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The Loyola Reporter

Loyola Law School Los Angeles

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People Making a Difference at Loyola

By Javier Aguirre

We all have different reasons for coming to Loyola Law School. Some of us are here to obtain a legal education, while others come to Loyola to prepare us for the legal field. Many of us will credit a professor, an administrator, or other employees for making a difference in our legal education. At times, we fail to recognize others who make our experience at Loyola enjoyable when they provide a service which does not relate to law. Most of us have had the opportunity to eat a meal in the Marriot-run cafeteria. Whether we like the food or not, the workers at the cafeteria attempt and are successful at creating a friendly environment. The biggest difference between the administration and the cafeteria workers, says second-year student, Christopher Doan, "is that the cafeteria workers smile when you ask for something."

So, who are these people that make our sandwiches, cook our meals, and ring us up at the register? They are a group of remarkable people who make sure we have the best meals. While Loyola provides us with a stress-free environment, they encourage when they see us stressing over finals. Joey Liu, a first year at Loyola, comments, "They show a lot of character and patience to put up with our stress." Besides creating a stress-free environment, they may speak to you in Spanish if you are trying to learn the language or simply trying to brush up on your skills. Is there any other place where you can get a decent meal and learn Spanish, while going to law school?

Making three meals a day is not an easy task. A lot of preparation, planning, and cooperation takes place between all the workers to make it happen. The cafeteria staff includes manager Dolores Duran, supervisor Esterlina Lau, cafeteria manager Sonia Suarez, and grill chef Eugenio Martinez. Three grill cooks assist Eugenio: Jose Canas, Elia Hernandez and Sonia de Soto. The staff is rounded out by cashiers Diana Gagon and Zdenka Muscet, and utility assistant Miguelito Gomez. Each of them should be praised for their hard work at the cafeteria. "They are always efficient, they are exactly what Loyola needs," adds Sharon Matthews, a second year student. Sharon does suggest, "they should add more salt to the beans!"

Loyola Alumnus and Student Play Key Role in Internet Governance

By Brian Sanders

In December, the U.S. Federal government transferred the majority of its control over the Internet to the private sector. Loyola alumni Karl Auerbach and second year law student David Steele played key roles in the transition and were on hand at the White House ceremony marking the event. Both Auerbach and Steele have a history of involvement with Internet governance and policy issues, and are leading Internet engineers who chose to augment their technical skills with a law degree from Loyola.

Auerbach (Cum Laude, 1978) is now an engineer at Cisco Systems, working on advanced network design, and has been involved with the Internet since its rough beginnings in the early 1970s. Auerbach attended both UCLA and U.C. Berkeley, where he received his undergraduate degree. After graduating from Loyola Law, Auerbach founded Epilogue Technology Corp., and, later, Emerie Tools and Technologies Corporation.

Steele, a second year Loyola student, plans to practice intellectual property law at the Pennsylvania law firm Christie Parker and Hale, where he now works. Before he came to Loyola, Steele was Engineering Manager at Fibertron Corporation of California, where he designed fiber optic networks used to build the Internet.

Auerbach is a co-founder of the Boston Working Group (BWG), a consortium of Internet experts. This groups includes Steele, which was formed to address deep public and industry concerns over the U.S. government's plan to delegate Internet control. Working together with the White House, the U.S. Department of Commerce, and an international group of Internet leaders, they helped create the new non-profit corporation that received control over parts of the Internet from the U.S. Government. That corporation, the Internet Corporation for Assigned Names and Numbers (ICANN), is responsible for running the Internet's domain name system framework.

There are three individuals who deserve special recognition: Sonia de Soto, Jose Canas and Eugenio Martinez. Sonia, a grill cook, has been working for Marriot for over six years. Born in Panama, she moved to Brooklyn, New York in 1967, and in 1976, she moved to Los Angeles, where she lives with her younger brother. Sonia tries to make the students feel comfortable and help them ease their stress during finals while preparing their meals. During the baseball season, she likes to talk about the New York Yankees with other baseball fans. On one occasion, a student brought her flowers and candies for Valentine's Day. That day is a reminder of one student's appreciation for her hard work. While Loyola provides her with a friendly working environment, she credits Professor Benson for his commitment in assisting the employees with their labor issues.

Another grill cook is José Casillas. José was born in Jalisco, Mexico and at age 17 he moved to the United States. Over the past ten years working for Loyola Law School and at LMU, José has made an effort to create a "friendly atmosphere for the students and the administration." He enjoys speaking in Spanish to students who are trying to learn. During any given day, a student will either try to order their food in Spanish or begin a conversation with him in Spanish. He is always grateful to know that students have an interest in his native language.

Behind new meal ideas is the cafeteria’s head chef, Eugenio Martinez. A native of Jalisco, Mexico, Eugenio started working for Loyola Law School six years ago after working for two years at LMU. While cooking may be his career, he enjoys spending time with his wife and two daughters at home or at the park. The thing he likes the best about cooking, is the opportunity to introduce new dishes to the menu. His specialties include, Mexican foods like "carne con chiles" and "chilaquiles." This year, he began making pancaces in the morning. Once a week, on a sunny day, you can see him outside at the barbecue grill. When he is not working at Loyola, Eugenio is training for the Los Angeles Marathon, running six miles every other day. He appreciates Deane Levenson’s recognition for his work at Loyola and Professor Benson’s efforts to provide decent working conditions.

