



TRAVELLING BRIEF

Sex panic! And other news from New York City

News in this big bad city has been dominated by stories of police brutality and the upcoming mayoral election. Meanwhile, Lucy Lawless (our neighbourhood Warrior Princess, *Xena*) plays Rizzo in *Grease!* on Broadway with a strong New Zealand accent, and the city stops on Thursday nights for *Friends*, *Seinfeld* and *Law and Order*, a cop/law show more over the top and glamorous than *LA Law*.

Amnesty International report on NYPD Blues — but the Mayor romps home

Police brutality, a perennial issue, seems to have worsened in the last few years in NYC. Recent protests have focused on the brutal police rape (with an implement) of a Haitian man in custody last month. Last year, Amnesty International prepared its first ever report on an American police force about the NYPD and found a widespread problem with violence. The report concluded that 'international standards prohibiting torture appear to have been violated with impunity'. Incumbent Republican Mayor Giuliani, who has presided over the police force for the last three years while it paid \$66 million to settle more than 1100 brutality lawsuits (double the amount in previous years), said the Amnesty Report had 'a viewpoint' and was 'exaggerated'. Sadly, he seems to be a shoo-in to win in the upcoming election, ahead of Democrat Ruth Messinger.

Sex Panic!

A new activist organization called Sex Panic! is seeking to promote a safe, democratic public and alternative sexual culture in New York City.

I've been informed (being a new arrival) that, while probably a dirtier and darker city five years ago, NYC was also a more fun, liberal and tolerant place. Now, Mayor Giuliani, who coined the slogan 'zero tolerance', has taken advantage of silent majority fears about drug use and violence to close down many night clubs, sex shops, bath houses and gay/alternative venues, through the use of zoning and licensing laws. Gay clubs have been raided and gay beats are being heavily policed. An expensive cabaret licence is now re-

quired for nightclubs to have dancing — this bizarre restriction has led to the new concept of Lounges with DJs who play great music while customers sit in armchairs trying not to tap their feet.

It is not clear what effect the new laws, reminiscent of Prohibition (which, incidentally, lasted in New York from 1919 to 1933 — longer than many other places in the USA), are having on drug use. I suspect drugs are business as usual (like alcohol sales in the 1920s). However, the laws are having a severe impact on the queer/alternative nightlife scene. In response, a controversial new direct action group, **Sex Panic!** is seeking to support the more outrageous and confronting side of New York. The group comprises concerned academics and other sexual extroverts (including Penny Arcade, who has toured Australia with her show *Bitch! Dyke! Fag hag! Whore!*). Their manifesto supports the sex industry and sex workers and advocates free public sexual expression and democratic public space. Viva New York night life!

A return to racial segregation at Law Schools?

The only reason you have racial preference [affirmative action] is because the preferred groups do not meet the ordinary standards ... The question is ... should we admit them, lower our standards for them, and ignore or conceal the fact that they are not academically competitive?

These are the words of Professor Graglia at the University of Texas School of Law. The Professor was pleased with a decision of the Fifth Circuit Federal Court of Appeals, *Hopwood v Texas* (1996), in which the Court struck down an admission policy of the Law School which allowed race to be taken into account as one of many factors in determining admission to the school. The Court found that the policy violated the equal protection clause in the Constitution and the US Supreme Court has just refused leave to appeal. The affirmative action policy was not based on quotas — that kind of approach was found to be unconstitutional in 1978 (*Regents of the University of California v Bakke*, US Supreme Court).

The *Hopwood* decision is binding on public law schools in all States in the southwest region, including Texas and California. The Supreme Court's refusal to hear an appeal sends a strong message to all public universities to eliminate race from their entry decisions. The law schools directly affected have already reverted to colour-blind admission policies, with immediate and drastic consequences. Boalt School, University of California admitted only one first-year black student this year (down from 20 in 1996), while offers to black students at other law schools were down by about 30%. Ironically, as stated by Anna Marie Stolley (*National Jurist* September 1997), law students could find themselves learning about *Brown v Board of Education* — the landmark case of 1954 in which the Supreme Court decided that race-segregated education was unconstitutional — in an all-white class. In a further twist, as the decision does not apply to private law schools, more black students may be admitted to some prestigious private schools than public schools, at least in the short term.

The *Hopwood* decision will compound the serious lack of racial diversity in the legal profession. Yet a recent national empirical study shows that minority students generally succeed at law school. Instead of seeking to increase diversity at law schools and to provide additional support and encouragement to affirmative action students, the many supporters of the decision seem happy to return to systemic discrimination. Many students are only too happy to blame low admission levels on an alleged culture of 'laziness and criminal activity' in black and Latino families and communities (in the offensive words of one student writer in the New York University paper). Unfortunately, while President Clinton recently appointed a Commission on Race and celebrated four decades of school desegregation, the *Hopwood* case is symptomatic of widespread hostility to affirmative action.

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