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The Loyola Reporter

The Student Newspaper for Loyola Law School, Los Angeles, California

Volume 19, Number 4; November 30, 1995

SEE YOU NEXT SEMESTER

HELP SUPPORT THE L.A. COUNTY DOMESTIC VIOLENCE HOTLINE

DAVID PAUL BLEISTEIN '96

The statistics are frightening. In the first four months of 1994, a woman was killed in California every 36 hours. [Almost all victims of domestic violence are women.] Of the 241,000 domestic violence calls received by California law enforcement, fully 70,000 come from Los Angeles County.

To meet this monumental problem, the L.A. District Attorney's office started the Los Angeles County Domestic Violence Hotline. What was needed, they decided, was a one-stop place to call for help, rather than calling a patchwork of agencies that provide some services, but not others. The solution, the Hotline, is the only service of its kind in the entire United States.

The Hotline is a toll-free number that victims of domestic violence in Los Angeles County can call to get help. The number is 800-978-3600, and operators are standing by 24 hours a day, seven days a week, all year long. Operators speak the following languages: English, Spanish, Korean, Vietnamese, Mandarin and Cantonese.

Callers can get counseling over the phone, or be referred to shelters that have been rigorously screened by the L.A. County Domestic Violence Council. All referral shelters are full-service, financially stable and have complete security protection for residents.

Aside from referring victims to shelters, the Hotline allows victims the chance to talk repeatedly to someone who cares about them before they take the often heart-wrenching step of leaving a violent relationship. Often, leaving a violent home means leaving behind a place to stay, food to eat and a steady income and venturing out into the unknown; this can be more terrifying to some victims than the violent relationship.

Now the Hotline needs your help.

Funds are needed to finance an advertising and publicity campaign that will reach people in need. Without publicity, the Hotline is unknown and therefore useless. Additional funds are needed to pay phone service charges.

At the urging of Melissa Huelsman, a second year day student at Southwestern Law School, law schools throughout the L.A. area are assisting in raising funds by running ads and get-

ting the word out. Loyola Law School is proud to be one of them.

YOUR HELP IS URGENTLY NEEDED NOW. The hotline's continued presence and viability will give people the courage to free themselves of the horror of a domestic relationship gone mad. Please help today; any amount is appreciated.

To make a tax-deductible donation, call MARK MCKINNISS of the Los Angeles County D.A.'s Office at (213) 974-7264.



1-800-978-3600

Los Angeles County
Domestic Violence Hotline

This number will provide you with
a referral to a shelter near you.

A project of the Los Angeles County District Attorney's Office

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STUDY ABROAD

LUCI CHUN '98

Would you like to travel to far away destinations? Experience other cultures? Study at foreign institutions and get summer school credit? Meet new people... If you are interested in studying abroad this summer, now is the time to start thinking about it.

Loyola students must have the summer abroad program they want to attend approved by the Office of Student Affairs to have academic credits transferred. The program should be four weeks in length according to the student handbook. However, Loyola offers a three week program in Costa Rica where students stay with host families.

There are numerous institutions that offer summer abroad programs with law courses and externships. You might want to go to Shanghai for 4 units for under \$2,000 which includes food and lodging. You may want to study in Cambridge and take 6 units for \$3800 which includes food and lodging. There are programs in Canada, Greece, Australia, Kenya, Bali, Mexico, South America, Singapore, Thailand, Japan, Korea, and throughout Europe - to name a few.

Most programs do not include travel expenses, so you need to figure the cost of traveling to the destination. Most programs are taught in English. So, now is

the time to calculate the cost of studying abroad.... Tuition, books, food and lodging, travel expenses, passport fees, side trips and spending money. Many programs offer financial aid in the form of loans. Loyola's tuition is currently \$594 per unit.

As a student, have time during the summer but you never have enough money. Once you start working, you may have money to travel, but won't have the time. As an older student, I value time... you can always make money, and you'll probably work a long time, but will you have time once you focus on your career and/or family.

If you are interested in learning more about studying abroad, the Office of Career Services has postcards that you can send to various law schools. The Office of Student Affairs usually has an information session in spring semester to answer questions. Or you can get information from <http://www.studyabroad.com> on the Internet. Programs are organized by destination country with subdivisions for summer programs and intensive language programs.

LOYOLA LAW SCHOOL STUDENT SPECIALS



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TRIBUTE TO RABIN

Judge Bruce Einhorn

PRO BONO OPPORTUNITIES

LUCI CHUN '98

This piece was originally printed in the Los Angeles Times and the New York Times on November 7, 1995. We thank the Honorable Judge for his permission to reprint it here and Dan Eli, '97 for asking the judge and obtaining his photograph.

Barristers AIDS Legal Services Project (ALSP) of the Los Angeles County Bar Association needs help for a Research and Writing Project.

