

# BROADLY *Speaking*

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Left to Right: Shahabudeen Khan, Melva Harris, Charlene Pinkney, NSU BLSA President, Professor Linda F. Harrison, Olympia Duhart of Miami and Sean Thompson of Plantation.

## **BLACK LAW STUDENT ASSOCIATION AT NSU WINS REGIONAL COMPETITION & ADVANCES TO NATIONALS IN LOS ANGELES**

FORT LAUDERDALE, FLORIDA-The Black Law Students Association (BLSA) at Nova Southeastern University's Shepard Broad Law Center recently competed in the National Black Law Students Association Southern Regional Conference in Nashville, Tennessee and returned home with six of the eight awards — beating out teams from nine states and 21 BLSA chapters.

NSU's team of third year students Melva Harris, of West Palm Beach, and Shahabudeen Khan, of Pembroke Pines, won the 2003 Frederick Douglas Moot Court Competition, and also won 1<sup>st</sup> place for the Best Legal Brief. The duo will travel to Los Angeles. NSU also won the 2003 Chapter of the Year Award, and the Most Improved Chapter Award.

Additionally, NSU's coach for the moot court competition, assistant professor of law Linda F. Harrison, received the 2003 Professor Recognition Award.

Another NSU BLSA team, which consisted of third year student Olympia Duhart of Miami, and second year student Sean Thompson of Plantation, advanced to the quarter final round in the competition, and Duhart was the first runner-up as Best Oralist. Based on the quality of their argument about reparations, Duhart and Thompson were invited to the national conference to open a dialogue about reparations.



NSU's BLSA chapter was chartered in 1978 and is an active force in the community. Recently the chapter partnered with the Fort Lauderdale chapter of the NAACP for a one-day Voter Registration drive, which netted 50 new Broward County registered voters. Additionally, the chapter provides legal community service to impoverished citizens through pro bono work with the NAACP.

The National Black Law Students Association (NBLSA), whose slogan is to promote "excellence in academics, community service, and professional development," was founded in 1968. The organization was created and designed to articulate and promote the professional needs and goals of Black law students. NBLSA is the largest student-run organization in America, and has over 200 chapters at law schools throughout the country. These chapters represent over 6,000 Black law students in six regions, which encompass 48 states,

and the Commonwealth of Puerto Rico. For more information about NBLSA, visit the website at [www.nblsa.org](http://www.nblsa.org).

The Shepard Broad Law Center at NSU, which has been named "The Most Wired Law School in America" by the *National Jurist* magazine, offers degrees in law and health law. For more information about NSU's Shepard Broad Law Center, visit [www.nsulaw.nova.edu/index.cfm](http://www.nsulaw.nova.edu/index.cfm), and to learn more about BLS A at NSU, visit [www.nsulaw.nova.edu/studentaffairs/student\\_organizations/blsa/default.cfm](http://www.nsulaw.nova.edu/studentaffairs/student_organizations/blsa/default.cfm).

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### **Murder in the Name of Honor: A Look at the Brutal Custom of "Honor Killings" in the Middle East**

*by: Hollan M. Jones*

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards each other in a spirit of brotherhood.”<sup>1</sup> This quote is supposed to represent the proper treatment of all man-kind, however in one region of the world, their idea of proper treatment and rights is very different. Women in parts of the Middle East are being murdered in the name of honor, and some governments condone such acts.

The Middle Eastern Islamic tribal custom says that a father, husband, brother, or son is duty-bound to kill a female family member who allegedly has brought shame on the family, and a cultural conspiracy of silence often hides the brutality.<sup>2</sup>

These honor killings are nothing more than a form of oppression rather than honor.

The number of women murdered is so extremely high; it almost seems hard to imagine such atrocities. Researchers say that nearly 70% of all the murders in the Gaza strip are “honor killings.”<sup>3</sup> In Pakistan in 1999 over 1,000 women were murdered for this so called shame, and the death tolls are in the hundreds for Yemen, Jordan, Turkey, and Lebanon.<sup>4</sup> These are just some figures to illustrate the horrendous numbers of women killed in the Middle East under this tradition. Many other nations have similar numbers, including Afghanistan, Palestine, Egypt, Iran, Iraq, and even Israel.<sup>5</sup> It is essential to remember that although these numbers seem high, it is estimated that the real number or death toll is much higher, since many of these crimes are hushed within the family and kept quiet from news and media.

The murder itself is not where the horror ends. The disgust continues through the aftermath of the murder. After the woman has been executed, her body is not allowed to be mourned or remembered in any way. Their bodies are thrown into rivers or buried in hidden graveyards without markers so no one will find their remains or be able pay their respects, because no one is supposed to mourn a soul that has been stained with shame. Instead the respects are paid to the murderer, the one who took the life, the brother, the father, the husband, the uncle, or the son. He is the victim and has suffered loss, first to his honor and then, of the woman whom he has had to kill.<sup>6</sup>

In Punjab, a village in Pakistan, two sisters 20 and 21 years old, were killed, their throats sliced as they slept. Their killers, a brother and a cousin, butchered them with axes because the women had been talking to men other than their relatives.<sup>7</sup> A devastating case in Jordan occurred in 1994. A handicapped 18-year-old girl, who had already served six months in jail for becoming pregnant out of wedlock, was killed by her 17-year-old brother for dishonoring her family.<sup>8</sup> Rudayena Jemael was shot in the head while she slept in her

home by her son. Her crime: she wanted to remarry 19 years after her divorce. This is considered a dishonor to her family, so her son took ‘justice’ in his own hands.<sup>9</sup>

Women have been murdered for dating without a brother’s permission or for marrying outside the faith. When a young girl is sexually molested by a father or a brother and becomes pregnant, the girl may be blamed and sometimes executed. If a man rapes a woman, tradition holds she has brought the family shame; tribal custom says her brother may kill her.<sup>10</sup> Other reasons for punishment by death include bringing food late, answering back to a male, or taking forbidden visits to meet with friends. The victims are usually shot, strangled, stabbed, bludgeoned, stoned, or burned to death.<sup>11</sup>

In Pakistan, a man typically kills the woman who has brought shame, along with the man involved. However, since killing a man is considered a more serious crime, compensation is often times paid to spare the life of the involved male. Compensation can either be paid in the form of money or the transfer of a woman, or both. Most of these men who commit these killings go untouched by the law and their communities embrace them as heroes.<sup>12</sup>

In Israel, Ibtihaz Hasoun’s brother recently stabbed her to death for marrying a man outside their village. Her brother summoned villagers to watch him murder his “fallen sister.” The village celebrated and he was never incarcerated.<sup>13</sup> Another often discussed case was where a teenage girl was dragged to the center of the town square and her throat was slit by her brother, because a love song was dedicated to her over the radio earlier that week.<sup>14</sup>

This custom is common in this area, but there are some countries or parts of countries that do not participate in these atrocities. It is ever so evident that parts of the Middle East have long been a male-dominated society. This is a region where, in some places, women cannot get medical treatment without the consent of a man. They can not drive

a car without a man. They cannot dress the way they wish; they must be covered to avoid looking inappropriately towards men. They cannot even sue a man for rape unless their father or brother was with them at the time of occurrence, because women should not be on the streets alone.<sup>15</sup>

So the oppression of women is clear. The purpose of these honor killings has nothing to do with restoring honor to the family; it has to do with restoring pride back to the men of the family, because somehow the men lost the control over the woman. These killings are nothing more than another way to control the woman's behavior, sexuality, emotion, and mind, through the cost of a human life.

Since the tradition has gone on for so long, the community has accepted these customs and embraced the perpetrator as a hero. Male dominance promotes this brutal crime because it ensures male power and control. The honor killings are not a matter of morality or ensuring that women maintain honor within the family. It is instead a problem of domination, power, and authority over women who in these instances, are viewed as nothing more than servants who are to obey the males of the family both physically and symbolically.

The power that men possess in portions of Middle Eastern Societies is unparalleled to all men of the modern world. They literally have the power to take a human life, if they feel they do not have control over her. They not only commit this sin and get away with it, but they have managed to create a society in which people gather around to celebrate a cold-blooded murder. Almost all the communities embrace the male as a martyr and believe he was fully justified in his course of action. They feel he has regained his honor as well as his family's and the female only received what she deserved. No remorse for her sacrificed life is ever seen. Women are suppressed in these regions beyond any possible explanation and these honor killings are the ultimate price that a woman can pay for her submission to a man.

The world must look at what is happening to these women and no longer turn a deaf ear, otherwise the blood is on our hands and the blame rests on our shoulders as well as the killer himself. This is not about differing religion, cultures, or even traditions. This is about the value of a human life, where we are all equal, regardless of our nationality, religion, and gender. Men celebrating this custom will continue to do what they have always done simply because they know they can and no part of the rest of the world will care to notice it. Their defense cry, "it is our custom," and the world nods without argument, whispering, "it is not our problem." This is not some other country's problem, this is mankind's problem.

A shadow of a woman approached a CNN reporter when he was doing a story on this brutal custom and said to him: "there are countless women who die for a man's honor in these deserts... Who cares about them?"<sup>16</sup>

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<sup>1</sup> Universal Declaration of Human Rights, Article 1.

<sup>2</sup> [http://www.gendercide.org/case\\_honour.html](http://www.gendercide.org/case_honour.html) (hereinafter as Gendercide) (last visited February 14, 2003).

<sup>3</sup> <http://www.merip.org/mer/mer206/ruggi.htm> (hereinafter as ruggi) (last visited February 14, 2003).

<sup>4</sup> See Gendercide, *Supra* note 2.

<sup>5</sup> <http://www.vibrani.com/honorkillings.htm> (hereinafter as vibrani) (last visited February 14, 2003).

<sup>6</sup> <http://metimes.com/issue98-17/reg/honor.htm> (hereinafter as metimes) (last visited February 14, 2003).

<sup>7</sup> <http://www.pacificnews.org/jinn/stories/6.24/001128-honor.html> (hereinafter Pacific) (last visited February 14, 2003).

<sup>8</sup> See Gendercide, *supra* note 2.

