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Military Speaker Sparks Controversy at Cardozo

Glen Parker, 2L
Business Manager

Recent actions by Public Interest Law Students Association (PILSA) have generated controversy over the presence of military recruitment on campus. An informational forum on government jobs held in October caused upset to those who view the event as a violation of the school's policy against discrimination based on sexual orientation.

On Monday, October 6, PILSA, a student group sponsored by the Student Bar Association (SBA), hosted a panel discussion on careers in the federal government, featuring Captain Cinnamon Mather, a representative of the United States Army Judge

Advocate General's (JAG) Corps. The panel inspired protests from members of the community who oppose US military recruitment on campus because of its policy prohibiting homosexuals from openly serving in the armed forces. Leading the protest was OUTlaw, an SBA-sponsored student group concerned with legal issues affecting the gay, lesbian, bisexual, and transgender (GLBT) community.

OUTlaw had been vociferous in its protests against the presence of military recruiters on campus earlier in the semester. In response to JAG's participation in On-Campus Interviewing, the group handed out flyers explaining "Don't Ask, Don't Tell" (DADT), the policy prohibiting homosexuals from military service, and its conflict with the school's nondiscrimination policy.

Upon learning about the panel, Mary Ann Carlese, 3L, co-chair of OUTlaw, emailed the PILSA board notifying them that the school does not allow discriminatory employers on campus, and requested that they "disinvite" the JAG representative. "In light of Cardozo's strong anti-discrimination policy, we find it surprising and discomforting that you would provide a platform for an openly discriminating recruiter," her October 2 email stated.

The PILSA board, which at the time consisted of Sekou Campbell, 2L; Rachel Chen, 2L; Ayelet Lebovitz, 2L; Liz Robbins, 2L; Andrea Schlissel, 3L; and Jordan Walerstein, 2L, met to discuss OUTlaw's request. Although the PILSA board unanimously opposed DADT, they were unable to achieve consensus about how to

respond to OUTlaw. "PILSA didn't have a unified position," said Campbell, Chair of PILSA. "I thought this was okay because it facilitated communication."

"I thought we would all agree to disinvite Captain Mather," said Schlissel. "I thought the initial invitation was an innocent oversight." After deliberating, the board decided to go ahead with the panel, in part because of the short notice and because so much effort had gone into planning the event. For some it was a freedom of speech issue.

"For me it's about educating people," said Walerstein, the principal organizer of the event. "I feel a student group should be able to invite whomever they want."

Schlissel and Walerstein met

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Cardozo Takes to Battleground States for Historic Election

Joshua Moskovitz, 2L
Executive Editor

Contributing writers

On November 4, 2008, members of the Cardozo community joined other lawyers and law students from across the country to protect the right to free and open elections. At this historic moment in our nation's history, Cardozo students and professors responded to the call. They became part of the vast mobilization of volunteers needed to guarantee the franchise for countless voters, many voting for the first time, in battleground states. Many from the Cardozo community worked at phone banks in New York answering calls about voting problems throughout the country while others traveled to Pennsylvania to assist in poll monitoring and get out the vote efforts.

With the support of the Floersheimer Center for



Thirty-six students and members of the Cardozo community traveled to Cleveland, Ohio, where they served as poll monitors throughout the city on Election Day.

Constitutional Democracy, a group of 36 Cardozo students traveled to Cleveland, Ohio. A battleground state, Ohio experienced many widely publicized voting problems during the 2004 elections. In 2006, Ohio passed a voter

ID law, the contours of which were still causing confusion for election workers through Election Day. Coupled with the difficulties caused by the electronic voting machines and the many new voters expected to cast a ballot for the

first time in this election, pundits anticipated widespread problems throughout the state.

From the volunteers who had been working in Ohio for months

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Election Inspires Cardozo to Take Action

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to organize a sophisticated election protection machine, the call went out for lawyers and law student volunteers. Having volunteered in Ohio during the 2004 election, Prof. Michelle Adams was contacted, and together with Profs. Ekow Yankah and Ed Stein, worked with Cardozo students Mike Bales, Jeremy Benjamin, Josh Moskovitz, Lee Pham, and Jaya Vasandani to recruit and lead a group to Ohio.

Prof. Adams shared these words with *The Cardozo Jurist* about their election protection efforts:



Cardozo students received training on Ohio election law and voter protection issues likely to arise on Election Day.