Over the years, working conditions have significantly improved for all of these employees. Loyola Law School is committed to provide their workers with decent wages and benefits. Yet the salary for some Marriot’s workers is not enough to support their families. Recently, Dean Gerald McLaughlin and Associate Dean Bob Bride promised to implement the Los Angeles Living Wage Ordinance in the contract with Marriot. The Los Angeles Living Wage Ordinance ensures that workers will earn above the national minimum wage. Currently, the ordinance recommends private businesses to set their wages at $7.00 per hour with medical benefits, and at $8.25 without. Associate Dean Bride also announced that over the next three years, the ordinance will be implemented in all of Loyola’s existing outside contracts. This commitment to implement the ordinance is consistent with Loyola’s mission, "a deep concern for social justice." We should be proud of Dean McLaughlin and Dean Bride’s efforts to provide Loyola workers with decent wages and fair working conditions. As we prepare ourselves to act and think like lawyers, we should also recognize Loyola’s long-standing commitment to social justice.
SUBMISSION DEADLINES
for THE LOYOLA REPORTER
PUBLICATION
April Issue
DEADLINE
March 15

ALL STUDENTS AND FACULTY ARE INVITED TO SUBMIT ARTICLES FOR PUBLICATION.

Letters to the editor should be submitted on a 3.5" floppy disk in Microsoft Word 6.0. Attach a print copy of the article, including your name and phone number. The Loyola Reporter is located in the Student Services Building, Room 224. Either drop it under the door or leave it in the envelope posted outside the door.

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We look forward to printing what you have to say!

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Loyola Law School Student Newspaper
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The Loyola Reporter
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How to Reach us:
The Loyola Reporter is located at Loyola Law School, 919 S. Albany Street, Los Angeles, California 90015. The phone number is (213) 736-8117 and fax number is (213) 380-1769.

"I never met a litigator who did not think that they were winning the case right up to the moment when the gavel came down."

William F. Baxter
What Is Going On With Scott Moot Court?

By Sonia Sanchez

Le’s get the party started!! The Scott Moot Court Honors Board has been busy bringing Loyola Law School pride and controversy. Last semester, Matthew Hippler and Rachel Richmond competed against UCLA Law School, Pepperdine Law School, Cal Western Law School and Southwestern Law School to bring home the California Regional Finalist title, for the National Moot Court Competition.

Where did they head next? NEW YORK, where they competed for four days, starting January 25, 1999. The Jesup Team (Eliott Nahmas, Hyunah Suh, Rose Sorensen and Cheryl Conn) will compete from February 11 through 13 in the Southwest Regional Competition in Salt Lake City, Utah, at the Brigham Young University J. Reuben Clark Law School (try saying that in one breath). The Traynor Team (May Mallari, Alex Rosati, Lena Slaughter and Robert Kane) will compete on February 26 and 27 in the Regional National Appellate Advocacy Competition in San Francisco.

Back home, Justice Team members (lobat Ghatan, Michelle Humphrey, Mauricio Raud and myself) are preparing to read and score all the stellar respondent and petitioner briefs that this year’s Scott Moot Court competitors will submit on February 15, 1999. What does the case deal with this year? Well, here are some basic facts:

Pat Harmony is a post-operative male-to-female transgender who was expelled from a private woman support group, called Women Healing Women, which is located on a state university campus. Women Healing Women provides free psychological services to low-income women who were victims of sexual assault. Harmony was sexually assaulted when she was a male. When she applied to Women Healing Women, she had already undergone sex reassignment surgery and designated “female” on the forms. Neither the Women Healing Women group, nor its individual members, knew that Harmony was a post-operative male-to-female transgender. Upon learning this fact, and taking all group members into consideration, Women Healing Women expelled Harmony from the group. Then, Harmony brought a U.S.C. Section 1983 claim against Women Healing Women alleging that she was discriminated against on the basis of gender and transsexualism. With all the competitors good luck!

Also, the current Scott Moot Court Honors Board would like to invite all of you to attend the final round of competition, tentatively scheduled for Wednesday, April 14, 1999 in the Moot Courtroom. The top four oratorists will argue the case and compete to be named Best Oralist before three prestigious justices (names to be released in the next The Loyola Reporter issue). DO NOT MISS IT - we promise, you will not be disappointed!

ALUMNI: from page 1
(a.k.a. ICANN) was created to meet the needs, and manage the concerns, of many diverse parties. ICANN was created through a world-wide consensus among industry, the U.S. government and international governments. Building that consensus required the development of a broad compromise between a large number of interested parties. For example, the international community insisted on equal representation on ICANN’s board, although the U.S., historically, had been the dominant force behind the Internet. Also, trademark holders were concerned with protecting their rights on the Internet. Finding common ground between such conflicted parties required considerable effort and flexibility from all quarters.

Auerbach and Steele were the key negotiators involved in the formation of ICANN. For example, Auerbach and Steele agree with two people who helped shape the course of the Internet revolution, they gave the class a perspective that we never could have received merely from reading about it in the newspaper.

