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AN OPEN LETTER TO THE FACULTY OF SUNY MARITIME COLLEGE
(and a respectful challenge to its President, Rear Admiral David C. Brown)

February 15, 2000

Dear Member of the Maritime College Faculty:

I am writing to you, at considerable length but nevertheless with urgent dispatch in advance of the faculty meeting scheduled for February 22, 2000, because I have some very serious—and, I believe, well-founded—concerns about certain changes that appear to be imminent regarding the Maritime College, my *alma mater*. Specifically, I am deeply concerned about both the rapidity of implementation and the inadequacy of careful consideration that, to my mind, characterize the current plan to create alternative graduation requirements for the Maritime baccalaureate degree (a matter upon which, as I understand it, the faculty will vote on February 22). That plan for revising certain graduation requirements, as it now stands, would simply and unqualifiedly “optionalize” key components of the traditional Maritime College undergraduate experience (including not only that complex of activities called “the regiment” but also—and in my considered opinion most importantly and most damagingly—virtually all of the “hands-on,” *performance-based* training in seamanship, watchstanding and *responsibility* that is so inestimably valuable a foundation for *any* career path, maritime-related or not) and would replace those *interactively educative* components, when eschewed by the enrolling student choosing the newly created easier path to a Bachelor’s degree, with—in a word—*nothing* (or at least with nothing of substance remotely comparable to the rejected components). Of all this I am *absolutely certain* after having both reflected considerably on the matter and discussed it with others whose wisdom and opinions I respect.

Accordingly, I beg your indulgence in reading this lengthy correspondence with which I have struggled for so many hours. Similarly—and I would hope that I need not even *make* this request—I would ask that anyone who chances to “intercept” any of the copies of this letter destined for another faculty member (which copies I intend to leave in as many faculty mailboxes as I can access as well as on reserve at the Luce Library) *not* succumb to any urges either to engage in censorship or to delay delivery or access of the letter to its intended recipient(s), for time is of the essence. Moreover, free, open, and unrestricted communication of the sort in which I am attempting to engage here is both part of our heritage of academic and personal freedoms *and* is protected from infringement by anyone arguably acting on behalf of the state or its subdivisions through the application of a well-developed body of First-Amendment law. It is my avowed intent—and my reasonable expectation—that this letter, on which I have worked both rapidly and diligently in recent days, *reach* its intended recipients. (For those many—hopefully *all*—for whom this thinly wrapped warning is quite unnecessary, I apologize for showing my attorney’s teeth so early in this correspondence, and would ask that you consider that display something more akin to a friendly smile with plenty of humor in it

and only the slightest hint of a possible bite . . .)

Although the letter dated January 19, 2000, from Maritime College President David C. Brown to the Maritime College Alumni (hereinafter, the "President's Letter to the Alumni") states that "[w]e will continue to incorporate practical, 'hands-on' experience in all areas of study," the proposed changed graduation requirements for the baccalaureate degrees in General Marine Business (124 credits) and in Marine Transportation (121 credits), at least where the student has opted out of license study, include nothing in the way of the practical "hands-on" experience that is remotely comparable to that which has long characterized the traditional Maritime College undergraduate experience. Two semesters of "PS 101" and "PS 102" in the freshman year, I am afraid, cannot *possibly* offer the new students anything in the same order of magnitude—by way of foundational training for performance, responsibility, self-discipline and *judgment*—as the traditional undergraduate experience (even with whatever flaws it had or has) offered me and so many others, to our great and lifelong individual and collective benefits.

I am deeply concerned about the unqualified "optionalization" of those unique and performance-based *extra-academic* components of the traditional Maritime College undergraduate experience (and therefore of the Maritime College *education*) that have made it so valuable to me and countless others, especially because that "optionalization" is going rapidly forward with *no concrete plan in place* by which to offer any meaningful alternative to such valuable extra-academic components to those many students who may not wish to obtain merchant marine officers' licenses. Yet this essentially *incomplete* "optionalization plan" (and I accordingly think it fair to include *both* the foregoing words within the quotation marks) stands *ready to be implemented*, simply by changing the graduation requirements for such programs as those leading to the Bachelor of Science in General Marine Business with a Humanities Study Area Concentration¹ and the Bachelor of Science in Marine Transportation, such that those programs would be "free" of: (a) summer sea term requirements; (b) "license-related" courses; and (c) requirements of any sort for participation either in the regiment of cadets or in an alternative program designed to promote professional self-discipline. My concerns—and the impetus for my having taken considerable time to make this eleventh-hour appeal to you—stem primarily from: (1) my firm belief that this "optionalization plan," as so far developed, fails utterly to take into consideration some fundamental (and indeed, on reflection rather conspicuous) aspects of human nature; and (2) my equally firm belief that the approval of those revised graduation requirements will irreversibly commit the College and the University to the long-term implementation of that flawed "optionalization plan," and will do so at the expense of the implementation of far sounder alternative approaches. I will address

¹ The Bachelor of Science in General Marine Business and Commerce with a Humanities Study Area Concentration is the lengthy title of the baccalaureate degree that I was proud to receive, as did a few of my classmates, on May 17, 1980. I was actually the *first* to join the new "humanities program" when it was announced in the late 1970s, for reasons that I will discuss later in this letter. I also played a significant role in convincing some of my classmates to do the same. I have never regretted either act.

each of these considerations in turn.

