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From the Editor

Liberties Challenged

Last semester, the Law School was filled with conversations and debates about basic freedoms that most of us have always taken for granted. The war on terror, the election, and recent US Supreme Court cases focused our attention on civil liberties that we have come to expect as American citizens. Have our liberties been threatened? Are we losing some of our basic rights? These are indeed topics for a law school campus. And the deliberations were fierce and the discussions fiery. They provided us with a focus for symposia, panels, and special guests. It was truly a time when we felt as if we were on the front line, and I believe that this issue of Cardozo Life reflects our involvement.

Our faculty, students, alumni, donors, and friends continue to add to the energy as well. We celebrated with them such occasions as Cardozo's 26th commencement, at which Justice Sandra O'Connor delivered the address and received an honorary degree—the first to be awarded by Yeshiva University at a Cardozo commencement. At our very first 25th reunion, nearly half of our pioneering graduates returned to celebrate in our beautiful new lobby reception area. And, as if that were not cause enough to celebrate, members of every class contributed to this year's Annual Fund. As the new academic year got started, we welcomed the strongest class yet to Cardozo, coming from 35 states and 134 undergraduate institutions, including 20% from the Ivy League.

Our faculty continues its tradition of producing impeccable scholarship and successfully representing clients. They are winning recognition for their work nationally and internationally and are being called upon by the news media, government agencies, and colleagues at other institutions for their expertise.

I hope this issue conveys the liveliness and seriousness of the discourse at Cardozo.

Susan L. Davis
Editor
Floersheimer Center Symposia Stir Debate on Front-Page Issues

Two major conferences in March addressed weapons of mass destruction and a free press, and the merits and flaws of the judicial appointments process. They were both sponsored by the Floersheimer Center for Constitutional Democracy.

Exactly 25 years after Judge Robert Warren of the US District Court for the Western District of Wisconsin made history by issuing a preliminary injunction preventing The Progressive magazine from publishing an article entitled "The H-bomb Secret: How We Got It, Why We're Telling It," the Center invited the key players in the case to campus. The Progressive case is the only time a court granted a preliminary injunction restraining publication. Ultimately, the injunction was ineffective and the magazine published the article. Guests offered rare firsthand accounts of what they were thinking and why they acted as they did. Speakers included James R. Schlesinger, former secretary of energy and former secretary of defense; Ray Kidder, a nuclear weapons expert retained by The Progressive; Howard Morland, author of the article; Brady Williamson, who represented The Progressive; and attorneys for the government Robert E. Cattanach and Frank Tuerkheimer, who was visiting Cardozo and organized the conference.

Gary Milhollin, an expert on international proliferation of nuclear weapons, gave a current assessment of which countries have nuclear weapons and how much our intelligence agencies know about their programs—not enough. The symposium closed with a chilling commentary by former New York Times columnist Anthony Lewis, who suggested that perhaps the gravest danger of all to our national security is the loss of individual civil liberties under the current Bush administration. He chastised the media for not focusing enough attention on this constitutional threat and reminded the press of its duty to inform the public and create an enlightened citizenry. (See Lewis's remarks on page 27.)

Battles over the appointment of federal judges have recently intensified. Senator Tom Daschle's announcement in March—in response to President Bush's use of recess appointments—that Democrats would block all judicial nominees until "the White House gives us the assurance that they will no longer abuse the process," exemplifies the current rancor and frustration over this issue. Present and former Washington insiders were among those who provided insights about these partisan battles at Jurocracy and Distrust: Reconsidering the Federal Judicial Appointments Process.

Helaine Greenfeld, senior nominations counsel to Senator Patrick Leahy, offered the Democratic perspective on recent battles. She said that when President Bush recommended a slate of judicial appointees to the Senate Judiciary Committee he sent "a clear message to the Committee that this President would use nominations as a weapon to remake the judiciary in his image." She also noted that the Committee has actually approved 98 percent of President Bush's nominees (173 judges), although
attention has been focused on the few nominees that were not confirmed.

Panelists, who included scholars and attorneys, began by examining the criteria for judicial selection, debating the factors that should enter into the President's and the Senate's consideration of potential judges. They offered historical, legal, and political perspectives on such issues as the relevance of ideology and of jurisprudential, racial, or other types of balance.

The second panel turned to the constitutional law of judicial selection and review, including constitutional limits and the general nature of the Senate's advice and consent role. Professors Erwin Chermerinsky and Catherine Fisk, both of Duke University, endorsed the use of the filibuster, arguing that there are not too many fights about appointees, but too few. Dean Rudenstine commended on advice and consent, agreed that the Senate does too little advising and too much consenting, and outlined several models of the advice and consent function.

At the concluding panel devoted to possible reforms, Prof. Marci Hamilton advocated an end to the so-called politics of personal destruction and said to participants, "Both the President and Congress have abandoned the roles they were assigned in the Constitution. It was set up for them to be free from majoritarian pressure, and to allow them to set their eyes on the public good."

Nicholas Scoppetta (second from left), commissioner of the New York City Fire Department and a former commissioner of the Administration for Children's Services, was a panelist at Advocating for Change: The Status & Future of America's Child Welfare System 30 Years After CAPTA. The symposium, hosted by the Cardozo Public Law, Policy & Ethics Journal and the Dave Thomas Foundation for Adoption, addressed the impact of the Child Abuse Prevention and Treatment Act (CAPTA), concerns surrounding the child welfare system, and included firsthand accounts of the New York City child welfare system from former foster children (above).

Prof. Richard Weisberg (left) and Prof. Sanford Levinson, University of Texas at Austin, share a laugh at the symposium The Failure of the Word and the Rise of Law and Literature. National and international scholars discussed developments in law and literature since the publication by Yale University Press, 20 years ago, of Professor Weisberg's pioneering work, The Failure of the Word: The Protagonist as Lawyer in Modern Fiction. Symposium participants addressed the links between storytelling and law that have been forged by lawyers, literary theorists and critics, judges, and law professors.
His Excellency Mr. Inocencio F. Arias, ambassador, permanent representative of Spain to the United Nations, and chair, UN Counter-Terrorism committee, delivered a stirring keynote address in which he urged global cooperation to combat terrorism. The symposium The Role and Capability of the United Nations in the Global War on Terrorism brought together experts to discuss how to define terrorism and how to successfully harness the United Nations potential power to fight terrorism. Leading scholars, UN personnel, and journalists participated in the symposium, which was sponsored by the Cardozo Journal of International and Comparative Law.

Cardozo Commemorates Brown v. Board of Education

May 17 marked the 50th anniversary of the landmark US Supreme Court case Brown v. Board of Education, which held segregated schools unconstitutional. Cardozo sponsored a series of commemorative events.

Cardozo and the United States Court of Appeals, Second Circuit collaborated to bring to New York "Marching Toward Justice," an exhibition on the history of the 14th Amendment. The exhibition, on loan from the Damon J. Keith Law Collection of African-American Legal History at Wayne State University, opened first at the Thurgood Marshall Courthouse on Foley Square. Dean Rudenstein joined Judges Dennis Jacobs, US Court of Appeals for the Second Circuit; Eric L. Clay, US Court of Appeals for the Sixth Circuit; and Jack Weinstein, US District Court, Eastern District of NY at the opening ceremony. The program also featured Elaine Jones, president and director-counsel, NAACP Legal Defense & Educational Fund, and Prof. Jack Greenberg of Columbia Law School. After a month at the courthouse, the exhibition moved to the Cardozo lobby. It featured photographs, illustrations, and text illuminating the African-American experience from 1619, when the first African captives arrived in colonial America, through 1957, the year nine African-American students were admitted to Central High School in Little Rock, AR.

At a panel preceding the exhibition's opening at Cardozo in April, Judge Weinstein and Judge Constance Baker Motley of the US District Court for the Southern District of New York (left), both of whom were on the briefs in all the cases that were part of Brown, discussed the impact of the landmark case. They were joined by the Honorable Roger L. Gregory of the US Court of Appeals for the Fourth Circuit, the first African-American judge on that court.

Later in the month, Jack Balkin, Knight Professor of Constitutional Law and the First Amendment and the director of The Information Society Project at Yale Law School, gave the Uri and Caroline Bauer Memorial Lecture, discussing three pivotal cases in the history of civil rights in "Plessy, Brown and Grutter: A Play in Three Acts."
Class of 2007 Arrives on Campus

LARGEST APPLICANT POOL, STRONG LSAT SCORES, AND NOTABLE ACCOMPLISHMENTS

Cardozo's programs, faculty, and reputation consistently attract high-caliber students, and the class of 2007 is no exception. Cardozo received more than 5,000 applications for admission to the class, a record application volume, and the median LSAT score increased by two points to 164.

"The class of 2007 has outstanding academic credentials and fascinating backgrounds making them a tremendous addition to the Law School," Associate Dean for Admissions Robert Schwartz said. Not only are the students smart, motivated, and eager to learn, but they have remarkable personal and professional achievements already behind them.

"I always thought I would be a lawyer," said Barbara Res, 54, but her career path took a very different turn. Res was always good at math and studied engineering in college. Instead of becoming a teacher, a common career choice for women of her generation, she went on to a successful career in construction.

"I've had a very colorful career," Res said. Her experience includes working with Donald Trump and having her name inscribed on the building at 667 Madison Avenue, in recognition of her contribution to its creation.

As part of her work, Res was involved in mediation and arbitration, which sparked an interest in studying Alternative Dispute Resolution (ADR).
After taking the LSAT, her first test in 30 years, she went from being one of the only women at construction sites to being the oldest student in her Cardozo class. “I’ve made a career out of being different,” Res said. “It would be very hard for me if I weren’t used to sticking out.”

Unlike Res, Brent “Giles” Davis, 34, always knew he wanted to be a musician and never thought he’d be a lawyer. “I would think about law school and immediately dismiss it,” Davis said. Davis’s thriving career as a musician and his self-described “obsession” with music began in sixth grade when he taught himself how to play the guitar, one of 13 instruments he plays. Davis first performed professionally when he was 16, and performed almost every night of the week while in college in Scranton, PA.

After graduation Davis toured with a reggae band, released his own CD, The Advantages of Union, and added credits as a producer to his résumé. Davis also had the honor of performing with Bruce Springsteen and his wife, Patty Scialfa, when the duo showed up during one of Davis’s performances and asked if they could join in. “Being able to be Clarence Clemmons for a day was definitely one of the highlights of my career,” Davis said, describing his experience filling the shoes of Springsteen’s renowned saxophone player.

As with Res, it was Davis’s exciting career that indirectly led him to compete for prize money in the intramural Langfan Constitutional Oratory Prize Contest. Students argue timely legal issues: the 2004 competition focused on the proposed constitutional amendment to define marriage as the union of a man and a woman. First prize ($2,500) winner was Doug Schneider ’05 (center), who is shown here with guest judges and a member of the Langfan family. (From left) Attorney Mark Risk; Dayna Langfan ’87; former Congresswoman Elizabeth Holtzman; and Lisa Bloom, anchor, Court TV. Alicia Crall ’06 won second prize ($1,000), and Joni Kletter ’04 took third prize ($500).

At the invitation of the student-run Federalist Society, Judge Kenneth Starr visited Cardozo and spoke about the US Supreme Court and its influence on American culture and politics. Judge Starr, the former US Solicitor General, is shown here with Federalist Society leaders (from left) Kat Blomquist ’05, Alicia Crall ’06, and Anna Peckham ’04. Alicia and Anna are recipients of a scholarship named for Barbara Olson, the Cardozo alumna who died on September 11, 2001, in the plane that crashed into the Pentagon. Ms. Olson ’89, founded Cardozo’s chapter of The Federalist Society, which supports the principles of limited government and individual freedom.
Cardozo. After years of reviewing contracts as an artist, Davis decided a second career as a lawyer made sense. His interest in entertainment law and the Law School’s first-rate reputation in intellectual property led him to Cardozo.

“New York City is really where you want to be for the music industry,” Davis said. “Because I’m not a traditional student, I have a different idea of what I want to do.”

Even the more “traditional” Cardozo students are anything but traditional. Jill Gueydan, 21, a Texas A&M graduate, credits her past schooling and personal experiences with sparking her interest in the law.

Gueydan was home schooled throughout elementary and middle school. In New Orleans, her hometown, children need to be five when school begins, and she just missed the cut-off date. “My mom thought I was ready for school, so she just taught me,” Gueydan said.

Although she said she felt isolated at times by the experience, it taught her to be independent and self-sufficient, skills she says will be an asset at Cardozo. “When you’re home schooled, no one is around to push you. You have to push yourself,” Gueydan said.

When her parents got divorced, her home schooling ended and Gueydan spent some time in family court. Her experience there was trying, and made her think about going to law school.

“I was frustrated to the point that I felt I could do a better job,” Gueydan said. “I always knew I wanted to be educated further after college.”

Richard Silver, 41, spent years furthering his education by attending medical school. It was a way for him to pursue his scientific and academic interests, but the field of medicine was dramatically changing while he was in school.

“Was emulating a model of a dinosaur, and it was in its last existence,” he said.

Silver worked as a pediatric urologist for seven years, and while he enjoyed the work, especially the reconstructive aspects of his job, he encountered many frustrations. The proliferation of HMOs, government regulations, and cost-cutting methods created an environment where the economic impact of every decision is measured. “There was a major squeeze from every direction,” he said.

He started thinking about going to law school when he met his wife, who is a lawyer, and realized the many similarities between law and medicine. “If someone comes in with a problem, you have to use your academic and job training to help them,” Silver said.

Silver cited the need for more lawyers with science and medical backgrounds and his interest in intellectual property law as reasons for going back to school and for choosing Cardozo. (“I’ll miss being a doctor, but I won’t miss being in medicine,” Silver said.

Daniel Schiff, 25, worked as a reporter for the New Jersey Journal and the New York Post. One of his beats included an assignment writing obituaries, in which Schiff had the unpleasant task of calling bereaved families and funeral homes for information. “Surprisingly, it wasn’t that hard. Like at crime scenes, people are actually willing to talk to you,” Schiff said.

While Schiff said his work as a journalist was interesting, he thought law school would be a good way
for him to put his interviewing and writing abilities to another use. "I've always been somewhat argumentative," Schiff said, adding that his skills might be better utilized practicing law.

Like Schiff, Karyne Munoz, 23, was on a media-related career path when an internship at a mediation center changed her mind. Munoz, who was born in Ecuador and moved to the United States when she was a toddler, was a communications major at Florida State. On a whim she accepted an internship at the Neighborhood Justice Center, a mediation center in Tallahassee, FL, and fell in love with the work. "When you go to trial, it's either win or lose, but the mediation process helps create productive and suitable solutions for a variety of problems," Munoz said.

Munoz worked at a mediation center in Philadelphia as an AmeriCorp/VISTA volunteer after graduation, but her personal experience with mediation also influenced her decision to study ADR at Cardozo. After purchasing a used car, she found out that it had been in an accident. When she stopped payment on the check, the seller took her to small claims court. The courthouse procedure was very intimidating, Munoz said, but her case was eventually resolved successfully through mediation.

"If you put some faith in the process, it works out well," Munoz said.

In the wake of recent corporate scandals, The Samuel and Ronnie Heyman Center on Corporate Governance brought together distinguished scholars and practitioners for a timely roundtable discussion, Can Corporations Commit Crimes? Panelists debated whether corporate criminal liability is necessary to encourage good corporate governance. (From left) Prof. Vikramaditya Khanna, Boston University School of Law; Prof. Richard Bierschbach; Jeffrey Kaplan, Stier Anderson; and Jennifer Moore, assistant United States attorney, Southern District of New York.

The Jacob Burns Ethics Center awarded the 2004 Access to Justice Award to the Center for Constitutional Rights (CCR), which represented some of the Guantanamo Bay detainees in the case of Rasul v. Bush, which was heard by the United States Supreme Court. Michael Ratner, president of the CCR board of directors, accepted the award and discussed Rasul v. Bush, as well as enemy combatant cases Hamdi v. Rumsfeld and Rumsfeld v. Padilla in "The Rule of Law, Civil Liberties, and Access to Justice," the annual Jacob Burns Ethics Center lecture. (From left) Michael Ratner; Prof. Ellen Yaroshefsky, director, Burns Ethics Center; and Jeff Fogel, CCR legal director. (See also p. 32)
Bet Tzedek Clinic Is Trailblazer for Interdisciplinary Problem Solving

Compulsive hoarding, a psychological disorder that most frequently affects the elderly and is characterized by an accumulation of useless possessions that clutter the person's living space, often creates complex legal and social problems for the hoarder. Cardozo’s Bet Tzedek Clinic, whose clients are primarily the elderly, is leading the way in implementing interdisciplinary approaches to helping these people, who are at risk of eviction because of their behavior.