The CAN’T WE TALK ABOUT IT?
Thursday Communication Series

Professor Hobbs will be the presenter. Bring your lunch to the Moot Courtroom at Noon.

I HOW To BE A GOOD LISTENER
#1 February 11 - Thursday
"How Many Times Do I Have To Tell You That I Love You?"

#2 February 18 - Thursday
"That’s Not What I Said"

II HOW TO TALK TO PEOPLE WHO ARE UPSET
#3 February 25 - Thursday
"You No Good..."

If law school is so hard to get through, how come there are so many lawyers?

Calvin Trillin
One glaring example which The Loyola Reporter noticed recently was that of "George Magazine". As of late-January, 1999, the October 1998 issue was the only issue available on the rack for students to read. Five editions of George have been published since the October issue -- yet none of them are currently available to law students!

When The Loyola Reporter investigated why no current editions of this magazine were available to students, our reporter was brushed off by the law librarian on duty, Professor Estle, who blamed the outdated edition of George on the library's "routing" policy. Stated simply, the "routing" policy allows library staff members to read magazines before they are put into general circulation in the library. Apparently, there is no time limit on how long a staff member can use one of the magazines -- as the George example confirms.

This policy is in dire need of reconsideration. A five month delay to read a current magazine is simply not reasonable. Considering that student tuition money goes to buy these magazines for the law library, we deserve to be able to read these periodicals in a timely fashion.

Shame on the law library for allowing staff members to hog current magazines at the expense of students. This selfish practice must stop.

By Josh Gross

Have you ever tried to read a copy of one of the news magazines in the law library, only to find that the only issue available on the rack is several months out-of-date?

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"No doubt one may quote history to support any cause, as the devil quotes scripture..."

Learned Hand
## Loyola Law School Schedule of Events for Week of February 1, 1999

<table>
<thead>
<tr>
<th>Day</th>
<th>Event</th>
<th>Time</th>
<th>Room</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>Christian Legal Society - Meeting</td>
<td>12:00 - 1:00</td>
<td>B255</td>
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<tr>
<td></td>
<td>Admissions - Student Host Luncheon</td>
<td>12:00 - 1:00</td>
<td>S236AB</td>
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<tr>
<td></td>
<td>PILF - Meeting</td>
<td>12:00 - 1:00</td>
<td>MC</td>
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<td></td>
<td>La Raza - Meeting</td>
<td>12:10 - 12:50</td>
<td>DH</td>
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<td></td>
<td>Ms. Poehls - Byrne Trial Advocacy</td>
<td>3:30 - 7:30</td>
<td>MC</td>
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<tr>
<td></td>
<td>Scott Moot Court - Practice</td>
<td>8:00 - 10:00p</td>
<td>MC</td>
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<tr>
<td>Tuesday</td>
<td>Admissions - Student Host Luncheon</td>
<td>12:00 - 1:00</td>
<td>S126</td>
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<td></td>
<td>Criminal Law Society - William Ginsberg</td>
<td>12:00 - 1:00</td>
<td>MC</td>
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<tr>
<td></td>
<td>PDP - Meeting</td>
<td>4:00 - 6:00</td>
<td>MC</td>
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<tr>
<td></td>
<td>PILF - Meeting</td>
<td>5:00 - 5:50</td>
<td>H'70</td>
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<tr>
<td>Wednesday</td>
<td>Admissions - Student Host Luncheon</td>
<td>12:00 - 1:00</td>
<td>S236AB</td>
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<td></td>
<td>Ms. Boylan - Tutorial Luncheon</td>
<td>12:00 - 1:00</td>
<td>Bannan</td>
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<td></td>
<td>Ms. Friedler - Conflicts of Law Class</td>
<td>12:30 - 3:00</td>
<td>B249</td>
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<tr>
<td></td>
<td>Ms. Poehls - LR &amp; W Class</td>
<td>3:10 - 5:10</td>
<td>DH</td>
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<td>Faculty Workshop - Saul Levmore</td>
<td>3:15 - 5:15</td>
<td>Bannan</td>
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<td></td>
<td>Scott Moot Court - Practice</td>
<td>3:10 - 5:15</td>
<td>MC</td>
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<td></td>
<td>NALSA - Meeting</td>
<td>5:15 - 5:50</td>
<td>B255</td>
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<td></td>
<td>WLA - Coffee Talk</td>
<td>5:00 - 6:00</td>
<td>Bannan</td>
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<td></td>
<td>Ms. Poehls - Byrne Trial Advocacy</td>
<td>5:30 - 9:30</td>
<td>MC</td>
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<tr>
<td>Thursday</td>
<td>NLG - Dagobarto Gutierrez, El Salvador Environmental Lawyer</td>
<td>12:00 - 1:00</td>
<td>Quad</td>
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<td></td>
<td>APALSA - Meeting</td>
<td>12:10 - 1:00</td>
<td>DH</td>
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<td></td>
<td>Ms. Boylan - Tutorial Luncheon</td>
<td>12:00 - 1:00</td>
<td>C002</td>
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<td>Admissions - Student Host Luncheon</td>
<td>12:00 - 1:00</td>
<td>S236AB</td>
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<td></td>
<td>Jazz Mixer - Wes Montgomery</td>
<td>12:15 - 1:15</td>
<td>Bannan</td>
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<td></td>
<td>Mr. Nissenbaum - Library Staff Meeting</td>
<td>2:15 - 2:45</td>
<td>MC</td>
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<td></td>
<td>Scott Moot Court - Practice</td>
<td>3:00 - 6:00</td>
<td>MC</td>
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<tr>
<td>Friday</td>
<td>Fr. Merrifield - 1st Friday Mass/Breakfast Forum</td>
<td>7:30 - 8:00a</td>
<td>Chapel</td>
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<td></td>
<td>Scott Moot Court - Practice</td>
<td>8:00 - 9:00a</td>
<td>DH</td>
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<td></td>
<td>Admissions - Student Host Luncheon</td>
<td>8:30 - 10:30</td>
<td>MC</td>
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<td></td>
<td>Ms. Roberts - Faculty Appointments</td>
<td>12:00 - 1:00</td>
<td>S236AB</td>
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<td></td>
<td>Career Services - Committee Meeting</td>
<td>12:00 - 3:15</td>
<td>DCR</td>
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<tr>
<td></td>
<td>Faculty Meeting</td>
<td>1:00 - 2:30</td>
<td>Bannan</td>
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<tr>
<td></td>
<td>NLG - Speaker from Cuba, Interest Section</td>
<td>3:30 - 5:30</td>
<td>MC</td>
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<tr>
<td>Saturday</td>
<td>Early Bar Conference</td>
<td>5:00 - 7:30</td>
<td>Stu.Lnge.</td>
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<tr>
<td></td>
<td>VITA - Training</td>
<td>8:30 - 5:00</td>
<td>H'70,H'80</td>
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<td></td>
<td>NLG - Dagobarto Gutierrez, El Salvador Environmental Lawyer</td>
<td>9:00 - 5:00</td>
<td>MH, DH</td>
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<tr>
<td></td>
<td></td>
<td>7:00 - 9:00p</td>
<td>Stu.Lnge.</td>
</tr>
<tr>
<td>Sunday</td>
<td>Early Bar Conference</td>
<td>8:30 - 5:00</td>
<td>H'70,H'80</td>
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<tr>
<td>Monday</td>
<td>Admissions - Student Host Luncheon</td>
<td>12:00 - 1:00</td>
<td>S236AB</td>
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<td></td>
<td>Career Services - Becoming a Lawyer</td>
<td>12:00 - 12:45</td>
<td>B255</td>
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<tr>
<td></td>
<td>Christian Legal Society - Meeting</td>
<td>12:10 - 12:50</td>
<td>B213</td>
</tr>
</tbody>
</table>