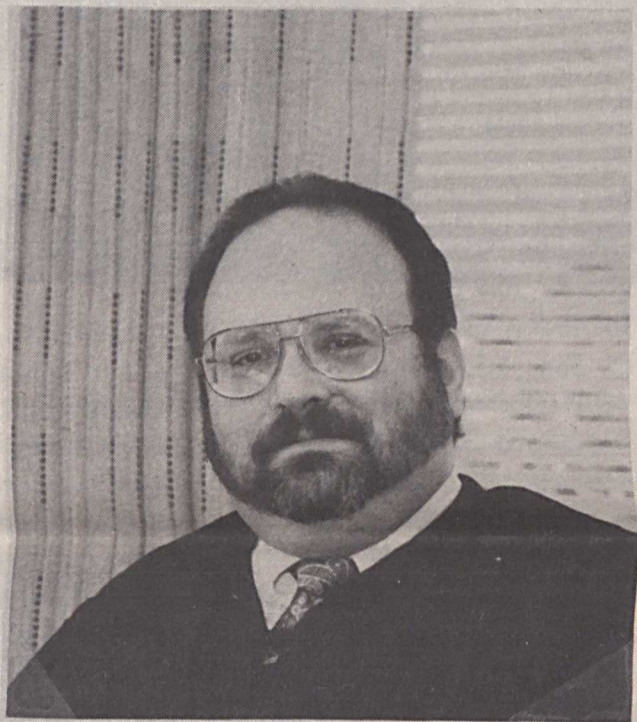
LIKE many of us in the Jewish community, Rabin came to embrace the peace process with caution and trepidation. As a the soldier and commanding general who heroically helped lead Israel in its defensive struggles with its aggressive Arab neighbors, and as the Israeli minister of defense who confronted the violence of the intifada in the West Bank and Gaza, Rabin understood the danger and depth of anti- Jewish sentiments in the Middle East and the compelling and continuing need of the Jewish state for strong security measures.

Students will spend approximately 40 hours creating a manual on HIV, Employment & Discrimination Law. The manual is a joint project of the seven HIV legal services providers throughout the County. The project will commence in November. The deadline for the final draft is mid- March 1996. This project qualifies toward the Pro Bono Requirement. Contact Professor Sande Pond at (213) 736- 1156 for more information.

The Alliance for Children's Rights needs assistance with Research and Writing.

Students can fulfill their PRO BONO requirement by helping children in areas of pediatric AIDs, sibling visitation, immigration, bi- racial adoption, wrongful termination of government benefits and more... The Alliance for Children's Rights needs assistance with Research and Writing. All hours can be completed at school. Contact Leah Daniel at (213) 368- 6010.

The ACLU at various Southern California locations needs help with intake of clients.
Contact Professor Sande Pond at (213) 736- 1156 for more information.



Hon. Bruce Einhorn

Rabin was brave and hard- headed enough to understand that for Israel to remain both a Jewish homeland and a democracy, it had to purchase a divorce of territory and authority from at least a portion of its reluctant Palestinian Arab population. As a soldier in the lifelong defense of his native country and the Jewish people, and as a pragmatic politician with no reputation for naivete about his Arab interlocutors and no illusions about their intentions, Rabin had the credibility to persuade most Israelis to compromise for the sake of their own security.

Such credibility is irreplaceable in the person of any one Israeli leader. However, all Jews and all persons of tolerance and goodwill, must continue Rabin's unfinished enterprise of Tikkun Olam, the renewal and repair of an imperfect world, the only one we know, and the only we have to call home.

EDITOR'S NOTE:

The Honorable Bruce Einhorn is an Immigration Judge in Los Angeles. Judge Einhorn also teaches at Pepperdine University Law School. Before becoming an Immigration Judge in 1990, he was a special prosecutor in the U.S. Department of Justice, Nazi War Crimes Unit. Judge Einhorn investigated and prosecuted John Demjunjuk, the death camp guard, among many others.

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PEACE TO ALL

Please...

CAFETERIA ALTERNATIVES

DAVID PAUL BLEISTEIN

There are many pastimes at Loyola. One of them is bitching about the cafeteria food. If you want a change, there's a surprising variety nearby. This is the first of a series of restaurant reviews of some of the nearby eateries.

OK, this ain't Beverly Hills and the people who live near here are not particularly glamorous. But a walk in the street shows that the vast majority of daytime sojourners are Latina moms with little kids in tow.

There's a surprising variety of food available within easy walking distance of the LLS campus.

THE ORIGINAL PANTRY

877 S. Figueroa, LA
(213) 972-9279
open 24 hours

This place is an institution, it's been there for so long. "We never close, dear," the lady on the phone said I called to ask about their hours.

Most of the staff has been there for decades, so the place is run efficiently. This is your basic Midwestern white-people soul food, meat and potatoes, especially steak. It's good, simple, well-prepared and served piping hot.

The prices are reasonable, most in the \$4.00-6.00 range. Come on in at 3:00 a.m. and eat until you're sober enough to drive. Even better, bring Mom and Dad for some real home cookin'. Even better yet, amble on over from LLS and sit down next a lot of people that look like senior partners somewhere.

E.T. CAFE

1200 w. 7th
(213) 622-9881
mon-sat. 10-5.

This is a small Thai place on Eighth Street. In keeping with the rest of the neighborhood, the decor is more than a bit on the functional no-frills side. Customers go to a counter, pay and take food home or back to their tables.

They serve a variety of Thai fare: chicken with cashews, beef and broccoli, pad-prik-king and my favorite, chicken with mint leaves. Generally, prices range from about \$3.50 to \$5.00, including tax. AND... order \$10.00 or more and they'll deliver!

THE CLAY PIT

939 S. Figueroa (Hotel Figueroa)
(213) 689-4489
11:30-2:30 mon-fri

This place is physically very close to the ORIGINAL Pantry above, but it's hard to imagine any two places more different. I love them both!

THE CLAY PIT serves a marvelous, Moghul buffet for lunch only. It's \$7.50, but well worth it. This is a great way to sample the spicy splendor of Indian food. A taste here and a gulp there, and you're addicted.

If you're feeling really wild, have a king-size bottle of Kingfisher Lager to wash down the Tandoori

chicken and lamb curry.

The Clay Pit is in the bottom floor of the old, well-resotred Hotel Figueroa.

EL JARRITO

2833 Olympic Blvd.
383-7317

open 7 days a week

Marvelous Mexican food, in a nice, homey atmosphere. I had a hard time deciding what I liked best.

This isn't right next to LLS, but it's well worth the drive. There's als o a deli, full of good

stuff to take home (or back to that ravemous library study group!).