“How important I think it is for students to be involved in election protection efforts because I see that as being part of a longer and larger part of the history of our Democracy. The history of our Democracy has been about going from a relatively small understanding of who was able to exercise the franchise, to a much larger and broader understanding of who is able to exercise the franchise. Students’ efforts in Ohio, New York, and Pennsylvania were part of that longer process of ensuring the right to vote, and of protecting equally the right to vote, for people who were not necessarily part of the initial group of people considered to be ‘The People’ of the United States or ‘citizens’ of the United States. And for that reason, I think the faculty has many thanks to offer the students for the work they did in Ohio and elsewhere, and I was very proud to be part of that process.

“I think there are a lot of different ways of getting a legal education. What you get at Cardozo crosses a lot of different areas—there is the standard doctrinal exposure, there are courses that give you scholarly exposure, there are clinics and externships—then there are experiences like going to Ohio where you are bringing all of that experience together, everything you have read, and using it on the ground where you have to make decisions at the moment

based on information you have. It might be limited information, you may have more information, but you have to advise someone, you have to solve a problem. I think lawyers are basically problem solvers. They are highly skilled and trained technical problem solvers. One of the things students did in Ohio—to a greater or lesser extent—was based upon the information they had about Ohio election law, [to] solve problems for those who were attempting to exercise the franchise. That, I think, is what lawyers do every day. So I was delighted to have the chance to help students get that experience at this key historical moment in our history.”

The group traveled together by bus to Cleveland where generous local volunteers opened up their homes for this group of complete strangers. The Cardozo delegation received training in Ohio election law and spent Election Day working as outside poll monitors at 36 polling precincts throughout the Cleveland metropolitan area. Applying their training and problem solving skills, the Cardozo students worked to ensure that every voter who visited their precinct was able to cast a ballot.

Here are some of the thoughts these students had to share about their experiences:

Mike Bales, 2L

“It was an amazing experience for several reasons. First and foremost, I was proud to join other students and lawyers to do what I could to help protect the right to vote. It was a great feeling to help inform voters of their rights, and the whole experience felt very empowering for me as well as for the people with whom I spoke. Furthermore, I was glad that this group of dedicated students was able to represent the Cardozo community so well.

“Profs. Yankah, Adams, and Stein invoked, at various times, the idea that as future lawyers we will have a duty to uphold Democracy. This group of students has really accepted that task. In the wake of this trip, I know that I am ready to honor that duty in the future; I also know that many of my colleagues feel the same.

“I was amazed by our [Cleveland] hosts’ generosity. It

was great to see people who were so willing to help out in whatever way they could.”

Justin La Mort, 2L

“In 2004, my polling place made national news for being in chaos. In 2008, the only story for the waiting reporters from the *Cleveland Plain Dealer*, WNYC, *Time Magazine*, BET, and two documentary teams was the excited voters making history. Democracy only works when we show up and I was proud to have served in a small way in keeping the headlines devoted to what really matters, the will of the American people.”

Elena Cohen, 2L

“After my experience with voter and election protection work in Ohio, I feel a renewed fervor for the law and my ability to enact social change, by preserving those institutions that are truly democratic and eliminating those that instead foster uncertainty and exclusion.”

Brian Sogol, 2L

“We were trained to handle discreet situations, and they did come up—long lines, voters confused about how the ballots worked. It felt great to see that we were really addressing problems and serving a purpose, not just standing outside for 14 hours in the cold. I think this will be one of the main things I remember about my time at Cardozo—it’s why I came to law school.”

Jeremy Benjamin, 3L

(traveled to Pennsylvania)

“As a third-year law student obsessed with the recent elections, I wanted to put some of the skills I had learned over the past few years to work. I found out that the New York Democratic Lawyers Council hosted a number of trainings in the election laws of New York, Pennsylvania, and other states and that attending one of these for a few hours would allow me to be a[n] election poll monitor. I attended a training session covering Pennsylvania election law that was held at Skadden, Arps, Slate, Meagher & Flom LLP. There were almost 150 lawyers and law students at that session, and another later in the day had [a] similar turnout. It was impressive to see that level of engagement shown by the New York law community, from both public interest organizations and private law. There was a clear commitment on behalf of that community to make sure the election ran smoothly and fairly, and it was great to be part of that effort. The training session presented the basics of Pennsylvania election law, from voter ID

requirements to the hierarchy and powers of election officials.

