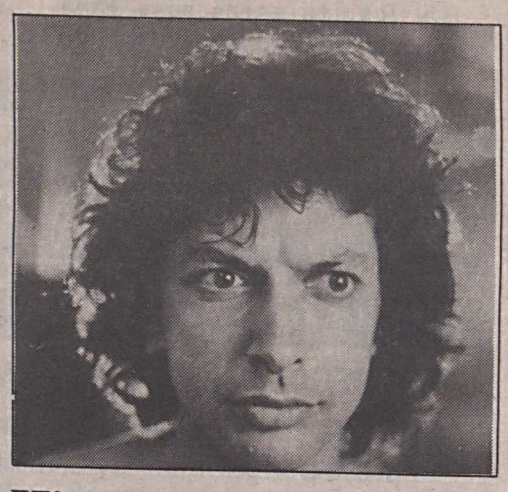
Duties include soliciting new advertising, working with current advertisers, and attending bi-monthly Editorial Board meetings. The Business & Advertising Manager is a member of the Editorial Board, and will be paid $45 per issue. Approximate time expenditure for the position will be six hours per month.

Evening or day students may apply by stating any relevant qualifications they possess for the position in writing, and send the application to the Reporter through Internal Mail.

No previous experience in advertising or journalism is required.

Preference will be given to students who will be in attendance at Loyola during the 1989-90 academic year.

What kind of person writes for the Loyola Reporter?



Him.

Not Him.

Her.

Not Her.

AT&T

Not It.

Submission Deadline for Nov. 4 issue is Tuesday, October 25

The Reporter is always looking for writers.

Whether you want to write on a regular basis, when the mood strikes you, or when you have an opinion to express, submit your stories, ideas, photos or cartoons to the Reporter in Internal Mail, or contact the Reporter Office at 736-1404.

Bush, Dukakis quickly killing issue politics

by Jim Lynch

With the elections less than a month away, a one-liner used by Gary Hart during the 1984 primary campaign seems to be as appropriate now as it was then.

Where's the beef?

Issue politics, for the most part, is a dinosaur, something that one would expect his or her grandparents to bring up when they talk about the good old days of nickel Cokes and 17 cents-per-pound sirloins.

The beef is still cheap today, but not in the butcher shops. America is dining on bull.

In the 1988 world of politics, talk is anything but cheap. George Bush has effectively wrapped himself in the American flag for the last two months, getting political mileage out of the Pledge of Allegiance, the ACLU and Michael Dukakis' personality, which some view as being too coldly polished. The underlying question in Bush's campaigning is not "will Dukakis be an effective leader of our country?" so much as "is Dukakis really a good American?" Although most citizens don't plan on electing a bad American, Bush has attempted to draw the lines of good and bad on the paper of patriotic zeal; if you don't support the Pledge of Allegiance being forced upon schoolchildren, if you don't support prayer being forced upon schoolchildren and teachers, if you don't oppose abortion (how could 20% of the population be wrong on a moral issue?), you may still be somewhat patriotic, but still a bad American because you're not with the morally superior patriots.

Such campaigning is the typical, spineless rhetoric that has swayed so many in the 1980s. But then, no one ever accused George Bush of having real backbone.

Dukakis has made more of an attempt to address issues, but the problem lies in the fact that he allowed Bush to set the agenda for this campaign, as though he were afraid to address the issue himself, or shift the campaign's focus to genuine matters of concern. Dukakis spends much of his time criticizing Bush for Ronald Reagan's policies.

Although focusing on Reagan's policies is issue politics on its face, Dukakis is more trying to take advantage of the ebb in Reagan's popularity than is he trying to seriously tie Bush to the policies which caused that ebb. Although Bush is a part of the Reagan Administration, it makes little sense to tie him to a president who is one of the most-liked Americans of the century. Tying Bush to Reagan's policies is only seen by most Americans as tying Bush to the Great Communicator. Even though Reagan's policies are slightly less popular, Reagan himself is not; because Americans view Reagan through rose-colored glasses, Bush is unlikely to be harmed by being tied to him.

Dukakis is not as well-heeled in personality politics as Bush or Reagan, but has thus far failed to realize that. Dukakis' forte lies in the discussion of issues, but he's playing to Bush's campaign because Bush got away with the emotional patriotism campaign with impunity for well over a month. Americans love a good patriot, and if he is "morally right," he is loved all that much more. Just ask Oliver North.