TECLENA #2

1443 W. 11th
(213) 746-2510

No, LLS isn't in a Mexican neighborhood; we're in the middle of a Salvadorean neighborhood.

Come to TECLENA and see the difference.

This place serves such Salvadorean specialties as *pupusas*, which are little pancakes filled with meat, beans, corn or a combination. Get a passel of 'em,

along with some hot sauce and a Cabro *cervesa* from Guatamala and you'll realize this ain't Kansas and who wants to go back, anyway?

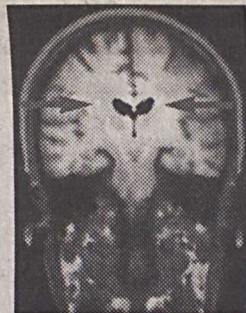
TECLENA also has Mexican food, including one of my staples, a magnificent *burrito came asada* (burrito with slightly charred beef inside) for (drum roll) only \$1.99! Some things are cheap, some are good and this is both.

"CHOW DOWN!"

Depression.
A flaw in chemistry,
not character.

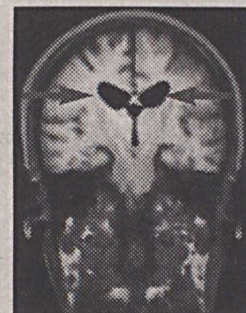
People with cancer aren't expected to heal themselves. People with diabetes can't will themselves out of needing insulin.

And yet you probably think, like millions



What causes depression? According to recent medical research, depression is caused when an insufficient level of the neurotransmitter serotonin is passed through the synapses in the frontal lobe of the brain. A condition, once triggered, that can last for months, years, or even lifetimes.

Above: Brain scan of a "normal" brain. Below: Brain abnormality found in many severe cases of depression or manic-depression.



of people do, that you or someone you know should be able to overcome another debilitating disease, depression, through sheer will and fortitude.

For untold decades, it has been thought that depression is the symptom of a weak character or underlying laziness and complacency. In reality, nothing could be further from the truth.

We've even found that depression has a genetic link. That like other family traits, it can be passed down from generation to generation.

An inherited disease? You probably think that sounds pretty hopeless. But when it comes to depression, it's actually good news. Because it reclassifies depression as a physical disease instead of a mental illness, the difference between it being curable instead of just treatable.

While these recent discoveries should help relieve some of the stigma associated with

depression, a look at history also helps. It's a well documented fact that Abraham Lincoln was depressed for most of his adolescent and adult life. Sir Winston Churchill referred to his

depression as "the black dog," starting after the failure of the 1915 Dardanelles Expedition and shadowing him his entire life.



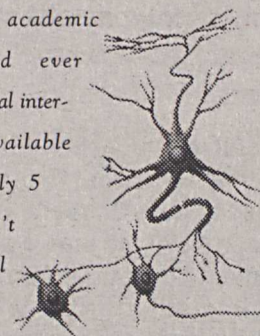
The date was January 1, 1863. It was the day of one of Abraham Lincoln's most eloquent speeches, the Emancipation Proclamation. He had succeeded in freeing millions of repressed, impoverished slaves. For anyone, the accomplishment of a lifetime. Still, Lincoln battled depression, the cloud that would follow him always.

You see, depression doesn't discriminate. Anyone can get it. And today you can find books written about admitted sufferers Mike Wallace, Joan Rivers, Dick Cavett and Kitty Dukakis just to name a few.

The reality is, there's never been a better time to be depressed. With new therapies, drug company and academic

research, and ever increasing medical interest, help is available today that only 5 years ago didn't exist. Please call 1-800-717-3111 if you or someone you know needs help.

With this new understanding of depression, we hope you'll see that the only shame would be not calling.



Here they are. The keys to happiness. A few of the thousands of synapses that have the power to make any given day one of the most joyous in your life or the most despairing. The difference between looking forward to a day filled with hope instead of dread. All based on whether these channels for neurotransmission can properly send certain signals to the brain.

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NATIONAL ALLIANCE FOR RESEARCH ON SCHIZOPHRENIA AND DEPRESSION

CONSTITUTIONAL LAW "ANALYTICAL ABILITY" CONTEST

John Rogers '98

Hypothetical Case Series

Case #003

AAAAAAAAAAAAAAAA

United States v. Wilkinson
550 U.S. 1021. 102 S. Ct.
2123, 54 L.Ed. 237 (2130)

Ms. Chief Justice ESTRELLA delivered the opinion of the court.

This litigation presents for review the refusal of the nation's chief executive officer, President Bryan Napier Wilkinson, to cease and desist his continued authorization of a U.S. military engagement in the mid- Atlantic. Congress, after evaluating President Wilkinson's preliminary 48 hour report and assessing global prospects at the 60 day decision threshold, determined that removal of our forces was warranted. As specified in section 5. (b)(1) of the War Powers Resolution of 1973, congress issued a "withdrawal of armed forces" order to the President. However, the President chose to ignore this order, relying instead on his ability under section 5. (b)(3) to extend hostilities a further 30 days. Again at 90 days, congress ordered a termination.

At this point, President Wilkinson failed to follow the War Powers Resolution (WPR), and authorized the launching of a third flotilla of surface vessels.

The President argued in the appellate court that the WPR was, in fact, unconstitutional; being an undue invasion of the "core functions" of his branch and, therefore, a violation of the principle of Separation of Powers.

Additionally, he contended that his actions were *de facto* protected via the doctrine of sovereign immunity. Thirdly, he claimed that the severe crisis and panic in the nation's major cities caused by the events discussed at length below were sufficient to justify an immediate and, if necessary, long- term response from him (based on the doctrine of executive necessity). He further stated that, as chief executive, he was not, in any event, amenable to a suit of this nature and, ergo, not, in this particular instance, subject to the will of this court.