In addition to representing hoarders in legal proceedings, the clinic recently began holding a hoarding discussion group facilitated by a team of Wurzweiler social work students and Cardozo law students, under the supervision of Janet Lessem, social work supervisor at Bet Tzedek. She explains, “Everyone benefits—group members offer valuable support and assistance to each other, while law and social work students learn about hoarding firsthand.” Additionally, said Prof. Paris Baldacci, "legal intervention isn’t enough. The group helps the litigant address the underlying issues and avoid future legal problems." The group has been heralded as a prototype and is being replicated at other legal and social service agencies.

A direct result of Bet Tzedek’s 2002 interdisciplinary conference on compulsive hoarding was the formation of the New York City Task Force on Hoarding, a collaboration among legal, governmental, and social service agencies. A second conference hosted by Cardozo and cosponsored by Weill Medical College of Cornell University and the NYC Task Force on Hoarding gained widespread media attention.

As Bet Tzedek helps those with compulsive hoarding problems, the essence of the work is to develop a model of interdisciplinary practice. “We think it is essential for our students to learn that to be effective problem solvers, lawyers need to work collaboratively with professionals in other disciplines,” said Prof. Toby Golick, director of Clinical Legal Education and of Bet Tzedek.

Students Provide Tax Advice to Needy New Yorkers

Members of the Cardozo Tax Law Society participated in the Volunteer Income Tax Assistance (VITA) program, which offers free tax preparation services to low-income, elderly, disabled, or non-English speaking taxpayers. Students, in conjunction with the Lower East Side People’s Federal

With contributions ranging from a hot air balloon ride to a boxing glove signed by Muhammad Ali, the 12th annual Goods and Services Auction raised an impressive and record-breaking $40,000. The auction is co-sponsored by the Public Interest Law Students Association and the Student Bar Association; proceeds go toward $3,500 stipends for Cardozo students doing public interest work during the summer. This year, a total of 71 public interest stipends were awarded. (From left) Fatima Harden ’06 and Melissa Steedle ’06

The 2004 Cardozo Law Revue show was The Adventures of Dorothy in WonderDOZO. The annual musical spoof is produced, written, and performed by students. This year, Dave Gross ’04 (above) and Joshua Warren ’04 organized the production.
This fall, Cardozo launched the Program in Jewish Law and Interdisciplinary Studies. Its mission is to bring together scholars of varied legal backgrounds, fostering an exchange of ideas among the different traditions.

“The interdisciplinary study of Jewish law exposes Jewish legal traditions and principles to a broad audience and deepens the appreciation for Judaism's most enduring contribution to civilization,” Prof. Suzanne Last Stone, the program's director and an expert in Jewish law and legal theory, said.

Today, there is a heightened awareness of religion's importance in global politics, and this program intends to contribute the Jewish legal perspective on current events. It will provide students and scholars with the necessary concepts and ideas to create a dialogue and explore Jewish views on the role of law and religion in society.

“This program will enhance Cardozo's reputation as a place where law is taught and studied in light of the humanistic disciplines. It is a welcome addition to Cardozo's curriculum and is enriched by the talents of the Law School's distinguished faculty,” Dean David Rudenstine said.

The program hosts scholarly colloquia, public lectures, and international conferences. The inaugural conference—Text, Tradition, and Reason in Comparative Perspective—held in October, examined the complex relationship between text, tradition, and reason, and their competing claims to authority. Participants included scholars from the fields of law, religion, history, philosophy, sociology, and anthropology.

Credit Union, worked directly with clients and handled federal income tax issues. The Cardozo Tax Law Society, launched in spring 2003, encourages student interest in legal fields that involve tax issues, such as estate planning, elder law, and family and matrimonial law. The group sponsors forums at which speakers discuss their careers and opportunities in the field.

Students Take Moot Court Honors

For the second year, a team from Cardozo was invited to the regional oral round of the European Law Moot Court (ELMC) competition. This year six Cardozo students traveled to Vilnius, Lithuania, for the competition sponsored by the European Union, the government of Portugal, the European Court of Justice, and several international law firms. Cardozo has the distinction of being the only American law school to send a team to two invitational oral rounds.

Moot Court team members Joni Kletter '04 and Shannon Stallings '04 advanced to the semifinal round of the Vanderbilt National First Amendment Moot Court Competition.

Travis Harper '04 and Brandyne Warren '05 are the Northeast regional champions and national semifinalists of the 31st annual Giles Sutherland Rich Memorial Moot Court Competition, sponsored by the American Intellectual Property Law Association.

Won Kyung Chang '05 and Nicole Gillikin '05 won best respondent brief and advanced to the round of 16 of the Kaufman Securities Law Moot Court Competition, sponsored by Fordham University Law School.

Dispute Resolution Society Wins Top Prizes at International Competition

Students from the Cardozo Dispute Resolution Society competed in the International Competition for Online Dispute Resolution and placed first in two of the three competitions and second in the third competition.

Jeff Cassin '05 and Lindsey Brass '05 won most effective team in the international mediation competition, advocates division, and David Cantor '05 won most effective arbitral tribunal in the arbitration competition. Angela Angel '04 and Luz Laulo '04 came in second in the management division. Other team members were Deborah Blum '05 and Michelle Smith '06.

This is the second year Cardozo students have participated in the competition, sponsored by the Center for Information Technology and Dispute Resolution, the University of Toledo College of Law, Hamline University School of Law, Westworkspace.com, and the Harvard Program on Negotiation.
Students Recognize
Playwright Eve Ensler
For Promoting
World Peace

Playwright Eve Ensler, renowned for her theater piece *The Vagina Monologues* and as founder of the antiviolence initiative V-Day, which has raised millions of dollars for women internationally, shared her views and opinions on the current global political climate when she received the fifth annual International Advocate for Peace Award in May. The award, which honors and acknowledges those who dedicate their lives to resolving world conflicts and achieving peace, was bestowed on Ensler by the Cardozo

International Advocate for Peace Award winner Eve Ensler is shown here with former editors of the *Cardozo Journal of Conflict Resolution*. (From left) Tiiu Gennert ’00, Ziva Cohen ’02, Eve Ensler, Cynthia Devasia ’02, and Leila Zubi ’00.

Ensler, the first woman to receive the award, passionately discussed the realities of violence and admonished the "pundits and politicians and policy makers" for the dangerous myths they are creating about war.

"Bombs do not make people free. Bombs do not engage people's trust. Bombs do not invite people to connect," Ensler told the crowd of students, faculty, and friends in the Jacob Burns Moot Court Room. Sharing her opinion on the violence taking place in Iraq and Afghanistan, she faulted the US government for not asking the Iraqi people what they want or trying to find an alternative to war.

"Part of the work of making peace is not imposing your agenda or saying this is what I believe you should be doing, but asking people what they need and how they would like to do it," Ensler said.

Ensler stressed the importance of using the power of imagination to attain peace and freedom. She cited and applauded several women around the world for using their imaginations to expose and oftentimes lessen the risks they face, such as genital mutilation, rape, sexual slavery, and murder.

"These forms women have developed throughout the world—of carving a way through violence—are, to me, the genius of imagination." According to Ensler, the women are peacemakers and role models, and by launching their own crusades against violence using nonviolent means, they serve as examples that war is not the only answer.

"There is another way. It involves thinking, patience, planning, and the wisdom of many. In the case of Iraq, it would have meant saying that war was not an option," Ensler said.

For an edited version of Ensler's speech, see page 40.

Cardozo students presented and performed in Eve Ensler's acclaimed work *The Vagina Monologues*. The student-run production was organized by the Cardozo Advocates for Battered Women; all proceeds from ticket sales were donated to Sanctuary for Families of New York City, an organization that provides assistance to victims of domestic violence, and to the Missing and Murdered Women and Girls of Juarez, Mexico.
The Intellectual Property Law Program Gala celebrated the 20th anniversary of the Cardozo/BMI Entertainment and Communications Law Moot Court Competition and the 22nd anniversary of the founding of the Cardozo Arts & Entertainment Law Journal. The Hon. Stephen R. Reinhardt, US Court of Appeals for the Ninth Circuit (center); Hon. Pauline Newman, US Court of Appeals for the Federal Circuit (left); and Shira Perlmutter, vice president and associate general counsel, intellectual property policy, AOL Time Warner; were the final-round judges for the Competition. David Johnson, general counsel, Warner Music, gave the keynote address and discussed illegal music downloading.

Leading academics known for advocating specific ways to improve the US intellectual property system presented their ideas, in the form of legislative proposals, at Some Modest Proposals: A Conference About Pouring Academic Ideas into Legislative Bottles. The two-day conference focused on patent and copyright laws and examined the development and present state of legislation to create extra copyright protection for databases. Hon. Edward Damich, chief judge, US Court of Federal Claims, served as a commentator on a patent litigation panel.
WHAT PROGRAM IS REMEMBERED fondly by thousands of Cardozo graduates, strikes fear in the heart of current students, and means a January visit to New York for lawyers and judges from across the United States? The answer? ITAP.

To an outsider, the two-week program that takes place each year between semesters might seem a curiosity, and when the acronym is spoken, “ITAP,” it may be mistaken for a dance or rap song. Even its full name, Intensive Trial Advocacy Program, conjures a medical procedure or a war tactic. Therefore, when New York Law Journal writer Tom Adcock became an “embedded” journalist for a couple of days during ITAP’s 20th anniversary year, he left shocked and awed. In Adcock’s almost 1,500-word story “At Cardozo, Winter Break Means Learning Trial Tactics” in the January 16, 2004 issue of the NYU, he called the program “a cross between boot camp and a master class.” He even quoted Prof. Ellen Yaroshefsky, ITAP codirector, as encouraging a student with, “Yeah—you go get her! Kill her!”

When asked about ITAP, Dean Rudenstine called it a “transformational experience” and according to Adcock said, “You take even the shyest of our students … and suddenly they’re given license to go for the jugular.”

The student newspaper, Cardozo Insider, also reported on ITAP using words that might be equated with combat. Its headline read, “ITAP: Cardozo’s ‘Top Gun.’” The curious part is why, given the arduous and scary drills, would about 150 students each year “enlist” for this program rather than have two more weeks of winter break? A draft has never been deemed necessary.

The story in the Insider may lend some clues. The reporters Matt Maron and Natalie Rosenberg, both ITAP participants, wrote, “Unlike many theory classes … ITAP is hands-on training. Each day, students honed their advocacy skills. … Although the experience of going up in front of a room of people can be horrifying
at the beginning, the faculty and other team members are very
courageous, making the atmosphere collegial.”

Maron and Rosenberg ended, “For some of us, ITAP helped
us decide to become litigators. For others, the friendships we
formed in ITAP remain unmatched, but for most of us, the experi­
ence of ITAP was transformational.”

Perhaps that’s the real secret. Along with support, critique,
and demonstrations of trial tactics from some of the finest litiga­
tors and judges in the country, students work shoulder to shoul­
der with classmates as they learn trial pacing, witness examina­
tion tactics, body and voice control, and the finer points of voir
dire. Advice and examples are amply given. According to Adcock,
the dozens of lawyers and judges who convene at Cardozo
“impair hard-won wisdom, ranging from cagey courtroom tactics
to the litigious discipline of thinking inside-out.”

Joel Blumenfeld, acting justice of the Queens Supreme Court,
who has participated in the program since 1984 when Barry
Scheck and Larry Vogelman founded it, offered the following
advice to the students, “When you ask to approach the bench
and your mind is blank—well, just take your time, walk slowly.
Only the judge will know.”

Judge David Mason of the 22nd Judicial Circuit Court in St.
Louis, MO stated, according to Adcock, “Your tone lets the jury
know that you’re in control. … On redirect, it’s always a good
thing to come forward without notes…. ” And so it goes. Day in,
day out for two weeks until the students prepare and argue a
bench and jury trial.

According to Professor Yaroshefsky, who also organized the
20th anniversary celebration, “This year ITAP was particularly
gratifying. We brought together ITAP alumni and current students
along with our fabulous faculty. The energy was great, and to see
alumni who participated in different decades sharing war stories
was truly exhilarating.”
Rosenfeld Recognized by International Community

Receives French Legion of Honor and More

The academic year ended on an extremely high note for Michel Rosenfeld when he received word that on June 4 French President Jacques Chirac signed a decree awarding the Cardozo professor the Legion of Honor, the French government's highest and most prestigious award. It was bestowed in recognition of Rosenfeld's outstanding contribution as a legal scholar and his keen interest in French law and culture. Each year about 10 Americans are recognized as Knights of the Order of the Legion of Honor, founded by Napoleon I in 1802. Past recipients include Ronald Reagan, Colin Powell, Neil Armstrong, Gregory Peck, Robert De Niro, and Estée Lauder. Awards to foreign academics are exceedingly rare.

When asked about the award, Rosenfeld said, "I was surprised and gratified to hear that I had received this honor. To be recognized in this way and be in the company of such noted Americans is an extraordinary honor."

This award capped a year of triumph for Rosenfeld. In January, prior to stepping down as president of the International Association of Constitutional Law (IACL), a position he had held for five years, he was honored in Santiago, Chile, where he received the key to the city from the mayor and became an honorary citizen. He was in the Latin American country to preside over the Sixth World Congress of IACL, making an address before the Senate, attended by government officials, diplomats, and more than 200,000 people.

Michel Rosenfeld participated in commemorative events on two continents. In Spain, he joined Juan José Lucas Giménez, second vice president, Spanish Senate (above), at the 25th anniversary celebration of the Spanish constitution and in Santiago, Chile, the mayor presented Professor Rosenfeld with the key to the city.
500 Association participants from 62 countries. He spoke about the new challenges facing constitutional law in the 21st century as countries deal with the issues of terrorism and globalization and those countries new to democracy let go of autocratic regimes and systems. His proficiency in several languages was on display as he responded to the Vice President of Chile and the head of the Senate in Spanish, read a letter from Giscard d’Estaing and responded and spoke on transnational constitutions in French, and gave his address in English. During the Congress, Chilean President Ricardo Lagos hosted Rosenfeld at a luncheon at the National Palace.

Immediately upon his return to the United States, Rosenfeld became president of the United States Association of Constitutional Law, an organization he helped found and that is a member of the International Association. The USACL has among its 400 members federal and state supreme court judges, law professors, and select practitioners. Supreme Court Justices Breyer, Ginsburg, and Scalia are honorary members. Rosenfeld succeeds Prof. Norman Dorsen of NYU. Among the activities Rosenfeld has planned for 2005 is a debate to be held in Washington, DC between Justices Breyer and Scalia on using foreign jurisprudence in US constitutional decisions. Rosenfeld, a leading expert in comparative constitutionalism, believes that the US Supreme Court should look to international court decisions when deciding difficult cases.

Professor Rosenfeld also serves as editor-in-chief of the International Journal of Constitutional Law, I•CON. In that role, he was co-organizer and a panelist at Altneuland: The Constitution of Europe in an American Perspective, sponsored by NYU School of Law and the Woodrow Wilson School of Public and International Affairs at Princeton University.

Among his many other international activities during the 2003-04 academic year, he was one of three foreign speakers at the commemoration of the 25th anniversary of the Spanish

Stack is Honored at 2004 Stanford/Yale Forum

Cardozo was represented for the third year at the Stanford/Yale Junior Faculty Forum. Kevin M. Stack was chosen to attend for his paper “The Statutory President,” which develops a framework for judicial review of the President’s claims that his actions are authorized by statute. Professor Stack argues that the President’s constitutional powers should not shape how courts evaluate the President’s claims of statutory authority; rather, that review should be guided by standard principles of administrative law.

Founded in 1999, the forum invites junior law teachers from across the country to submit unpublished papers for “blind evaluation.” Each year a few of these papers are selected by a jury for presentation, discussion, and critique by senior scholars at the forum. Barton Beebe and Scott Shapiro had been previously honored by the forum.

This year, senior commentators included the current and former deans of Stanford and Yale Law Schools, who were active throughout the two-day conference. Stack said, “The feedback was constructive, helpful, and energizing. I was impressed with the ambition of the presentations, and the senior faculty commentary was excellent.” Prof. John F. Manning, then of Columbia, now of Harvard Law School, was Stack’s commentator, offering suggestions on Stack’s draft.

The forum, founded by two law professors—one from Stanford, one from Yale—is held in alternating years on the Stanford and Yale campuses, with the Stanford forums focusing on private law and dispute resolution, and the Yale forums on public law and the humanities. This year the forum was held at Yale, and the topics of 16 chosen papers ranged from criminal and environmental law to jurisprudence and philosophy. The goals of the forum stated by the founders include “helping young law school faculty develop their scholarship” and “building a general sense of community among senior and junior faculty.”