<sup>9</sup> [http://www.cnn.com/WORLD/9512/honor\\_killings/](http://www.cnn.com/WORLD/9512/honor_killings/) (hereinafter CNN) (Last visited February 14, 2003).

<sup>10</sup> See *id.*

<sup>11</sup> <http://www.conservativenews.org/InDepth/archive/199903/IND19990308e.html> (hereinafter as conservative) (last visited February 14, 2003).

<sup>12</sup> See Gendercide, *supra* note 2.

<sup>13</sup> See CNN, *supra* note 9.

<sup>14</sup> See metimes, *supra* note 6.

<sup>15</sup> See CNN, *supra* note 9.

<sup>16</sup> See CNN, *supra* note 9.

## The Instant Messenger Approach to Handling Terrorism

by: Charles Clemens

Does it really matter that *US News & World Report* rates Nova as a “Tier 4” law school? A horrible ranking indeed, unless of course you’re ranking wedding cakes. But have people forgotten about the March 2001 issue of *The National Jurist*, which rated Nova as *the* #1 Wired Law School on planet Earth? Forget educational benefits, I’m talking about the security and peace of mind that comes only from “going wireless.” Liberating indeed, especially in these ominous times. For example, just last week I was at school when I was the victim of a vicious attack. Thankfully, I was saved.

I was sitting down, minding my business, when I was completely blindsided. I remember my attacker asking me a question, something about a “dissent,” but I was busy asking Jeeves about herbal remedies for gout. I looked up for a second but, taking the advice from a recent episode of *Dr. Phil*, I decided against making eye contact with my attacker. She spoke again: “Mr. Clemens, what was the thrust of Justice Berger’s dissent in *Plyler v. Doe*.” My “Socratic Terror Alert System” was immediately raised to “Elevated,” standard protocol whenever a professor of the opposite sex uses the word “thrust” during an interrogation. Having not been called on in some time, my level was previously at “Guarded” from the beginning of class. At this level, Code Orange, my computer task bar on the bottom of my screen turns into an anti-Socratic air force carrier, fully equipped with tactical case briefs and elite outline bank operatives, readily available for deployment in the event I get called on when currently seeking other web intelligence during class.

But the attack was swiftly escalating and I needed help from my allies. Fast. The eerie, awkward silence was growing, which meant the Socratic Dragon was awaiting my response, ready to whip her tail. Worse yet, I feel my gout starting to flare.

My fingers furiously navigate my on board touchpad as I speed-read my Lexis intelligence for the words “Berger, Dissent,” or (God help us), “thrust,” in hopes of uttering something, anything, that is even remotely salient to the discussion.

And then I got my break. Suddenly, real time wireless chatter from the allies, operating under codename “IM,” was beginning to get through. “IM” soon revealed that Justice Berger’s dissent was rooted in how the majority arrived at its decision to use intermediate level scrutiny. In 3 clicks I had enough coordinates to fire at the Bride of Socrates:

“Well, Professor, now that you ask... Berger was quite upset that the Court was patching together bits and pieces of what might be termed *quasi-suspect-class* and *quasi-fundamental rights analysis*, making the Court guilty of an unabashedly results oriented approach. Further, Berger felt the majority was clearly violating the 100-mile Bulge rule.”

The Dragon, stunned from *my* unexpected blast of brilliance, struck back, “Okay...not bad. But explain to us: just what in the hell does the 100 mile Bulge rule have to do with the Equal Protection Clause of the U.S. Constitution?” Dammit. She had me again. I had no idea. And Justice Berger would probably punch me in the nose if he heard what I just said about him. That whole Bulge thing was my stupid concoction to counterattack her “thrust” argument. I was one peg away from sinking the Socratic Battleship and now I look like Leonardo DiCaprio floating on the wooden plank at the end of *Titanic*. Making matters worse, my onboard Dell battery (which apparently was only *quasi-charged*), was now dead, prohibiting further IM intelligence from getting through. I needed help, as the Dragon flipped her Socratic hourglass on me once again, waiting for an answer, and I was on the clock.

I wouldn’t exactly call it intelligence, but the deadening silence *was* eventually broken. Ah, the beauty of cellular technology: when they detonate

in class, as they do everyday, it's as if they're a wireless whoopee cushion that no one can seem to find. This time, my electronic fart messiah was Nokia's version of *The Thong Song* in C minor. Why someone would choose to download this particular jingle into their cell phone is beyond me. But who cares? It was working. My comrade searched frantically through his bag, desperate to turn it off. You know the scene. I took a deep breath as the cell song reached its perky digital climax: "*Baby...Thong, tha-thong, thong thong!!*" (Phones don't play lyrics of course, but you know the jingle.) Three full verses later (a school record), and he was able to find and defuse the bomb by pressing "End." This shifted the embarrassment once and for all and the dragon relented.

If this intelligence is so useful to students, just imagine how "IM," even in all its abbreviated, misspelled glory, could be utilized for global diplomacy. Bonus: think of the taxpayer dollars saved by not having to call Baghdad everyday. Imagine the excitement on our President's face as he hears his BuddyList door squeak open from the Oval Office...

GdubyaB43: Hey, you there?

Irock4Iraq: hey, what's up?

GdubyaB43: you get my message?

Irock4Iraq: what messege?

GdubyaB43: I left you 3 messages last night.

Irock4Iraq: About what?

GdubyaB43: The WOMBS

Irock4Iraq: ??

GdubyaB43: Weapons of Mass Destruction. what have we been talking about for the last 12 years?

Irock4Iraq: Oh yes, before I forget, speaking of weapons, do you have the all-weapons cheat code for Vice City? Dan Rather brought me a Playstation when he came for our interview. I'm already on the third mission...

GdubyaB43: I told you 10 times Saddam, you can download them...

Irock4Iraq: I know but we don't have DSL here in Baghdad yet...it takes forever

GdubyaB43: Alright Hold on...up, down, L1, Triangle left, left, down, square

Irock4Iraq: Thanks...hey I also hear you can get a hooker in this video game, is that true? how you do that?

GdubyaB43: I never tried it, Clinton told me about it, but you know it's always hit or miss with him...

Irock4Iraq: lol

Irock4Iraq: Do you have his screen name so I can ask? I want to add him to my Buddy List anyway. How bout Joe Millionaire? I need his screen name too. I still pissed at him for not picking MoJo...she was anti-war you know...

GdubyaB43: I'm not telling you any screen names until you tell me where the mustard gas is

Irock4Iraq: I told you I'm allergic to mustard, even that Poupon stuff you got me last Easter, say how's Khaleed doing? I never realized how hairy he was till you captured him. Gross, huh?

GdubyaB43: Forget about him for now...What about the VX gas?

Irock4Iraq: I told you as soon as my uncle gets back from Uzbekistan...he's got the key to the shed...

GdubyaB43: I thought you told Hans that your son's girlfriend's mother had the key and she was having another one made for the inspectors

Irock4Iraq: ☺ I know, but the Home Depot went out of business 4 years ago so getting keys made is tough

GdubyaB43: Disarm the Wombs or else I'll tell these anti-war protestors here that you Iraqis wear camel fur.

Irock4Iraq: Ok, OK, I tell you. But you go first...

GdubyaB43: No, you first. My dad told me that you tried this trick last time....

Irock4Iraq: ttyl

GdubyaB43: Alright, I'll go first...Clinton's screenname is BulletProofPrez69. OK, your turn...tell me where the Wombs are...hold on I'm going to get Colin or Condy..they're better at this stuff

\*\*Irock4Iraq has Signed Off\*\*

So maybe “IM” isn’t the best option for diplomatic communications, but in law school, nothing beats it. We do live in an information age.

During the Gulf War, it was widely reported that Saddam benefited from certain American magazines, namely *US News & World Report*, which reported in a 3 page color centerfold, detailed tactical battle plans we were using against Iraq. This time around I say we join the fray by sending Saddam a March 2001 issue of *The National Jurist* and seeing what he thinks about Nova Law’s wireless nerve center.

On second thought, forget it...  
After all, we are a “Tier 4” school.

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## Women’s Rights Today

*by: Ursula Wong*

Of all the countless controversies going on in the legal arena and the world in general these days, I could have chosen something closer to home for those of us in what we believe to be the safe and civilized world of law school. I could have written about employment statistics outside of school or job market trends or about the impending war in Iraq. However, when I came across the following, I knew that this was more urgent than anything we might consider important in the context of our day to day lives because it deals with something we hold very dear to our hearts: our freedom, something which those before us have paid for in blood, sweat, and tears and which we sometimes take for granted given the complexities of the lives we lead.

We need to get back to the place where a crime against one is a crime against all. After all, this is the social policy norm under which our criminal justice system was created. It doesn’t take a trip to Afghanistan or Africa to see women’s rights violations occurring. They happen right here, in our own backyards, at the footsteps of every

courtroom in America, even in our own homes where we are supposed to be safe. As a woman I can relate to the plight of women who are subjected to such treatment without consequence. It isn’t something that we as law-abiding American citizens can ignore, because many of these injustices occur under the very guise of a flawed, but well meaning, legal system. In keeping abreast of violations of women’s rights, organizations such as Equality Now ([www.equalitynow.org](http://www.equalitynow.org)) and Amnesty Int’l. ([www.amnestyinternational.org](http://www.amnestyinternational.org)) recognize that the number and occurrences of crimes against women are skyrocketing out of control. Non-governmental and grass roots organizations such as these can no longer cope and effectively give each case the attention it deserves. The fabric of our rights as women has been unraveling for a very long time now and we must stop and do something about it before we are left naked and defenseless.

You might ask yourself, but I have seen great strides in women’s rights within the last few years. Look at what the United States has done for Afghanistan. I agree that were it not for the United States, things could be much worse right now for Afghani women, but the truth is that several months after the overthrow of the Taliban regime, Afghani women are more unsafe than ever in their own country.

According to a women’s action update from April of 2002, large parts of Afghanistan are controlled by local warlords, competing for power and taking revenge for past injustices committed by the largely Pashtun Taliban. Women are reportedly being subjected to widespread rapes, beatings, kidnappings and other forms of violence and intimidation. Lawlessness and the presence of many armed factions, and the lack of adequate police forces able to bring criminals to justice means that these horrific events will continue without challenge. If there is no one to enforce the laws, then it’s as though the laws do not exist. Without peace and security, the Afghan people cannot hope to build a stable society and Afghan

women cannot effectively assert the fundamental human rights denied them for so long.