“When you go to court, you are putting your fate in the hands of twelve people who weren't smart enough to get out of jury duty.”

Norm Crosby
IS THERE SOMEONE WHO IS DIFFICULT FOR YOU TO TALK TO?

Does what they say upset you?
Does it upset you to talk to them?
Do you get upset with — yourself — about it?

Would you like to talk about your communication?

Why don’t you go see Professor Hobbs?

He might be able to help with your communication.

His office is Casassa 105.
His telephone number is (213) 736-1083.

1L QUESTION OF THE MONTH

If you could be with anyone on Valentine’s Day, who would it be?

Will Miller
“Monica Lewinsky”

Elizabeth Stallnas
“Ralph Fiennes (from the English Patient)”

Dan McCarey
“Hillary Clinton to see if she’s really heterosexual!”

Alison Latham
“My favorite professor.”

The Loyola Law School
Center For Conflict Resolution

The Loyola Reporter

The Loyola Law School
Professors Discuss Clinton’s Trial;

By Timothy R. Pena

“Welcome to the Grand Illusion, Come on in and see what’s happenin’ Pay the price, get your tickets for the show…”

These words are surprisingly prophetic, given the spectacle going on in Washington these days — somebody is putting on a show out there. Whether by occasional glances at the evening news, or die-hard dedication to C-SPAN, the whole world is watching the impeachment and removal trial of President William Jefferson Clinton.

Yet, this begs the question of exactly who is putting on the show — this Grand Illusion. Is it the Republicans, making much ado about nothing, or is it the Democrats and the President himself, dodging constitutional process? Is the process constitutional at all?

Almost everyone has some opinion about the current proceedings. People are choosing sides, battle lines are being drawn. Currently, the President appears to be a lap ahead of his prosecutors. His job performance rating, continuously on the rise, and there is an almost universally held belief that he will be giving his farewell address sometime in January, 2001.

DRAFTED BY THE CONSTITUTION’S FRAMERS, THE EVENTS WHICH make up this Grand Illusion have been the light of day only twice in the last since that time. To delve into the constitutionality of the impeachment and trial of President Clinton, The Loyola Reporter solicited the opinions of several professors of the subject via written questionnaire and personal interview. Professors William Araiza, David Burcham, Karl Manheim and Christopher May responded in writing. Lawrence Solum was interviewed in person, and their responses lie herein. In addition, Professors Manheim and Solum discussed the course they are co-teaching this semester. The course deals generally with the topic at hand, in addition to specifically addressing the Clinton matter. In their responses, the professors provided insight, humor and experience to these current events.