Stack’s paper will be published in the Iowa Law Review in 2005.
Alex Stein Appointed to Full-time Faculty; 12 Visit Cardozo in 2004–05

Alex Stein, a frequent visitor to Cardozo, was appointed to the full-time faculty as a professor of law.

“Alex is a prodigious scholar of international prominence,” Dean David Rudenstine said. “The Cardozo community is delighted and pleased that he has joined the faculty.”

Professor Stein first came to Cardozo in 1995 and has taught evidence and torts classes. Among the schools where he has worked as a visiting professor are Columbia, the University of Toronto, and the University of Miami. In discussing his experience as a new full-time faculty member, Professor Stein said that everyone has been welcoming. “I have many friends here,” he said. “The only difference is that now I attend the faculty meetings.”

He did note the physical changes to Cardozo’s building and said that he is very impressed by the quality of the student body. “I can’t tell the difference between students at Columbia and students at Cardozo.”

Professor Stein has published widely in the United States and abroad. His work combines law with economics and moral philosophy. He brings to the classroom the view that an economic analysis of the law should be part of an overall assessment of what justice requires. Professor Stein currently teaches Evidence, Torts, and Medical Malpractice, and said that he worked for months to compile the reading material for the medical malpractice class. While there are textbooks for practitioners, there are no recent books on the subject for law students, he said, noting that assembling his own casebook may be a future project.

Currently, he is putting the finishing touches on Foundations of Evidence Law, which will be published in 2005 by Oxford University Press. Professor Stein recently completed an article about overenforce-
Aviv University is Assaf Likhovski, who is teaching Modern Legal Thought. He earned an LL.B. and M.A. from Tel Aviv University, an S.J.D. from Harvard University, and clerked for Chief Justice Aharon Barak of the Israeli Supreme Court. An unusual course, Law and Cinema, was introduced this fall and was taught by Amnon Reichman, who is visiting from the University of Haifa. Like Prof. Likhovski, he clerked for Justice Aharon Barak.

John McCormick, visiting from The University of Chicago, is teaching Constitutional Law II and Theories of Constitutional Democracy. He holds a B.A. from Queens College, a Ph.D. from The University of Chicago, and frequently writes on democratic theory and legal and political philosophy.

Dani James, a visiting research fellow, will teach Criminal Law in spring 2005. She graduated summa cum laude from Columbia University and received a J.D. from Yale Law School. In spring 2005, visitors are Robert Miller, who was a John M. Olin, Jr. Research Fellow in Law at Columbia University in 2003-04; Andras Sajo of Central European University; Richard Michael Fischl of the University of Miami; and Thane Rosenbaum of Fordham University.

For more biographical information on visitors, please visit our Web site: www.cardozo.yu.edu.

HONORS AND AWARDS

Lester Brickman testified before the House Subcommittee on Commercial and Administrative Law at an oversight hearing on the administration of large business bankruptcy reorganizations, speaking on whether competition for big cases has corrupted the bankruptcy system. He published in the Pepperdine Law Review a treatise-like article on asbestos litigation, “On the Theory Class’s Theories of Asbestos Litigation: The Disconnect Between Scholarship and Reality,” which has been widely circulated and been the subject of considerable media attention, including articles in The National Journal and the St. Louis Post-Dispatch as well as several major Web sites. He was the featured speaker on asbestos litigation at the Center For Legal Policy of the Manhattan Institute; testified in May before the Committee on Judiciary of the Ohio Senate on a bill to reform asbestos litigation; and spoke on a CLE panel in San Francisco about ethical issues raised by asbestos litigation.

Malvina Haberstam participated in the annual meeting of the American Law Institute in May and was elected a life member. Earlier in the semester, she organized a new section on national security law for the AALS and was elected the section’s cochair. Her article “Belgium’s Universal Jurisdiction Law: Vindication of International Justice or Pursuit of Politics?” was published in the Cardozo Law Review. A paper on “The U.S. Right to Use Force in Response to the Attacks on the Pentagon and the World Trade Center,” which she presented in October 2001, will be published in the Cardozo Journal of International Comparative Law and as a chapter in Perspectives on 9/11, published by Greenwood Publishing Group.

Barry Scheck and Peter Neufeld were honored for “the body of their work and their fierce dedication to

Brickman

Haberstam
the cause of criminal jus-
tice" by the National
Lawyers Guild, New York
City Chapter, at the chap-
ter's 67th anniv e r sary
dinner. Professor Scheck
also sat on a pan e l a t The
Florida Coastal School of
Law F orensics Confe rence
w ith Sen . Ar len Specte r
(R-Pa).

Two months after Kevin
Stack's paper "The
Divergence of Constitu-
tional and Statutory Inter-
pretation" was posted to the
Social Science Research
Network eLibrary (SSRN)
on March 21, 2004, it was
listed as one of the "All
Time Hits," having been
among the top 10 down-
loads in the legislation and
statutory interpretation cat-
egory between January
1997 and May 2004. SSRN is
dedicated to the rapid world-
wide dissemination of
social science research and
is composed of a number of
specialized research net-
works, including the Legal
Scholarship Network.
Stack's paper "The Statutory
President" was selected for
presentation at the

Stanford/Yale Junior
Faculty Forum in June at
Yale (see story, p. 17). He
presented "Brown, Execu-
tive Orders, and the Limits
of Constitutional Law" at
the 2004 Law and Society
Association Annual Meet-
ing in Chicago.

David Bleich spoke this
summer on "A 19th Cen-
tury Solution to a 21st
Century Agunah Problem"
at the 13th Biennial Con-
ference of the Jewish Law
Association. He also spoke
on "The New York Get Law"
at the University of Haifa,
Israel; and on "Medical
Halakhah" at the Rabbinical
Center of Europe in Vienna.

David Carlson and Jeanne
Schroeder were in Holland
this summer for a confer-
ce on God and Psycho-
analysis. They presented
"Does God Exist?: Hegel
and Things."

Susan Crawford's article
"Promoting Innovation and
Economic Growth: The
Special Problem of Digital
Intellectual Property," co-
written with Elliot Maxwell,
was published by the
Council on Economic
Development. She present-
ed "People, Bits and Atoms
to Law" at The Brain Con-
ference in California and
spoke on "The Accountable
Net" at the Aspen Institute
in Washington, DC, the
Berkman Center, and the
Harvard/Yale Cyberscholar
Working Group. She was a
panelist at the 14th Con-
ference on Computers,
Freedom, and Privacy in
Berkeley, CA, speaking on
"Who Are You? The Basics
of Identity, Authentication,
and Privacy Today" and
presented "Copyright and
the Internet" to the New
York State Bar Association
Intellectual Property Law
Section.

E. Nathaniel Gates was a
panelist at the Annual
Meeting of the Law School
Admission Council in Ft.
Lauderdale, speaking on
"Does Hybridity Trump
' Races'?"

Marci Hamilton delivered
the keynote address,
"Balancing Individual Lib-
erty and National Security,"
and sat on a panel at this
summer's National Con-
ference of Appellate Court
Clerks in Alaska. She spoke
on The First Amendment
and federalism at the
American Constitution
Society Supreme Court
Roundup held at the
National Press Club. In
spring 2004, she spoke on
"The Supreme Court's Term"
at the Federal Judicial Center Program for Judges in the Second and Third Circuit Courts, and discussed "Religious Institutions, the No-Harm Rule, and the Public Good" at Brigham Young University. She also spoke on "Religion in the Schools" at a Princeton University conference on The Supreme Court and American Politics.

**Justin Hughes** visited Laos and participated in a series of discussions at the United States Embassy in Vientiane. In separate sessions he spoke to officials, artisans, students, and the general public on protecting intellectual property, legislation and how to draft it, and the importance of intellectual property protection for the Laotian economy. He and Barton Beebe represented Cardozo at the 4th Annual Berkeley-Cardozo-DePaul IP Scholars Conference in August, presenting works in progress. Hughes also spoke on "Peer-to-Peer and Other Internet Copyright Litigation" at Fordham Law School’s 12th Annual Intellectual Property Law and Policy Conference, on "Fair Use and Access Rights" at the Information Ecosystems Conference at Michigan State University, on "Are Intellectual Property Rights Under Attack?" at the Federalist Society in New York, "The US System for Collective and Certification Marks for Geographical Indications Protection" at the AIPPI Japan International IP Symposium in Tokyo. He also moderated a panel of federal district court judges at the New York State Bar's Intellectual Property Section conference on E-Litigation and Forensic Discovery.


**Lela Love** presented a workshop and moderated a panel at the ABA Section of Dispute Resolution’s Annual Conference in New York. She spoke on "Justice in Mediation" at the Yale-Quinnipiac Dispute Resolution Workshop and was a panelist for the ADR Committee Program at the NYS Bar Association Annual Meeting.

**Jeanne Schroeder**’s book The Triumph of Venus: The Erotics of the Market was published by the University of California Press. In Brisbane, Australia, she was the keynote speaker at the Griffith University Faculty of Law Seminar on “Right is the Symptom of Law’s Trauma.” She spoke on “Envy, Jealousy, and Insider Trading: The Case of Martha Stewart” at both Boston University School of Law and Brooklyn Law School.

**Paul Shupack** coauthored Simon’s Guide to Cooperative Organizations under Revised Article 9. He spoke in April at the Association of the Bar of the City of New York’s program “New York’s non-Uniform Uniform Commercial Code.”

**Alex Stein**’s article recommending appointment of plaintiff attorneys in class actions through special auctions, “Auctioning for Loyalty: Selection and Monitors of Class Counsel,” was published in Yale Law and Policy Review.

In June, **Martin Stone** presented “Meaning and Interpretation” at the Central European University, Budapest and in March presented “Stanley Fish on Interpretation” at a Cardozo faculty workshop. He presented “Interpretation in
Law and Literature" at the 4th Annual Meeting of Italian and American Philosophy in Rome. 'On the Old Saw, 'Every reading of a text is an interpretation': some comments' was published in John Gibson and Wolfgang Heumer's The Literary Wittgenstein, published by Routledge Press. "Theory, Practice and the Ubiquity of Interpretation" was published in Postmodernism and Sophistry: Stanley Fish and The Critical Enterprise, edited by Gary Olson and published by SUNY Press.

Suzanne Stone is spending the 2004–05 year visiting Harvard Law School as the Joseph and Carolin Zeizniki Gruss Professor of Jewish Law. She is teaching Civil Procedure as well as Authority in Jewish Law, and Jewish Law and the Supernatural. In spring 2004, she curated a public forum at the Center for Jewish History, addressing "Religion, Responsibilities, and Relations: Responses to Mel Gibson's Film, The Passion." Speakers examined reactions to the film among Jews, Christians, and academics. Professor Stone also presented "Folktales of Juris-diction" at Yale Law School and "Just War: A Comparative View" at Fordham Law School. She spoke on "Religion, State, and Jewish Divorce" at the JCC Series on American and Jewish Law. Her article "Truth and Illusion" was published in The Jewish Quarterly Review; "A Jewish Perspective on Human Rights" was published in Society; "Orthodoxy and the Public Square of Ideas" was published in Tradition; and "Gender and Justice in Rabbinic Thought" was published in Women and Gender in Jewish Philosophy.

Paul Verkuil was among the faculty at the CityBar Center CLE Program on Administrative Law. He taught Federal Basics.

Richard Weisberg is contributing to Torture in the Age of Terrorism, to be published by Oxford University Press. He taught a mini-seminar this summer on "Law and Literature: Towards a Hermeneutics of Earthly Justice" at The School of Criticism and Theory at Cornell University. The program is for faculty members and graduate students in literature, the arts, the humanities, and related social sciences to explore recent developments in literary and humanistic studies. In the spring, he spoke at the University of Paris on "Codification in Law and Literature."

Ellen Yaroshefsky's paper "Wrongful Convictions: It is Time to Take Prosecution Discipline Seriously" will be published in the UDC Law Review. She spoke this spring on "Ethics for the Immigration Lawyer" at the CityBar Center for Continuing Legal Education, on "Ethics for the Entertainment Lawyer" at the Association of the Bar of the City of New York, and on "Ethics in Litigation" at the New York County Lawyers Association.

Eric Freedman, visiting scholar, gave the Williams Falls Lecture on "Vichy France and the Holocaust: The Spoliation and Restitution Dimension" at the University of Maryland.

SAVE THE DATE

THE NUREMBERG TRIALS: A REAPPRAISAL & THEIR LEGACY
March 28–29, 2005
Marking the 60th anniversary of the trials, the conference will feature former Nuremberg prosecutors Ben Ferencz and Whitney Harris; former Chief Judge of the International Criminal Tribunal for the former Yugoslavia Patricia Wald; former Chief Prosecutor for the Sierra Leone Special Court David Crane; and prominent academics Michael Marrus and William Schabas. E-mail: sprosenb@yu.edu
Kathy Greenberg graduated from Cardozo in 1982 and was elected chair of the Law School’s Board in the spring of 2004, becoming the first Cardozo graduate and the first woman to take on the job. A couple of months after the election, Cardozo Life editor Susan Davis sat down with Ms. Greenberg to find out what goals she was setting for herself and her alma mater.
... one of my major goals is to get the alumni more involved with the Law School. I really believe that's where the future of the School lies.

DAVIS: Are you from New York originally?
GREENBERG: No. I'm from Minnesota. I went to graduate school in Los Angeles. Then I moved to New York and worked on Wall Street for a hedge fund. Eleven years after I graduated from college, I went to law school.

DAVIS: Why did you decide to go to law school?
GREENBERG: I came from a family of lawyers. My dad was the chief enforcement attorney for petroleum rationing at the Office of Price Administration in Washington during World War II.

DAVIS: Can you tell us about your time in law school?
GREENBERG: I've always thought that Cardozo was the intellectual jewel in this city, that it offered then and now a very demanding education. But law school was for me more than just an intellectual challenge. It was going back to school as an older student, and a woman. When I graduated from college in 1968, I think law schools had around 6 percent women, and by 1979 when I started at Cardozo, 31 percent were women, although Cardozo's student body was about 50 percent.

After law school I took a job at Shea & Gould, and while I was there I went to NYU for the tax LL.M. program, and frankly NYU was not nearly as demanding as Cardozo.

DAVIS: You then returned to Cardozo?
GREENBERG: I graduated in 1982 and I came back in '88 to work at the Bet Tzedek Clinic with Toby Golick for about two years.

DAVIS: Had you participated in Bet Tzedek as a student?
GREENBERG: No. When I was a student, the only clinic at Cardozo was the Criminal Law Clinic with Barry Scheck.

DAVIS: What kind of cases were you working on at Bet Tzedek when you returned?
GREENBERG: I was a trust and estates lawyer at Shea & Gould, so I worked on wills and taught students how to draft them.

DAVIS: Was Bet Tzedek critical in your decision to start New York Legal Assistance Group?
GREENBERG: I realized while working at Bet Tzedek that the students were actually able to go out and make home visits to their clients. However, the amount they could accomplish was limited by the academic year. The need was overwhelming. I wanted to start a privately funded pro bono law firm, which would be restricted as to the clients we could serve only by malpractice insurance. By not receiving government funding, it could offer services like making home visits and take a broader range of clients who did not qualify for legal aid due to income restrictions.

DAVIS: When did you found NYLAG?
GREENBERG: Well, I started thinking about it in 1988, but it took a long time to raise the money. It was extremely important to me that I do this on my own, and I did. I went to the United Jewish Appeal and they gave me $25,000 as seed money. Then I needed someone to run it. So in late '89 I asked Yisroel Schulman, who was working at Bet Tzedek, if he would consider becoming executive director. He was a very young lawyer. I think he'd been out of law school for a year, and he jumped at the chance. [Editor's note: Yisroel Schulman graduated from Cardozo in 1987.]

Today, there are 28 full-time paid attorneys and more than 200 volunteer lawyers, law students, and others. It's flourishing. At the beginning, people asked, "How will you get clients?" And I answered, "If you don't charge, it's amazing, they find you!"

We had our first office on 42nd Street in the Lincoln Building because there was a law library in the basement and we didn't have any books. It was the early '90s, when a lot of law firms were going out of business as a result of a recession. Periodically, we would get a call from the Lincoln Building management telling us to go to one office or another and help ourselves to the furniture. That's how we furnished our office. It worked out really well. In 1995 we moved into the UJA Federation building...
at 130 E. 59th Street, and this year we moved to 450 W. 33rd Street.