In an August 2002 article of the American Bar Association Journal's Washington Report titled "Time To Get On With It," the ABA urged the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), a treaty that has been pending in the Senate for over 20 years. "The ABA believes that international treaties, such as CEDAW, are invaluable tools to help governments, nongovernmental organizations and individuals establish laws and policies that protect and respect the rights of all persons, regardless of race, religion, culture or gender," said the Association. The treaty places the responsibility of committing ratifying nations to overcoming barriers to women's equality in the area of legal rights, education, employment, health care, politics and finance.

Over 169 countries have ratified the treaty to date and it remains an invaluable tool for promoting women's rights and shows the allegiance of countries who demand change. The United States Constitution and existing federal law will satisfy the obligations of the treaty and the United States will not need to enact new laws to be in compliance. The only new requirements would be periodic reports to a United Nations advisory committee about progress made and obstacles encountered in meeting treaty goals. According to the ABA, ratification of CEDAW could not come at a more critical time for the advancement of the rule of law around the globe, especially post-September 11<sup>th</sup>. CEDAW will show the world that the United States will remain committed to human rights advancement. "Nowhere is this need for encouragement more evident than Afghanistan," the ABA stressed, "where the United States has won a fight against a repressive regime, but women and girls are just beginning their struggle to attain their rightful place in society."

Treaty opponents fear that the ratification of CEDAW will give too much power to the international community and that treaty provisions

could supersede United States laws under the ultra vires doctrine and violate United States sovereignty as a result. However, that is the argument against all such conventions and should be weighed against the need for the treaty. Supporters agree that failure to ratify CEDAW would only undermine United States credibility as a leading force in international human rights and reduces United States power to support women in countries where rights are often life or death issues, said wrote Senator Barbara Boxer, (D-Calif.).

These are the real endings or rather beginnings, which we would not otherwise hear unless we take the time to ask or research. Women still are seeking voting rights in countries like Kuwait. Traditional slavery of women still occurs in Ghana. The criminalization of abortion occurs in countless countries and is the current topic of controversy in the U.S. In Ethiopia, abductions and rape are a cultural practice used to take a girl as wife by force. Tanzania is not enforcing the law against female genital mutilation (FGM). In Uganda, women are still not allowed to own land. In Jordan and China, "honor" killings are allowed to protect the family name when a family member has had sex, either willingly or otherwise. The sex tourism trade is thriving in a number of countries around the world.

In the shantytown of Juarez, Mexico, over 200 women were killed in 1993, and to date the Mexican government has done little to investigate and bring the perpetrators to justice. Mexican authorities have periodically detained suspects in the murders, but they have failed to stop the killings. Many of these victims were raped and mutilated. Others simply disappeared. In January of 2002, Amnesty International wrote to the Mexican authorities to request information on the progress of these investigations, but the responses cast doubt on the commitment of the authorities. In an effort to focus public attention to these cases, I am requesting that you sign a petition, which will be sent directly to the Mexican Embassy demanding that these cases be thoroughly investigated in accordance with the 1998 National Commission of Human Rights' (Comisión

Nacional de Derechos Humanos, CNDH) recommendation. If you are interested in participating or acquiring any sources or agencies that were used in reference to this article, please contact me at [wongu@nsu.law.nova.edu](mailto:wongu@nsu.law.nova.edu).

I urge each of you to take part in learning about the numerous organizations that help maintain and proliferate women's rights. Your gender, age, sexual orientation, or ethnic background does not matter. This is an issue that affects all of us in one way or another and which can be addressed collectively or individually.

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DAVID KUPELIAN

## Ending the 30-year war over abortion

Posted: January 21, 2003  
1:00 a.m. Eastern

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It was a Friday evening, and Chad Traywick and his wife, Darda, had just returned to their Houston, Texas, home only to find themselves surrounded by swarms of police – including the SWAT team and a van from the coroner's office.

After police pulled the shocked couple from their truck and patted them down, Det. John Hill informed Traywick that the police wanted to search his house.

As the detective explained, a local photo-finishing store had called police to report that Traywick had apparently beheaded and mutilated a newborn baby and had taken pictures of the infant. The SWAT team had come out in force, prepared to arrest satanic cult members – baby killers who had carried out a ritualistic mutilation connected with some Satan-worship ceremony, and who had the further audacity to photograph their victims.

But when officers entered the house, instead of finding occult paraphernalia associated with child sacrifices, they discovered pro-life and religious posters and books.

Traywick explained to police what had really happened. Newly active in the pro-life movement, Traywick had gone to a local abortion clinic – the Women's Pavilion – at 3 o'clock Saturday afternoon to scope out the best location for conducting a picket of the facility. Finding the building oddly deserted and the door open, he took a quick tour. After wandering through stylish, relaxing waiting areas and immaculate operating rooms, he entered a small back room filled with 15 plastic buckets with lids on. Realizing what they must contain, he snatched one of the buckets and made a fast retreat.

Enlisting the aid of his wife and a friend to videotape and photograph his opening of the container, Traywick slowly lifted out the contents from the bucket. What he found shocked him to the core. Rather than a tiny fetus as he had expected, what he pulled out appeared to be a full-grown baby, whose head and right arm had been ripped from his body and his brain removed. In his agony, the baby had bitten through his own tongue, no doubt while his head, grasped by forceps, was being literally ripped off his body. The little boy had an incision where other organs had apparently been removed – evidence that someone had sought more profit from the baby's death than the \$1,800 the abortion had cost.

Traywick drove the film to the nearest one-hour photo developer. "I explained to them that the pictures were of an aborted baby and asked if they would have any problem or felt uncomfortable developing them," recalls Traywick.

Over the blare of the Christmas rush, the clerk hastily took the negatives and assured Traywick there would be no problem. When he returned for the developed photos, however, the clerk was obviously uncomfortable and nervous. The 35 mm photographs were so horrific that they strained the credibility of Traywick's story, and the store's

staffer had called the police to investigate a grisly crime for which he held the evidence. Indeed, when the police saw the photos, they too were convinced a horrific crime had been committed.

After convincing police he was not a baby-killer on that 15th day of December, 1989, Traywick agreed to make a statement at police headquarters the following morning. On Jan. 20, 1990, Chad Traywick buried the aborted baby, whom he named David, after a memorial service attended by over 100 people.

That was 13 years ago yesterday. As we approach tomorrow's 30th anniversary of the Supreme Court's wretched and flagrantly unconstitutional *Roe v. Wade* abortion decision, I have a suggestion for how to end the war that has raged in this nation for three decades.

All of you "pro-choice" people out there: I'm going to give you the chance, in just a minute, to meet Baby David, to see one of the photos Chad Traywick took.

You don't have to look, of course; you can click out now. You can continue to believe in and cling desperately to your "fundamental constitutional right," "a private decision between a woman and her doctor," "a woman's right to choose" and other tortured euphemisms. But are you willing, just one time, to honestly and calmly confront what that "choice" really means? Baby David's fate, you see, is the result of "choice."

What about it? Are you willing to revisit your precious beliefs, to gaze upon the handiwork of your great and exalted right to "choose"?

**WARNING: THE PHOTO LINKED IN THIS PARAGRAPH IS EXTREMELY DISTURBING AND NOT SUITABLE FOR VIEWING BY CHILDREN or overly sensitive adults. It depicts Baby David, the 28-week-old "fetus" that was aborted at the Women's Pavilion, a Houston, Texas, abortion clinic. The 16-inch pre-born underwent a D&E abortion, where limbs are ripped off one by one. The head and arm of this baby were literally ripped off the body. [Click here to see Baby David.](#)**

Look at the photo and weep. Weep for that baby, and for all the other babies that have been tortured and butchered and vacuumed and ripped apart and chemically burned and whose skulls have been crushed and their brains sucked out over the last 30 years. Weep also for the 25 million American women who have been deceived, seduced, intimidated and corrupted into having abortions since 1973. Weep for the profound physical and psychological traumas many of these aborting women carry with them. Yes, weep for the living, as well as for the dead.

I'm sorry if this column is a little disturbing. But you see, I find it more than disturbing that over 40 million American babies have been conveniently, selfishly and heartlessly flushed out of our lives in the name of the Constitution, choice and freedom.

When will the 30-Year War over abortion end? It'll end when we are all able to look at the countless Baby Davids and say, "That's a choice we cannot and shall not make – ever again."

By the way, according to the latest statistics from Planned Parenthood's research wing, the Alan Guttmacher Institute, late-term abortions are up – way up – in America.

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*Author's note: To mark this month's 30th anniversary of the Supreme Court's most controversial decision in history – *Roe vs. Wade* (Jan. 22, 1973) – WND has dedicated the entire January 2003 edition of our monthly *Whistleblower* magazine to the subject of abortion in America. This is undoubtedly the most powerful and insightful issue of *Whistleblower* we have ever produced. Please read it and share it with others.*

*[Subscribe to Whistleblower, beginning with January's edition, "ABORTION: The 30-Year War," and for a limited time, also receive a FREE copy of Mark Crutcher's blockbuster 318-page expose of the abortion industry, "Lime 5: Exploited by Choice."](#)*

*[David Kupelian](#) is vice president and managing editor of [WorldNetDaily.com](#) and *Whistleblower* magazine.*

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# THE VENEZUELAN CASE: WHAT'S GOING ON IN OUR OWN BACKYARD?

BY: CARLOS E. SARDI

While the United States has engaged in a worldwide campaign to annihilate everything that Osama Bin Laden, Al Qaida, Iraq, and the “axis of evil” represent, Venezuela heads toward a new breed of left-wing nationalistic ideology aggressively spreading throughout the region. The new type of regime based its agenda on populist rhetoric gaining their way through democratically held popular elections. Taking advantage of economic instability, high poverty,<sup>1</sup> and an overall disenchantment with the traditional political establishment; a new political breed is slowly rising to power with a clear and present threat to the interests of the United States in this key country.