The United States, represented by Special Counsel Willard Chen of the Office of Inter- Branch Relations (a legislatively appointed agency whose personnal are subject to qualified removal by the President), contended that even under the most forgiving standards of review (specifically Justice Frankfurter's concurrence in the Steel Seizure Case and Justice Campilari's dissent in *Unidyne*), the President's actions were illegal and did, in and of themselves, violate Separation of Powers in that they collided with and impaired substantially the constitutional right of Congress alone to declare war. Notwithstanding several centuries of "hands- off" treatment of the President and his multi- lateral powers, no "gloss" of history or "establishment through inattention" theories could possibly be stretched to allow the President such sweeping authority. In essence, Chen argued that the doctrine of "adverse possession" could not apply to the constitutional rights of the federal government.

Factual Background

On April 12, 2129, the Pan- Atlantic Treaty Alliance [PATA] (Iceland, Greenland, Calypso- I (a submerged metroplex on the Reveldian Plateau south of Iceland) and GeoStat/M, a fixed orbit space community operating as oceanic trackers and watchdogs for the pact) declared war on the United Kingdom.

The dispute arose after the UK began sinking its quasi- permanent petroleum drill stations deep into the vulcan ravines surrounding the agricultural plains PATA used to grow its significant kelp crop. The harvest of 2129 was far below projected "reaps". PATA petitioned the Hague for judicial review.

The subsequent trial, lasting almost 12 months, need not be examined here. The pro- UK ruling, touching off a spate of world- wide warfare, is common knowledge to even to youngest schoolchild.

On April 19, in a preemptive strike, British and Irish submarine forces assaulted Calypso- I. Foodstuff production came to a shuddering halt. A hunger crisis arose overnight in the United States. President Wilkinson asked congress for statutory power to exercise military discretion; his clear intent being to stop the UK forces from destroying one of the globe's primary food manufacturing centers. Fearing economic reprisals from the UK (a Large Volume Trading Partner [LVTP]), congress delayed then flatly refused.

The President believing a disastrous nationwide food shortage was only days away, decided to act on his own executive authority while

remaining consistent with the War Powers Resolution. On May 1, six American Naval Battlecruisers set sail from their stationary deep- sea pens east of Nova Scotia. They attacked the British- captured underwater colony 24 hours later.

A full- blown military confrontation followed and is currently being waged there, 500 fathoms beneath the surface of the Atlantic.

Holding & Analysis

For reasons set forth in greater detail below, we hold that...

Submissions should be delivered to the Reporter office, or to the Reporter's mailbox in the information center on the 2nd floor of Burns by January 30, 1996

LOYOLA REPORTER
vol. 19, no. 4
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Associate Editors
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- 3) How can BAR/BRI publish reliable statistics since the schools do not release the names of the persons who sit for the bar exam and the Committee of Bar Examiners does not release the names of persons who failed? If their reps tell you that they can, why did they publish a statistic about Stanford 1994 1st time takers of the California bar examination that has been demonstrated to be off by 29.2%?

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Grendel's Notebook

by R.J. Comer

Sisyphus Laughs

It's common knowledge that more Americans kill themselves in December than in any other month of the year. And who can blame them? Confronted with the Rorschach test of relentless Judeo-Christian holiday trappings, the gaping and painful meaninglessness of life inevitably becomes more acute.

So one December many years and tears ago I decided to join the statistic. In all my previous episodes I would load my .45 auto and nestle into the corner of my shower stall, to make clean-up easier for the poor bastard who'd find me. I'd slam back the hammer of the pistol, release the safety, and taste gunmetal on my tongue as I struggled to do it and not to do it, to do it and not to do it. I don't remember now what triggered the December episode, but it was probably the same old acute despair over what life ultimately failed to mean. Well, that and the drugs. Anyway, this time I decided to try something I'd seen in a pathology text book. There was a photo of a guy who hung himself, not by dangling, but by fastening his tie to the bars of his prison cell and leaning backward until achieving strangulation.

This seemed plausible, so I shoved all my clothes over to one side of my closet and rigged a rope to the dowel. I was an Eagle Scout once, so I tied a good slip knot around my neck, hand cuffed myself, and was ready. No note. Notes are for pussies who kill themselves to get attention; the point of killing yourself is that you either have nothing more to say or anything you have to say is pointless - so just get on with it.

It was time. I hadn't asked to be here and the only control over the inevitability of death is the circumstances. So I leaned back. The knot tightened. ARGH! It was painful but I could still breathe. "hhhhhh-haaaah, hhhhhhh-haaaah, hhhhhhh-haaaah." So I bounced a bit and the rope tightened a little more. OUCH! My neck burned and pinched like someone had tied a tongue of fire around it, but I could still breathe. "hhhhhh-haaaah, hhhhhhh-haaaah, hhhhhhh-haaaah." Pathetic.

Then I heard something crack. Was it my neck? No, I could still breathe - barely - so it couldn't be my neck. I wasn't sure, but it seemed reasonable that one cannot breathe through a broken neck. Turned out it was the dowel. Fuck. The dowel was cracking a laugh at my expense. So out the corner of my eye, I spy across the room to the mirror on the far wall to see if the dowel is about to go. And that's when I see what I'd look like if they found me there; I looked like a schmuck: undignified, face swollen and purple, tongue lolling out like a monster in a B movie. This was not a tough guy's suicide; Hemingway would never have opted for this method. Then I notice I'm wearing an "I Love [heart] L.A." t-shirt, and although the irony appeals to me, I decide this is not the final image of myself I want to leave.