- (1) *The "optionalization plan," as so far developed, fails to take into consideration some fundamental aspects of human nature.*

As an initial consideration, the "optionalization plan," as it now stands, completely fails to account for the human tendency to choose the path of least resistance. True, there are those Stoics and Spartans among us who will invariably travel the rigorous road—even when an easy alternative is offered—but most of us (myself included) tend to choose the more comfortable path toward our destinations or goals whenever one has been made available. That high-school seniors are, as a group, especially prone to this tendency is perhaps best evidenced by the fact that American English has long included in its casual vocabulary the word "senioritis."

It is axiomatic that the more rigorous paths in life and education (wherever one finds them) do not confer their well-recognized benefits *solely* upon those who are wholly volunteers. The "inductees" and "quasi-inductees" (i.e., those who choose the more rigorous path only because an easier option is not available) stand to benefit, too. Indeed, challenges that arise in our lives out of circumstances that we would not willingly create almost always offer us tremendous opportunity to emerge wiser and more capable by virtue of our having met such challenges. Folklore, history and literature, ancient and modern, and in every language, are accordingly full of stories of transformative challenges from which the narrative's hero or heroine emerges with the newfound strength and wisdom to accomplish great things. (The literary term for such a story, borrowed from the German, is *Bildungsroman*; examples include everything from the tales of Hercules, Ulysses, or Romulus and Remus to Jean Auel's thought-provoking and moving portrayal of the experiences of her fictional character Ayla, a Cro-Magnon woman who is separated from her tribe during infancy and adopted and reared by Neanderthals. One might say that the "culture shock" to which this prehistoric heroine is exposed, in Auel's first novel, *Clan of the Cave Bear*, is the challenge that draws out her truly amazing human potential. She emerges from the hard times of her youth a woman endowed with far-greater self-reliance and indeed *wisdom* than could possibly have been the case had she been more "fortunate" and remained with her biological parents. But the infant Ayla certainly never would have *chosen*—had she been given and been capable of making such a choice—to leave her Cro-Magnon family and take up with a band of Neanderthals!)

I ask the reader to consider again my "axiomatic" proposition (of which the above parenthetical is simply an illustration) to the effect that the more rigorous paths do not confer their benefits *solely* upon those who *choose* to undertake them. If we consider that truth (which I believe to be self-evident) in conjunction with the earlier-discussed proposition that humans (including 17-or-18-year-old humans bound for college) will often choose a path of lesser resistance when one is offered, it ought to become obvious that fully "optionalizing" such challenging components of the Maritime undergraduate education as the regiment and the "hands-on" training for seamanship and watchstanding would, *if nothing else*, deprive many potential students of the benefits of those more rigorous paths. This is especially true if those

valuable, pragmatism-oriented, performance-based extra-academic activities designed to promote self-discipline and responsibility are simply "optionalized" away *without any well-developed plan in place for instituting meaningful alternatives of comparable value*. To illustrate that point I will resort (as I often do) to simile and metaphor (respectively): The Maritime College is like a building: a grand, old, architecturally complex and beautiful one that was built long ago during another era. It was built quite well and has withstood the test of time, but it is now in need of some repairs and, especially, of some fundamental redesign and expansion at its base. That so many in positions of power and, more importantly, *responsibility* toward the care for that ancient and noble edifice seem at this very moment so willing to tear deeply with the modern machines of destruction at its strong old foundations, in their honorable (but, I'm afraid, unwarranted) hope of by such means adding a strong new wing—without first having the blueprints for rebuilding that foundation such that it will support not only the original edifice but also the new structure that is to be integrally connected to it—frightens me immensely. (I will say this: my metaphor, if understood and applied to the situation at hand, ought at least give serious pause to any conscientious and intelligent caretaker among you. Be careful with your vote. You don't get to take it back.)

I am not saying that all undergraduate students at Maritime, whether interested in obtaining a merchant marine officer's license or not, should be required to wear their hair cut to a specified length, or to learn the intricacies of such subjects as, say, Rules of the Road, Marine Propulsion Systems or Navigation to any degree comparable to that necessary to serve competently as third officers in the deck or engine departments of a merchant ship or to obtain the licenses to do so. Indeed, I wholeheartedly agree that the Maritime College should cast a much wider net and should seek to educate many new students who, to borrow the President's phrase, "may choose not to take license study or participate in the cadet regiment."² But the way to integrate these students within the existing multifaceted and cohesive educational system that distinguishes the Maritime College, to the mutual benefit of *all* the students, "old-plan" and "new-plan" alike, is not simply to "cut out"—for the putative benefit of those entering under the new plan—the valuable extra-academic components that have for so long combined synergistically to make up the traditional and highly valuable Maritime education. Such an approach, I am sorry to say, reminds me too much of that of a butcher: in the process of preparing attractive and salable pieces of meat, a dead animal is eviscerated or "gutted." Those organs that are expected to have little value in the marketplace are simply thrown away (or perhaps fed to the butcher's cat). But an educational system is far less akin to a dead animal than to a *living* one, whose "worthless guts" are, in fact, functioning organs—small physiological wonders of nature, none of which exist in isolation—the removal of which would either kill the animal or at least make it very sick. I do not think that I am extending my metaphor too far when I therefore characterize the current "optionalization plan" as radically (i.e., at its root) *eviscerative*.