The new ideology reportedly sprouted during the “Forum of Sao Paulo” held in Sao Paulo, Brazil back in 1994, which was hosted by the Brazilian Labor Party, and starred by Luiz Ignacio “Lula” da Silva and Marco Aurelio Garcia, cofounders of the Labor Party. In this conference, the major radical socialist and communist parties of Latin America met to discuss a new strategy to regain political impetus throughout the region under the advice and counsel of Cuba’s Fidel Castro. Venezuela has paved the way as the first country in Latin America falling under the new left-wing revolutionary strategy. Recent events seem to confirm the full implementation of this new revitalized leftist radical movement, which could possibly spread throughout the region.

Venezuela has enjoyed a democracy since Marcos Perez Jimenez, its last “caudillo,”<sup>2</sup> left power on January 23, 1958. As one of the major oil producing countries of the world on the northern tip of South America, Venezuela is a top-ranked supplier of petroleum and petroleum by-products to the United

States. During its democratic republican history, Venezuela has had a somewhat stable political system until the late 1980s. Like most countries in the region at that time, Venezuela was embroiled with corrupted political and governmental institutions, which led to an overall popular disenchantment with the “establishment,” including the judicial system. People had the perception that the richer were getting richer, and the poor poorer, where the law enforcement and judicial institutions were willfully blinded to corruption acts of favored politicians and business elite. Notwithstanding all these institutional defects, the democratic values were deeply rooted in Venezuelan society, that is, until the radical changes sweeping the country since the late 1990s.

In 1998, President Hugo Rafael Chavez rose to power through popular elections in the guise of political change to shake the traditional political system. Chavez, prodigal son of Sabaneta, a rural small town in the State of Barinas, located in the mid southwestern part of the country, was to rule Venezuela for the next five years. After his failed coup attempt to overthrow President Carlos Andres Perez back in 1992, Chavez knew better this time around – if he were to rise to power, he needed to win the presidency through the democratic electoral process according to the new ideology.

Thus, Chavez filled his bid for the presidency with heavy-loaded, and somewhat risky, electoral promises to reform the “rotten” political system and crush the traditional political parties for their corrupt role and acquiescence to the country’s economical demise and extreme poverty level succumbing more than half of the Venezuelan population at that time. Based on this electoral platform, Chavez won the elections by landslide and overwhelming majority of the votes, with the

*Continued on page 26.*

**Professor Rohr's Exam Taking Tips Link:**

<http://www.nslaw.nova.edu/faculty/documents/examtake.pdf>

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# Conquering the Florida Bar Exam:

First of Two Articles

*by: Richard Grayson*

Director, Academic Resource Program

**M**ost of you who are graduating in May are planning to take the July Florida bar exam, and undoubtedly you have already made some initial preparations: filing your application for the exam with the Florida Board of Bar Examiners, making reservations for your hotel room in Tampa, registering for bar review courses, and clearing your schedules for June and July to study for the test. As Professor Steve Friedland often reminds law school graduates, studying for the bar exam is really a full-time job and should be treated as such.

If you are a first- or second-year law student, you are probably so involved in your studies that you haven't given all that much thought to the final hurdle to practicing law after you graduate. But I think it's important that you know what's facing you at the end of the law school rainbow after commencement, and so this is basically a primer on the Florida bar exam as well as a discussion of bar review courses. A later article will discuss in detail with what 3Ls approaching the July exam need to know.

## **The Basics**

The Florida bar exam is a two-day test given twice a year, on the last Tuesday and Wednesday of February and July. Each day there are two (2) three-hour sessions, a morning session from 9 a.m. until noon, and an afternoon session from 1:30 to 4:30 p.m. The exam is almost always given in the Tampa

Convention Center in downtown Tampa. You'll be taking the bar exam with between 1,500 and 3,000 other people in a huge, cavernous room.

The Tuesday portion of the exam is "Part A," or the Florida part, which consists of three essay questions (the morning session) and 100 multiple-choice questions (the afternoon session).

The Wednesday portion is "Part B," the Multistate Bar Exam (MBE), a standardized test of 200 multiple-choice questions on six subjects: Torts, Contracts and Sales, Criminal Law and Procedure, Real Property, Constitutional Law, and Evidence. There are 100 questions in the morning session and another 100 questions in the afternoon. The MBE is given as part of the bar exam in nearly every state. Thus, the Florida bar exam is one-quarter essay and three-quarters multiple choice. This should be your first clue that it is different from most of the exams you've taken in law school.

(You'll also need to take the Multistate Professional Responsibility Exam or MPRE, a separate fifty-question, two-hour, multiple-choice examination administered three times each year in a number of locations – but that's beyond the scope of this article.)

## **The Florida Part of the Bar Exam**

Subjects tested on Part A (nobody but the Board of Bar Examiners seems to call it that) may include the MBE subjects and the Florida distinctions to them; Florida Civil and Criminal Procedure; the Florida Rules of Judicial Administration; Wills and Estates; Trusts; Business Entities (including Corporations and Partnerships); Family Law; Florida Constitutional Law; and Professional Ethics (Chapter 4, Rules of Professional Conduct, and Chapter 5, Rules Regulating Trust Accounts, of the Rules Regulating the Florida Bar).

These subjects are rotated, and you will not be tested on all of these subjects in a single exam. Historically, some subjects are tested in essay format while others are tested with multiple-choice questions. However, one of the three essay

questions almost always has a Professional Ethics component, and usually some aspect of Florida Constitutional Law also appears in an essay question. The 100 multiple-choice questions are usually divided into thirds, with one-third on Florida Evidence, one-third on Florida Procedure (Civil and Criminal), and the remaining one-third on another subject.

Thus, you can see that the four most important subjects on the Florida portion of the bar exam – the ones that are always or almost always tested – are Florida Constitutional Law, Florida Civil Procedure, Florida Criminal Procedure, and Florida Evidence.

Because essay subjects are rotated, one pastime among those sitting for the bar exam is trying to predict which subjects will be tested in the essay format. There are very few seers with accurate track records, however, and last July, opening my exam booklet at 9 a.m. on Tuesday, I was surprised to discover the first question involved Contracts (as well as Ethics); those “in the know” had been assuring me that because Contracts had been tested on the February exam, it would not appear on the next administration of the test. So make sure you study all of the subjects usually tested in the essay format.

The other two questions on last July’s test involved Property and what seemed to me a combination of Family Law and Federal Constitutional Law, though some people told me afterwards that they thought it was Florida Constitutional Law. The questions are not labeled, so you will have to figure out what subject they are testing. You’ll find that the essay questions are somewhat similar to the kind you have been tested on in law school, but there are crucial differences, and you’ll need to learn how bar exam essays are crafted and the best way to answer them. To see the essay questions on the February 2002 and July 2001 exams, along with sample answers, go to the study guide from the Florida Board of Bar Examiners: <http://www.floridabarexam.org/studyguide.pdf>

I wrote my exam in the lined booklets provided, as do the vast majority of test-takers. There was an option to bring a typewriter, for which the test-taker had to pay a fee. I understand that in the future – I’m not sure when – there will probably be an option to take the exam on a computer with specialized test-taking software.

The Tuesday afternoon session consists of 100 multiple-choice questions about Florida law. You are given four possible answers – A, B, C and D – for each question, and you’ll need to blacken the circle with the right answer on a separate answer sheet. Again, the questions in the questions booklet are not labeled, and they can come in any order; thus, you may get two Wills questions, followed by a question on Florida Civil Procedure, followed by an Evidence question, another Wills question, and then one on Florida Criminal Procedure. There are 33 or 34 questions on each of three subjects.

In recent years, as I said earlier, one-third of the questions have been on Florida Evidence; another third on Florida Civil and Criminal Procedure; and the last third on another subject. Last summer the buzz was that we’d probably get either Corporations or Wills, and we got Wills – a lucky break for those of us who never quite understood Corporations.

### **The Multistate Bar Exam**

The Multistate Bar Exam – otherwise known as the MBE or the Multistate – is given on Wednesday, with 100 questions in the morning session and 100 questions in the afternoon. Altogether you will have 34 questions each on Torts and Contracts (including Sales), and 33 questions each on Real Property, Constitutional Law, Evidence, and Criminal Law and Procedure). The questions are mixed up among the various subjects and are not labeled, so you’ll have to figure out if question number 174 is torts or criminal law. There are four answers – A, B, C or D – and you’ll be asked to blacken the circle for the best answer on your answer sheet.

In answering the questions, you'll need to apply fundamental legal principles, not case law or statutes, although some questions may give you the applicable part of a statute or a principle of law. Most questions involve fact situation that can run from one paragraph to as many as five paragraphs, and then you'll be asked to analyze the legal relationships or to take a position as an advocate. Here's an example of an MBE question, taken from the MBE's 2003 information booklet:

Adam and Brett are students in an advanced high school Russian class. During an argument one day in the high school cafeteria, in the presence of other students, Adam, in Russian, accused Brett of taking money from Adam's locker.

In a suit by Brett against Adam based on defamation, Brett will

- (A) prevail, because Adam's accusation constitutes slander *per se*.
- (B) prevail, because the defamatory statement was made in the presence of third persons.
- (C) not prevail, unless Adam made the accusation with knowledge of falsity or reckless disregard of the truth.
- (D) not prevail, unless one or more of the other students understood Russian.

You are always asked to choose the *best* answer. Sometimes two answers or more are "correct" answers, but you're after the one that answers the question the best. In a few rare instances, it will seem as if none of the answers are exactly correct, but again, you're asked to choose the best answer. This makes some of the MBE questions challenging, as does their use, noted above, of "because," "unless," "if" and other qualifiers. (The correct answer to this Torts question is D, by the way.) Many MBE questions have much longer fact patterns than this rather easy sample, and other hypotheticals are used for two, three or four questions in a row – sometimes with the fact pattern being changed slightly for each question.