So then I get the giggles... and the giggles become laughter... and the laughter becomes hysterics... and because you just can't get into the spirit of suicide when you're laughing your ass off, I decide to abort this suicide attempt. But the laughter has drawn the noose tighter and I'm loosing consciousness and I've got no strength in my legs. They're numb and useless as beef-tongue on styrofoam and I - of course - can't and won't call out for help. So I'm leaning there sounding like Darth Vader on nitrous oxide and I realize that I just killed myself after all. Talk about

All kidding aside, having been acutely suicidal I know how unfunny that kind of despair can be. Please, if you are seriously contemplating suicide, take a moment to talk to someone about it. The counselors here at school are very good. You can always off yourself later, but maybe someone will say something you haven't heard before. And if you think someone you know is suicidal, confront them with your concern. Many suicidal people think no one cares and your silence confirms that conclusion.

Movie Review "GOLDEN EYE" John Rogers '98

GoldenEye
[United Artists] General
Release

Director: Martin Campbell
Starring: Pierce Brosnan,
Sean Bean, Izabella
Scorupco, Famke
Janssen & Joe Don Baker

Bond aficionados are notoriously fickle. They didn't much like Roger Moore, hated George Lazenby and were sullenly noncommittal about Timothy Dalton. So it comes as no surprise that this new Bond, Pierce Brosnan, has elicited a great deal of heated debate amongst their ranks. "He's too old," the young ones complain. "He's too skinny," the Connery Faction laments. "He's not menacing enough," the blood & guts crowd cries.

I don't know. He worked for me.

Brosnan is an immensely likable actor who often in the past showed poor judgment in choosing roles - relegating himself to the B and C grade studios for well-nigh ten years. Hopefully, all that's behind him now. Insofar as his Bond quotient is concerned, I say it's rather high. He spits out "shaken not stirred" well enough. He has mastered "Bond. James Bond." quickly and effectively. He looks suitably dashing in a tuxedo. And, of course, he can't seem to lose at Baccarat.

Brosnan is a more than acceptable Bond.

However, his first outing, while satisfying, does leave a bit to be desired.

The pendulum has swung back on this Bond stuff. With Dalton, they gave us dramatically well-done, low-thrills material. But Dalton was just too damn serious a Bond... Now, reading the hastily-scribbled comment cards of the bubble-gum set test audiences I suppose, they have switched back to big-budget techno-stunts.

All quite exciting, most assuredly.

But when 85% of the film seems to be falling off of cliffs, driving tanks down the alleys of St. Petersburg and bungee jumping off mammoth Swiss dams, something has got to suffer. Here, it's plot.

There's not much of one. I won't spoil it for you. But...tell me...why does Sean Bean get second billing in the picture if he's executed in the first ten minutes? Basically, the deal is this; a crime syndicate called Janus, not nearly as suave and brilliant as Blofeld's SPECTRE, has stolen the command

disc for a revolutionary new orbital weapon from a beleaguered Russian military outpost. Bond tries to get it back. On the way he meets up with stereotypically simple-minded CIA agent Baker, who, I would guess, is destined, if anything, to fill the vacuum left by the blundering sheriff from the Roger Moore Bond movies. He also crosses paths with psychopath ex-Russian fighter pilot Janssen. Janssen supplies a few sadistic-sex laughs for the less-demanding elements of the audience.

Speaking of sex, the producers have strictly adhered to the "minimum needed" policy first instituted in Dalton's initial Bond, "The Living Daylights." Hence, in "GoldenEye", Brosnan hooks up his frumpy Russian computer programmer love interest Scorupco late in the flick and only beds her in the final quarter. Oddly, due to some fluke of nature, her Siberian winter/pasty white complexion is magically replaced by a Mediterranean beach goddess tan about 2/3 of the way through. Pleasing enough, but...huh?

The plot wrangles around for over two hours; at certain points leaving us desperately confused and at others simply tired.

But it's not for the plot that you've gone to see this movie, so you won't be disappointed. The real draw here is the Bond mystique - the great gadgets, the stunning women (or Brosnan himself, for the distaff section), the jet-set milieu, the unbelievable escapes and so on. And "GoldenEye" provides.

Keep your eyes open for a brief but fun part by Robbie Coltrane as the head bad guy's quasi-rival. You may recall him from British T.V.'s excellent "Cracker" series. Also, Bean as, well...you'll see... is above-par. You might remember him as the bad guy who just couldn't let it go in "Patriot Games" or as Commander Sharpe in PBS's superb adventure series of the same name. For you true movie trivia buffs, that really is Tcheky Karyo as the Russian Defense Minister. He played the younger hunter in "The Bear" and was Anne Parillard's boss in "La Femme Nikita."

I encourage you not to go into this film still broken up about Connery leaving the series over twenty years ago. For heaven's sake, get over it and move on with your life. Brosnan deserves a fair shot.

continued on page 10
"GRENDL"

Book Review "MARIJUANA THE LAW AND YOU"

David Paul Bleistein '96

"...
And thou shalt not smoke the evil marijuana weed, known as pot, grass, mary-jane, Acapulco Gold, [rising cloud of smoke from congregation]

(cough cough cough)
It's sinful, it's harmful;
It's also very expensive!!"

"Big Daddy" [Sammy Davis, Jr.] preaching for the Rhythm of Life Church, in the film, Sweet Charity

The book, Marijuana: The Law and You, written by Ed Rosenthal, William Logan and Jeffrey Steinborn, published in July, 1995, isn't really meant for lawyers. Rather, it's intended as a guide for those non-lawyers who still insist on using the stuff.

I don't use the stuff. But I found it irresistible to read and review a book, written by lawyers, that purports to be a guide to breaking the law, and getting away with it. The book is "[d]edicated to legalizers who would make this book irrelevant." Law-breaking with a little social conscioness-raising. What fun!