The current "optionalization plan" *is* radically eviscerative because its focus *in the first*

²

President's Letter to the Alumni at page 1.

instance is on *removal* of the traditional extra-academic components of the Maritime undergraduate education for the “benefit” of those who may not want them (or, more precisely, of those who *think* they may not want them or *think* they may not be capable of handling them). Indeed, the very *raison d’être* of the “plan” is the hope of increasing enrollment by offering new paths toward the Maritime College baccalaureate degree from which such challenging (and therefore possibly unwelcomed or unattractive) components of the traditional program have been *removed*. A more attractive and salable piece of meat, as it were, is being served up—or at least that’s what’s being hoped for. Unfortunately, this radically eviscerative approach (which appears to be on the verge of irreversible implementation, *see infra* part 2) is fundamentally flawed for numerous reasons, not the least of which is the aforementioned inescapable conclusion that the implementation of the “optionalization plan” as it now exists will inevitably deprive many potential students of the benefits of the finest attributes of the traditional undergraduate experience at Maritime. As noted, that conclusion derives from the juxtaposition of two basic and indeed “axiomatic” principles (three, if the most foundational one is added to the list). Those principles are:

- (foundationally) that undergoing challenging, rigorous experiences can, and often does, promote learning, increase self-reliance, and so forth (the theme of the *Bildungsroman*, and an application of the adage, “That which does not kill us makes us stronger.”);
- that these more rigorous paths confer their benefits not only upon those who choose to undertake them, but also upon the “inductees” and “quasi-inductees” (i.e., those who, like me as regards my education at Maritime and many other life experiences, chose the more rigorous path only because an easier one wasn’t available at the time); and
- that human beings—including not least of all high-school seniors—tend to choose the easier, more comfortable path toward a destination or goal whenever one *has* been made available (this last being the principle with which I introduced this section back on page 3).

In sum, the current “optionalization plan” creates a system whereby students are enticed to strive for less as an alternative to striving for more. It is, to return to my “building” metaphor, a reconstruction “plan” in which the “new wing” will *not* be built upon an expanded foundation that would accommodate both edifices and allow them to function as a unit (which certainly *ought* to be the plan here, I think). Rather, it is a reconstruction “plan” in which the relationship between the older structure and the newer one, when completed, will be *divisive* rather than *integrative*. The current “optionalization plan,” on closer examination, is based upon an architecture that, metaphorically speaking, will actually encourage the new building to *compete* with the older one for occupants. This will, I’m afraid, inevitably erode and even destroy the foundation of the older building, while effecting no repairs whatsoever on it.

Perhaps the inevitability of that erosion/destruction is made clearest when one considers that the reconstruction “plan” as so far developed would do little more than divide up the occupants (i.e., the students) into those separate competing “buildings” described above, such that the two groups of students would interact with each other, in the course of their education,

only marginally (and not likely meaningfully). This aspect of the “plan” is far less worrisome by virtue of its threat of possible petty disorderliness than it is *deeply tragic by virtue of the loss of potential opportunities for mutual enrichment and learning that might have occurred between what need never have been two sharply separated “groups” in the first place!* Indeed, one of the great strengths of the traditional Maritime College undergraduate experience is its proven ability to develop “team-player” skills, to draw forth, from those individuals who together face its rigors, that powerful collective spirit that says, “we’re all in this together, shipmates,” and to *demand*—in many subtle ways but always with a near-universal affirmative response—that those “shipmates” act accordingly by working together despite whatever differences they may have and by *learning from one other*. How to “be a good shipmate” is something that all who have graduated from this honorable (and honor-building) institution have learned to one degree or another. They have learned by, among other things, surviving the indoctrination period and the rigors imposed by “the regiment,” by facing academic and athletic challenges together, by living in close quarters (indeed, by crowding together with the rest of the student body to cross the Atlantic six times over the course of three training cruises) and, ultimately, by coming to appreciate that—as an insightful author recently wrote in a passage beginning with words appropriately reminiscent of an older passage familiar to all who have attended the Maritime College—

[t]he sea is certainly no place for incompetence, negligence or complacency, for it can be tranquil one day, and ruthless the other. The only way [a seafarer] can gain respect from shipmates is by knowing his/her job and carrying it out in the most professional manner. They know that when they go to sleep every night their lives are truly in the hands of their fellow watchkeepers. And for every conscientious seafarer who takes over a watch at any time of the day or night, nothing could be more satisfying than the confidence of fellow shipmates in his/her professionalism.³

It is not merely by blind chance that metaphors borrowing from the concept of “shipmates” have so often been used in literature, poetry, art and cinema to portray that nobler aspect of human nature that permits us (at least during our better moments) to recognize, and to act in accordance with, a heartfelt sense of responsibility to our fellows in the context of some larger “voyage,” whether that “voyage” is a limited collective undertaking of some sort or even the more universal trip to the future upon which we are all embarked here on “the good ship Earth.” The expression, “We are all in the same boat,” is certainly familiar to all.