DAVIS: Are your clients primarily the elderly?
GREENBERG: I started the organization for the elderly and disabled. Since we were able to have a broader range of clients, we were able to serve anyone entitled to a benefit: Medicaid, Medicare, home care, Social Security Insurance. We started bringing some class actions in certain areas. Then, I can't remember which year it was, the government cut funding to any legal aid or legal services organization that brought class actions. That's when class action lawsuits became the centerpiece of the organization.

DAVIS: Is that how the organization supports itself?
GREENBERG: No, NYLAG is all privately funded by foundations, law firms, and individuals.

DAVIS: Are you still involved with the organization?
GREENBERG: I now serve as honorary chairman, having been board chair.

I felt that it was really important to move on and have other people run the organization. I didn't want it to be so inextricably wound up with me, and I wanted to be sure it had a life of its own. Now it has a superb board and chairman, and it's doing extremely well. It has grown to encompass many areas including family law and the issue of domestic violence, immigration, legal health, and others.

DAVIS: You've got to be very proud.
GREENBERG: I'm very, very happy with my decision to start NYLAG.

DAVIS: Do you work at all anymore as an attorney?
GREENBERG: No. I've taken on a full-time job now as chair of the Cardozo Board.

DAVIS: How did you become reinvolved with Cardozo?
GREENBERG: In this last particular go-around, it was after David Rudenstine became dean. He was my Con Law professor. I have the highest regard for him. Cardozo has had really superb deans all along, but I loved that David had been at the School almost from the beginning and really understood the whole culture and had a great rapport with the students.

DAVIS: You're the first chair who's been a graduate of Cardozo. Do you think that provides you with a different kind of vision or different strengths?
GREENBERG: I don't know if it's a strength, but one of my major goals is to get the alumni more involved with the
I’ve always thought that Cardozo was the intellectual jewel in this city, that it offered then and now a very demanding education.

successful they are. Most people who go to professional school or to a college are interested in doing well. If we re-engage our graduates, I think it will be really good for the School and for them, too.

DAVIS: I know that after you were elected chair you went through a process to educate yourself by meeting faculty, administrators, students, and others to learn what was going on. Were there any surprises along the way or things about the School that you learned that were particularly impressive?

GREENBERG: I don’t think the alumni community knows just how well the School is doing in terms of the quality of students—their LSAT scores and academic records, and the schools that we’re competing with today. I would say that we probably have one of the finest admissions deans in the country. I met with students who said they just couldn’t get over that Rob Schwartz called them personally to let them know when they were admitted and stayed involved with them over their time at Cardozo. I’m very enthused about the new career services dean, Arthur Fama, because I really think that he’s committed to going to as many law firms as possible to get more students into the firms that interest them. This year, I found out very late about the student auction for public interest stipends, which is very dear to my heart. I hope that this year I can work with the student organizers and have the Board work with them. Last year, the students raised about $40,000, which is extremely admirable. However, I think NYU makes about $300,000 at their auction, so I’d like to make that our goal.

DAVIS: Are there other specific goals you set for yourself?
GREENBERG: Just to work with the Board and develop a greater culture of giving.

DAVIS: It seems to me that you’ve come to your new job at a rather auspicious time. We have a new dean who’s got lots of energy, and there also is a new president at Yeshiva University who seems eager to forge a new relationship with the Law School. Recently he set forth a challenge to our alumni, offering a dollar-for-dollar challenge up to $1 million. Can you talk a little about this challenge and the importance of the annual fund?

GREENBERG: I think that a lot of our alumni feel that Yeshiva had too much of a financial strangle hold on the Law School. The fact that Richard Joel was once a dean at Cardozo makes him very committed to the Law School, as seen in his offering this challenge. One of my goals is to have the alumni meet that goal. As David has said, if 1,000 people each gave $1,000, we would meet it, although any size gift is really welcome. I believe that if you make a financial contribution to an organization, you have more of a commitment to it, and where better to contribute than the Law School from where you graduated?

DAVIS: Projecting into the future, let’s say five years, what would you like to have accomplished as chair?
GREENBERG: I’d like to see David really satisfied with what we’ve done, because he deserves it. He’s put his heart and soul into Cardozo. He’s really a scholar who decided to take this challenge on for a school he loves. He has many goals. In terms of the facility, we’ve done some remarkable work in the lobby, in the moot court room, and in the library, but there’s a lot left to do. He wants to bring in more faculty, start new programs, and increase scholarships. There are many challenges and I want to help him accomplish his goals.
A **FREE**, informed, and courageous press insures national security

In 1971 in the Pentagon Papers, and in 1979 in *The Progressive*, the government tried to prevent the press from publishing material that officials asserted would threaten national security. Since the terrorist attacks of September 11, 2001, the government has not directly engaged the press. It has not sought to enjoin a newspaper or broadcast station from disclosing something. It has invoked national security, rather, to deprive individuals of fundamental rights. In the name of fighting terrorism, it has abruptly overridden guarantees in the Constitution and international law. Ideas that we had regarded as alien to American beliefs—detention without trial, denial of the right to counsel, years of interrogation in isolation—are now American practice.

*Anthony Lewis*

*Anthony Lewis, who for years was a columnist for* The New York Times, *was the keynote speaker at the Floersheimer Center conference Weapons of Mass Destruction, National Security, and a Free Press, held March 2, 2004. This is a slightly edited version of the remarks Mr. Lewis delivered that day.*
Let me tell you, or remind you, of one far-reaching claim of national security authority by the Bush administration. It claims the power to designate any American citizen as a supporter of terrorism, and then to hold that citizen in detention, indefinitely, in solitary confinement, without trial and without the right to consult counsel. And the imprisoned person, according to the administration's legal argument, is to have virtually no chance to challenge his designation as a terrorist.

Two American citizens have been imprisoned in that way for more than 20 months now. I shall briefly describe one. Jose Padilla was born in Brooklyn, became a gang member, served several prison terms, and in prison converted to Islam. In May 2002 he flew into O'Hare Airport in Chicago from abroad. Federal agents arrested him as a material witness before a grand jury in New York investigating the attack on the World Trade Center. He was taken to New York and brought before a federal judge, who appointed a lawyer, Donna Newman, to represent him. A hearing was set for June 11. But on June 10, Attorney General Ashcroft announced that Padilla would be held without trial as an enemy combatant. "We have captured a known terrorist," Ashcroft said on television. "While in Afghanistan and Pakistan, he trained with the enemy.... In apprehending him, we have disrupted an unfolding terrorist plot to attack the United States by exploding a radioactive 'dirty bomb.'" That sounded frightening, but of course there had not been—and still has not been—any legal process to determine the truth of Ashcroft's colorful pronouncement of Padilla's guilt.

The Bush administration's lawyers at first said that Padilla should have no right to challenge his imprisonment in court at all. Then it said he could have a habeas corpus proceeding—the traditional way to test the legality of imprisonment. But it argued that the government had to show only "some evidence," not prove its case by preponderance of evidence or, as in a criminal case, beyond a reasonable doubt.

Donna Newman, Padilla's lawyer, filed a petition for habeas corpus. The evidence produced by the Bush administration was a statement by a Pentagon official, not subject to cross-examination and without any firsthand witnesses. The judge found that that was enough to justify Padilla's detention. But he did say that Donna Newman should have a right to talk with Padilla, for the limited purpose of getting from him any facts inconsistent with his designation as a terrorist. The government reacted to that with outrage, saying that any visit to Padilla by a lawyer might damage his interrogation by destroying the necessary "atmosphere of dependency and trust between the subject and interrogator."

On appeal a panel of the United States Court of Appeals for the Second Circuit held that President Bush has no authority to hold Padilla in detention. The vote was two to one, and even the dissenting judge thought Padilla should have an unrestricted right to counsel. The Supreme Court has agreed to review that decision.

Tomorrow, Donna Newman and her co-counsel, Andrew Patek, are going to visit Jose Padilla at the Navy brig where he is held, in South Carolina. They do not expect to learn a lot—or even ask very much, for the Defense Department has ordered that a department official be present at the visit, and that the conversation be videotaped. Under those circumstances counsel cannot of course have a candid discussion of facts or strategy.

The Defense Department still maintains that it can deny the right to counsel to a citizen held, like Padilla, as an "enemy combatant." It announced, a few weeks ago, that the lawyers would be allowed as an act of grace to see Padilla, with "appropriate security restrictions." Donna

Coverage of the administration's record on civil liberties since 9/11 has in my judgment been sadly inadequate.
Newman sent copies of their briefs to the Navy brig to be given to Padilla; they were censored before being passed on. One more thing: Two hours after announcing that the lawyers would be permitted to see Padilla under restrictive conditions, the government filed a brief in the Supreme Court arguing that the issue of the right to counsel in the case was now moot.

The theme of this conference has been national security and a free press. You may be wondering what the free press has to do with the Padilla case and other repressive actions by the Bush administration. My answer is that the press has had little to do and, more to the point, little to say about them. Coverage of the administration’s record on civil liberties since 9/11 has in my judgment been sadly inadequate. I first heard about the Administration’s claim that it could indefinitely detain American citizens simply by calling them enemy combatants when it held the other detainee, Yaser Esam Hamdi. I saw it in a story a few paragraphs long in The New York Times. I was bewildered. Why wasn’t that claim important news?

The fate of Hamdi and Padilla has rarely made it to page one since then. When the Supreme Court agreed to hear, first, the Hamdi case, it was quite rightly a page one story. But over the more than two years since the Bush administration first made its audacious claim, it has had little prominence in the print or broadcast press. I doubt that one American in a thousand knows about the cases the press on issues related to the national security. On those matters, he said the usual legislative and judicial checks on executive power scarcely operate; Congress and the courts tend to defer to the President. So, he wrote, “the only effective restraint upon executive policy and power ... may lie in an enlightened citizenry—in an informed and critical public opinion which alone can protect the values of democratic government. For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press, there cannot be an enlightened citizenry.”

The Bush administration is often accused of unilateralism in foreign affairs. But the unilateralism is just as striking at home in the enemy combatant cases. The administration asserts, on its own, a legal right to detain citizens without trial. Then it claims the right to define not

If the press had been more critical, more independent, the public would not have been led so easily from al Qaeda to Iraq as the enemy such that 44 percent of respondents in a poll thought there were Iraqis among the airplane terrorists on September 11.
Anthony Lewis delivered the keynote address at a conference commemorating the 25th anniversary of *The Progressive* magazine case.

It is not only in the enemy combatant cases that the press seems to me to have failed to perform the function described by Justice Stewart. Another example is the sweep of aliens ordered by Attorney General Ashcroft after 9/11. Thousands were arrested on suspicion of having something to do with terrorism. They were held for weeks or months, their names and places of detention kept secret, then mostly charged with such immigration violations as overstaying a visa and deported after secret hearings. In prison, while they were being detained without charge, they were humiliated and assaulted. At the Metropolitan Detention Center in Brooklyn, they were allowed one telephone call a week to try to find a lawyer. Guards informed them of that by asking, “Are you okay?” That was supposedly shorthand for, “Do you want to call a lawyer?”

We found all that out when the Justice Department’s Inspector General, Glenn A. Fine, investigated and filed a report. He told about the abuse of the prisoners. He said they had been arrested more or less at random, with no probable cause to think they had a connection with terrorism. The whole process of arrests and confinement had relatively little coverage in the press—until the Inspector General’s report. Then there were serious reports. *The New York Times* legal writer, Adam Liptak, wrote in an analytical piece that the treatment of the aliens “inverted the foundation principles of the American legal system.”

The secrecy that pervaded the alien sweep—even families were not told where their missing husbands were—is the sort of thing that usually arouses the press. But with some honorable exceptions, the detentions were not treated as a major story. Again, I wonder why? One reason for the relatively tepid response to the incursions on civil liberties since 9/11, I think, is that they have on the whole been directed at marginal figures. Editors are not going to see a Jose Padilla as a person with whom readers or viewers can readily identify. But the principle that the Bush administration seeks to establish in his case—that a President can jail any American indefinitely without a trial—is what matters.

Another reason may be that the interests of the press itself have not been directly attacked. A case like the Pentagon Papers, in which the press’s freedom is at issue,
always gets more attention from editors. Justice William J. Brennan, Jr., who was one of the press's great friends, once noted its habit of crying "doom" or "fascism" whenever it lost even a minor case in the courts.

Finally, I think the press, like politicians and the rest of us, were so traumatized by 9/11 that we felt it right to unite behind the President. That urge was so strong that we hardly reacted when Attorney General Ashcroft told us that dissent—concern about civil liberties—was unpatriotic.

It was not an offhand statement by Ashcroft. In his prepared testimony for a Senate Judiciary Committee hearing three months after 9/11, he said: "To those who scare peace-loving people with phantoms of lost liberty, my message is this: Your tactics only aid terrorists, for they erode our national unity and diminish our resolve.

Ideas that we had regarded as alien to American beliefs—detention without trial, denial of the right to counsel, years of interrogation in isolation—are now American practice.

They give ammunition to America's enemies." I know of no other attorney general in my lifetime who has expressed such contempt for First Amendment values.

The impulse to get on the national security team in the face of a terrorist threat had a particularly egregious example about a month after 9/11, when five major television networks broadcast a taped message from Osama bin Laden. President Bush's national security adviser, Condoleezza Rice, got top executives of the networks on a conference telephone call and urged them to cut "inflammatory language" from any future bin Laden tapes. She also warned that his talks might include coded instructions to terrorists—a singularly unpersuasive notion, since the original tapes had already been broadcast by Al Jazeera, the Arabic-language station. The network executives agreed among themselves to broadcast only short segments of future tapes. Walter Isaacson of CNN said, "We're not going to step on the landmines Dr. Rice was talking about." A more candid explanation would have been, "We don't want to look unpatriotic."

There was a similar press tendency to take its lead from the White House, I think, in the run-up to the Iraq war. Diligent digging would have found the doubts that we now know existed in the intelligence agencies about the existence of weapons of mass destruction in Iraq. If the press had been more critical, more independent, the public would not have been led so easily from al Qaeda to Iraq as the enemy such that 44 percent of respondents in a poll thought there were Iraqis among the airplane terrorists on September 11. I think The New York Times would have reported more fully what political opposition there was to the rush to war on Iraq, including a masterful speech by Senator Robert Byrd that it ignored. I think The Washington Post would not have reported an antiwar protest with a snide article calling the demonstrators "dudes" and "patchouli girls."

I earlier quoted Justice Potter Stewart on how we need an informed and free press to check the great power of the President when he invokes national security. To those two adjectives, I think we have to add a third:

"Paramount among the responsibilities of a free press," Justice Black wrote, "is the duty to prevent any part of the government from deceiving the people and sending them off to foreign lands to die of foreign fevers and foreign shot and shell. In my view, far from deserving condemnation for their courageous reporting, The New York Times, The Washington Post, and other newspapers should be commended for serving the purpose that the Founding Fathers saw so clearly. In revealing the workings of government that led to the Vietnam War, the newspapers nobly did that which the Founders hoped and trusted they would do."

The duty is not only to report with courage what underlies government decisions to send Americans off to die of foreign shot and shell, but government actions menacing the constitutional protections that have kept us free.
The Guantánamo Detainee Case

by David Rudenstine
Dean and Dr. Herman George
and Kate Kaiser Professor of
Constitutional Law
On June 28, 2004, the Supreme Court decided a narrow, legalistic, tedious question, but in so doing completely upended President Bush’s plan for imprisoning alleged enemy combatants and terrorists, checked the President’s drive for unprecedented power, reaffirmed the importance of separation of powers, and put the court on a course to have a significant voice in future cases involving national security.

The case arose from petitions for writs of habeas corpus filed by David Hicks and Mamdouh Habib, two Australian citizens, and Fawzi Khalid Abdullah Fahad Al Odah and 11 other Kuwaiti citizens, who were captured in Afghanistan in early 2002, during hostilities between the United States and the Taliban. Some time later, they, along with about 640 other non-Americans—all captured abroad—were imprisoned at the Naval Base at Guantánamo Bay, 45 square miles of land and water along the southeast coast of Cuba, which the United States occupies pursuant to a 1903 Lease Agreement executed with the Republic of Cuba following the Spanish-American War. The habeas petitions claimed that the detainees faced indefinite imprisonment without an opportunity to prove their innocence, asserted that they were not combatants against the United States and had not engaged in any terrorist acts, requested to be informed of the charges against them and to be allowed to meet with their families and counsel, and asked to be given access to the courts or some other impartial tribunal so they could prove their innocence.