Actually, this book *isn't* fun. It describes in breezily-written, but ruthless detail how dangerous a business it has become to use the "sweet weed."

The first chapter describes what's arguably the serious erosion of the Bill of Rights, particularly the **F o u r t h** Amendment, in the face of the "War on Drugs" waged during the 1980s. Particularly noteworthy is its discussion of the by-now infamous federal sentencing guidelines and the apparent lack of intellectual integrity of the judges, police and other law enforcement officers who use them.

The second chapter describes the manner in which the police bust people. It describes in detail some police and DEA tactics such as informers, auto stops, etc. It gives helpful hints such as keeping your car in good working order to avoid the "iron-clad probable cause" provided by a non-functioning light, for example. The third chapter details what to do if the cops arrive, with or without a warrant. It provides such details as what the scope of a search may be, how much bail you can be charged, the right to return of seized items and, the right to remain silent that

everyone knows, but no one exercises.

The fourth and fifth chapters describe searches and arrests. The advice they give is don't ever consent to search without a warrant. If arrested, shut up, but don't resist arrest. Sounds really obvious, but . . .

Chapter 6, choosing a lawyer, was probably the most interesting. This chapter debunked the old saw about getting a "local lawyer" instead of someone you trust a lot more from your own hometown. Judges and juries appear to be impressed by good-quality counsel wherever they may come from. For a law student and a beginning lawyer, that's a useful fact to keep in mind if you feel you can't handle that case out in the sticks. This chapter also counsels avoiding defense lawyers who seem too cozy with local prosecutors. Why? A good defense lawyer "rattles the cage" of the opposing side. The authors characterize prosecutors as people who are addicted to routine. Maybe you shouldn't feel so badly if you don't excel in law school trial ad classes. In law school classes, it seems that mastering the formula taught is more important than the results, especially since the cases in trial ad are rigged to make them close. What little experience I've had suggests that real life isn't like that. So many cases aren't even

close, it's not funny. Anyway, a bad grade in trial ad needn't mean the end of your ambitions to be a trial lawyer. But, I digress; back to

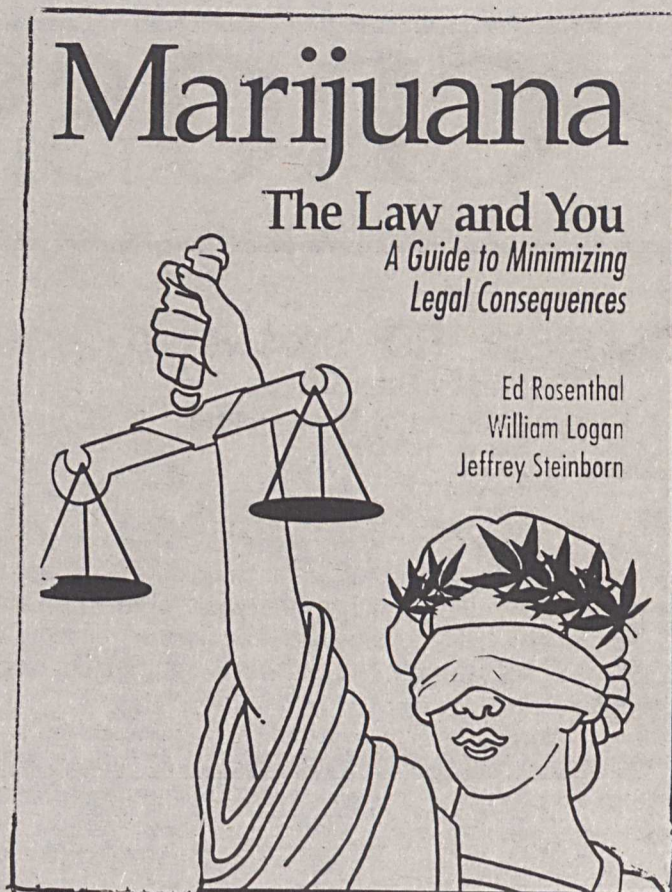
This book details a jurisprudence arguably gone mad, where reality doesn't count, only what the government says. And we approved of it, without a peep of protest.

business.

Chapters seven through nine describe general courtroom strategy, steps in defending drug cases and what the prosecutor has to prove to win the case. If you're past first year, you know all that stuff, or where to look it up. Ditto for chapter ten, which talks about beating a warrant.

Chapter eleven is much more interesting: it talks about "handling the Government Informant." There's lots of rat analogies here, like this one:

The informant, historically, has been referred



to as a rat, and embodies many characteristics of his namesake. One of the telling features is how when caught in a trap, he will gladly give back the cheese in exchange for his freedom.

All informants lie some of the time. . . .

....
All animals eventually begin to identify with their keepers.

The snitch- destruction strategies outlined include, bring out the snitch's drug use; find people who will vouch for that person's bad character; expose records of payment; bring out the DEA's own suspicious policy regarding snitches; and tell the local news media, who may pillory the bastard to the accused's advantage. In short, drag that snitch's ass through the mud, especially in cross-examination. This is where all of that character witness stuff in evidence really begins to make real-world sense.

Chapter twelve is guerilla trial tactics. You need to be more ruthless than the government to win a weed case and this chapter tells how. [I'll bet they don't teach most of this stuff here at LLS.] It details some seemingly obvious - - but apparently seldom-heeded - - advice, like streetwise investigation and jury selection, being friendly to court personnel, pretending the prosecutor doesn't exist, breaking the prosecutor's routine, "psyching" the jury, and making the absolute most of the defendant's ability to admit almost all relevant evidence while the prosecution cannot.

Chapter thirteen provides an overview of using a civil rights action as part of an aggressive defense. A basic outline of civil rights law, for non-lawyers.