Correspondingly, it is not merely by blind chance that those challenging extra-academic components of the undergraduate Maritime education (which, as I described in the opening paragraph of this letter, are interactively educative) all relate in some meaningful way to the challenges of going to sea. Nor is it by anything short of fine design that the Training Ship Empire State each summer becomes the real-world “laboratory” aboard which students, teachers and watch officers alike put their habits, skills and abilities—in short, their *personal*

³ N. Shashikumar, “World Shipping Competition,” (chapter in *United States Shipping Policies and the World Market* (1996)).

seaworthiness—to a test from which all will emerge having learned something that will have value in any subsequent endeavor. To imply, as I'm afraid the President has done, that such valuable, interactively educative components of the Maritime College education as those I've described above have somehow been rendered obsolete simply because "only about a third of academy graduates ever serve on a commercial vessel in any capacity, and most come ashore within five years,"⁴ is to ignore the fact that, both afloat and ashore, and during not only those five years but also for the *lifetime* that follows, having "learned to be a good shipmate" at Fort Schuyler carries with it a set of values, ideas and skills that enhances the worth of each and every graduate of the Maritime College, *not only* as a reliable employee or watchstander or as a responsible engineer, manager, fiduciary, or attorney, indeed *not only* as a valuable "team player" in the context of many a possible collective undertaking where such values as honor and responsibility are paramount, but, above all—in the context of that larger "voyage" to which I alluded earlier—as a *human being*.

A dim recognition of this manner in which "learning to be a good shipmate" can be the basis for so *much* of personal value first began to dawn on me, I suppose, back in the late 1970s when I was still a cadet. And it was that recognition, dim though it may have been, that helped to guide me toward the then-quite-perplexing decision that I eventually made in favor of changing my major from Marine Transportation in either an Economics or Management specialization (as yet undeclared) to the new Humanities Study Area Concentration. As noted in footnote 1 on page 2, above, my decision to go that route, and to help convince such classmates as Ed Johnston, Jean Marien, and Donna Spahn to do the same, all were acts that I have never regretted. My opinion, then as now, is that a broad liberal arts education that allows a student to delve deeply into insights from many disciplines is of tremendous foundational value. It has always been my observation that 18-to-21-year-olds (of which class I was then a member) have a tremendous thirst for deep integrative knowledge, for answers about important life questions, *metaphysical* questions, that is left largely unsatisfied by curricula that focus too exclusively on technical education and training (even if that is linked to admirable depth in "pure science"). But most such 18-to-21-year-olds are also pragmatic enough to recognize the risks inherent in devoting the whole of their undergraduate training to such metaphysical pursuits, particularly if they feel the need (as most do) to prepare themselves for a means of earning a living. Certainly both such considerations were on my own mind when I was a high-school junior and senior in 1975 and 1976. But if we begin with an education that, like the one available at Maritime, is both rich in the pure sciences and also includes real technical training, most especially technical training with a hands-on performance-based component, and if we add to that the sorts of integrative experiences that foster that all-important process of "learning to be a good shipmate," one has something a little closer to a "path with heart" that would be quite attractive to many a young pragmatist and philosopher, myself included.

And if one *adds to all of the above* a healthy dose of the humanities, i.e., of formal

training in philosophy, history, literature and music, one has, in my opinion, a liberal arts education for success in *life* that is unsurpassed by any other that I can imagine. That's exactly why I added the humanities to my plate back at Maritime, why I encouraged others to do so, and why I've never regretted either move. Joining the program enabled me, for one thing, to gain more from the lessons of history (most often studying with Karen Markoe) than could possibly have been the case in either of the other Marine Transportation options. It also allowed me, among other things: to study philosophy with Joel Belson; to enroll in an advanced and thought-provoking humanities course taught by Ed Graham that itself focused on inquiries about what I have subsequently (since reading E.F. Schumacher) come to call "right livelihood" (i.e., principles by which to define and pursue worthwhile goals in making career choices, something I've since done three times, much to my continuing satisfaction and indeed self-actualization); to receive an introduction to music appreciation from Richard Harris; to read *The Mayor of Casterbridge* and *Heart of Darkness*, among other novels, in a small but lively seminar run by Bob Sennish during my senior year; and to complete two sociology courses, one a general introduction within the Department and the other an advanced course at an outside institution. But the program's flexibility also allowed me to take an astronomy elective with Fred Hess, which did far more than teach me where the navigational stars were (although it did that, too). Anyone who has ever been exposed to the practical teaching genius and insightful mind of Dr. Hess will appreciate that a semester spent with him in an elective such as that offers far more in the way of "big-picture" learning opportunities than I could describe adequately in *twenty* paragraphs. Suffice to say that that astronomy course included an intelligible and cohesive introduction to the wonders of astrophysics, cosmology, and indeed, to the fascinating interface *between* science and metaphysics, while simultaneously providing profound practical and thought-provoking insights to which I am sure I would not otherwise have been exposed for a long time, if ever. (Who but Fred Hess, for example, would ever have explained to me that the Earth is the *only* planet in our solar system having any moon in its orbit such that the relative sizes and distances of that moon and the sun cause that moon's *apparent* size in the sky as observed from the planet's surface to *match* that of the sun, thereby allowing for the occurrence of that unique phenomenon that he has witnessed so many times from so many places around the world: the total solar eclipse? That one bit of "trivia," even if it did nothing else, deepened my appreciation of that earlier-referenced metaphor, "the good ship Earth." Indeed, Fred—always a bit of an intellectual swashbuckler, I think—boldly proffered the above-described set of circumstances about moon sizes as evidence in putative support of his apparently firmly held belief that ours is the only planet in the *universe* with intelligent life on it. But I felt free to disagree with him in class on that point. And although I've not yet met any bright extraterrestrials who'll vouch for my theory, I've nonetheless still not departed from my own position that, there being no fine lines dividing the living from the non-living—which is a virus, for example?—or the "intelligent" from the "non-intelligent," physical matter pretty much has the *universal* capacity to organize itself into the discrete bundles of complexity that we call living things, and that there must therefore be intelligent life forms elsewhere in the universe.)