PART I — THE IMPEACHMENT AND TRIAL PROCESS

QUESTION: What is your overall impression of the process thus far?

ARAIZA: In a sense, I believe the process has been proceeding the way the framers probably envisaged. They clearly thought this would be a highly political process, with strong passions on both sides, and clearly we’ve seen that. On the other hand, presidential impeachment is a tool that goes beyond mere politics, since it involves undoing the results of an election, and so I am disturbed by the thought that the pre-impeachment forces are using impeachment as nothing but another political tool. But if the Republicans believe in good faith that the President’s misconduct requires removal and undoing of the ’92 and ’96 elections, they certainly should proceed, although one would hope they would pay more attention to the public’s clear verdict that what he did, did not warrant impeachment.

BURCHAM: My impression is that the process is infected with too much partisanship. Obviously, the President cannot be removed unless there is considerable bipartisan agreement that he committed impeachable offenses. Such agreement has been lacking ever since the independent Counsel referred charges to the House.

MANHEIM: The impeachment process thus far raises serious constitutional problems. This is especially true of the actions by the House of Representatives in (1) delegating core investigative duties to the independent counsel (Kenneth Starr); (2) reporting out Articles of Impeachment by a lame duck congress, which were not to be acted upon until after adjournment; (3) writing Articles that were either vague (Article I) or compound (Article II); and (4) failing to call fact witnesses during the House proceedings, but insisting on witnesses during the Senate trial. The Senate proceedings have been more regular and consistent with precedent. Yet, there remains a significant question of legitimacy with a process that holds key deliberations and votes behind closed doors, and produces results almost strictly along party lines. Questions of legitimacy are compounded by a lengthy and disruptive process where the outcome is nearly foreordained.

MAY: Unfavorable. As with the impeachment of Andrew Johnson, this has been almost entirely politically driven for purposes of perceived partisan advantage, rather than out of concern for what is in the best interests of the constitutional structure or the nation’s well being.

SOLUM: My view, from the constitutional point of view, is that the normal procedure ought to be as it is always been. Once the House of Representatives has impeached...
and Illusion:

Seminar On Impeachment in Progress

an official, the Senate should be obligated to conduct a fair trial, absent extraordinary circumstances. So the first thing that would hit me about this trial is that it’s not a trial. The Senate is not living up to its constitutional duty. Now, no one can force them to do that, but it looks like they’re not.

Why aren’t they doing their constitutional duty? A good reason would be that the Senate reaches the judgment that the House of Representatives has abused their constitutional authority and impeached a president for actions where there is no reasonable argument that these are high crimes and misdemeanors. And if that’s what the Senate thinks, then it seems to me that the Senate ought to dismiss the charges at the threshold level. If that’s not what they think, then I think they’ve got to give both sides the opportunity to do reasonable discovery, which would be deposing all of the salient witnesses and then conduct a full trial and hear the witnesses on the merits.

So I would say that they’re doing the one thing that doesn’t live up to their constitutional duty, and they’re doing it because it’s a political compromise. They’re trying to do the one hand to say the House of Representatives did do its job— we’re not telling the House of Representatives that they’ve abused their constitutional authority. On the other hand, they’re saying, but...there aren’t serious enough charges to warrant a real trial. That’s a breach of their constitutional duty when they’re behaving in a way where there’s just no interpretation that could square this with the constitution.

QUESTION: Do you feel the process has been entirely politically motivated, or do you believe that there is a sense of duty to let the process run its course?

ARAIZA: Obviously this is a question to which I have no answer, since it turns on what’s going on inside the hearts and minds of the impeachment Reps and Senators. But I get the impression that, at least in the Senate, there’s an awareness of the precedent being set. This may be part of some Senators’ inclination to hear at least some witnesses. The House process seemed much less thoughtful and much more result-oriented.

Burcham: See question #1.

Manheim: Politically motivated. That is not to deny that many in Congress appreciate the delicate and historic task before them.

May: See question #1.

Solum: It’s not that simple. First of all, it’s entirely political. It’s the House of Representatives and the Senate. They’re political bodies—everything they do is politics. But, the question assumes that politics is one thing and constitutional duty is another, but that’s not necessarily the case. You can be political and still have the interests of the nation and your constitutional duty in mind. That’s actually the core meaning of political...where politics comes from. Has it been partisan? Obviously, it’s been partisan all along. There have only been a few moments of bipartisanship, and I think that reflects the fact that the stakes are so high, and there’s such lack of trust on both sides. I think if you were a Republican in the House, you would think that the Democrats had behaved in an abysmally partisan manner. I think that if you were a Democrat in the House, you would think the same thing of the Republicans. Neither side can step back and look at things objectively.

QUESTION: Do you think the Senate has acted or behaved better than the House?

Solum: No. They’ve both behaved pretty badly. I think the House made a grievous constitutional error by adopting the Starr Report. I don’t think it was constitutional for the independent counsel to participate in the impeachment process, and even if it was constitutional, it was very unwise. If the House wanted to pursue this, they should have called the witnesses, and we’re seeing what happens when they don’t. They don’t know their own witnesses, even though they’re the prosecutors...it’s just absurd. The House completely fell down on its constitutional duty. They either had to have the political courage to put Monica Lewinsky in front of the House Judiciary Committee or they should have dropped it. What they did, allowing a secret, one-sided proceeding to develop the factual record was completely unwise. The Senate’s doing an even worse job. They are choosing a course that just can’t possibly be in good faith. It stinks. It can’t possibly make constitutional sense to conduct an impeachment trial based on a record that consists of the depositions of three witnesses.