Chapter fourteen describes show-and-tell evidence. [They do teach this stuff at LLS!]

Finally, Chapter fifteen describes the horrors of forfeiture, both civil and criminal. Civil forfeiture requires only that the government have "probable cause" to take

your property; the burden of proof falls on the property owner. Worse, property can be seized summarily, and, worse yet, based only on hearsay. SCARY! [Keep your eyes peeled for some interesting civil forfeiture cases before the Supreme Court.]

The most frightening parts of the book were the appendices, especially the one with the tables the government uses to show the "yield" of marijuana from a given number of plants. [Sentences are based on how much weed is seized.] The trouble is, yield is based on optimum conditions; a real yield is usually about half what the tables show. Thus, the average defendant is sent up river for twice the time he actually "deserves!" By the time I hit this chapter, I'd gotten numb to the fact that reality doesn't matter in weed cases much of the time. SCARY.

Reading this book made me more sympathetic to anti-government extremists who fear that we've lost control of the Feds. But the trouble isn't just with the Feds; it's all of us. We are the Feds and they are us. It's our doing, in the end.

This book outlines a wacky jurisprudence that is a byproduct of what a lot of people wanted. I've found that many of the same people worrying about the Waco incident are the same ones who loudly applauded when SWAT teams started busting down people's doors in order to "serve warrants." [I can remember a time when SWAT teams spent their time rescuing hostages.] The point is that if you sanction the increasing militarization of police in drug enforcement, who says they're going to know where to stop?

This book details a jurisprudence arguably gone mad, where reality doesn't count, only what the government says. And we approved of it, without a peep of protest. Remember that the people, through Congress, approved of the mandatory sentencing guidelines, and stood by while law enforcement became increasingly militarized. That's scary.

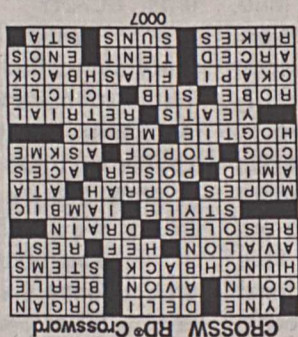
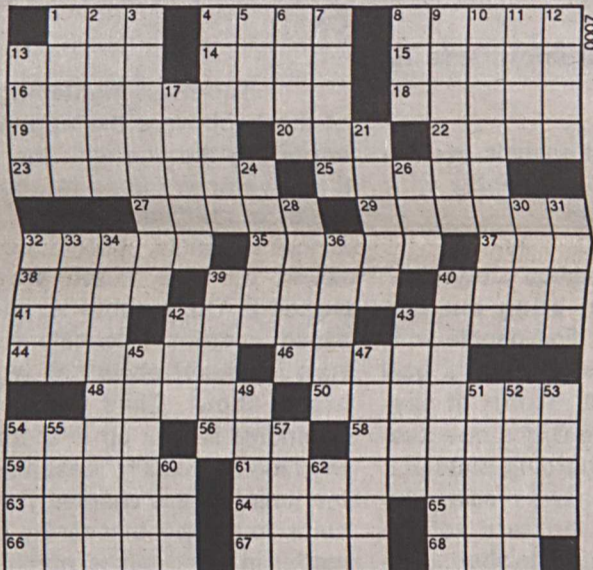
CROSSWORDS

CROSSWORD® Crossword

Edited by Stan Chess

Puzzle Created by Fred Piscop

- | | | | | |
|---|--|---|-------------------------------------|--|
| ACROSS | 40 Cheater's sleeveful | DOWN | 1 "Got a Friend" | 32 Speed number |
| 1 Hydrocarbon suffix | 41 Mechanical tooth | 2 Foch and Ricci | 3 Inside | 33 Melville novel |
| 4 It's full of bologna | 42 "On ___ Old Smoky" | 4 Actor Coleman | 5 Notorious Braun | 34 Football player with poor training-table manners? |
| 8 Heart, for one | 43 "___ no questions ..." | 6 Leven or Linnhe | 7 Signed | 36 Recommend for a second opinion |
| 13 Eagle or double eagle | 44 Bind unceremoniously | 8 Dict. usage label | 9 Touch up anew, | 39 <i>Dead Society</i> (Robin Williams film) |
| 14 Cosmetics company | 46 Corpsman | 10 Football player who's short on experience? | 11 Charitable donations | 40 Attributes |
| 15 "The thief of bad gags" | 48 "The Wild Swans at Coole" poet | 12 Fit together closely | 13 Overbroil | 42 ___ Maria (Jamaican liqueur) |
| 16 Football player who runs on intuition? | 50 Second experiment | 17 Jack, Jennifer and Tim of the movies | 21 He may get roasted, surprisingly | 43 H |
| 18 Timepiece parts | 54 Choir attire | 24 John B., e.g. | 26 Doctor's "Say ___" | 45 Plains home |
| 19 Star of beach movies | 58 Christmas-tree decoration | 28 Derby site | 30 Columnist's tidbit | 47 Believers, of sorts |
| 20 <i>Playboy</i> nickname | 59 Giraffelike animal | 31 Quantity of beer | | 49 Separates out "___ Help Myself" |
| 22 Unwind | 61 Football player who's always seeking photo ops? | | | 52 Aluminum giant |
| 23 Fixes footwear | 63 Traveled between electrodes | | | 53 Albanian currency |
| 25 Outflow of resources | 64 Loose-fitting dress | | | 54 Greasepaint sound? |
| 27 Strunk and White concern | 65 Simian in space | | | 55 Gumbo ingredient |
| 29 Satirical Greek poem | 66 ___ it in (makes money) | | | 57 Cordon ___ |
| 32 Broods | 68 R.R. stop | | | 60 Driver's licenses, perhaps |
| 35 Phil's counterpart | | | | 62 Gloucester's cape |
| 37 Alma-___ (Kazakhstan's capital) | | | | |
| 38 During | | | | |
| 39 Brainteaser | | | | |



"GRENDEL" from page 8

your existential bummers.