SETI considerations aside, the depth and value of my undergraduate education at Maritime was far greater than the admittedly great sum of the academic offerings within and

without the Humanities Department. Those interactively educative extra-academic components that I have been discussing throughout this letter combined synergistically, allowing (or, perhaps more accurately, *requiring*) me to undergo a transformation that would never have occurred had I studied in an "ordinary" liberal arts program. This occurred in many ways (again a complex process that I could not describe adequately in many paragraphs) but it had a very great deal to do with my meaningful interaction with my fellow students, which, in turn, was fostered by such things as the regiment, the training cruises, the requirements to live at the school, etc. My "contact time" with engineering students was particularly valuable to me in terms of my foundational education as a philosopher: I was able to benefit—almost parasitically, I suppose—from their far greater training in the physical sciences than my own, allowing me, by means of numerous conversations at sea or ashore, to glean insights into the very things that make the universe tick—but without having to sweat through all those tough science courses to do so! How else could it be that by the time I graduated from Maritime I had already come to gain a deep appreciation of the fact that the concept of *synergy* (that term so often used by José Femenia that describes the almost magical set of properties by which the whole may sometimes be greater than the sum of its parts) is *itself* reflected in the very process that makes the sun and the stars shine, i.e., nuclear fusion, in which lighter nuclei unite to form heavier ones and the minuscule loss in mass that occurs during that union corresponds to the release of huge amounts of energy, the relationship of which is described by Einstein's famous formula, $E=mc^2$? And how else could it be that, shortly after the 1977 Woody Allen film, *Annie Hall*, had humorously introduced the general public to the Second Law of Thermodynamics and its implications of a tendency toward entropy in all systems comprised of physical matter, I was privileged to have had those concepts explained to me from a far more refined and sophisticated perspective, which in turn later paved the way toward my exposure to and appreciation of the work of Nobel laureate Ilya Prigogine on the subject of "dissipative systems" (these include living things and other complex systems that, by continuously utilizing energy, *dissipate entropy* and thereby maintain internal complexity and function)? It was because of those conversations with the engineers, that's how! Nor has *any* of that learning been wasted. To offer a concrete example of a recent application of the foregoing, last semester, in a course that I took at NYU Law School as part of a graduate (LL.M.) program in law in which I am currently enrolled (studying federalism and federal systems), I wrote a paper comparing the federalism of the United States with that of the European Union. The paper was based on, and developed, an "embryological" model of federal systems drawing heavily from (and indeed inspired by) Prigogine's work, and it earned an impressive grade in the course (which, it is worth noting, was attended by a very bright group of graduate students selected from both the United States and other nations).

But the above is still only part of the story of the transformative process that was my undergraduate education and that, as I said, would *never* have occurred had I studied in an "ordinary" liberal arts program. An equally or perhaps even more important part of that story is the fact that the Maritime College allowed (or, again, *required*) me to develop a plethora of "hands-on" pragmatic skills and abilities (part of "good seamanship") that have served me well in more than one career path, and that, I am sure, will continue to benefit me for the rest of my life—if only because, by having *learned how to learn* the practical skills related to deck

seamanship, I am now far more capable of learning *new* practical skills. Since graduating, I have applied that learning ability, and the attitudes that are perhaps inextricably linked with it regarding such things as preparedness (virtually synonymous, after all, with good seamanship) not only in my first two careers as a deck officer and later a paramedic, but also in both my recreational life (in such areas as musical performance and martial arts, for instance) and in such relatively mundane professional applications as fact investigation and even emergency auto repair in the context of my third career as an attorney. (Once, about a year ago, an external engine belt snapped while I was enroute to a court appearance, forcing me to pull over on the Long Island Expressway. But I had a spare belt and some surgical gloves in the trunk, and was able to insert the serpentine belt into its proper—albeit convoluted—position in minutes with no tools but my gloved hands. I arrived in court on time and without the slightest bit of dirt or grease on my hands or clothing.) However, as I wrote to a Maritime College professor just this past November, I had entered the Maritime College straight out of high school “a bit of a bookworm who, having grown up fatherless, had shied away from such activities as sports and automotive hobbying that would have helped me to develop many kinds of hands-on practical skills. Maritime College helped me to remedy those deficits, which, if I’d gone to say, Swarthmore, would likely have stayed with me for the rest of my life.” I have no doubt whatsoever that every graduate of the Maritime College, whether subsequently engaged as an astronaut, a ballet dancer, a ship’s captain, a surgeon or a hospital engineer (and all, of course, are represented among our graduates) has experienced, to one degree or another, something similar.