Like the multiple-choice portion of the Florida part of the exam, the MBE gives you three hours to answer 100 questions. This means that, on the average, you'll need to answer each question in

1.8 minutes. Therefore, it's crucial to do lots of sample questions in your bar exam preparation so that you can get your speed up. For more information from the official MBE website, go to <http://www.ncbex.org/tests/mbe/mbe.htm>

### Bar Exam Scores

At this time, the overall passing score is an average of 131 on the MBE and Florida sections. The bar exam is scored using something called the equi-percentile method. There is a move to raise the passing score for future exams. (If interested, you can read about this proposal – and the opposition to it on the part of law school deans, including Dean Harbaugh – in the *Florida Bar News* article posted on the bulletin board across from room L2.)

A higher score on either the MBE or the Florida portion can offset a lower score on the other. Thus, you can pass the overall bar exam even if you fail one part and pass the other. For example, if you get a 129 on the Florida portion (Part A), you'll have failed that portion of the test, but if you also get a 135 on the MBE (Part B), your averaged overall score would be 132 and you will have passed the bar exam.

These are scaled scores, not raw scores. A raw score is the number of questions answered correctly. On the MBE, each question is worth 1 point in your raw score. The MBE adjusts for variations in the difficulty of different forms of the examination so that any particular scaled score will represent the same level of performance on every test. So let's say your raw score on the MBE is 140 out of 200 questions. Your scaled score on the exam – what would be reported to the Florida Board of Bar Examiners – might be 155 if the adjusting process results in adding 15 points to your raw score.

The essays and Florida multiple-choice questions are each worth 50% of the Florida portion. So, in terms of raw scores, each multiple-choice question on the Florida part is worth 1 point, and each of the essays is worth 33 and 1/3 points. Through a

statistical process, the Florida portion is scaled to the MBE.

Although waiting for bar exam results can be stressful, Florida officially releases its scores a lot earlier than most other jurisdictions. The scores for last July's exam were available by mid-September – as opposed to the late November releases in some states. The pass/fail information for each part of the exam and the overall exam (as well as the MPRE) will appear online listed by your bar application file number. If you want to see what this information looks like for the July 2002 exam, go to <http://www.flcourts.org/sct/barscores/results.html>. Later that week, you should get a letter with your actual score results from the examination.

If, by chance, you find yourself among the minority of first-time bar examinees who did not pass, you can sign up to take the exam again without any penalty. If you passed one portion of the exam and not the other, you can elect to take only the portion you failed on your next attempt – though it may be to your advantage to take both sections again and have them averaged.

But you should certainly approach the exam with the determination that you are going to pass on your first try.

### **Bar Exam Prep Courses**

The overwhelming majority of NSU graduates sign up for bar prep courses, and frankly, I don't see how you can do well on the test unless you do – although I do know a few highly motivated people who've successfully studied on their own using test preparation material they'd gotten from friends or on eBay. Some people grouse at the expense of these courses, but there are bar exam loans available, and as long as you've gone into debt this much to get your J.D., it probably pays to spend more money to make sure you pass the bar exam on the first try. There are also other ways of lowering the cost of bar review courses, such as working for one of them while you're taking the course.

BarBri covers both parts of the exam – the Florida portion and the MBE – giving you a wealth of materials, from outlines of the various subjects tested to sample questions and other helpful guides. Last summer BarBri classes began soon after Memorial Day and lasted till a couple of weeks before the test. You can sign up for morning, afternoon, or evening sessions, and if you miss a session, you can go to another one that day at a different time or borrow an audiotope of the class. Nearly all the classes we had were video lectures, lasting three or four hours a day. (We did get a thrilling live lecture from one of NSU Law's bar review experts, Professor Friedland.) There are also other aspects to BarBri's program, such as grading of sample essay answers and a simulated MBE. You can get more information from a BarBri representative.

An alternative for those who cannot attend classes or who don't feel BarBri is for them is MicroMash, which allows students to study both the Multistate and Florida subjects and practice their test taking skills on their computers from home or the office. Several students have told me they did well with MicroMash, but I have to admit that I don't know as much about it as I do BarBri and PMBR. For more information on Micromash, go to their website at [http://www.micromash.net/BarReviews/bar\\_home\\_frame.htm](http://www.micromash.net/BarReviews/bar_home_frame.htm).

PMBR is a service that concentrates solely on the Multistate half of the bar exam. It offers six-day and three-day workshops that go over the subjects on the multiple-choice MBE and give students a chance to take sample exams. Most test-takers take PMBR as an adjunct to BarBri, and I found it gave me helpful hints I wouldn't have otherwise received, as well as books with many sample exam questions which were often more challenging than those I'd seen anywhere else – along with commentary that explained why some answers were right and others were wrong. PMBR also has tapes and flashcards available.

I also used some of the material from the Practising Law Institute (PLI), which has computer-based

courses on the MBE available on the Web and CD-ROM. The courses feature full-streaming video lectures, full texts of outlines on the MBE subjects, and numerous practice questions (which, of course, are also available from the other bar prep services). For graduates taking the February 2003 bar exam, NSU Law made this service available for a token sum – far cheaper than any other course. But because it is geared only to the Multistate, PLI – like PMBR – advises students to use it as a supplement to traditional bar review courses.

In recent years, a distinguished NSU Law alumnus, Hilary Creary, Esq., has been running a Saturday program that helps prepare students to take the Florida portion of the bar exam. Ms. Creary gives exam-taking tips and has students write sample essays for that part of the Florida test. Several students have told me they credited their success on the bar exam to Ms. Creary’s workshops, which are offered free to NSU Law students at our campus.

The Dade County Bar Association Young Lawyers Section (DCBA/YSL)’s Minority Bar Passage Program, dedicated to increasing the number of minority law school graduates who pass the Florida bar exam, runs a series of weekly mock examinations, lectures, small group discussions and individual mentoring sessions before every exam. The program has a nominal cost and its sessions are held in Miami.

Whatever test preparation services you sign up for, it is foolish to pay the money and then not take advantage of them to the fullest. Sometimes it amazed me to see people sign up for BarBri and PMBR and then not attend classes or fail to do the sample exam questions offered. Almost as bad were the students who were physically present at the lectures or workshops but who were too engrossed in reading the newspaper or playing video games to pay attention to what was going on in the classroom. People will argue whether attending lectures are the most effective means of preparing for the bar exam, but I’ve got a hunch those who were physically or mentally absent from

their bar review classes were the same people not practicing writing essay answers, doing hundreds of multiple-choice questions, listening to tapes, working with flashcards, reading outlines, or attending study groups.

The attitude that astounded me the most came from people who said they considered the first time taking the bar exam as mere “practice”; they figured that since they could take the test as many times as they needed to without penalty, it wasn’t crucial that they pass on their first try. I guess it’s not, but only if you:

- (A) don’t care about ever practicing law;
- (B) don’t want a job for which passing the bar is a necessary prerequisite;
- (C) don’t have any student loans to pay off – if you do, you’ll already be in repayment before you take your second shot at the bar exam;
- (D) have unlimited money to keep paying the Florida Board of Bar Examiners to take the exam repeatedly;
- (E) don’t have a clue.

Answer: all of the above.

It’s true that many accomplished lawyers did not pass the bar exam on their first try. Florida’s current Attorney General, for example, failed twice before the third try was the charm for him, and two of last year’s other major candidates for Attorney General failed their first bar exam. The new head of New York’s Public Service Commission apparently failed that state’s bar exam seven times.

But not doing everything you can to pass the test the first time you take it is a foolish and expensive mistake. You’ve worked your tail off during three or four years of law school. This is probably going to be the last test you’ll ever have to take in your life. It’s more than worth it to put everything aside for two months and concentrate on conquering this one final hurdle.

*In the second part of this article, I’ll discuss in detail some helpful hints for those who will be taking the Florida bar exam in July.*

Nova Southeastern University  
Shepard Broad Law Center

and

The Hispanic National Bar  
Association Law Student  
Division

The Student Bar Association  
in conjunction with NSU Law  
Student Leaders

Present:

## Minority Law Day

Saturday March 29, 2003 from  
10-3 pm

### Agenda:

10:00 Welcome and breakfast  
11:00-12:00 Mock Class with a fun and  
entertaining professor  
12:00-1:00 How to get into Law School  
1:00-2:00 LUNCH  
2:00-2:30 Break up into small groups to  
have "A reality check" on law school.  
2:30-3:00 Tour of the law school and  
conclusion of program.

R.S.V.P. to:

[NSU\\_MinorityLawDay@hotmail.com](mailto:NSU_MinorityLawDay@hotmail.com)  
<[mailto:NSU\\_MinorityLawDay@hotmail.com](mailto:NSU_MinorityLawDay@hotmail.com)>

## UPCOMING EVENTS...

Friday March 28th, 2003

We are pleased to announce the **10th  
Annual Public Interest Law Society  
Auction** will be held this semester!

PILS is excited about this year's auction  
and would like to invite all of you to come  
out and help raise as much money as  
possible to benefit the Public Interest  
Fellowship Fund.

*Monies raised from this event will fund  
fellowships for students dedicating their  
summer to pro bono work.*

At this time we invite the entire student  
body to participate by either donating items  
to be auctioned or attending the event.

There will be food and numerous  
professionals from the community attending  
this event. Many different items will be  
auctioned off, like dinners with professors  
and judges and sports memorabilia. PILS is  
very appreciative of the support.

So please come out on March 28, 2003, or  
if you have connections and someone can  
donate, please contact one of the PILS  
Officers.

Thank you.

# ANNOUNCEMENTS



## News from NSU LAW

### **Professor William E. Adams, Jr.**

#### **Promoted to Associate Dean for International, Online, and Graduate Programs**

Fort Lauderdale, FL—January 24, 2003—Professor William E. Adams, Jr., has been promoted to Associate Dean for International, Online, and Graduate Programs at Nova Southeastern University Shepard Broad Law Center.

Adams received his J.D. in 1978, cum laude, from Indiana University at Bloomington. Prior to joining the University, he was a legal services attorney for approximately ten years and the Elderly Projects Director at the Center for Governmental Responsibility at the Holland Law Center at the University of Florida. He is former director of Clinical Programs at NSU Law, and past chair of the Public Interest Law of The Florida Bar, past chair of the Association of American Law Schools' (AALS) Section on Sexual Orientation and Gender Identity Issues, and current chair of the AALS Section on Aging and the Law.