“Once trained, I was assigned by the Obama campaign to monitor a district in Philadelphia. The district was in a largely lower-middle-class neighborhood that was predominantly African American and had historically low voter turnout. Luckily, throughout the day there were no major problems. Where minor problems did arise, the election officials from both parties made every effort to ensure each person had the opportunity to vote and have their voice heard.

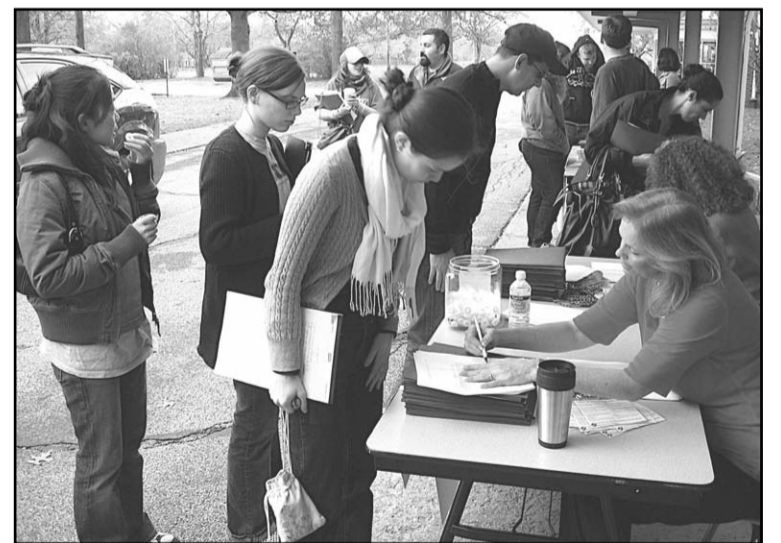
“The information I learned in the training session helped me answer a number of voters’ questions and allowed me to meaningfully participate in the election process. I was amazed at the civic pride and community feel that the voters brought with them as they cast their ballots. Turnout increased by over one-third from the 2004 election. With a little effort and the great organization provided by Cardozo, the New York Democratic Lawyers Council, and the Obama campaign, I was able to put my legal education to use and be a part of this great election.”

Lee Pham, 2L

“There are so many Election 2008 moments that I will be able to recall with great clarity years down the road. Those moments include the planning meetings with student leaders and professors where a wave of exhilaration ran through me. I’ll always remember meeting my host, Vivian, in

the first time, taking the helm of their government. I monitored a poll in the 13th Ward of Cleveland—a community of Blacks, Whites, and Asian immigrants that were modest, hard-working folks. For many, this was the first vote they had ever cast. Many were Black men, who for their entire lives felt excluded from the franchise and unworthy of being heard. Some were immigrants who spoke little to no English, but who made their way to the poll with their children or grandchildren who assisted them in the booth. Others were the heads of working families who didn’t have much but had a lot to say. Regardless of who they cast their votes for, these people, The People, usually came out of the polling place differently than they went in. They emerged proud and invigorated. They knew they just did something major. Many of the Asian Americans stepped out of the polling location with an evident sense that what they had to say was heard and would be counted. But the most notable effect was in the Black men, who emerged from the Sterling Recreation Center with heads held higher than before, with pride in their voices, and with confidence across their faces.

“The transformation among these folks is what stands out the most to me, because instead of monitoring the rights of Cleveland voters, I bore witness to the empowerment of people who are no different than my parents, my family, and the folks I grew up



Cardozo students Kimberly Wong, 3L, Danielle Rowland, 2L, and Stephanie Spangler, 2L, register for election protection training in Cleveland.

Cleveland Heights who is one of the most gracious and warm folks I have ever come to know. And the times with the group as a whole stick out—where a small army of young excited-to-be lawyers moved with such precision and determination.

“But the most poignant memories for me are the moments when I witnessed The People, for

around. I literally saw them transform, and in turn it changed a little piece of me.”