Again, it was largely interaction with my fellow students that made that transformation possible for me and, I am sure, for those many others. Certainly the “lab” portions of nautical science and other “license” courses, and the hands-on components of the training cruises (watchstanding, maintenance and repair), played their role, but by and large it was my fellow students who *really* taught me the skills of seamanship both within and without the framework of those programs. It was Andy Edelstein, for example, who taught me to tie a quick bowline around my body with one hand, a valuable skill for anyone being rescued from the water (which, fortunately, has never been a service of which I’ve yet had to avail myself). And it was A.J. McAllister who taught me how to make the knot known as the “tugboat bowline,” so quickly and dazzlingly swung together using even the heaviest of hawsers (a trick I can still perform today even with my eyes closed). Pat Kinnier, who is today a tugboat captain, back then taught me the basics of splicing, which, not long after graduation, helped me to earn the respect of the crew on my first job as a mate, working for Crowley in and around the Caribbean on an oceangoing tug called the Apache. And, imparting a set of practical techniques that were somewhat less nautical but no less appreciated, Rich Baamonde went out to the athletic field with me one weekend when the campus was deserted and showed me the basics of hitting and fielding a baseball, a ubiquitous American skill that had somehow managed to elude me right up through high school. Kevin Brooks introduced me to the finer points of bicycling, bicycle repair, and accident survival, and also served as my sparring partner in some interesting matches involving the saber versus the nunchaku. And Steve Gulotta (who could always outrun me, I’m afraid) taught me that the decisive factor in winning a race—or, for that matter, a fight—is often not just whether you’re strong, fast, and well-

trained, but simply whether you can take more pain than the other guy. Last but not least (if only because he was first), Cliff Marks, an exceptionally bright engineer who was my “random” roommate for indoctrination period and on through freshman year, and who by high-school age was already a seasoned sailor (with an established preference for large, fast catamarans over keel-bound monohulls), shared with me many of his insights not only on sailing and seamanship, but also those pertaining to philosophy, women, wine and song (Cliff was both an accomplished jazz trombonist and a keyboard player, with a strong grasp of music theory; he encouraged me not to be afraid to use my natural “untrained” instrument, my voice). Whereas in my high school years I had found myself channeled into the stereotype of the thin, “book-smart” youth who lacks the capacity to do anything impressive with his hands or his body, at Maritime I learned, during some important formative years of my life and before it was too late to do anything about it, just how much I *could* do, and I owe that profound and infinitely valuable transformation not only to the institution itself but also—and especially—to those many classmates, schoolmates, and “good shipmates,” a few of whom I have mentioned here, who encouraged me, taught me, and, in short, simply did not *permit* me to be channeled into any limited stereotypes.

Nor was that interactive student-to-student learning process a one-way street. I remember many times, in response to a request to look over someone’s original paper, helping a fellow student essentially to remedy gaps in his or her (true enough, most often his) knowledge of such things as grammar, punctuation, spelling or some other aspect of verbal expression in which I was fortunate to have already had a very strong foundation. I also recall having done a fairly good job of explaining some spatial/geometrical concepts relating to the celestial sphere and sight reduction to a group of my classmates just before an exam in celestial navigation. And of course there were those many philosophical discussions with fellow deck or engineering cadets that, I’d like to think, benefitted all the participants and not just me. But the example that sticks in my mind most vividly, and which best illustrates many aspects of the Maritime undergraduate experience, is what I’ll call “the Bob Show.” “The Bob Show” was my nickname for a required engineering course for “deckies” entitled Ship Stability and Construction, which was a sort of survey of essential concepts in naval architecture. It was taught by Bob Zubaly, who is obviously quite brilliant in that area (and probably many others). I learned early on that all I needed to do to get an “A” in that course was to go to class, wide-awake and sharp of mind, and to pay *very careful attention* to the instructor’s presentation. And I found that presentation, in each and every class, to be quite fascinating and very capable of *holding* my attention. The thing was, though, that a typical class (i.e., a typical episode of the Bob Show) was a bit like the modern TV series, “Law and Order”: if you fail to pay attention for just a moment, you suddenly find yourself lost. That didn’t happen to me very often because I found it so interesting, but apparently many of my classmates weren’t tuning in to the Bob Show quite as totally as I was. And so it happened that after the first exam, on which I scored a 100 or something close by virtue of my having simply paid very close attention in class, I found that many of my fellow students were eager for my help. On the first subsequent exam, I was actually made physically aware of this by the suddenly increased popularity of all the seats adjacent to my own, but that made me a little nervous, so afterwards I volunteered to offer group tutorial sessions, which were very well attended. The key