Coauthor and editor of the textbook, *AIDS: Cases and Materials*, third edition, Adams teaches torts, constitutional law, family law, and criminal law. He holds bar memberships in Florida and Indiana.

Located in Fort Lauderdale, Nova Southeastern University is the largest independent institution of higher education in the Southeast, and the 12th largest independent not-for-profit institution nationally. NSU awards bachelor's, master's, educational specialist, doctoral, and first-professional degrees in a wide range of fields, including business, counseling, computer and information sciences, education, medicine, dentistry, various health professions, law, marine sciences, psychology, and other social sciences. The university also offers 19 undergraduate majors through the Farquhar Center for Undergraduate Studies. NSU also has more than 78,000 alumni residing in all 50 states, and in more than 53 other countries. For more information on the NSU Law Center and its international, online, and graduate programs, contact Linda Lahey, Director Development Research and Special Events, at (954) 262-6111, or visit us at our Website at [www.nsulaw.nova.edu](http://www.nsulaw.nova.edu).

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## Local Students Impacting Law on a National Level



### Perrin B. Lovett

Our winter 2003 Business Practice Clinic student as well as Editor Emeritis of *Broadly Speaking*, Perrin Lovett, appears on the January 30 edition of a TV show called "Lawmakers". If you click on the January 30th show, you will see him approximately 3 minutes in. [www.gpb.org/gptv/lawmakers/shows/archives](http://www.gpb.org/gptv/lawmakers/shows/archives)

### Alison Smith

Our Criminal Justice clinic student, Alison Smith, worked at the Broward County Attorney General's office during her clinical semester. While there, she successfully argued a case (for which she had written the brief) in front of the 3<sup>rd</sup> DCA. If you would like to read the opinion, the case is [Milson v. State](#) and the cite is 832 So.2d 897. Congratulations to Alison on a job well done!



**Congratulations again to Perrin, Alison and all of our many NSU students who are making their mark in their respective clinic placements!**

## **Environmental Law Society's Enchantment in the Everglades: Camp Lu Lu**

*by: Becky Taylor*

### **P.A.D. SHADOW PROGRAM**

The P.A.D. shadow program is a great idea. It allows a Nova undergraduate to “shadow” a Nova Law student. The undergraduate can sit in on a class, go to an ARP, or even just have lunch with the law student. I signed up for the program because I really wanted to help someone get a better understanding and feel for law school. At the same time, I wished I was given this opportunity as an undergraduate student.

My mentee sat in a Professional Responsibility class with me. Her main goal was to overcome the fear of sitting in a classroom with the “Socratic Method” professor. She mentioned all the horror stories she had heard about law professors. I told her most law students had to face such a professor at least once in their academic career. During the class she asked me several questions regarding note-taking, reading techniques, and professor pet peeves. After class, she told me she learned so much and was unaware of the many rules attorney’s had to abide by.

Since then, we have exchanged email addresses and she hopes to visit again in the near future. I have also extended to her an invitation to come out to the speaker events and socials many of the organizations, including P.A.D., have throughout the semester. Overall, this program is a great way to make a new friend, help out someone who is uneasy about starting law school, and who knows, possibly a future networking source.

*Vanessa Tobares  
PAD member since 1998  
J.D. Candidate 2004*

**T**he eleven of us set out for Camp Lulu from the dock at Everglades National Park. Warm weather had returned to us through the icy night chills that we had recently suffered up in Fort Lauderdale. It was a brilliant blue day in the Everglades, with a bit of a morning nip that prevails in the South Floridian winter.

Soon, six canoes, bearing us and our tools for merrymaking, were churning across the waters. My husband, Jim, began to trail his fishing line behind us, following the lead of others. Jim told me of the many fish out there that were so tempting to anglers, such as sheepshead, lemon shark, snook, tarpon, sea trout, lady fish, and bonefish, but not catfish! We crossed the mile of bay that separated us from the vast colonies of islands that lay before us. We stopped on a sandbar to celebrate our triumph over the initial toil of getting across the bay, and christening the trip with the obligatory toast. My husband, who can’t swim, had survived the initial plunge into the trek—but there were many miles ahead of us, and we could only rely on the strength of our paddling to get us there.

The daunting nature of our task was relieved, however, by the beauty of our surroundings. It wasn’t long before we encountered our first osprey’s nest. White egrets abounded in the trees, as well as brown pelicans floating on the water, their trawl-like bills sagging over the water. Distracted by the osprey’s nest, one of our members broadsided a channel marker with their canoe, reminding us how hard it was to actually get your canoe to go where you wanted it to go.

Eventually, we passed Picnic Key where we had made camp the year before. We weren't as lucky to have reserved Picnic this year. Another group had beat us to it early that morning. Nonetheless, we stopped at Picnic for a pit stop. That's when I became the trip's first casualty. As I was backing up onto the beach, towing the canoe with my husband in through the shallow waters, I tripped on a large outcropping of sun-bleached coral. It was as sharp as spears which sliced neatly through the skin on my ankle. It stung a little, but it didn't dampen my spirits at all. I walked around in the shallow waters of the beach to get the healing salt water on my wound, leaving a trail of blood through the water. I was just hoping I wouldn't attract a swarm of sharks in doing so.

Soon again we were paddling off towards Camp Lulu, which was

about three islands away at that point. We wound around past two islands, and found ourselves confronted with the boundless churning waters of the Gulf of Mexico. We were in for another rough stretch of paddling. Yet, we would find diversion in the glimpses of dolphin backs swelling above the waves, then receding beneath. "They must be following a school of fish," someone commented.

We muscled our way across the bay until the bottoms of our canoes ground into the sand on the beach of Camp Lulu. We set about erecting the tents so that we could just collapse into grateful relaxation in the sun. One of our tents, graciously lent by our former ELS president, was aptly dubbed "The Condo."

Soon the tents were all standing, and we were not. Most of us sprawled over the beach, feeling the luxury of inertia after the paddling marathon we had just conducted. Some determined others, such

as my husband, set about fishing in earnest. They scouted the island for promising fishing spots, and one of them even disappeared across the bay to reap the fullest benefits of the crops beneath the waves.

After hours of drinking in the sunlight, we began to search for wood for the evening's fire. The island abounded with dry wood, unlike some of the more heavily camped areas that we had passed earlier. Soon we had a heaping stockpile of sticks and logs, and a few Duralogs that one of our members had prudently thought to bring along.

After some difficulty getting the wood, we finally made progress after having seeded the flames with some paper. The fire leapt through the sticks quickly, consuming them (and probably scorpions similar to those which we had discovered earlier on the

wood). We wasted no time in getting dinner ready. Between kielbasa, fresh salmon, hot dogs, and of course, S'mores, we had a veritable island feast. We sat around the fire for hours by the light of flames, spinning hilarious tales and regaling each other with bawdy jokes.

The next morning, as we crawled reluctantly from the tents, most of us sported bright red skin all over, one of the souvenirs graciously donated by the Everglades Sun. We took comfort in freshly brewed coffee, provided by our president's chic coffee-making kit.

Later, after our tents were collapsed and our belongings gathered, we laboriously set back on our journey to the mainland. There were many more tour boats that day than the day before, and we struggled to stay afloat in their perilous wake. Some hotshot speed boaters careened past us at breakneck speed, requiring us to bank hard into



the wake to avoid being immediately capsized. However, I relished this bit of adventure. It was that much more satisfying knowing we were skilled in keeping the boats afloat.

The maze of islands seemed a bit more familiar as we wound back through the waters the way we had come. I was relieved to spot the beginning of the boat markers at the mouth of one waterway, signifying the path back to the park. We paddled past an osprey's nest once again, this time having a clear view of the gaping little beaks inside, appealing for more tidbits they would receive from their swooping mother.

We then reached the last mile: the bay before the dock in Everglades City. The swirling surf would taunt us once more as we strained to draw closer. It was then when I wished the most for a friendly dolphin to come tow us ashore, or that a friendly passing boatman would throw us a line.

But little by little, the shore drew nearer, until the canoes came to rest against the concrete of the dock. We had done it—borne ourselves nine miles and back through the mighty ocean on our own power. We were down on water's level—we could feel the many currents, moods and intricacies of the tropical waters. Instead of jetting by idly on a motor or engine, we had slowly wound through the brilliant green of the mangroves and motley waters, and glimpsed the mysterious congregation of creatures for which the Everglades is home. With the beauty of all that I had seen there in my mind, I got in my car with my husband and headed for home.

I joked while I was out there about what the sight of our entire law school (about 1000 students strong) stumbling through the Everglades in a big fleet of canoes would have looked like. To picture it seemed like an exercise in chaos to me. But now I think that what we as the ELS did is something that everyone can and should do: especially those who desire to comprehend the beauty that blooms in the civilizations of the oceans and mangrove islands.

## Hard Fighter

*It's hard being a fighter*  
the alarm clock rings, its 5:05  
out running; be back at 5:35  
*hard fighter*  
shower, shave, dress, eat  
coffee's boiling; out the door  
*hard fighter*  
crack those books open,  
what is this stuff?  
*hard fighter*  
class begins; called on  
stutter, stammer, blackout  
*hard fighter*  
"not sure Professor, ummm"  
lose my breakfast, out the door  
*hard fighter*  
"did you get that?" "No, I didn't"  
"did you?" "nope" "ok"  
*hard fighter*  
can't find the case, where is it?  
can't organize my notes either  
*hard fighter*  
start reading for the next class,  
lunch is swallowed in one gulp  
*hard fighter*  
called on again; my lucky day  
"I think the answer is correct Professor,"  
*hard fighter*  
"No, who's next?" "Not you"  
(I studied 3 hours on one page!)  
*hard fighter*  
classes over; next day's reading  
break for dinner; back to reading  
*hard fighter*  
a few more hours reading,  
almost done, I need a beer  
*hard fighter*  
wow, I'm tired, it's almost 11  
the bed calls; I'm dead sleeping  
*hard fighter*  
Up at 5:05, tomorrow is  
...another day  
*hard fighter*

by: Gautam Nayer

## NOTABLE EVENT

\*On March 10, 2003, Juan Melendez, recently exonerated, appeared at NSU to share his Death Row experience.