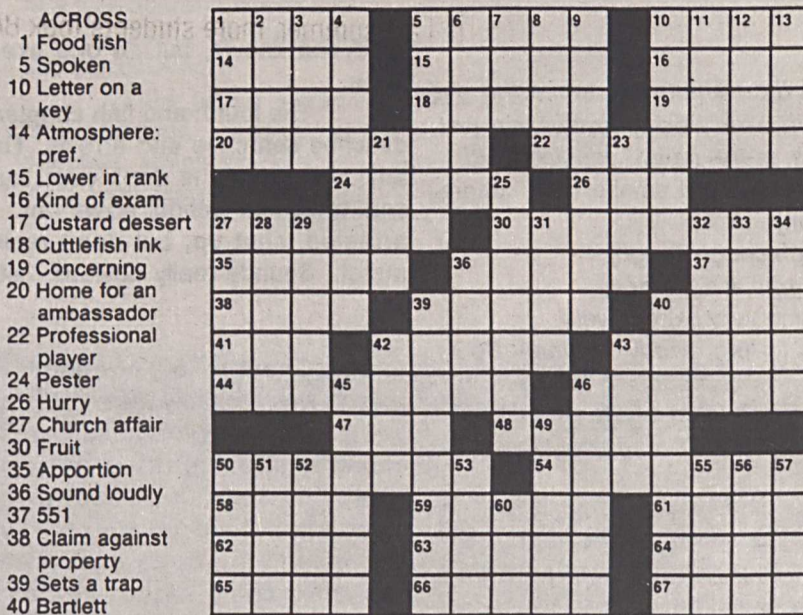
My only chance was to get the dowel to break. Bounce hard and either rip my head off or save my ass. Needless to say, I was at least living in the moment and for once life had meaning - if only temporarily. So I bounced as hard as I could, still laughing at myself: bounce-crack-ouch, bounce-crack-ouch...

The dowel finally snapped and I fell to my life on the floor of my dusty closet. Quickly I pulled the dead weight of my legs through my cuffed arms and clawed the rope off my neck. The rope was reddened with blood and my neck showed a hickey burn the Grim Reaper would be proud of.

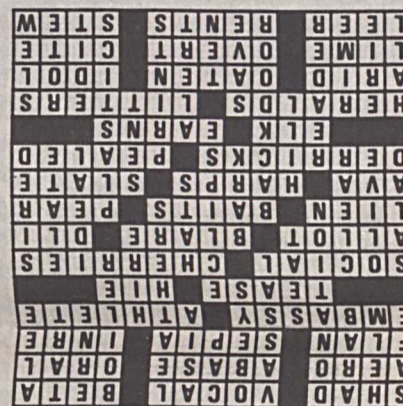
I spent the next week wearing turtlenecks and avoiding my girlfriend who would've become suspicious if I insisted on fucking with my clothes on more than two nights in a row.

Eventually, the burns healed as did the despair. Although I still hate the holidays, I know I've achieved some modicum of mental health because during the holidays I only want to kill others, not myself.

THE Crossword



- | | | | |
|---------------------------|-------------------------|------------------------|--------------------------|
| ACROSS | 1 Food fish | 7 Hat | 11 Sea bird |
| 5 Spoken | 8 Continent | 12 Small pie | 13 Nautical term |
| 10 Letter on a key | 9 Tanned hides | 21 Chair | 23 Employ |
| 14 Atmosphere: pref. | 10 Heating system item | 25 Surpass | 27 Dish of greens |
| 15 Lower in rank | 11 Works for wages | 28 Martini garnish | 29 Unobstructed |
| 16 Kind of exam | 50 Royal messengers | 31 Berets and tams | 32 Perfect image |
| 17 Custard dessert | 54 Scatters trash | 33 Make happy | 34 Fathered |
| 18 Cuttlefish ink | 58 Very dry | 36 Tree coating | 39 Rear exit |
| 19 Concerning | 59 Made of cereal grain | 40 Synthetic materials | 42 Elevation |
| 20 Home for an ambassador | 61 Graven image | 43 Transmitted | 45 School book |
| 22 Professional player | 62 Acid fruit | 46 Publishes | 49 Warning sound |
| 24 Pester | 63 Open | | 50 Passageway |
| 26 Hurry | 64 Refer to | | 51 Great Lake |
| 27 Church affair | 65 Sly look | | 52 Frost |
| 30 Fruit | 66 Leases | | 53 Rescue |
| 35 Apportion | 67 Fret | | 55 Ready for publication |
| 36 Sound loudly | | | 56 Memory |
| 37 551 | | | 57 Large amount |
| 38 Claim against property | | | 60 Knockout count |
| 39 Sets a trap | | | |
| 40 Bartlett | | | |
| 41 Actress Gardner | | | |
| 42 Angelic instruments | | | |
| 43 Blackboard | | | |
| 44 Oil field items | | | |
| 46 Rang | | | |
| 47 Lodge member | | | |
| 48 Works for wages | | | |
| 50 Royal messengers | | | |
| 54 Scatters trash | | | |
| 58 Very dry | | | |
| 59 Made of cereal grain | | | |
| 61 Graven image | | | |
| 62 Acid fruit | | | |
| 63 Open | | | |
| 64 Refer to | | | |
| 65 Sly look | | | |
| 66 Leases | | | |
| 67 Fret | | | |



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and Monday and Tuesday, 6:30 pm to 10:30 pm*

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