The narrow legal question presented in Rasul v. Bush was this: Does the federal habeas statute grant the federal courts jurisdiction to review the detention of aliens in Guantánamo? The government offered three arguments. The federal courts lacked jurisdiction because the President has power as the commander in chief to detain indefinitely those captured in Afghanistan. Congress had specifically authorized the indefinite imprisonment of these individuals and it has withheld from the federal courts jurisdiction over habeas petitions filed by individuals imprisoned at Guantánamo. The detainees, who pressed the federal courts to exercise jurisdiction, responded in kind: As commander in chief, the President lacks the power to detain indefinitely the Guantánamo 640; Congress had not given the executive the power to detain these individuals indefinitely; and the statute defining habeas jurisdiction did authorize the federal court to review the habeas petitions filed by the detainees.

By a vote of six to three, the court ruled in favor of the detainees. In reaching that result, the court said nothing about what should happen next. It left until another time and another case which process should be followed to determine whether the government could continue to imprison the 640 detainees. As the court stated, “Whether and what further proceedings may become necessary after respondents make their response to the merits of petitioners’ claims are matters that we need not address now.”

On its face, the court’s opinion in Rasul was no trumpet of liberty, no ringing endorsement of the importance of due process, no memorable restatement of the significant linkage between having a vital democracy and a strong separation of powers doctrine. There are no lofty phrases and no uplifting sentences. Instead the opinion is written in the narrowest and most cautious of terms, and went no further in offering guidance to the lower courts than was absolutely necessary to decide the legal question before it.

The dry opinion masks the significance and vibrancy of the decision. Until the court decided Rasul, the Bush administration assumed that it could imprison indefinitely, and without any judicial interference whatsoever,
those captured in a combat zone and suspected of being enemy combatants or terrorists, so long as it detained these individuals outside the United States. The court in Rasul torpedoed that assumption. It did so by asserting that the courts have jurisdiction over the petitions filed by the Guantánamo detainees and by leaving the ultimate reach of federal court jurisdiction in habeas cases uncertain.

The court created this uncertainty by including within its opinion statements that support both a contracted and expanded definition of habeas jurisdiction. The contracted conception of federal court jurisdiction in habeas cases is based on statements in the opinion that make two related points. First, the court emphasizes the special and exceptional control the United States exercises over the Naval Base at Guantánamo Bay: “By the express terms of its agreements with Cuba, the United States exercises ‘complete jurisdiction and control’ over the Guantánamo Bay Naval Base, and may continue to exercise such control permanently if it so chooses.” Second, the court asserted that the application of the habeas statute “to persons detained at the base is consistent with the historical reach of the writ to ‘so-called exempt jurisdictions,’ “all other dominions under the sovereign’s control,” and a territory that was “under the subjection of the Crown.” The court emphasized that later British cases “confirmed that the reach of the writ depended not on formal notions of territorial sovereignty, but rather on the practical question of ‘the exact extent and nature of the jurisdiction or dominion exercised by the Crown.’” Combined, these two points suggest the court was signaling that although the federal court had habeas jurisdiction outside of the United States, it was quite limited, and perhaps only to Guantánamo.

The expanded conception of habeas jurisdiction rests on other statements that make jurisdiction dependent upon the court having jurisdiction over the Secretary of Defense, the ultimate custodian of alleged enemy combatants and terrorists imprisoned under the authority of the United States military. The statements provide as follows: “No party questions the District Court’s jurisdiction over petitioners custodians.... Section 2241 by its terms, requires nothing more.” If those statements measure the scope of jurisdiction that federal courts will have, then the federal courts will have jurisdiction no matter where on the planet those detained are imprisoned so long as Pentagon officials in Washington control the imprisonment. These were the statements that Justice Scalia pounced on when he charged in his dissent that the majority was extending the reach of habeas statute “to the four corners of the earth.” This “breathtaking” decision, Scalia contends, permits “an alien captured in a foreign theater of active combat to bring a habeas petition against the Secretary of Defense,” thus “forcing courts to oversee one aspect of the executive’s conduct of a war.”

The President has the power to imprison alleged enemy combatants and terrorists, but not indefinitely...

The uncertainty created by the opinion over the reach of habeas jurisdiction was no accident. If the court intended habeas jurisdiction to reach to the four corners of the globe, there was no reason for it to emphasize the special circumstances surrounding Guantánamo or to recount the historical reach of the writ in Britain. And if the court intended habeas jurisdiction to be limited to Guantánamo or other narrowly defined areas that have a special connection to the United States, the court would not have suggested that jurisdiction existed so long as a court had jurisdiction over the custodians.

Although one can only speculate as to the reasons underlying the uncertainty created by the court’s opinion, what seems likely is that the court was trying to shape a doctrine that respected two important concerns. First, it wanted to preserve its capacity to review the possibility of indefinite confinement of aliens who are suspected of being enemy combatants or terrorists and who are imprisoned someplace other than Guantánamo. Second, the court wanted to retain discretion in future cases so that it could respect the commander in chief’s need for unfettered authority over detainees imprisoned on the battlefield or nearby and for some period of time after capture. To be responsive to both concerns, the court needed to eschew rigid rules so that it could define the future scope of jurisdiction in light of its competing concerns.

The outcome in Rasul was certainly a boon for the detainees. They will now be informed of the charges against them and be given an opportunity to prove facts that establish their innocence. But the outcome was more significant than that. In Rasul, the President insisted on the power to imprison indefinitely and without trial those captured in a combat zone. This was an
extreme claim, and in rejecting it, the court upheld the nation's traditional commitment to due process and to separation of powers. The President has the power to imprison alleged enemy combatants and terrorists, but not indefinitely, and not without some mechanism of review, at least not in the absence of specific congressional authorization.

The court's decision in *Rasul* is equally significant in another and more general respect. When placed in a historical perspective, the decision constitutes a sharp break with the court's well-established pattern of deferring to the executive branch in national security cases. In 1919, the court sustained the power of the government to intern without a hearing and without providing evidence more than 100,000 Japanese Americans. In 1951, the court sustained the conviction of leaders of the American Communist Party under the Smith Act even though their speech and activities did not present a clear or present danger. Each case, the executive exaggerated the national security danger and the members of the Supreme Court, as well as others, tended to accept the government's allegations at face value. Each episode is now widely considered a betrayal of a national commitment to separation of powers that protect democratic values and individual liberty.

There has been only one exception to this pattern of deference. In 1971, the government sought a prior restraint against *The New York Times* to bar it from publishing excerpts from the Pentagon Papers, a classified, 7,000-page study of America's involvement in Vietnam spanning the period from the end of World War II to 1968. In support of its request, the government maintained that the threatened disclosures would reveal war plans, compromise intelligence operations, and undermine efforts to negotiate a settlement. The Nixon administration argued that the court should accept its allegations as true because it had primary responsibility for national security and the courts lacked the expertise to assess national security considerations. After 16 days of frenetic litigation, the Supreme Court denied the government the injunction it sought, which permitted *The New York Times* (as well as *The Washington Post*), which had begun to publish excerpts after *The Times* had been initially enjoined) to continue to publish reports from the secret study. Although the government had predicted serious and irreparable harm to the nation's security, there is no evidence that public disclosure of the Pentagon Papers injured the national security.

By following in the footsteps of the Pentagon Papers case, the court in *Rasul* took the less traveled road. Many reasons surely prompted the justices in *Rasul* to reject the President's position, but one bears mentioning. The mystique surrounding national security and classified information has dissipated substantially in recent years. As a result, the Congress, the press, and the public routinely demand information. The essence of this point was captured by Michael D. McCurry, a White House press secretary under Bill Clinton, who was recently quoted as observing the following: "Just 10 years ago, you could basically shut off any question on anything by saying, 'That's an intelligence matter and we never discuss it.' Now that just doesn't cut it anymore, and part of the reason is that people are so skeptical of intelligence as a consequence of intelligence failures pre-9/11 and pre-Iraq war."

One of the most serious current threats to our democratic values, our traditionally open society, and our liberties during the war on terrorism is the felt needs of the national security state. Left unchecked, the executive branch may well take misguided actions as it seeks to assure security. The courts offer a potentially powerful check and reassuring counterbalance to this potential abuse of power. But for years the court deferred to the executive branch and inappropriately diminished its own power in national security cases, thus contributing to an unhealthy imbalance of power and the needless loss of liberty.

The decision in *Rasul* suggests that the high court, similar to the Congress, the press, and the public, may be much less accepting of government representations that courts stay out of certain areas because of national security do-not-enter signs. If this turns out to be true, then *Rasul* will come to be viewed as the moment when the high court began to correct a harmful and regrettable pattern. Such a development would be a good thing for our freedom and our democratic order. ■
In March 2004, I spent a week in Baghdad, within the protected Green Zone, the location of Saddam’s palaces and the Coalition Provisional Administration (CPA). I was helping to draft an order establishing an Iraqi version of the Federal Communications Commission and an Iraqi public service broadcaster. For the previous nine months, as part of the activities of the Squadron Program in Law, Media and Society, I had been working with nongovernment organizations in the United Kingdom, the United States, and the Middle East on postconflict media issues. Now, at the invitation of the British Foreign and Commonwealth Office, I had a chance to work with officials on the ground.

Here are some notes from my diary of those days:

I’m suddenly leaving for Iraq, and my flight is booked from Brize Norton, the RAF base in the Cotswolds. We land in Akrotiri, in Crete, on another RAF base and transfer to a Hercules. It looks like a movie or stage set. Soldiers line the walls and center, strapped into makeshift seats, with light cargo and baggage stacked up like a Christo sculpture. We’re on the Herc because it has anti-missile protection, and we fly into Basra with all lights off. (There’s a magical moment when the lights inside turn from white to blue, and then, 20 minutes before landing, plunge into darkness.)

At the Baghdad airport I was picked up by the Control Risk Group, an armored vehicle with two ex-special forces men. Paul, the driver and “vehicle commander,” was on the radio and phone the whole time and told me he would “direct my actions” if necessary. Evidence of the war is on all sides, with slight destruction as well as a reorganization of spaces for the vast needs of the occupation forces. On the way in, the landscaping along the road was dramatically modified to reduce potential locations for sniper positions.

Most of the time, I’m in the office of the Media Development Team (MDT). It’s a windowless, cheerless office about 30 by 40 feet, with six desks, computers, and the inevitable electric heater for tea. The head of the team is Simon Haselock, a retired British Marine who was involved in media policy in Bosnia and was a media commissioner in Kosovo. Almost everyone talks about lack of communication. The Media Development Team certainly underscores this. It’s very self-contained and its history includes struggling against various bureaucracies contained in the Green Zone. This seems to be one of the really big elements here: clustered, noninteracting sectors, with different goals.

I slept at the “Embassy Estates,” the compound established by the CPA largely for US civilian personnel. The place is a kind of trailer park, accommodating 500 to 1,000 people in trailer-like modules, about 24 by 6 feet. They resemble austere college dorm rooms: two single beds, two plastic garden chairs, linens, closets. Each “unit” has two modules joined by a common bath. (This morning I was unable to conquer the simple task of turning off the water and had to get Simon to help figure it out). A sign in the bathroom lists rules imposed by the Coalition, including “No cohabitation except among married couples.”

The entire residential compound is surrounded by barriers. First there are bins loaded with dirt; next are concrete blocks about five meters high; and inside there are 10-foot-high piles of sandbags. Outside there are Ghurkas brought to Iraq by the contracting firm in charge of security.

I met with Hassan Fattah, the young American-Iraqi editor of an English-language newspaper called Iraq Today. Fattah went to Berkeley and to Columbia School

We walked to the entrance of the Green Zone ... and drove through Baghdad—scarred more by poverty and disintegration, it seemed to me, than by bombing.
Baghdad Diary

Monroe Price
Joseph and Sadie Danciger
Professor of Law and Director,
Howard M. Squadron Program
in Law, Media and Society
of Journalism, and came to Baghdad in May 2003. He has large goals and a small reservoir of assets. He has recruited a staff of about 10 young Iraqis who write in English and has published 36 issues of his paper. But he’s run out of money. The “publisher” is a British company that either has no funds or isn’t putting more in. The issue now is how to keep Fattah and his team alive. Simon wants him to become a “news agency” for Iraq, especially because one of the MDT objectives is to have such a news agency.

On a Tuesday morning, I made my first visit to Hussein’s palace where the administrator and the CPA are housed. It was like a major motion picture set, with massive numbers of people milling throughout. It looks virtually unblemished. One walks, after an anteroom with gold and red upholstered furniture, into a grand court, with a mural of Saddam covered up by a five-foot-square blue tarpaulin. On the left is the entrance to Ambassador Paul Bremer’s suite. Notwithstanding enormous security upon entry, a special arch-metal detector is in the middle of the court, looking like some magical entrance to this holy of holies.

I had a longish talk with Kristin Whiting, who’s been at the Palace for two weeks as the lieutenant of Dorrance Smith—sent by the President to “straighten out” the Iraq Media Network, which was reeling under the failure of a $100 million contract that produced little in the way of studios, etc. Whiting, a very striking, anchorperson type, was Diane Sawyer’s assistant and worked for National Geographic Television as well. She said she was now trying to get Iraqi personnel to think more like American reporters and produce some equivalent of Good Morning America—conveniently named Good Morning Iraq.

I was at the palace with Simon for my first meeting with government contractors, a group called Bearing Point. They have a small army of consultants to assist with things like institutional development. They are tasked with helping the new Media Regulatory Commission get off the ground. One really important task Simon gave them was to come up with a document justifying a higher salary for the new director general of the Commission. Also present at this meeting, which felt entirely like Washington except for the veiled Iraqi woman sitting in a corner, were two lawyers seconded to the CPA by their law firms.

One night, Simon and I were invited by Shakir Samir, chair of the Media Committee and one of the 15 members of the Iraqi Governing Council, to his house for dinner. We were picked up at the 14th of July Bridge near the edge of the Green Zone by Samir and his driver in their protected SUV. We were whisked along what seemed to be a virtually closed highway to another compound—in a residential part of the city for high officials of the Council. The compound is closed off by a wall and an intimidating gate with a gun-mounted tank inside. There are 41 houses in the Zone—all rather beautiful, quite modern, California-type ranch houses. These were the houses of the Baathist power structure under Hussein and—probably on purpose—they were spared from bombing and seized for the new elite.

Samir invited a group of Iraqis—all expatriates—to join us. The highlight of the evening was a long debate between Shamir and a young woman, an assistant to Colin Powell, who had come to Kuwait three months before the war to prepare to be part of the civil government after Hussein’s regime fell.

Samir and the young American official had a debate. She asked, almost naively, whether there were things the Coalition had done wrong that allowed things to
remain in crisis. In a way, Samir was politely and respectfully criticizing the Coalition. He argued—as have many—that the Coalition had virtually lost the peace in the time since April 3, 2003—a year ago. Samir said that the CPA, against the wishes of the Iraqi Governing Council, made key decisions that lost an enormous amount of time at the beginning. Iraqis were asking why after the '91 Gulf War, Saddam got basic services going again in three months, while the Coalition had totally failed to date. According to Samir, Saddam paid the proper amounts of money, got the best engineers and others, and held them to a high standard of performance. In short, there was more direction and a sense of priority. Even now, Samir said, turning to a different point, the CPA, against the wishes of the Governing Council, was strengthening local groups, potentially weakening the power of the center.

That Monday afternoon, Siyamend Othman, who was to become the first director general of the new Media Regulatory Commission, took Simon and me to lunch at an open-air restaurant about 20 minutes from downtown Baghdad. We walked to the entrance of the Green Zone and got into Othman’s car and drove through Baghdad—scarred more by poverty and disintegration, it seemed to me, than by bombing. We passed the Palestine Hotel where many journalists had stayed and which was hit by US forces, passed the circle where the taken-down statue of Saddam has already been replaced by a more benign allegorical sculpture, passed small stands selling fruit and cigarettes, and passed many nondescript buildings.

The site for lunch was green and park-like. The restaurant was adjacent to a grove of palm trees not far from the Tigris. There was a water wheel, sculptures made of abandoned clay pots and urns, a pool where carp (a famous Baghdad dish) were kept for grilling. Here there was a hint of an older, more cafe-populated Baghdad. Othman told us that this was a favorite place for Coalition officials in the more open days after the end of the ‘91 war. He told of people who come today with their security guards, and are warned by the owner that they cannot come if they are too obvious about their security. I noticed that when I went to the bathroom, one of the waiters watched me to make sure I didn’t stray too far.