Jonathan Tomberg, 2L

“Prof. Yankah has talked on several occasions about the importance of a person’s first voting experience. He says that studies

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Election Protection

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indicate that a person is more likely or less likely to vote in the future based on that first experience. Well, I saw this principle in action. Sometime in the middle of the day an angry man came storming out of my polling location. I stopped him and asked him what went wrong. He said that they wouldn't let him vote because he had an ID with an incor-

rect address. Of course, this is completely wrong. Under Ohio law, he was eligible to vote in that precinct if he was in the books and if he had a photo ID. The address does not have to be correct on his ID.

I tried to persuade him to go back into the building, but he was fuming mad. He said that this was the first and last time that he would ever try to vote. Nothing I said could change his mind. He stormed off and I chased him down the street trying to convince him to vote, all the while thinking, "This is why you are here, get this man to vote." But he didn't stop. And he didn't vote. And he probably won't vote in the future. He probably had something else on his mind, and he was probably an angry guy in general. But I wish he had voted.

What I learned in Ohio is that most voters are not turned away by intimidating men in uniforms or dark suits. Most votes that are discarded are not thrown away in back alleys by partisans. It is human error and a lack of knowledge by the poll workers that causes the most disenfranchisement. I helped several people vote that day, but I couldn't change that one man's mind. How many like him stormed out of polls with nobody to see? How many votes aren't counted because of confusion and error? And how many future votes are lost because of hurt pride or a damaged ego?"

Veronica Carnero

"I would have to say my most memorable experience was helping a Puerto Rican family to vote. They had never voted before and were extremely eager in the early hours of voting on that Tuesday. I had seen them before they went in and told them if they needed any-

thing or had any problems to let me know. Sure enough, they came out very angry and disappointed that they were not allowed to vote. Unfortunately, they did not bring sufficient ID with them and were denied the right to vote. As one of the brothers was cursing the system and the voting process, I was eagerly talking with the mother about the importance of returning with proper ID in order to vote.

"Most discarded votes are not thrown away in back alleys by partisans. It is human error and a lack of knowledge by the poll workers that causes the most disenfranchisement."

--Jonathan Tomberg, 2L

She gave me a half smile and looked up into the air as if it would be a miracle if they returned. They slowly walked away as I was yelling to them that they needed to come back. To my surprise they came back with only one of them missing and I led them into the polling site where my inside observer escorted them through to the polling booth. As I left the room, I crossed my fingers in hopes that there would be no problems. They emerged from the room and with big smiles told me they were able to vote and were so happy. In my best Spanish I congratulated them and reminded them their father needed to come back. They said that he had diabetes and was very tired and probably wouldn't. As they walked away again, the angry brother cheered Obama's name as he put a fist towards the sky. A couple hours later, their father came back to vote and he did."

Billy Forni, 2L

"Being an active participant in such a historic, monumental election was one of the most exhilarating experiences of my life. Its extraordinary import was increasingly palpable throughout the day and into the evening and has left an indelible mark on me. I am very grateful to have had the opportunity to have helped to ensure that every vote counted!"

Jeremy Rosenbaum, 3L

"Andy was his first name. I don't know his last. As voter traffic ebbed outside the library polling station, he sauntered up to our small mix of New Yorkers and neighborhood residents. In a delicate rasp, he asked us where to vote, and then which church was serving dinner to the needy that

evening. Hunched and humbled, Andy had an air of amiable tragedy about him; we felt good to be of service to someone so likeable.

Except he seemed a little off, uneasy on his feet. He didn't smell of alcohol, but he was sallow and he slurred some words. Then we noticed the white cap of a Walgreens vial peering up from his flannel breast pocket. Still, it wasn't clear if he was tipsy, or doddering, or something else.

Within a couple of minutes, one campaign volunteer had located Andy's polling station and another was dispatched to drive him there. The car might be an hour though, which was just as well. Andy had time to wait and I wanted a moment to think. Were there legal or ethical problems with taking a person to the polls who looked like he might be incompetent? How drunk or high would he have to be? How medicated?

Andy sank into one of the two collapsible tailgating chairs an area couple had set up for the weary. He unwrapped a Rice Krispies Treat and clicked open a bottle of water supplied by local families. Then he started one of the most lucid and profound political discussions I've ever had.

I and other volunteers handed out information on the driveway and walkways nearby and, during lulls, sat next to Andy, talking politics. He was leaning toward McCain, but he was torn. He could think of four dodgy governments around the world likely to try their odds against a young president. Even if Obama was wise beyond his years, our enemies might miscalculate. On the other hand, McCain was showing his age: The older a person got, the more invested he got in his past mistakes. Things always got worse, Andy added quietly, when people couldn't come to terms with what they'd done.