\*\*For further information regarding any future appearances, please visit:

<http://www.FADP.org>

THERE IS NO CHARGE TO ATTEND  
ANY OF THE EVENTS

### LIVE MAN TALKING:

Juan Melendez, on Surviving Death Row....

Juan Roberto Melendez Colon became the 24<sup>th</sup> person exonerated and released from Florida's death row when he was freed on January 3, 2002 after spending almost 18 years facing execution for a crime he had nothing to do with. Melendez was convicted in 1984 at the age of 33 with no physical evidence linking him to the crime and testimony from questionable witnesses. In fact, prosecutors hid evidence and lied to the court in order to protect the real killer, a police informant. Melendez's conviction fell apart when the police informant's confession came to light in 1999 - a confession that prosecutors knew about before they took Melendez to trial.

Juan Melendez inspires us with his discussion of surviving Florida's death row, and his current work to abolish the death penalty in Florida.

ALSO FEATURED: FROM FURY TO FORGIVENESS - Bill Pelke will share his journey from violence to healing, and why the death penalty is not the answer murder victim families need.

**Thank you Professor Catherine Arcabascio for your efforts in coordinating this event!**

SENT BY:

Floridians for Alternatives to the Death Penalty (FADP)

800-973-6548 <http://www.fadp.org>  
<[fadp@fadp.org](mailto:fadp@fadp.org) <<mailto:fadp@fadp.org>>>

PMB 297, 177 U.S. Highway #1, Tequesta, FL 33469

Floridians for Alternatives to the Death Penalty works for restorative justice in the form of effective alternatives to the death penalty. It does so by:

- #1 supporting and coordinating the work of organizations and individuals
- #2 educating and energizing the general public and state legislators
- #3 supporting the many persons affected by capital crime and punishment
- #4 advocating specific legislative improvements

PS: For fiscal & legal purposes, FADP is a project of CUADP <<<http://www.cuadp.org>>>. Please call 800-973-6548 or e-mail <[fadp@fadp.org](mailto:fadp@fadp.org) <<mailto:fadp@fadp.org>>> to get involved. Checkbook activism helps too!

Make checks to FADP and send to:

FADP  
PMB 297  
177 U.S. Highway #1  
Tequesta, FL 33469

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## P.A.D. 2003 Spring Initiation



### Highlights of Recent P.A.D. Events

*by: Rogenia Argoe*

We may have had classes scheduled on a national holiday, but that didn't stop Phi Alpha Delta from bringing the picnic to you with a *Presidents' Day BBQ*. On February 17<sup>th</sup>, professors and students came out to enjoy grilled burgers, hot dogs, and all the fixings. As the sun set, we enjoyed beverages and the company of friends on the back lawn. Special thanks goes to Sarah Booth and her family from P.A.D. for their generous donations!

If you were on campus Saturday March 8<sup>th</sup>, you may have wondered why there were so many nicely dressed students gathered somberly in the large courtroom. Phi Alpha Delta held its Spring Initiation where 30 new members were inducted into the world's largest legal fraternity. Student leaders from St. Thomas Law School, Nova Pre-Law, and FAU Pre-Law joined to welcome our newest members. Our Assistant District Justice John Miquel even left a training in Baltimore early to be at the ceremony. Following the rite, we had a reception dinner at Buca di Beppo and many later gathered for drinks at Gatsby's. Welcome to all of our newest Brothers and Sisters, and thanks to our marshal Ejola Christlieb and all of the other members who helped us attain record numbers for a Spring Initiation at Nova.

Students and alumni from Phi Alpha Delta Chapters at Nova and St. Thomas gathered together Thursday, February 20<sup>th</sup>, for a Networking Happy Hour at Pazzo's in downtown Hollywood. We chatted casually over drinks and appetizers, and then moved on for some fraternal socializing at a local drinkery. Thanks to our friends at St. Thomas for hosting and organizing this event.

Members of P.A.D. gathered at St. Thomas Law School on Saturday, January 18<sup>th</sup>, for a Pro Bono Training Course. While there, we learned how to implement Law Related Education and Teen Court into those programs that we currently offer to our members. Participants from across the state attended the training session together and then moved on to dinner and fun at the Hollywood Ale House and Dave & Busters. If you are interested in getting involved in either of these programs, please contact Leila Mejillones at [mejillonesl@nsu.law.nova.edu](mailto:mejillonesl@nsu.law.nova.edu).



P.A.D. Spring Initiation Dinner at Bucca Di Beppo





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*THE VENEZUELAN CASE* con't from page 11.

widest margin ever attained by any other presidential candidate in the republican history of Venezuela.

To rapidly fulfill his campaign promises under a clear popular mandate, Chavez called on the electorate to ratify his petition to draft a new constitution to seal his so-called "Bolivarian Revolution." The electorate subsequently approved the new constitution, and its charter called for the relegitimization of all political powers by holding new special elections at the national and regional levels. By the end of 1999, Chavez was reelected for a six-year term under the new country's Magna Carta. His new political party, Movimiento V Republica,<sup>3</sup> gained the majority of the gubernatorial posts, and strong majority presence in the newly created unicameral legislative body. By that time, there was no doubt that the new "Bolivarian Revolution" gained a sweeping political force crushing to pieces the traditional political parties. These events not only change the political system, but also promised to change the future political landscape for years to come.

Soon thereafter, President Chavez obtained plenary powers from the National Assembly to basically rule the country by decree without the intervention and/or approval of the National Assembly – all legislative powers were vested in him limited to reform the national government institutions and implement macroeconomic policies. New political institutions were created, and others were rebaptized to carry out the new revolutionary mission. For example, the most radical change came by way of a sweeping land reform decree, restricting property ownership, use, and alienation. The government now controls and regulates land development and utilization of land. Only land actually utilized to achieve national production goals and objectives could be freely owned, in essence, prohibiting passive investment in real property. Otherwise, the landowners would be subject to confiscation and appropriation for other farmers or developers to make supposedly better and productive use of their land.

The National Land Institute was created to oversee this intrusive governmental function. The President named his brother, Adan Chavez, to managed the government's new land policies. Thus, Venezuelans can no longer enjoy the free and unrestrictive use of land from passive investment in land or for any other purpose not in tune with the government's ideal uses. The government justified the new law with a demagogue explanation. Basically, the government claimed that the new policy would make a better productive utilization of land. If private property were not optimally used for what society intended the land to be used, so the government said, the government needs to intervene and place the land into the hands of those who can make a better productive use of it. In other words, the government arbitrarily controls the criteria of how private property should or should not be optimally utilized for the benefit and welfare of all Venezuelans.

Aside from these new realities facing the Venezuelan society, President Chavez has confronted the United States on several occasions by challenging and undermining American foreign

policy; especially with Colombia, Cuba, Lybia, and Iraq. For example, President Chavez was the first democratically elected president to visit Iraq after the Gulf War ended in 1992. Under the pretext of Venezuela's membership in the Organization of Petroleum Exporting Countries ( "OPEC" ), President Chavez defied the United States and the United Nations sanctions against that regime by circumventing the no-fly zone, and personally meeting Saddam Hussein at the border where both drove off in a jeep to Iraq's capital city, Baghdad. Venezuelan diplomats claimed that Chavez's visit to Iraq was nothing more than a visit to another fellow OPEC member country with the sole purpose of to discussing international oil issues. At that time, the U.S. Department of State bashed Chavez for his overt and blunt support to the sanguine dictator in disregard of the West's long-standing détente policy against Iraq since the Gulf War. Likewise, Venezuela has developed ties with Libya's Khadaffi under the same sovereign veil, and reportedly harboring Colombia's guerilla members.

Moreover, Chavez has kept a close allegiance with Cuba's Fidel Castro for whom Chavez has shown great admiration for his principal role in the Cuban Revolution, a feeling reciprocated by Castro when Chavez visited Havana in 1994. Not surprisingly, Chavez's government has signed a preferential oil treaty with Cuba whereby Cuba gets 50,000 barrels of crude oil per day at preferential prices and soft payment terms. The terms of the treaty include bartering for medical and athletic services – a polemic issue among the Venezuelan medical community as well as other professionals who oppose such preferential treatment to foreign practitioners without verification of their qualifications to practice. According to Venezuelan oil experts and economists, Cuba is reportedly already in arrears of its obligations under the treaty. However, Cuba has denied these allegations, insisting that the island's account with Venezuela is current. At the same time, Cuba has offered the Venezuelan government and its people education scholarships and free medical treatment to any Venezuelan desiring to travel to Cuba to obtain

these benefits. Most critics have deemed the Cuban offer to be nothing more than an opportunity for Chavez to send young revolutionary minds to train in city and guerilla warfare tactics in case the Bolivarian Revolution should fail to remain in power.

Without a doubt, Venezuela is now embroiled in a political hurricane where the radical left-wing nationalistic forces do not seem to let down any time soon. Presently, Venezuelans live in a heavily polarized society – a marked dichotomy between those who vehemently support Chavez and what his new revolution represents, and those who fervently oppose the new revolution for its threat to traditional democratic institutions and historical democratic values. Many public manifestations have expressed this sentiment and desperate cry of the righteousness from either side. Also, the effects of a split society have spilled over to the military. Chavez already survived a failed coup attempt back in April 11, 2002 led by reputable civilians and top-ranked military personnel. As a result of a massacre of civilians in the aftermath of a pacifist march against the government, and in spite of that event, today, there are more than thirty high-ranking officials who recently dissented and declared their non-recognition of the Chavez "regime." These military officials have gained a wide support from the population, which protects them from any attempt by the military police forces to capture and apprehend them to prosecute them in military tribunals for failing to follow the chain of command. These events and other violent criminal activities led to a popular civil disobedience in December 2, 2002 against Chavez and his government.