Wednesday morning at 4:10, I heard a slight whooshing overhead and then a loud blast—not nearby. It was a mortar. A moment later, a compound-wide siren sounded, exactly like one from World War II. A canned voice came through the night air saying, “Stay covered. Stay covered.” Five minutes later, the mechanical voice was heard saying, “All clear. All clear: Keep protective gear covered.” I was uncertain of the function of the siren, since there was nothing one could do but stay in one’s bed. Simon used the moment to explain the function of the eight-foot sandbag walls that surround and snake through the trailer camp. These were to obviate any lateral impact of a landed mortar. The only way we could get hurt, he reassured me, was if a mortar came directly through the roof of our trailer.

There’s a kind of ennui and desperation, and I feel it among our little Media Development Team. There’s depression, too, because the members of the Media Team have now been here seven months, because the food is awful, because there are no wives or lovers near, because the situation is dicey, because optimism can carry one only so far. It is interesting that not only Simon but most of his small staff are military and this is like another campaign, with billets, and kits, and the complexities of tiny details and logistics.

One evening, we go to one of two Chinese restaurants in the Green Zone. There are about 10 plastic garden tables, and the place was filled with young men and women soldiers with their M-16s propped up next to them or leaning on the walls. While we had pretty delicious Chinese food and French wine, there was a steady stream of helicopters—Medivacs we think—grinding overhead to the heliport of the nearby hospital. Our experts thought that this meant some heavy casualties somewhere. It had all the absurdity of a MASH episode: Iraq, Chinese food, helicopters overhead.

After a week, it’s my turn to leave, but it is not easy to get a flight out of Baghdad. I have to wait a day or two and fly via Basra to Kuwait. There, I spend time in a huge US base, a rotation point for those going home and the new troops coming in. I’m shuttled to the Kuwait Hilton, have a luxurious evening of swim, bath, and dinner and, the next morning, fly directly home to New York.

CODA: I wrote these notes in March 2003. As this issue goes to press in November 2004, things have changed a lot but in many ways are the same. Violence intensified. The CPA vanished, to be replaced by ambassadors. The fate of the infant public service broadcaster and the independence of the new regulatory agency are still matters to be fought over in the complexity of postwar Iraq.

Professor Price has coedited and published the Iraq Media Development Newsletter, www.stanhopcentre.org. He was involved in developing a framework for media policy in post-conflict Iraq (Internews.org). He is visiting this year at the Annenberg School for Communication at the University of Pennsylvania.
Using the Power of Imagination to Heal a Violent World:

Eve Ensler Shares Stories of Freedom

These have been very disturbing weeks and months since the war on Iraq began. At night, I watch news shows and listen to pundits and politicians and policy makers. Sometimes I feel this unbearable sorrow, sometimes this helplessness, this complete helplessness, that in minutes becomes rage. I want to reach in while I’m watching these people talking and pull the minds, the words, the men, the thoughts, out of the contained, limited world they live in. I want them to hear the words that they are using, words like occupy, invade, conquer, greatest nation, evil doers, enemy.

Freedom. Freedom. How can they speak of freedom when they are locked in this box, in this power struggle that is so unfree its only end can really be the death of our species?

Bombs do not make people free. Bombs do not engage people’s trust. Bombs do not invite people to connect. There is no freedom without imagination, and imagination requires a leap. Imagination actually demands time, patience, daydreaming, lingering. It means getting lost, not having answers when you don’t have answers. It is much more difficult in the end than knowing things, or making fast decisions, or manipulating, or lying, or being right, or dropping bombs.

EDITOR’S NOTE: On May 6, 2004, Eve Ensler attended a ceremony at Cardozo to accept the International Advocate for Peace Award from the Cardozo Journal of Conflict Resolution and the International Law Students Association. This is an edited version of the speech she gave on that occasion.
I am not naive or some kind of blind peace activist. I know the excitement of violence. I have found my aliveness and meaning through it. It no longer interests me. It is ultimately a deadly, empty box. What I long for is freedom. What interests me is freedom, the great leap that we take as individuals and then as a species into this new waiting paradigm. We could actually use weapons to make peace the way we used imagined weapons to start a war.

There is a new story, a new myth, a new paradigm emerging all over this planet. I have been incredibly privileged over the last six years to witness it. I want to tell a few stories today that represent this kind of imagination and women I’ve met around the world, who through their imagining, have not only been peacemakers but what we call now ‘vagina warriors.’ I’m using the word warrior in a whole new way because I think that the energy required to bring about peace requires a fierceness, and devotion, and commitment, and intensity, but when you put warrior with vagina, it becomes life warrior—person dedicated to making sure life exists on this planet and peace exists on the planet.

I want to begin telling a little story about a woman named Agnes Pareyo, whom I met four years ago in Kenya. Agnes was mutilated when she was a little girl. She was mutilated against her will. No one asked her, and then as a species into this new waiting paradigm. We could actually use weapons to make peace the way we used imagined weapons to start a war. Agnes would walk through the Rift valley, and she had a little box she took with her. She would show people what a beautiful, healthy vagina looked like and what a mutilated vagina looked like. Over the course of her walking, she saved 1,500 girls from being cut in eight years. When we met I said to Agnes, ‘What could V-Day do for you?’ and she said, ‘Well, Eve, if you got me a jeep, I could get around a lot faster.’ So we bought her a jeep and that year she saved 4,500 girls from being cut. Then we asked, ‘Well, what else could you use?’ and she said, ‘Well, with money we could build a house.’

Two years ago Agnes opened the first safe house in Narok, Kenya, and now girls have a place to run to when they want to save their clitoris, save their freedom, and save their futures. They stay long enough so their families sometimes actually understand that mutilation is a terrible practice and they may get invited home. The house has become the centerpiece of the community, and Agnes, who was initially exiled and slandered, was designated deputy mayor in Narok.

All these other issues have begun to bubble up as well: Women are now talking about being abused in their marriages; they’re talking about the fact that they want to be educated; they’re building a school so that girls can continue their education—all because Agnes made a decision to have imagination, to get a little box that was personal and specific, and to walk through the Rift valley. Rather than judging, or hurting, or violating people, she just showed them what a healthy vagina looked like and what a mutilated vagina looked like. It was very simple.

In Juarez, there is another example of imagination. For those of you who don’t know, over the last 10 years, more than 300 women have been mutilated, murdered, raped, or have disappeared in Juarez. There has been absolutely not one conviction for any of these crimes, and it continues. When I was there I met this woman named Esther; her daughter had been taken from her. Esther had this domestic job and it wasn’t enough money to feed her family, so her 15-year-old daughter said, ‘I’ll go and I’ll take your job and you’ll get another job and we’ll be able to support the family.’ On the first day her daughter went to work, she didn’t return home. Esther was very concerned and found out from the family that her daughter had never arrived at work. When they found the body of her daughter, it was clear that she had been killed by a knife, in her stomach. Esther stood by her daughter’s body, knew it was her daughter, but the authorities said there wasn’t enough DNA to
confirm that she was right. So for five years they took her on this wild goose chase, and at the end of the five years it turned out that, of course, it had been her daughter all along.

When we met I asked Esther, “Have you ever been to your daughter’s grave?” and she said no, because it’s far away and there are no buses that go there and we have no car. So we decided that we would take Esther to her daughter’s grave. We drove out to this graveyard in the middle of the desert, and there were hundreds of graves. The markings on the graves were primitive, but through the miracle of miracles we found her daughter’s grave. I witnessed something that day that was so powerful and intense. When Esther saw the grave, she ran to it and threw herself on the grave and started digging as if she were covering her daughter up and protecting her. She got stones and put flowers on the grave as if she were dressing her daughter for her coming out party. I soon realized that she was in fact clothing her daughter, feeling her, protecting her, dressing her, and honoring her daughter. This incredible healing was going on in the graveyard, because this woman had the capacity to love her daughter so much, to feel the presence of her daughter so deeply that she was actually there for her. She was with her daughter.

I want to talk about Afghanistan, where for years an active imagination has been the only thing that has kept the women of Afghanistan alive. I first went to Afghanistan in 1999, with a group called RAWA—the Revolutionary Association of the Women of Afghanistan—and they’re unbelievably brave, courageous, and visionary women. When their leader was assassinated by the Soviet KGB, they were forced to go underground. I was blown away by this community of women who are spread out throughout Pakistan and Afghanistan and are doing the most amazing work. They are running clandestine schools. They are running orphanages and shelters. They have a complete network with no telephones and can literally pass signals from Pakistan to Afghanistan.

When I first went to Afghanistan, women were going into stadiums with video cameras underneath their burkas and were documenting the executions of women by the Taliban. If they had been caught, these women would have been killed instantly. One of the women who had been doing the documentation suffered an epileptic fit during an execution; she told me after that she never had epilepsy before she started documenting the trauma. She said if she had to do it all over again, she would because by documenting it there was a possibility that one day the women of Afghanistan would be saved.

When I came back to the United States, I brought the footage to several news outlets in America. Not one put it on television because they weren’t interested in the women of Afghanistan. It wasn’t until 9/11 that people briefly had an interest in the women of Afghanistan, and they put it on television. What I will say is the RAWA women had the vision and the imagination. They didn’t go around with AK47s. They didn’t burn people. They didn’t kill people. They documented them. These forms women throughout the world have developed—of carving a way through violence—are, to me, the genius of imagination.

I met this woman recently in Palestine who told me how Palestinians negotiated the checkpoints. She said they tell jokes. I asked, “What do you mean?” and she

Bombs do not make people free.
Bombs do not engage people’s trust.
Bombs do not invite people to connect.
Part of the work of making peace
is not imposing your agenda,
but asking people what they need.

said, “Well, when we get to the checkpoints and the soldiers are searching us, we tell jokes and they laugh and then they put their guns down.” I started thinking that women do this kind of thing all the time. We have a way of disarming violence by finding humor, by finding another way that doesn't escalate the violence.

I find what's going on in Afghanistan and Iraq right now very, very disturbing. I think many women in the United States got behind this war because we thought women would be liberated. We encouraged women to have imaginations. We held a summit and brought women from all over Afghanistan to envision and imagine what their futures could be, and then to create actions, plans, and programs that we then funded. But it was not a safe or secure place, and in a way, it is potentially more devastating than it was before because the Northern Alliance and the Taliban are still at large and women are actually at higher risk in many ways than they were before.

We must really examine how it is we are living in a country that has promised freedom to certain women and has based a war not only, I believe, on our desire to end terrorism, but to free women. But this freedom has not occurred, and yet none of us seems to notice or seems to be speaking out about it. In Iraq, where we went to liberate the people, over the last four or five months, 70 women a month have been abducted, raped, and sold into sex slavery, which is something that was not going on under the incredible tyranny of Saddam Hussein. In fact, under Saddam Hussein women were doctors and lawyers, and were free to walk in the street. In the months since the U.S. bombing, women are staying in their homes because the lawlessness has made Iraq an absolutely perilous place for women, particularly in Baghdad.

I feel like I'm living in this world of vagina warriors. I see them everywhere and they are men as well as women. They are people who've made a conscious decision that violence is not the path. I think many knew there was a good chance that war in Iraq would create more violence and that without a plan or a relationship with the people, chaos might result.

I've learned that V-Day works for one reason—women in individual communities around the world bring it there, and they know what they need to do. They don't need Americans to tell them. Part of the work of making peace is not imposing your agenda, but asking people what they need. It means you serve other people. You don't control them. You don't dictate. You provide people with the resources you luckily have because you are in a country with enormous resources and luxury. I think what the US government has not done is ask the Iraqi people what they want.

If we really are serious about peace, and about stopping crimes, we need to go, and listen, and serve. I mean that in the deepest, spiritual, humblest sense. When you go with a preconceived and set idea of how people should be or behave, you are not serving them. You are manipulating and controlling them, and the end result will not be peace.

Imagination is equal to compassion. When you imagine someone else's life and struggle and feelings, you enter them. When you are inside someone, it makes it almost impossible to kill them. This war, this invasion, has brought the death of 19-year-olds. It's burned children. It's raped women. It's dragged bodies into the streets. It has created unspeakable cruelty, humiliation, division, corruption, distrust, and many more enemies.

There is another way. It involves thinking, patience, planning, and the wisdom of many. In the case of Iraq, it would have meant saying that war was not an option. Then we as a world would have been compelled to work in our collective imagination. It would have meant that through the process of evolving a vision we would have come to actually know each other, know our partners in the Arab world, and know our partners in the European world. We would have learned about each other; more ideas would have come and eventually the right idea would have come. This writing, all of this, is an act of imagining. You can try to fit it into a box. You can try to contain it, but that can't be done. I say we all should begin by saying, we don't understand. We begin here and that's where the real freedom starts.
The week before commencement, graduating students, including Shulamis Pelz, celebrated on a boat ride in New York Harbor.
Board member Sandra Feuerstein '79, Chairman of the Board Kathy Greenberg '82, US Supreme Court Justice Sandra Day O'Connor, and Yeshiva University President Richard Joel.

Dean Rudenstine with students before the formal ceremonies.

Graduates of the LLM program Marcus Danisch, Jens Grasser, and Ingvil Andersen.

Gary Galperin '80 received the Distinguished Alumnus Award for contribution to public service.

Cardozo Board member Steven Katz hoods his daughter, Hillary Katz.

Craig Hanlon, SBA president and winner of the John D. Appel Award, announced favorite professor and administrator awards. Michael Glasser, Steven Eric Tanenbaum Leadership Award winner, delivered the student speech.

Professor Lushing with Amitab Mukerjee and his family at the post-graduation reception.

A graduation after-party was hosted by the dean in the Law School lobby for students, their families, and members of the faculty and administration. Gerald Cohen, who received the New York State Bar Association Law Student Legal Ethics Award, celebrated with his twin brothers, Anthony (left) and Andrew.

Prof. Toby Golick hooded her son, Ben Taylor.
Cardozo was filled with exclamations of recognition as members of the Class of 1979 spotted their classmates from 25 years ago. Less familiar to the more than 100 alumni in attendance was the Law School's newly renovated lobby, which surprised and delighted Cardozo's first graduates gathered there on May 6. The 25th reunion of the Class of 1979 was a historic moment for the School.

Dean David Rudenstein remarked how wonderful it was to see Cardozo's earliest graduates, while alumni expressed the shared notion that the time has come to reconnect. This class of pioneers has contributed significantly to Cardozo's rise in reputation and visibility across the country.

The founding faculty members were important guests, just as eager to see their first students as the alumni were to see them. Peter Lushing spoke at the dinner in a manner reminiscent of the graduates' classroom experience. Cliff Elgarten gave touching remarks about the comical mishaps endemic in a brand new school, as well as the meaningful education Cardozo provided for his practice in Washington, DC.

A class gift effort raised awareness of Cardozo's need to increase donations as its alumni body matures. Bonnie Steingart delivered an inspiring address urging her fellow graduates to play a role in their Law School's future.
Twists and Turns on the Fast Track to Partner
Tammy Bieber ’95

A year ago, Tammy Bieber ’95 was named a partner at Shearman & Sterling. In a conversation with Alumni Affairs Director Barbara Birch, she disclosed that the path was not direct nor was making partner a lifelong dream.

Q: You had a career prior to attending law school. What was it?
A: I spent eight years working in the hotel industry after graduating from Cornell University’s hotel management program. I decided to take the LSAT when the job market was weak and I found myself in a job I didn’t love. When I was applying to law school, Cardozo was particularly good at identifying law students who may not have done well as an undergraduate, but had good work experience and would be good lawyers.

Q: Did you enjoy your Cardozo experience?
A: I loved law school. I was a relaxed student compared to my classmates who just completed their undergraduate degrees. While other 1Ls were concerned about making Law Review, I was just enjoying the new environment of law school.

I even had the option to transfer to NYU after my first year, but I chose to stay at Cardozo. I felt the emphasis should be on the quality of education, not the name recognition of the school.

Q: What opportunities were afforded you as a result of attending Cardozo?
A: I was an Alexander Fellow, which gave me the opportunity to intern full-time for Judge Jack Weinstein in my second year, which helped me to get my postgraduate clerkship in the Ninth Circuit.

Q: How did you like clerking?
A: Clerking was a tremendous experience both at the district court level and the circuit court. You see the inner workings of the court system. I recommend it to students and recent graduates.

Q: You also earned an LL.M. degree?
A: Yes. I have an LL.M. in tax from NYU because Laura Cunningham encouraged me to start the program in my third year. I finished the degree at night while clerking.

Q: Did you know you wanted to join a large firm?
A: Not at all. Even with the LL.M. in tax, at heart I was a litigator. I thought I’d be an assistant US attorney, but decided to spend a few years at a big firm to earn some money and pay off some loans.

Q: When did you join Shearman & Sterling?
A: In 1997. I didn’t expect to stay long, only as long as it was tolerable. But once there, I enjoyed the work and especially the people I was working with. I was pleased to find that Shearman was a collaborative, not competitive environment, without the stereotypical ‘yelling’ that I heard about at some big firms.