Over the course of the conversation, Andy sounded like he was moving toward Obama. When his driver arrived, I was handing out information on the other side of the library driveway. I didn't have a chance to ask him his final opinion.

I do know that Andy cast a considered vote. And I know he would not have done so without a half-dozen campaign volunteers who crossed his path on Election Day.

A few hours later, Andy walked back to the library. 'I'm so hungry,' he whispered. A local volunteer took him to get dinner, and food for the week."

1L-lection: First Years Come Out Strong on Voting Day

Rachel Kleinman, 1L
Contributor

The 2008 US presidential election held a natural appeal for 1Ls at Cardozo. Of the three 1Ls queried about their emotional investment in the election, on a scale from one to 10, two replied "11." Nina Frank, for example, said she came to law school because of an interest in the ideals of fairness and justice, adding, "This election could not have come at a better time." 1L and SBA senator Adaeze Udoji says that the election is "important, especially as future lawyers."

Accordingly, early campaign involvement among 1Ls was quite common. Frank says she began volunteering for Barack Obama's campaign before the democratic primaries.

"I phone-banked for him in California, participated in fundraisers, donated all I could to his campaign, and made phone calls from home the night before the election," Frank said.

Personal involvement in the election process was equally important to Udoji. For three weeks prior to the election, Udoji participated in the SBA's voter registration drive in which she helped students register to vote, change their addresses, and request absentee ballots.

However, for many 1Ls, figuring out how to balance their sense of civic duty with their Torts homework presented a bit of a conundrum. Udoji regrets that she couldn't do more to help. Although she wanted to travel to Ohio to work on voter protection with the Cardozo democrats, Udoji's homework kept her in NYC instead. If 1L Carina Patrilli had less reading to do, she would have volunteered to help register minority voters. One 1L complained that as the election approached, "it was hard to put school first," but added that "it was inspiring to be in an academic environment where everyone cared so much about [the election]." In an effort to combat this type of conflict, Dean Rudenstine publicly encouraged professors to excuse absences for students who participated in Election Day activities, such as poll monitoring in battleground states like New Hampshire, Ohio, and Pennsylvania.

Election night 2008 piqued the attention of Cardozo 1Ls across the board. Liberals, conservatives, moderates, and the generally apathetic alike gathered around televisions in the Alabama and apartments around New York City to witness the historic event. Even Patrilli, who admits she wasn't "too gung-ho" about the election, couldn't resist watching the news.

Patrilli confessed, "While my roommates went out to walk around the block to be with the crowds...I stayed home and studied with the TV on."

Frank, who spent the day feeling nervous but hopeful, says she spent the evening at home, glued to the TV. Udoji, feeling admittedly anxious (but apparently festive), spent Election Night in the Alabama with a group of about six friends.

"We ate pizza, watched the results unfold, and drank champagne," she said.

Post-election excitement also ran rampant among Cardozo 1Ls. Even an admittedly apolitical, non-voting 1L who spent Election Night with some fellow students in the East Village had to admit that it was "an incredible night. There was electricity in the air." When asked how she felt in the aftermath of it all, Udoji gushed, "I am so pleased with the results. I simply couldn't feel prouder to be an American than I do right now." Meanwhile, Frank was excited to consider that we elected a former law professor to the highest office in the country.

The question remains as to how politically engaged Cardozo 1Ls will be in the longer-term aftermath of the election, now that the sense of urgency and excitement is no longer at fever pitch. Certainly, there's a natural inclination for citizens in the United States to become complacent after voting, and, as students, we all know how difficult it can be to balance academic responsibilities with extracurricular ones. But with record-breaking voter turnout and a landslide victory for Barack Obama, I cannot help but wonder what will happen to all the energy that was generated over the past 22 months, especially at a place like Cardozo where the level of social consciousness is generally escalated, particularly among 1Ls, who have a longstanding and well-earned reputation for being idealistic. It's a question only time can answer, but I think it's safe to say that 20 years from now, those of us who are 1Ls at Cardozo today will remember fondly what it was like to commence our legal careers during this exciting and important historical moment.