Solum: It’s not that simple. First of all, it’s entirely political. It’s the House of Representatives and the Senate. They’re political bodies—everything they do is politics. But, the question assumes that politics is one thing and constitutional duty is another, but that’s not necessarily the case. You can be political and still have the interests of the nation and your constitutional duty in mind. That’s actually the core meaning of political...where politics comes from. Has it been partisan? Obviously, it’s been partisan all along. There have only been a few moments of bipartisanship, and I think that reflects the fact that the stakes are so high, and there’s such lack of trust on both sides. I think if you were a Republican in the House, you would think that the Democrats had behaved in an abysmally partisan manner. I think that if you were a Democrat in the House, you would think the same thing of the Republicans. Neither side can step back and look at things objectively.

QUESTION: Have you thought about what’s going on in the House, you would think that the Democrats had behaved in an abysmally partisan manner. I think that if you were a Democrat in the House, you would think the same thing of the Republicans. Neither side can step back and look at things objectively.

QUESTION: What is your prediction of the trial’s process and outcome? Who do you think are, or will be, the ‘heroes’ and ‘villains’ of the trial?

ARAIZA: It looks at this point like there will be some witnesses called in a relatively quick process, to be followed mainly by a party-line vote on the conviction question (though I suspect a few Republicans will cross over and vote with the Democrats). As the history of this process has shown, however, predictions really aren’t worth the time to make them.

Continued: page 10
Book Review
By Joel Epstein

The Guide to Getting It On!
Published by the Goofy Foot Press

Are law students briefed on how to Get It On? "The Guide to Getting It On" is one of the most informative books on sex ever published. The Guide is much more than just a "how to" or "what to do" book; it is a reference book that reads like a thrilling novel you can't put down.

I was very hesitant to write this book review when first asked. For starters, the book is 668 pages long. Law students have enough reading to do as it is, and I didn't want to add to my workload. Also, I hesitated because I wasn't sure I could write an article about a sex book without getting branded a pervert. I had enough trouble just carrying the book out in public, much less announcing to the world that I read the book cover to cover...twice!! And finally, I thought this book wasn't going to tell anything I didn't already know.

Boy, was I wrong! Reading The Guide provided some of the most entertaining times I've had in years, and it taught me more about the opposite sex than I'd imagined possible. The first time I opened the book, I blushed reading the table of contents.

With chapters entitled "Hand Jobs," "Oral Sex: Vulvas and Honey Pots," or "Sex Fantasies," it's easy to figure out why. (Not to mention the very explicit illustrations contained in the book - wow!).

However, after reading a couple of chapters, I felt much more comfortable. I started to appreciate the importance of being open and communicative instead of shy or embarrassed about sex. Much of the book focuses on improving sexual relations between men and women. It informs the reader about preferences of the opposite sex and clears up a lot of common misconceptions. Yet, all of the information The Guide could also be learned by being open and candid about sex with any male or female.

The Guide does not contain any secrets, it talks about sex in a fun, informative, and mature manner which makes learning comfortable, easy and entertaining.

Overall, I highly recommend this book for both men and women. Don't just take my word for it, get yourself a copy, read it with your favorite guy or gal, and Get It On!

Music Review
Sugar Ray 14:59

Sifting through Sunday's Calendar section I was surprised to discover the article prominently displayed in the "Pop Music" section. It was a report card styled review of the latest rap acts. That's right. Rap acts in the "Pop Music" section.

The influence of hip-hop and rap is everywhere. Sugar Ray's sophomore effort is no exception to Hip Hop's ubiquitous presence. Although the first released single, "Everyday", sounds more like Malo's "Mambo" in the rest of the CD explores '80s new wave, hip-hop, and even touts a track featuring KRS-One. Lacing a rock band with rappers and looped beats is not a new occurrence. But for a band who's freshmen effort contained an edgy rock sound, this new sound demonstrates a serious coup. Not withstanding, the opening track fools you with a heavy metal, grinding clip. You brace yourself for a flashback to Metallica at their hardest. What follows is a mellow, catchy tune on the pain and vulnerability inflicted by a two timing woman. Several of the other tracks rock of '80s new wave pop. You can almost see Oingo Boingo stamped on the production. This obsession is confirmed with a cover of "Abracadabra". If you enjoyed the soft harmonious melody of "Every Morning" then you'll enjoy "Someday". A catchy tune with a sensitivity for the ending of old relationships and the beginning of new.

For a record that pays homage to everyone of its influences, you'd think the album would be scattered and fragmented. Fortunately, for Sugar Ray, they pull it off marvelously. For the Gen-X'er with Thompson Twins and Wham cassettes stashed in the attic and a shelf filled with WuTang and Nirvana, Sugar Ray offers an eclectic mix of sounds that appeals to our equally eclectic tastes.

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Puzzle Created by Fred Piscop

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IMPEACHMENT: from pg. 7

BURCHAM: I subscribe to the conventional wisdom that the President will be acquitted by the Senate.