The candidates are not the only guilty parties in these black hole campaigns. The media is at great fault for playing up issueless issues and making people think that things which have no bearing on a person's qualifications for president are actually vital qualifications. The best example is the furor surrounding vice presidential candidate Dan Quayle. Quayle has not gotten where he is the old-fashioned way, but he is surely not the first to rise to prominence on old money. His roots are not the issue, nor should they be. His age has no bearing on his qualifications or lack of qualifications to be president; his age may have an indirect effect on his experience in national and international affiars, but age is not a talisman of itself.

The media persists in making issues out of personal facts. John Kennedy would have a hard time getting elected in 1988, given what is known about him now. We now also know that the media of 1960 declined to publish personal facts about Kennedy which *were* known, personal facts which even then could have killed his candidacy.

Kennedy and Quayle are similar, from the money and youth standpoint, and maybe Quayle meant to highlight that in his debate with Lloyd Bentsen. As Bentsen was quick to point out, however, Quayle is no John Kennedy; Quayle attempted to focus on a non-issue in drawing the comparison, and Bentsen wisely slapped him around for it.

Perhaps the focus on candidates' personalities is inevitable; it is hard to vote for someone who is personally unlikeable, since we all want nice qualities in our leaders. The focus has gotten out of hand, however, to the point where one gets the feeling that most Americans view election years as nothing more than a great opportunity to see politicians' reputations get dragged through the mud. Elections are approached nowadays with a National Enquirer mentality, and people seem to take interest in policy statements only when they will benefit individually.

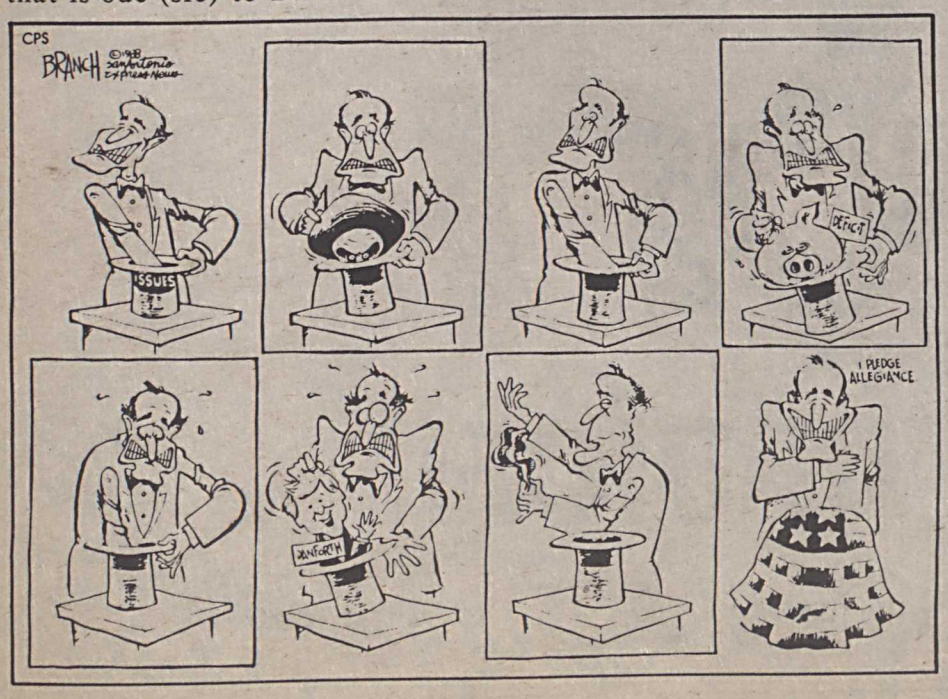
This explains why even debating has devolved to a situation where the candidates practically choose the questions themselves, and don't really debate in the true sense of the word, anyway. Perhaps it's time to turn the elections back over to the members of the electoral college; at least they will focus on what the candidates intend to do once in office.

Ode to DLT

by Lee Rittenburg

Development of Legal Thought is a course which should continue to be mandatory. So why is the class disfavored by so many?

Because the thematic content of the course centers around values, students are forced to confront themselves and the very premises from which they live their daily lives. This can be a disquieting process for the student interested in the quickest path to a law partnership. It can be disturbing to those whose outlook is focused more upon self interest than upon social justice. This, in large part, explains why so many become disenchanted with the course. yet it is precisely this value centered exploration which is essential to the study and practice of law. it is easier to be comfortable with black letter law than with the values from which it arises. Yet, just as the white page brings the black letters alive, it is values and morals which bring the law alive. Indeed, it is social, political, and economic values which create the law. To ignore this crucial element is to see the trees and not the forest. While there are occasional references to social policy and economic efficiency, no other first year course examines the moral premises from which the law is built. As we move through our law studies and our careers as lawyers, I hope many of us will reflect on all that is ode (sic) to DLT.



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