Q: Did you think you’d stay to become a partner?
A: I did explore the possibility of leaving, but realized that Shearman was where I wanted to be long-term, and in February 2004 I was made a partner.

Q: Do you feel that there are barriers for women in the field?
A: There are few women who are partners at the large law firms. I’ve noticed that many women self-select out after four or five years. Law firms, including Shearman, are making efforts to retain women. I never felt there were barriers to my succeeding at the firm based on my gender.

Q: Have you been involved in pro bono work?
A: I’ve done some pro bono work for the National Endowment for the Arts and am on the legal advisory committee for Sanctuary for Families. It was very rewarding. Also, early on in my career at Shearman, I was sent to try cases for the City of New York for six months, which gave me great courtroom experience.

Q: Do you have any advice for current law students?
A: Be open minded. I didn’t think a big firm career was for me, but here I am. Sometimes you have to give things a chance.
Cardozo Graduates Join Forces at Law Firm

On the 24th floor of The Graybar Building, above the bustle of Midtown, a rising law firm founded by a Cardozo alumnus moved to its new offices in April 2003. Three of the eight partners at the firm and two associates are Cardozo graduates. Jerry Cohen '86 leads the 21-attorney firm of Cohen Tauber Spiervack & Wagner LLP (CTSW), a successful legal venture that embodies the ambitious and entrepreneurial spirit of Cardozo and its graduates. The firm is made up of young, driven attorneys who are building something extraordinary together—an opportunity they might have missed had they remained with their previous firms.

Jerry Cohen started his career at Botin Hayes & Sklar. After some years in various legal and business ventures, including three years at a corporate boutique firm and a stint with his own start-up company, Jerry opened a solo practice. He soon realized he wanted to build a firm and brought in Larry Tauber as his partner in 1998. The two then embarked on expanding into a full-service practice, and just a few years later, Cohen Tauber Spiervack & Wagner was born.

"Cardozo gave me the training and confidence to take risks and to build a new model of a law firm—one that not only counsels and guides its clients, but also helps grow their businesses," says Jerry. "We are passionate and devoted to our clients, and we're not afraid to get in the trenches alongside them."

Jerry's ambitious nature is what drew him to Cardozo. The Law School's image as young and exciting was a good fit for his personality.

In fact, each of the alumni at CTSW commented on the entrepreneurial nature of Cardozo students.

Joe Vann '87 is chair of CTSW's flourishing bankruptcy and creditors' rights group. After graduation, Joe clerked for the Honorable Alan H.W. Shiff, spent six years as an associate in the bankruptcy and creditors' rights group at Shea & Gould and, thereafter, Herrick, Feinstein LLP. After two years as a partner in Gratch Jacobs & Brozman's bankruptcy group, Joe joined CTSW, where he knew he would find top-tier attorney backup for his sophisticated transaction and litigation-oriented bankruptcy practice. At CTSW, he has represented hedge funds and other purchasers of bankruptcy assets, financial institutions in workouts and bankruptcies, and the official committees in a number of cases, including Service Merchandise, Inc. and Kmart, Inc.

"CTSW's success is directly attributable to our guiding philosophy to focus on the client's needs at all times," says Joe. "Whether litigation or corporate deal, we bring home the prize for the client by focusing on its business goal."

Andrea Lawrence '94, a litigation partner, joined the firm in 2001 after practicing law at Tenzer Greenblatt LLP where she focused her practice on commercial real estate litigation, and served as a contributing author to several legal treatises dealing with real estate issues.

Andrea is thrilled with her career decision. "CTSW afforded me the chance to get in on the ground floor of an up-and-coming, cutting-edge law firm. Once I became a part of the CTSW team, I never looked back."

As one of the hiring partners, Andrea looks out for fellow alumni when filling the firm's hiring needs. "Time and time again, I am impressed by the talent, ambition, and professionalism of Cardozo graduates.

CTSW continues to live up to its reputation as a fast-paced firm composed of business lawyers who make deals happen. Only five years old, it has grown from four to twenty-one lawyers, and is known as a top-notch firm in practice areas such as pharmaceuti-
cals and biotechnology, aerospace and satellite technology, software licensing, entertainment and motion picture production, and insurance and trade-secret litigation. CTSW’s clients represent a diverse spectrum, including the Irish Development Agency and Israeli Aircraft Industries, Bar Ilan University and the Royal College of Surgeons, UBS Paine Webber, and elite international biotechnology and pharmaceutical companies.

Leo Esses ‘98 was the first associate hired at CTSW and enjoys being at a smaller firm. While associates at big firms prepare materials for senior attorneys, Leo is making court appearances and conducting depositions.

The firm in many ways parallels Cardozo in its rising reputation; both institutions are young and ambitious, with leaders who are determined to achieve success, and many stakeholders who participate each day in the upward mobility of their institutions.

The latest Cardozo hire is Ziva Cohen ’02. “I’m amazed with the firm’s achievements,” she said. “Here, I enjoy extensive client contact and courtroom experience and the opportunity to grow, both as an attorney and as part of the firm. There is a real dynamic spirit here, and I am proud to be a part of it.”

Cardozo Women Off to a Strong Start

“As natural allies, we have the opportunity if not the responsibility to help one another professionally and, at the same time, enrich our own and Cardozo’s future,” said Bonnie Steingart ’79, founder of Cardozo Women and chair of its steering committee, at the group’s inaugural event in July at the Law School. The event, attended by more than 150 alumnae, provided a significant networking opportunity for alumnae who work in the full complement of legal practice areas—in business, on the bench, and in the public interest arena.

Three alumnae who have followed very different career paths—Hon. Sandra Feuerstein ’79, United States District Judge, Eastern District of New York; Stephanie Mudick ’81, CAO and EVP, Global Consumer Group, Citigroup Inc; and Bonnie Steingart ’79, partner, Fried, Frank, Shriver & Jacobson, gave detailed accounts of their professional journeys. Mudick, who helped organize the event, which included a buffet dinner, commented, “The response to Cardozo Women has been uniformly enthusiastic. We are encouraged and confident that we can create systems to support one another and Cardozo.”

A series of programs is planned for the 2004–05 academic year, including more networking events, a panel discussion on rainmaking issues, and programs cosponsored with The Samuel and Ronnie Heyman Center on Corporate Governance and the New York State Trial Lawyers Association. You will be receiving information or invitations to future events soon.

If you are interested in becoming involved in Cardozo Women or want more information, contact Bonnie Steingart at SteinBo@ffhsj.com.
Reunions


Class of 1984

George Cohen, Harlan Cohen, and Lori Cohen

Class of 1989

Esther Trakinski and Lorraine Nadel

Class of 1994

Renee Leviton, Patricia Powers Simonelli, and Andrea Robinson

Class of 1999

Rachel Nash, Suzanne Pronesti Sherman, and Maria Celis
Former Cardozo Board Chairman Earle I. Mack has been appointed Ambassador to Finland by President George W. Bush. He was sworn in as Ambassador on May 28, and presented his credentials to the President of Finland, Tarja Halonen, on June 10, 2004.

Mr. Mack is the third former Cardozo Board member to hold the rank of Ambassador. Cardozo's first chairman, Morris Abram, was Ambassador to the United Nations in Geneva under President George H.W. Bush and Eric M. Javits is US Permanent Representative to the Conference on Disarmament, a position he has held for several years.

When Mr. Mack passed the gavel to new Board Chair Kathy Greenberg, he ended a stellar tenure that covered more than 20 years as a Board member, 12 of them as chair. Mr. Mack said, “This does not mark the end of my love for this great school.”

Ambassador Mack was elected to the Cardozo Board in 1980 and was voted chair in 1992, a position he held until his appointment as Ambassador. Among his many achievements as chairman, he indicated he was most proud of “the election for the first time of a chair from the ranks of the Cardozo alumni.” Ambassador Mack oversaw the renovation of 55 Fifth, assisted with scholarships, and provided funds for numerous projects and events at Cardozo from the redesign of the Web site to bringing King Juan Carlos of Spain to the Law School.

YU President Richard Joel marked the occasion by saying, “You led a school from having great aspirations to achieving those aspirations ... you are a true miracle worker. We will miss you, we wish you well. You are a wonderful guiding spirit and great champion.”

Ambassador Mack has a long history associated with business, the arts, education, public service, and thoroughbred racing. He was senior partner and chief financial officer of the almost century-old Mack Company. The firm, headquartered in Rochelle Park, NJ, invests, develops, and manages income-producing commercial real estate. Ambassador Mack was chairman of the New York State Council on the Arts, a member of the board of trustees for American Friends of the Paris Opera and Ballet, and a member of the board of directors of the New York City Ballet, among other arts organizations. (An interview with Ambassador Mack is in the spring 2003 issue of Cardozo Life.)

Lautenberg Takes on New Role

Another Board member, Senator Frank Lautenberg of New Jersey, was also in the news this spring. A long article in the June 5 issue of The New York Times focused on the Senator's new role as Democratic spokesman against the Republican administration and as “one of the most surprising and talked-about members of that august body.” Since winning reelection two years ago, Senator Lautenberg has called for the resignation of Donald H. Rumsfeld, ridiculed Vice President Dick Cheney on the floor of the Senate, called on Attorney General John Ashcroft to open an investigation of the Treasury Department's decision to conduct a highly critical analysis of a tax plan proposed by John Kerry, and was the first Senate Democrat to raise questions about Pentagon-awarded contracts to Halliburton.

According to the article, Mr. Lautenberg “no longer feels he has anything to lose politically as he serves out what is likely to be his last term in office, according to people who are close to him.” Lautenberg was first elected to the Senate in 1982 and represented New Jersey for 18 years. He was elected to a fourth term in 2002, after having come out of retirement to run in place of Robert Torricelli, who was involved in an ethics scandal.
Board Elects Brusiloff, Re-Elects Others

At its meeting in June, the Cardozo Board elected Paul Brusiloff a member. A partner with Debevoise & Plimpton LLP and a 1991 summa cum laude graduate of the Law School, where he served as editor-in-chief of Cardozo Law Review; Brusiloff is the 11th graduate to join the Law School’s Board. Dean David Rudenstine said, “Paul will bring to the Board energy, enthusiasm, and good judgment.”

“Cardozo gave me a strong foundation,” Brusiloff said. “I look forward to seeing Cardozo continue its tradition of providing the highest-quality legal education, and I’m honored and excited about the opportunity to work with my fellow Board members and with the Law School’s outstanding faculty to help see that the Law School continues to flourish.”

Following graduation, Brusiloff served for two years as a law clerk to the Hon. Carol Los Mansmann, US Court of Appeals, Third Circuit. He joined the New York office of Debevoise in 1993 and is a member of the securities and finance practice groups within the corporate department. He has developed a broad practice in corporate finance and securities offerings, including debt and equity financing, and recapitalization and restructuring transactions. His practice has also included equipment finance work and aviation matters.

After earning a B.A. from Harvard University in 1986, where he was active in music and theater, Mr. Brusiloff was a freelance musician and composer, and was an artist-in-residence at Harvard in 1986-87.

The Cardozo Board also re-elected the following directors for a term to expire in June 2006: Ronnie Heyman, Stephen Judlowe, Nate Kacew ’98, Stephen Katz, Thomas H. Lee, Mark S. Lieberman ’84, Jeffrey H. Loria, Barry A. Shenkman, Stephen B. Siegel, Stephen A. Weiss ’90, and Sheldon H. Solow.

Berg Foundation Funds Stipends for Fourth Year

Honoring the David Berg Foundation at a luncheon reception last February, Dean David Rudenstine called the Foundation’s assistance “critical to the Law School’s ability to give students the opportunity to begin structuring careers in public interest law and, through this work and training, making a difference in the law and in society.” Dean Jerome Zoffer (far right, front row) and Michele Cohn Tocci (fifth from right, back row), the board chair and president, respectively, of the Berg Foundation had the opportunity to hear first-hand from students who received stipends how valuable an experience their public interest internships had been.

The Foundation’s consistent support has helped Cardozo provide a more comprehensive public-interest education. For four years, it has provided Cardozo students with a way to gain professional experience in the practice of public interest law by funding the David Berg Public Interest Summer Stipends. The stipends are much sought after by Cardozo students because they make it possible to accept otherwise uncompensated internships in the public or nonprofit sector.

Last summer, 20 students worked in various organizations, agencies, and institutions, including The Legal Aid Society, Criminal Division; US Department of Justice; US Attorney’s Office for the Southern District; Safe Horizon; and the King’s County Office of the District Attorney. Some of them interned for judges at US Court of Appeals, State Supreme, and US District Courts around the country.
Class of 1979
Karen Kupersmith was promoted to director of arbitration at the New York Stock Exchange, where she has been an attorney since 1983. Seth Taube joined the firm of Baker Botts as head of the securities and business litigation department in the firm’s New York office. Elliot Zimmerman wrote “P2P File Sharing: Direct and Indirect Copyright Infringement,” published in the May issue of the Florida Bar Journal.

Class of 1980
William Herbert had published two articles, “Protections for Public Employees Who ‘Blow the Whistle,’” in the New York State Bar Journal (February), and “The First Amendment and Public Sector Labor Relations,” in Labor Lawyer (April). He also made a presentation regarding free speech issues in public employment at a joint meeting of the ABA and NYSEA. Joel Mldacki was named prosecutor to the Fair Lawn municipal court in New Jersey.

Class of 1982
Shoshana Bookson was elected president of the New York State Trial Lawyers Association in March.

Class of 1983
Mark Follender joined the firm of Scarinci & Hollenbeck as counsel; he focuses on commercial real estate, corporate law and telecommunications law. Terri Krivosha was re-elected chair of the governance committee of the Minneapolis law firm of Maslon Edelman Borman & Brand. She assists businesses in initial formation, capitalization, growth through mergers or acquisitions, governance, and general business matters. She also negotiates joint ventures, distribution agreements, and licensing transactions. Jonathan Sandelman was named president of Banc of America Securities LLC, where he will lead debt and equity capital markets. He was profiled in “Movers & Shakers” in The Deal in February. Sarah Steiner appeared as a criminal defense expert on CBS News Sunday during coverage of Martha Stewart’s trial.

Class of 1984
Robin Mitchell Joyce became a member of the Nashville, TN law firm of Bass, Berry & Sims.

Class of 1985
Eric Zaidins became counsel in the Mount Kisco office of The Law Offices of Neal Rosenberg, specializing in education law.

Class of 1986
Allen Kadish became a shareholder in the New York office of Greenberg Traurig. He concentrates in the areas of corporate crisis management, business restructuring and bankruptcy, creditors’ rights, and commercial litigation. Douglas Robinson became a shareholder in the Washington, DC office of Banner & Witcoff. He practices in the patent and trademark areas. Mary WanderPolo was profiled in the Verona-Cedar Grove Times about her practice in Montclair, NJ. She specializes in estate planning, elder law, guardianships, wills, trusts, probate and disability planning, and Medicaid applications.

Class of 1987
Mayor Michael Bloomberg appointed Susan Stein Danoff a judge of the Civil Court in the City of New York.

Class of 1988
Meir (Mark) Feldman and his wife, Tara, were appointed associate rabbis of the Temple Israel congregation in Memphis, TN. Rabbi Feldman was ordained at Hebrew Union College-Jewish Institute of Religion in 2003 after practicing law for nine years. Hon. David Gross was profiled in the Long Beach Herald in April. The article focused on his experiences as a Nassau County District Court judge. Ross N. Herman received the Louis J. Lefkowitz Memorial Award from New York State Attorney General Eliot Spitzer in June. Kenny Schachter, who has had galleries in New York since 1990, has opened ROVE in London’s East End. There, he will continue to show older, more established artists and bring attention to the work of young, unrepresented, and marginalized artists. James Schwartz became senior managing director of GHP.

Office Realty, LLC. He will oversee the leasing, management, and construction of GHP’s portfolio and will identify and acquire new properties. Peter Allen Weimann received the Outstanding Past President Award from the Buffalo/Niagara Chapter of the American Jewish Committee. In his law practice, he specializes in eminent domain and assessment challenges.

Class of 1988
Sheri Goldberg was re-elected to the Livingston Board of Education. She is vice president and assistant general counsel at CIT Group, Inc. Larry Rosen opened a franchise of the Johnny Rockets hamburger chain this summer in Forest Hills, NY. He practices law at Rosen Weinhaus LLP in New York. Gary Miller opened a law practice specializing in commercial and residential real estate in Riverdale, NY.