MANHEIM: My prediction is that whatever verdict is reached, the Congress will be diminished for decades, as it was after the Johnson impeachment trial. This is particularly true because President Clinton has successfully created the public perception that he is competently running the country while Congress is entangled in shenanigans. Perhaps Congress is irrelevant.

MAY: The process has proved to this point to be highly unpredictable. While the safe money is on acquittal by the would have avoided the whole trial. This is particularly true because President Clinton has lawyers have not been heroes.

SOLUM: I think that Clinton will be acquitted, and it looks to me like he will be acquitted on something close to a straight partisan vote. I wouldn’t be surprised to see it move a little bit one way or the other. I’d be very surprised if there were less than 45 votes for impeachment and I would be flabbergasted if there were 67 votes for conviction. There are no heroes for me. No one who has acted well. The President obviously is not a hero here; the President’s lawyers haven’t been heroes. To me, the President’s lawyers haven’t been great lawyers. I don’t think they’ve served the President well. Clinton should never have been allowed to testify in front of the grand jury. He shouldn’t have been allowed to testify in front of the grand jury. The quality of the lawyering for the President has been amazingly poor.

I think that Ken Starr has done an abysmal job – this never should have been revved up. It was completely inappropriate for him to ask for the referral on Lewinsky. The House of Representatives screwed up – it was completely inappropriate for them to rely on Starr. I think that House managers in appearing before the Senate have done an extremely poor job of presenting their case – they have been far too emotionally involved...too strident...too angry...too defensive, and lately, they have actually been whining. It was a good thing that the Senate reached some sort of bipartisan agreement; but the agreement that they reached was really an agreement just to postpone the hard decisions. Now that we’re at the hard decisions, except for Starr Feingold, everyone is in partisan mode. It has not been a process with heroes, as opposed to Watergate, where I think there were heroes on both sides.

QUESTION: Is it too late for a deal?

SOLUM: I’d say no. If it’s not too late, a deal is very unlikely. I think that the Republicans are still going to have big incentives for a graceful exit strategy after the depictions are completed. At that point, they’re going to have to decide whether they want to have a straight up or down vote. It’s conceivable to be that there will be some acceptable compromise that will avoid that straight up or down vote. Things are pretty rigid now, so wouldn’t be terribly optimistic.

QUESTION: If witnesses are called, which do you think are the most crucial, and what, if anything might they add to the proceedings?

ARAIZA: I haven’t followed the detailed facts enough to comment on this question.

BURCHAM: Based on the extensive record developed by the Independent Counsel, and based on the scope of the two articles of impeachment, I do not believe that witnesses should have been called.

MANHEIM: The Republican House managers have listed three witnesses (Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal). I think their testimony is likely to be dry and add little to the public record. The more interesting question is which witnesses the White House will call. They could surprise us all by naming only one witness – Kenneth Starr. He did poorly in his appearance before the House Judiciary Committee. His testimony before the Senate would drive home again that this has been a politically motivated investigation from the start. It would hurt the Republicans even more than they have hurt themselves so far.

SOLUM: We’ll see them live...it’s the reason we always have witnesses rather than relying on deposition transcripts. The Democratic argument that the witnesses won’t add anything is an argument that would be made in almost every civil case. In almost every civil case, the deposition testimony is far more extensive than is the trial testimony. We depose people for two or three days...we put them on the stand for two or three hours. It’s a ludicrous argument.

QUESTION: Do you think other options, such as a fine, would have been utilized?

ARAIZA: It seems to me that Congress is looking for a perfectly appropriate procedure, as long as it doesn’t involve a fine. Beyond the fact that a fine would presumably violate the Bill of Attainder Clause, it trivializes the misconduct by indicating that it can be fixed by paying a fine. A strong statement from both Houses of Congress that the President’s conduct demeaned the office and hurt the country would, it seems to me, send a stronger signal than the party-line divided process we’ve seen up to now.

BURCHAM: I would have supported a censure motion in the House.

MANHEIM: Yes, I believe it’s fully constitutional.

MAY: Yes.

SOLUM: I think censure is unconstitutional. I think that the charges never should have been investigated by the independent counsel...never should have been referred...the referral never should have been taken up. Given that the referral was taken up, and that the House of Representatives voted it, then the constitutional course is to acquit the president; that’s what should happen now. The Constitution specifies the process by which Congress can deal with the President, and that process is impeachment. There’s no other process. If censure is viewed as a punishment, then it is a Bill of Attainder, a retroactive punishment enacted by the legislative branch. The Bill of Attainder clause in the Constitution specifies that you can’t do that. Now, even if it is unconstitutional, that doesn’t mean that a court would strike it down. It’s up to the House and Senate to comply with the Bill of Attainder Clause if the only punishment they impose is censure. But, it’s unconstitutional and it would be wrong for them to do it.

QUESTION: If the Lewinsky matter is not one for which the President should be removed from office, is it one over which he should not have resigned?

ARAIZA: My sense is that this conduct does not warrant the President’s resignation, but this was on which reasonable people could disagree.

BURCHAM: Under the circumstances as they have unfolded, I do not believe that the President’s ability to discharge the duties of his office has been compromised that he should have resigned.