concepts that I had learned watching the Bob Show indeed proved not to be all that elusive to anyone present at those sessions, and I still remember many of those concepts quite well, even though more than twenty years have since elapsed. For example, I can still draw a little diagram that shows how a ship's center of buoyancy moves through an arc as the vessel is inclined transversely in each direction, and how the radius of that arc, extended into an imaginary circle, defines the location of that important theoretical point known as the metacenter (abbreviated "M"). And I still understand, in a basic, almost visceral way, how and why the distance from the center of gravity ("G") up⁵ to the metacenter (the "GM") determines the "righting moment," which not only keeps the vessel from capsizing but also plays a key role in determining the period and extent of the ship's rolling, i.e., whether she will be "stiff" or "tender." Of course, my remembering those concepts so well is partly due to my having ridden both stiff and tender ships during the years following, and also to my having refreshed my memory on the subject matter from time to time, but my deep integral understanding of stability concepts is due, I think, in far greater measure to the extra depth of learning that resulted from my having conducted the tutorial sessions. That which one teaches one usually learns far better: a classic example of a win-win situation.

And so, I am decidedly uncomfortable with (and indeed am vehemently opposed to) any new "plan" that simply "optionalizes away" all those characteristics of the Maritime undergraduate education that have traditionally combined to foster and promote—actively, as by *necessity*—the sort of interaction between and among students, to their mutual benefit, that occurred for me, my classmates, and countless other graduates of this fine old institution. What I have described is a system of education—one that not only teaches technical skills and opens the door to profound scientific inquiry, but that also incorporates a multifaceted approach to learning both the "good seamanship" values and practices that landlubbers might simply call preparedness and common sense, *and* the "good shipmate" ones that equate to teamwork, responsibility, cooperation, and a willingness to learn from and to teach others. Accordingly, I object to this new, hastily drawn up "architectural plan" that, to borrow my own phrasing from page 5, "would do little more than divide up the occupants (i.e., the students) into . . . separate *competing* 'buildings' . . . such that the two groups of students would interact with each other, in the course of their education, only marginally (and not likely meaningfully)." My objections, as I hope the reader is beginning to appreciate, stem not from some vague nostalgic clinging to a culture of shiny belt buckles, squared corners and short haircuts, nor from some lame belief that if enough of its citizens hold merchant marine officers' licenses, the United States will somehow once again come to have a strong merchant marine (although that probably wouldn't hurt). Rather, my objections stem from my well-founded conclusion that the "optionalization plan" (and inextricably linked to it the changed

⁵ *Hopefully* up. If, on the other hand, the direction from the center of gravity to the metacenter is *down*, toward the keel, the ship will flop over to one side or the other (it doesn't matter which) until equilibrium is reached, displaying the dangerous and insidious angle of "loll" that might be mistaken by the complacent or the untrained—at great peril—for a mere list. Compensating for such a false "list" by adding weight to the high side has caused more than one ship to capsize at the dock in calm weather.

graduation requirements on which you will soon vote) are—for all the reasons I've stated and more—radically, fundamentally *eviscerative*: they erode at the foundations of the old edifice without building a new one, indeed without even having the blueprints on hand *with which* to build a new one. Yet creative, innovative programs that preserve the best that the Maritime College has to offer, and that offer it to *all*, “license” and “non-license” students alike, are indeed quite capable of being formulated and implemented.

Another axiom, this one borrowed from those companion disciplines to architecture that we lawyers know by such names as “urban planning” or “land use,” is that good planning generally entails *not* tearing down (or eroding the foundations of) a standing structure that remains viable and useful *until* the plans for building a new one are fully drafted and stand ready to be implemented. The reasons for that principle are obvious enough: not only will an unsightly, idle, litter-filled vacant lot that remains in such a state for years be a waste of valuable space, racking up the “opportunity costs,” but it will also detract from its immediate neighborhood and may possibly precipitate a downward spiral of local real estate devaluation that may be difficult to remedy. Indeed, the funding and other resources to rebuild on the old site may never emerge. Very similar considerations apply here.

But before addressing the specific (and, to my mind, very grave) dangers of approving the changed graduation requirements and thus the “optionalization plan” as it now exists (even if such approval is given with crossed fingers and the irrational hope that the Strategic Planning Committee will somehow eventually fix all the problems thereby created and develop and implement a better program for “non-license” students), and before giving the reader a glimpse of some of the sorts of innovative solutions that may be possible (both of these things being addressed in part 2 of this letter), I should like to return for a moment to the subject of the liberal-arts component of my education at Maritime, which, as I have said, I feel was optimized by my having joined the humanities program.

I shall begin with an original example of what Albert Einstein has termed a “thought experiment” (his most famous one, which fascinated me during those aforementioned discussions with the engineers, involved persons walking on a moving train, and was used to illustrate the point that there is no such thing as absolute simultaneity applicable throughout the universe: the “now” here is not necessarily the same “now” as that in a distant galaxy, nor even elsewhere on the same moving train). My own “thought experiment” is this: how would my undergraduate education (including its strong liberal-arts component) have compared to one earned at, say, Swarthmore College? (Swarthmore is that consistently top-rated liberal arts college near Philadelphia that I first mentioned back at page 10, and which I've decide to use as the comparative for this “thought experiment” not only because it is so well-regarded but also because it is my wife's *alma mater* and I have therefore had an opportunity to glean some insights into what it's like to go there. Its student body is populated exclusively by those who, as I did sometime around 1975, are able to demonstrate a mental dexterity with such things as words and numbers sufficient to place them among the tip-top percentiles of SAT test-takers. It is, in other words, a “highly selective” school. But “selective” as to what? Certain kinds of skills, but certainly not others.)