Class of 1989
Jeff Weitzman became president and chief operating officer of Coupons, Inc. in northern California. In his expanded role, Weitzman will have direct responsibility for all technology, operations, marketing, and finance functions. Fred Zemel was promoted to counsel at Scarinci & Hollenbeck, LLC. He is a member of the corporate law and commercial transactions group. His practice also encompasses intellectual property and technology.

Class of 1990
Philip Braginsky was promoted to counsel at Scully Scott Murphy & Presser in

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New Appointments Announced for Career Services and Development

Over the last year, Patricia S. Weiss, Arthur F. Fama, Jr., and Leslie D. Thrope have been appointed to leadership positions in the Office of Development and Office of Career Services. Dean David Rudenstine, in noting how the Cardozo community will benefit from these new hires, said, “Pat, Arthur, and Leslie bring expertise to their respective jobs and dedication to the Law School. Their energy and team spirit are qualities that help make Cardozo a productive and positive place for students, alumni, and friends.”

Patricia Weiss was promoted to director of development after one year as associate director. In making the announcement, Dan Forman, vice president of development at Yeshiva University, said, “Pat has demonstrated strong leadership skills, creativity, successful fundraising results, and excellent interpersonal and communication skills.” She led successful fundraising drives at Riverdale Country School, where she was president of the Parents Association and a member of the Riverdale board of trustees. Patricia has a strong background as a communications specialist, having worked at Brooklyn Law School in public relations, managing media relations, and overseeing most of their program publications and school magazine. Additionally, she has been a writer and editor for various other ventures, was a teacher for many years, and currently runs her own business tutoring high school students in the independent school community.

Patricia holds a B.S. from Cornell University, an M.A. from Columbia University, and an M.F.A. from Sarah Lawrence College.

Arthur Fama assumed the leadership of the Office of Career Services last February following a long career as counsel at Skadden, Arps, Slate, Meagher & Flom, LLP where he specialized in complex litigation. He holds a B.A. from Cornell University and a J.D. from Fordham Law School. He clerked for US District Judge Inzer B. Wyatt of the Southern District, after which he served as an attorney at the New York State Commission on Government Integrity. Throughout his career, Mr. Fama has devoted substantial time and energy to pro bono activities. He was an interim program director and teacher at the New York Civil Rights Coalition, served as a volunteer at a women’s shelter, helped prepare and serve meals for the needy, and has been active in bar associations. In commenting on his new job, Arthur said, “In nearly 20 years of practice, I rarely witnessed the level of commitment and determination that appears to be endemic to the Cardozo student body.” In addition to several new career counselors, Leslie Thrope has joined the Office of Career Services as director of the Center for Public Service Law. She will oversee this critical program that initiates and coordinates public service programming and assists students and alumni in obtaining internships as well as summer and full-time employment with judges, government agencies, and public service organizations. She has extensive experience in the public sector, where she was a family law attorney at the Building Service 328-J Legal Services Fund, representing union members and their dependents. She was a legal intern to US district court magistrate Judge Ronald Ellis and also worked at Brooklyn Legal Services Corporation A. and the New York City Commission on Human Rights. Leslie is a graduate of Antioch College and holds a J.D. from City University of New York Law School.
SHERI ROSENBERG ’94 DIRECTS NEW HUMAN RIGHTS AND GENOCIDE CLINIC

Sheri Rosenberg ’94 recently returned to Cardozo to be director of the Human Rights and Genocide Clinic and deputy director of the Program in Holocaust and Human Rights Studies. The Clinic, which begins in spring 2005, will give students first-hand experience in human rights advocacy, while the Program in Holocaust and Human Rights Studies was established in fall 2003 to foster education, research and advocacy on Holocaust-related issues and genocide prevention. “Cardozo had a need for these programs and I had a need to be part of them,” Rosenberg said. “I feel grateful to be here.”

In 2000, Rosenberg was one of two lawyers selected by the US Department of State to work for the Human Rights Chamber in Sarajevo, Bosnia, and Herzegovina. There she researched and wrote judicial opinions for the judges of the Human Rights Chamber, an international court established under the Dayton Peace Agreement, and trained local lawyers and judges in human rights law. “The work was fascinating,” Rosenberg said. “I was there for two years and it felt like a day and a half.”

Subsequently, she was awarded a human rights fellowship at Columbia University, where she worked for the United Nations’ Office for the Coordination of Humanitarian Affairs, and completed her LL.M. In addition to working with several human rights organizations, she was a civil rights litigator in private practice and an assistant corporation counsel with the New York City Law Department.

Garden City, NY. He specializes in counseling clients through patent procurement and litigation in the life sciences, nanosciences, and telecommuting areas.

Class of 1991

Douglas Pulitzer was profiled in the New York Law Journal in January. His solo practice, based in Locust Valley, NY, includes software licensing, data development agreements, and proprietary property acquisitions.

Class of 1992

Jeffrey Ifrah was promoted to of counsel in the Washington, DC office of Paul, Hastings, Janofsky & Walker. He concentrates his litigation practice on government investigations, government procurement, and international trade.

Class of 1993

Stephanie Adler became a partner in the Orlando office of Jackson Lewis LLP. She concentrates in all areas of employment litigation.

George Brieger joined the Garden City, NY firm of Scully Scott Murphy & Presser as a patent attorney. He will assist in preparing and prosecuting US and international patent applications in the information technology field and will counsel clients in the areas of patent infringement, validity, and patent licensing. Jeffrey Fleischman opened his own law office in New York City. After nine years as an associate with Raul Lionel Felder, PC, Brett Kimmel with his wife Jodi (Sharp) Kimmel ’01, has opened The Law Office of Brett Kimmel, PC in New York City, specializing in matrimonial and family court matters. Brett recently won $35,000 per month in child support for the son of Sean “P. Diddy” Combs. The amount is said to be the highest ever awarded.

Class of 1994

Susan Bernstein’s article “New Privacy Concern for Employee Benefit Plans: Combating Identity Theft” was published in the Jan./Feb. issue of Compensation and Benefits Review.

Joseph Fein was profiled in the Nassau Herald in April for his representation of children with learning and physical disabilities. Bryan Grimaldi received an Agency Counsel Recognition Award from the New York City Law Department. He works for the Mayor’s Commission for the UN, protecting the city’s interests under international treaty organizations. Dean and Melissa Shalit had twin sons, Spencer Blake and Sawyer Cole, in May 2003.

Class of 1995

Steven Fromewick became an administrative law judge for the New York City parking violations bureau and a hearing officer for the transit adjudication bureau. Linda Lourie is serving with the Coalition Provisional Authority in Baghdad, Iraq. As an attorney with the US Patent and Trademark Office, she is drafting new laws for Iraq as part of the Office of the General Counsel. Serving with her is Yeshiva University alumnus Efraim Cohen, YC’72.
Class of 1996
Paul Johnson joined the Los Angeles law firm of Tucker Ellis & West as an associate. Jeff Marx won the Tony award for best musical score for his Broadway hit Avenue Q. Rina Teran is assistant general counsel at Centerplate in Stamford, CT. Shai Waisman became a partner at Weil Gotshal & Manges, where he has practiced bankruptcy law since 1996. Carrie Zehfuss was recognized by Trial Lawyers Care for her extraordinary effort in a nationwide endeavor to provide free legal services for victims of the September 11, 2001 terrorist attacks.

Class of 1997
Jacqueline Klosek was profiled in “Forty Under 40” in NJBiz Magazine. She is an associate in the intellectual property practice at Goodwin Proctor in Roseland. She also volunteers her time to the Afghanistan Transitional Commercial Law Project of the ABA to promote private investment there. Lauren Kohl joined the Boston firm of Burns and Levinson LLP as an associate in the trusts and estates group. Stephanie Rosenblatt Korenman and her husband, Jeffrey, had a son, Max Alexander, in December 2003. She is an associate in the financial markets group of Duane Morris LLP, practicing securities regulation, arbitration, and litigation.

Class of 1998
Donna Ahlstrand joined the New York City Department of Legal Services as special assistant corporation counsel for the Administration of Children’s Services. Jonathan Bayer married Elizabeth Leichtung in December. He is an associate at Weil, Gotshal & Manges. Kenneth Carter married Elizabeth Renner in March. He is counsel for business and economics in the office of strategic planning and policy analysis at the Florida Institute for Public Health on the Lantana campus. Jennifer van Bergen was profiled in New

Alumni Admitted to US Supreme Court

Twenty-four alumni were admitted to the Bar of the United States Supreme Court on March 29 and 30, 2004. Greetings from Justice Sandra Day O’Connor were a special bonus.
Rachel Bendit '03 (third from right) hosted a party for admitted students in her home in Ann Arbor, MI. Matthew Bower '02 (far right), who is an associate at Safford & Baker in Bloomfield Hills also attended.


**Class of 2000**

Adam Lurie hosted a panel discussion for the ABA white collar crime committee, entitled "Federal Sentencing: The Effect of the Ashcroft Memorandum on White Collar Prosecutions." He is an associate at Cadwalader Wickersham & Taft LLP in Washington, DC. Rebecca Morris joined the legal department of channel Thirteen/WNET. Aarti Tandon's entertainment law practice has become associated with the law firm of Shukat Arrow Hafer & Weber, which represents Grammy award-winning artists, record producers, music festivals, record labels, and music venues. Edward Timmer joined the firm of Heslin Rothenberg Farley & Mesiti PC as an associate. He focuses on patent law.

**Class of 2003**

Rachel Bendit and her husband, Mark Bernstein, had a son, Noah Bendit Bernstein, in July. Erica Gloger joined the Washington, DC firm of West & Feinberg as an associate. Kimberly Mandel joined the firm of Ruskin Moscou Faltrischek as an associate. Antoinette Schindel joined the labor department of the Mineola firm of Meyer Suozzi English & Klein. Daniel Silber joined the real estate group of Nixon Peabody LLP in the Rochester office. In 2003, Kelly Slavitt published "The Copyright Term Extension Act: We May Know the Words, But Can We Find the Harmony?" in the *Michigan State University Detroit College of Law Journal of International Law & Practice* and "When Is Display of Images on Internet Considered Fair Use?" in the *New York Law Journal*. She is an associate at Thelen Reid & Priest, LLP.

**IN MEMORIAM**

Peter Aquilone '99
Jordan Bennett '02

**Alumni Association Elects New Members to Executive Committee**

On June 17, the Cardozo Alumni Association held its best-attended annual meeting since its inception four years ago. Alumni shared their ideas on how to improve alumni relations and volunteered to participate on Association committees. Official business included voting for the alumni representatives who will serve two-year terms on the executive committee.

Accomplishments of the past term include:

* the chair of the Alumni Association to be recognized as an ex officio member of the Cardozo Board of Directors
* Rosemary Byrne '80 recognized as Alumna of the Year at the first Alumni Awards Ceremony
* Cardozo's first graduating class celebrated its 25th reunion
* a series of continuing legal education programs
* alumni receptions in California, Florida, Georgia, Massachusetts, and New York
* social and cultural events such as The Nutcracker and Yankees Opening Day
* alumni-student mentoring and networking

A Florida alumni reception was held at The Breakers Hotel in Palm Beach. (From left) Richard Cohen '86, April Bennett '03, Robert Cabral '02, Steven Stepper '86, Gary Krasner '84, and Joel Passick '80.
The executive committee meets once a month to address issues that affect alumni, plan meaningful events to promote graduates and assist them in their career development, and help the Law School achieve its ambitious goals. Please contact the Office of Alumni Affairs if you would like to participate on a committee. The future success of the Law School depends on alumni involvement.

The Alumni Association Executive Committee for 2004 is as follows (new members are noted with an asterisk):

- **Howard Abrahams '94**  Past Chair
- **Robert Bernstein '95**  Corresponding Secretary
- **Marilyn Bodner '92**  Co-Chair, Class Representatives/Outreach Committee
- **Paul Brusiloff '91**  Member
- **Audrey Burke '98**  Member
- **Rosemary Byrne '80**  Co-Chair, Class Representatives/Outreach Committee
- **Glenda Dixon '92**  Co-Chair, Student/Alumni Relations
- **Ilene Fish '94**  Recording Secretary
- **Orlee Goldfeld '99**  Member
- **Sandy Hausler '87**  Vice Chair
- **Tanya Kennedy '92**  Chair, Activities Committee
- **Howard Leib '83**  Chair
- **Marc Leiberstein '92**  Chair, Career Development Committee
- **Rachel Nash '99**  Co-Chair, Student/Alumni Relations Committee
- **Dominick Schirripa '03**  Chair, Recent Graduates Committee
- **Josh Sohn '97**  Past Chair
- **Noel Williams '87**  Treasurer
- **Mark Yagerman '79**  Vice Chair

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**Be Part of the Cardozo Alumni $1 Million Challenge**

For the next two years, every $1 contributed by Cardozo alumni counts as $2.

Yeshiva University President Richard M. Joel has given Cardozo the opportunity to double the value of all alumni gifts received in the next two years. Yeshiva will match contributions dollar for dollar. The matching funds will reduce debt the Law School incurred to complete the stunning new capital projects. All money raised for Cardozo will stay at Cardozo.

**ANNUAL FUND**

- Your unrestricted gift will make a difference in the life and dreams of the Law School
- Dean's Leadership Circle recognizes donors to the Annual Fund at $1,000 or more

**MAJOR GIFTS AND ENDOWMENTS**

- Continued facilities enhancements include refurbishing seminar rooms, classrooms, and student and faculty lounges
- Purchase seats in the new Jacob Burns Moot Court Room
- Programmatic initiatives such as academic centers, scholarships, and faculty chairs

It is your participation and consistent giving year after year that ensures Cardozo's future. With your help and confidence in Cardozo, there is nothing we cannot accomplish.

Now you can make your gift online at [www.cardozo.yu.edu/giving/ways.asp](http://www.cardozo.yu.edu/giving/ways.asp).

All gifts are tax deductible to the extent allowed by law, and are welcome in cash, securities, or property.
Dean’s Leadership Circle Donors

The Dean’s Leadership Circle, recognizing generous members of the Cardozo community who give $1,000 or more to the Law School’s Annual Fund, represents a core group of supporters who inspire the entire Cardozo community with their leadership and level of commitment to making a significant difference in the life of the Law School. Leadership Circle members receive special invitations to Law School events throughout the year, are acknowledged in important publications, and are honored at a special recognition dinner with the Dean and Chair of Cardozo’s Board of Directors. We welcome the partnership of our alumni, parents of Cardozo students, and all friends of Cardozo in our pursuit of excellence.

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Susan Whitehead ‘82
Davida Williams ’03
Mark Yagerman ’79

* Denotes member or honorary member of Benjamin N. Cardozo School of Law Board of Directors

Every effort has been made to ensure the accuracy of these lists. If your name has been misprinted or omitted, please contact us so that our records can be corrected.
Alumni Annual Giving 2003-04

During 2003-04, Cardozo alumni contributed generously to the Law School supporting vital services such as scholarship assistance, faculty recruitment and research, library resources, technology, symposia and lectures, and building improvements. Without funds for these continually expanding and changing needs, Cardozo would not be able to continue its extraordinary growth and advancement. Last year, alumni gave over $325,000 to Cardozo representing more than 8% of graduates.

In particular, support for the Annual Fund provides the Law School with the margin of excellence that characterizes Cardozo and its continued development as an outstanding Law School. We deeply appreciate your support.

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Members of every class gave to this year’s Annual Fund.
Nearly 30% of the members of the class of ’79 gave to the annual fund during this, their 25th anniversary year.
Friends of Cardozo Annual Giving 2003–04

Benjamin N. Cardozo School of Law wishes to thank its many friends for their generous support and invaluable contribution to the vigor of intellectual life at the Law School.

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The Annual Fund supports scholarship assistance, faculty recruitment and research, library resources, and more.
# Cardozo Calendar of Events

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<td>Benjamin N. Cardozo School of Law Commencement</td>
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<td>JUNE 9</td>
<td>Class of 1980 Reunion</td>
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<td>Cardozo/BBF Entertainment and Communications Law Competition</td>
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<td>FEBRUARY 27</td>
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<td>APRIL 21</td>
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<td>APRIL 11</td>
<td>The Inquest: Controversy in the Death Penalty</td>
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<td>MARCH 29-30</td>
<td>US Supreme Court Admission and Alumni Reception, Washington, DC</td>
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<td>MARCH 28-29</td>
<td>The Nuremberg Trials: Their Legacies and a Reappraisal</td>
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<td>MARCH 10</td>
<td>Un and Caroline,Bazar Memorial Lecture, Nancy Martha Nussbaum</td>
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<td>JANUARY 27</td>
<td>Cardozo Women Networking Event</td>
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