MANHEIM: Last January, I thought Clinton should have resigned. Indeed, I predicted that President Gore would name Dianne Feinstein as Vice President.

CONTINUED: page 11

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IMPEACHMENT: from pg. 11
President by February 1, 1999. But, I don't believe he can resign now, or it would seriously damage the presidency by validating a politically-based impeachment inquiry and process. MAY: Definitely not.
SOLUM: I don't know whether Bill Clinton should have resigned, because I have no idea what the political implications of that would really have been. I just can't stand in his shoes. I don't know what it would mean for the nation for Al Gore to become President, what the loss to the nation would have been, what price we would have paid. Those are the relevant questions.

QUESTION: Who exactly is the "vast right wing conspiracy" anyway?
ARAZA: If the "X-Files" has taught me one thing, it's never to comment on conspiracy theories.
Burcham: I don't know.
Manheim: I'm not at liberty to say.
Solum: Partisan rhetoric. I don't believe there was a vast right wing conspiracy. Ken Starr's an honorable man, although I think in this case he acted very unwisely. But I don't believe he was part of a conspiracy.

PART II - THE IMPEACHMENT SEMINAR

QUESTION: What prompted you to design the seminar on impeachment now in progress? What are your goals for the class?
Manheim: Seldom does a current event present the opportunity to explore basic constitutional issues as does this impeachment trial. Several fundamental questions are noted above. Beyond that, the Clinton impeachment raises issues of separation of powers, immunities, and judicial review. Ordinarily, these are dry topics divorced from every day experience. This is perhaps a once in a lifetime opportunity to study issues that formed the framework of our constitution in a relevant and exciting context.
Solum: We decided to do it very late. We were at the annual meeting of the Association of American Law Schools. We were at dinner Thursday night, the week before classes started. Professor Pond said we should really have a class on impeachment. Karl (Manheim) and I looked at each other and said, "yes, we should." Then Karl e-mailed Laurie (Levenson), and we just did it...very spontaneously. This is a wonderful opportunity to learn about the separation of powers, which is what this all about, in a very exciting context. From my point of view, I have a very selfish motive for doing the class. This gives me a chance to educate myself about the great constitutional issue of our day. I'm not sure I'd do all the work if I wasn't teaching the class. It's a seminar course that couldn't be taught without impeachment being in the news.

QUESTION: From what perspective will the course be taught? Will it be completely objective and observational or have each of you picked a side to present, teaching the course in a pro and con form?
Manheim: Our principal goal is to present and discuss the constitutional issues. That's the reality of course, that this cannot be done in a vacuum divorced from the political tensions created by this impeachment. We express our own views and the students have done likewise. The class is evenly split on the ultimate question of whether Clinton should be removed from office. For the most part, the questions raised have no "correct" answer. Every viewpoint is equally valid, except for those that are wrong.
Solum: We're trying to get the students to express their points of view, and not to impose our...trying to bring out all sides. We're really not focusing on the factual case against the Independent Counsel. It's a course about the constitutional law of impeachment...the primary focus of the class is really not on the current events, which are moving faster than we can keep up with them.

QUESTION: Where do the students' opinions fall?
Solum: It's very interesting. The first session, we took a vote, and it fell out 50/50, so, it's very divided...everything you've heard in the public debate, we've heard in class already.

QUESTION: How has the reaction been to the class?
Manheim: Great so far. The class has been the subject of AP and CNN stories.
Solum: We started out with around eleven, and it's up to 14 to 16. There are some students sitting in who aren't enrolled in the class. We would have opened it up, but students didn't have a lot of notice by the time the class was available. It's a good size, and seems to be working well.

QUESTION: What will happen if the trial ends in the mid-die of the course, or is over when this issue of The Loyola Reporter goes to print?
Manheim: We've arranged with Henry Hyde to keep the impeachment trial going until mid-April. If he should renge on his promise, we'll continue to discuss issues relating to impeachment. There are more than enough to keep a seminar going for a full semester. Just to be on the safe side, we have it on good authority that Kenneth Starr has opened impeachment investigations of Alan Greenspan and Robert Rubin. Finally, he's going after the real power in the United States.
Solum: We really won't change anything we're doing. All the stuff we're doing about the current impeachment, we finish this week (1/27/99). After that, it's a timeless issue. The trial sure doesn't look like it's going to end tomorrow...

PART II - CONCLUSIONS

The ultimate conclusion to be drawn from this smattering of opinion, is that the impeachment process is flawed. And yes, the trial will end. Whether it ends tomorrow, election day 2000, or the day Loyola Law School puts a bar and pool hall on campus is anybody's guess.
"The Framers knew that this was going to happen," Solum said. "The lesson here is if you can't get bipartisan support, then you probably shouldn't be proceeding forward even if you believe in your own case -- it's just not going to work."
Yet, the process goes on. The nation has been forced to grapple with its own perceptions of right and wrong, definitions of what is and is not sex, and where the line should be drawn between prosecution and persecution. As the nation searches its collective soul while the drama unfolds, the final words of that song by Styx come to mind once more:
"And someday soon, we stop to ponder What on earth's this gaffe we'reunder Who made the grade, and still we wonder Who the hell we are..."
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