Unlike any labor strike, as many critics have erroneously described the events in Venezuela, business and labor leaders along with the political opposition joined forces to lead a civil work stoppage in the hopes of forcing Chavez to resign his post. Many economical sectors united in this effort at first, and many others joined as the work stoppage gained momentum, including the national petroleum industry unions and middle and high

management executives of the state-owned oil company, Petroleos de Venezuela, S.A. (“PDVSA”). The work stoppage lasted for close to two months, resulting in a severe blow to the Venezuelan economy.

The country’s international reserves have dramatically decreased from close to \$14 billion a year ago to a mere \$11 billion directly and indirectly caused by the civilian work stoppage that impacted the national oil industry, which represents a major source of revenue for the country. Crude oil production and refining of petroleum products basically dropped to zilch during the two-month work stoppage, affecting international and domestic oil markets. By December 24, 2002, Caracas and all the country’s major urban areas had a severe gasoline shortage. For the first time ever, Venezuela was forced to import gasoline from Brazil to satisfy its internal demand. The country’s oil production and refining capabilities have increased since the work stoppage, but nowhere near the previous production of 3.2 million barrels a day. Currently, the government claims that oil production has stabilized at 1.5 million barrels a day and increasing, but some Venezuelan oil experts have doubts about the official reports because of the continued domestic oil supply problems and importation of gasoline.

Although the work stoppage did not achieve its ends, that is, to get rid of Chavez, it is now all a matter of time as to who takes the first step to light up the fuse and detonate a great human disaster. A clash between military factions – those still loyal to the government and those against the regime – seems a possibility. No matter which side wins, one side always has the option of rising up in arms and start a guerilla warfare against the other, much like the same situation experienced in Central American during the early 1980s, or worse yet, like the everlasting Colombian civil war.<sup>4</sup>

Since the crisis began due to the work stoppage, the Secretary General of the Organization of American States, Mr. Cesar Gaviria,<sup>5</sup> has tried to broker a democratic solution to the Venezuelan

chaos by advancing and calling for presidential elections. His efforts have not produced any meaningful results to date. Recently, the international community has also taken a keen interest in the preoccupying events unfolding in Venezuela. These efforts have been led by Brazil’s Lula, who had subsequently called to the formation of the “Group of Venezuela’s Friends” comprising of the U.S., Mexico, Spain, and Chile. Ex-President Jimmy Carter has also contributed to these efforts. But Chavez has downplayed the role that the Carter Center and the “Group of Venezuela’s Friends” in mediating the Venezuelan crisis.

After the civil work stoppage, Chavez has declared victory over his opposition’s attempt to dethrone him. Not only have his political speeches gotten harsher and more radical toward what he calls the “fascist” opposition leaders, but Chavez has said that his government would not negotiate with terrorists, whom he qualifies as the homeland’s traitors for their participation in the recent civil work stoppage. On February 22, 2003, Chavez ordered the DISIP<sup>6</sup> to arrest Carlos Fernandez, President of FEDECAMARAS;<sup>7</sup> and Carlos Ortega, head labor leader of the CTV,<sup>8</sup> under dubious charges of treason and incitation to an unconstitutional rebellion against a democratically elected government. Mr. Hernan Escarra,<sup>9</sup> a constitutionalist, has deplored these actions for violating the constitutionally afforded due process of law, and a blatant violation of human rights. In addition, other members of the Venezuelan society have strongly criticized Chavez for his blunt use of the judicial system for political purposes to silence opposition leaders.

While all these events are currently transpiring in Venezuela, the repercussions of the Bolivarian Revolution are already being felt throughout the region. A possible domino effect throughout the region cannot be discarded. Under the same disguise, many important countries in the region are up for grasp, mainly attributable to their own political, social, and economic instability. These rippling effects can affect many of the fragile and infant democracies in Central America, like

Nicaragua, Guatemala, or El Salvador. However, the movement seems to have crystallized a lot faster in South America.

On October 27, 2002, Brazil elected Luiz Ignacio “Lula” da Silva as its next constitutional president. Most people probably do not know the extent of Lula’s political background. Lula is the founder of the Labor Party – a left-wing political party. In his tender years, Lula worked as a machinist. Although he had only completed an elementary school education, he astutely managed to arise to key labor union positions during the late 1970s. At that time, Lula developed his long admiration for communist and socialist ideals, which he has written numerous essays about the applications of these ideals in Brazil. Not only has he traditionally shown admiration for the Cuban Revolution, but also for Fidel Castro’s model of society.

Even though Lula has unsuccessfully bid for the presidency in the past two presidential elections, Lula’s triumphal accession to power represents the first declared leftist government in Brazil. He ran on a populist platform. During his election campaign, Lula has vowed to rid Brazil of poverty, and to create a just society for all Brazilians. Because of his friendship with Chavez, many critics believe that Lula would implement the same regime in his own Carioca style. However, Lula’s government faces overwhelming challenges of a depressed economy, a \$260 billion debt, along with the plague of high poverty levels.<sup>10</sup> At the moment, one must admit, Lula’s true political path is uncertain at best. Lula has distanced himself from his old-time friend Chavez. Lula has managed to put together what some advocates consider to be a well-rounded cabinet, who have joined Lula’s government together with a battery of well-respected professionals and business leaders.

The same rippling effects have shaken Ecuador. On November 25, 2002, Lucio Gutierrez was elected President of Ecuador. Running against representatives of the old political system, Gutierrez broke ground under a nationalist and populist campaign. After a failed five-hour coup

attempt against then President Jamil Mahuad, Gutierrez gained popularity among the poor, especially with the indigenous population discontent with Mahuad’s plans to adopt the dollar as the official currency of that country. A week later, Gutierrez went to the empty Congress building in the capital city of Quito, and shouted: “Ecuadorean people, rise up and fight against corruption.” On January 22, 2000, Mahuad was forced to resign his post by a three-man military junta. In the interim, Vice President, Gustavo Noboa, was invited by the military junta to assume the presidency until the new elections held last year. On several occasions during his campaign, Gutierrez has expressed his sympathy with the Bolivarian Revolution, and clearly, he has identified himself with Chavez as to how both similarly rose to power – a failed coup and gain of popularity in popular elections in defiance of the traditional political forces. However, Gutierrez has also distanced himself from Chavez after assuming the presidency on January 15, 2003.

During his most recent visit to the U.S. in mid-February, he has shown a different face. Gutierrez successfully signed an economic aid package with the International Monetary Fund (IMF), which his predecessor had already worked on. Similarly, Gutierrez met with international investors to explain his economical plan, which he promises to afford a more secured investment environment in Ecuador. For many critics, Gutierrez is simply a good scam artist putting up a show to later radicalize a leftist regime similar to Chavez’s. Like Chavez, he has likewise called for a constitutional reform to cure the government’s corrupt vices. Gutierrez could possibly succeed in obtaining what he seeks; he definitely has the backing of the poor and indians, a majority of the Ecuadorian population. No doubt, Gutierrez remains an enigma for Ecuador and its future political prospect.

In summary, the new revitalized revolution and its progenies around Latin America pose a greater threat to the United States in the long run. While focusing on very important problems to the world in the Far East, the Bush Administration neglects

serious legitimate threats in its region. Our own backyard is on fire!! Do we not realize the formation of this new axis in the region? Venezuela, along with Cuba's help, is heading toward an authoritarian, or semi-authoritarian, communist regime under the veil of democratic values. In other words, the use of democratically held popular elections legitimizes a leader to impose and justify his agenda to carry out communist and socialist ideals as a viable political system for the region. Under the umbrella of Bolivar's dream of a Great Colombia, Chavez pretends to unify the region under this common political thought.

Our own inaction, or belated reaction to problems in the region, poses a greater risk for Latin America in the long run, namely the loss of freedom and true democratic values. The United States must take a proactive posture to stop the threat of this new axis. Our country has strived and invested for too many years to instill true democratic values in Latin America.

When only one country in the whole region remains in the hand of a demagogue communist dictator, Venezuela and its people deserve our help and understanding, so they can too, enjoy true democratic values that we all hold so dearly to our hearts: A true separation of powers with a strong judicial system to safely keep freedom of speech, freedom of the press, freedom of religion, freedom to assemble, due process of law, civil rights, human rights, and most importantly free political thought. Just because a government is elected does not translate to legitimacy.

Only a government that respects true democratic values deserves our admiration and praise. But if the United States decides to seat on the sidelines to watch the spectacle and do nothing; then, there is no doubt to what may come to Venezuela and Latin America as a whole – our own backyard would certainly burn to ashes!

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<sup>1</sup> More than seventy percent of the Venezuelan population lives in poverty or extreme poverty, roughly 16 to 18 million people.

<sup>2</sup> In Spanish, caudillo is a word typically used to depict a military dictator.

<sup>3</sup> Fifth Republic Movement ( "MVR" ), also formerly known as the Bolivarian Revolutionary Movement 2000 ( "MBR-2000" ).

<sup>4</sup> Colombia is a topic in and of itself. Thus, I have decided to omit this very important country in the scope of my analysis. Needless to say, Colombia has faced communist and paramilitary defense guerrillas for more than forty years. Today, the left-wing FARC (the "Colombian Revolutionary Armed Forces") remains as the last bastion, which lately has intensified its atrocious attacks against innocent civilians in urban areas, killing more people on a daily basis than in Israel. Aside from this confrontation, Colombia's population is subjected to the internal plight of narcotrafficking, kidnapping, and other social problems.

<sup>5</sup> Mr. Cesar Gaviria is the former President of Colombia from 1990 to 1994. Since September 15, 1994, Mr. Gaviria has served as the Secretary General of the Organization of American States (OAS).

<sup>6</sup> The DISIP is a police force under the Executive Branch, primarily involved with intelligence work.

<sup>7</sup> Federation of Chambers of Commerce is a non-profit business and trade association in Venezuela.

<sup>8</sup> Central Labor Organization of Venezuela, the principal voice of the country's labor union members.

<sup>9</sup> Mr. Hernan Escarra is a well-respected lawyer and scholar elected as a candidate for the MVR (Chavez's political party) to draft the new constitution in 1998-99. Since then, Mr. Escarra has left Chavez's party, and he has become a vociferous opponent of his regime and authoritarian policies.

<sup>10</sup> More than forty percent of the Brazilian population lives in poverty.

## DISCLAIMER

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