As my wife, Debbie, has pointed out to me, at Swarthmore I would have been surrounded—in relative isolation not unlike that at Fort Schuyler—by students with superior skills and aptitude in math and language; I would have benefitted by interacting with them in many ways, some comparable to the sorts of exchanges I have described above, some different and undeniably “better.” Although it is highly unlikely that I would ever have, say, conducted a tutorial in the principles of ship stability, I might instead have had far deeper philosophical discussions, and perhaps would by now have gone on to earn a Ph.D. in one of the social sciences, which, when I was a student at Maritime, is something I dreamed of someday doing (but have obviously still not yet done, although Debbie *has*). Further, at Swarthmore there is very little “grade inflation”—the standing joke is that a professor there might write on a student’s term paper something like: “Thoroughly researched, well written, insightful and at times brilliant. B+.” Thus, I would probably have been challenged academically in ways that did not occur during my Maritime undergraduate experience.

But at Maritime I *was* still challenged academically; I was also challenged in ways that would *not* have been the case had I gone to Swarthmore. As I have already mentioned, during my undergraduate years I underwent a transformation that had two dimensions *unique* to Maritime (or at least to a college in the maritime-academy tradition): one relates to the “good shipmate” values that I have discussed beginning on page 6; the other relates to the “good seamanship” aspect of the education, that complex of hands-on skills, attitudes, and learning about learning that I discuss beginning at page 9. The two are, of course, inextricably intertwined, but I highly doubt that Swarthmore could have offered me anything comparable along either of those lines. So, even leaving the license and career path that came along with it out of the equation, I graduated from Maritime with something that I never would have gotten had I gone to Swarthmore. As I put it on page 10, quoting from a letter I recently wrote, “Maritime College helped me to remedy those deficits [in my ability to learn practical skills, etc.], which, if I’d gone to say, Swarthmore, would likely have stayed with me for the rest of my life.”

I am reminded of Mark Vonnegut’s humorous commentary about his own Swarthmore liberal arts education. In his book, *Eden Express*, he describes having just graduated and suddenly recognizing that he has spent the past four years studying all the subject matter necessary to make excellent conversation at a cocktail party. I suppose it’s safe to say that I learned that and a lot more at Maritime. Vonnegut’s personal narrative goes on to describe and to comment on his life on a commune and his struggle with schizophrenia. It is a deeply insightful book, but, in comparing my own experiences to his (and I do not mean to “pick on” Mark Vonnegut or any other Swarthmore graduate, nor on the institution itself, for that matter), I am led to the conclusion that Maritime allowed me (where Swarthmore could not have) the rare opportunity, metaphorically speaking, to let my head soar in the clouds with my feet nonetheless planted firmly on the ground. In other words, while Maritime allowed—and even facilitated—my engaging in deep philosophical and metaphysical inquiry, it nonetheless “anchored” me in the pragmatic wisdom of the competent seafarer, who faces the unknown each day and learns to adapt to such maddening stresses as isolation, motion sickness and sensory deprivation, all the while appreciating—viscerally if not cerebrally—that, however

uncaring the laws of nature may be as regards the human species, whether or not there is such a thing as a God or even universal good and evil or right and wrong, indeed however *meaningless* the whole of existence may turn out to be in the final analysis, we are still all in the same boat here, and being a good shipmate and a good seaman is still a worthwhile endeavor. The competent seafarer, I have learned well, is pragmatist, existentialist, and, above all, *humanist*—all wrapped up in one.

And so, to take my “thought experiment” to its by-now-obvious conclusion, I will say that, without a doubt, my education at Maritime has been infinitely more valuable to me—not only in preparing me admirably for (so far) *three* worthwhile career paths that I have followed (in seafaring, emergency medical care, and the law)—but also, and far more importantly, in preparing me for *life*—than an education at Swarthmore could possibly ever have been. The value of that foundational education stems from its truly amazing capacity to have offered me the *unique* combination (for I truly believe that I could have found it nowhere else) of practical preparation and training, an introduction to both the physical and the social sciences, a firm foundation in the liberal arts, and, above all, the instillation of those worthwhile *values* associated with “good seamanship” and with what is perhaps most easily referred to simply as “good shipmatehood.”

E.F. Schumacher, whose book, *Small Is Beautiful: Economics As If People Mattered*, has helped to define the contours of my life and the career choices I have made to a greater extent than any other single work I’ve ever read, wrote the following in 1973:

The essence of education . . . is the transmission of values, but values do not help us pick our way through life unless they have become our own, a part, so to say, of our mental make-up. This means that they are more than mere formulae or dogmatic assertions: that we think and feel with them, that they are the very instruments through which we look at, interpret, and experience the world.

But the values associated with “good seamanship” and “good shipmatehood” do not so readily “become our own, a part, so to say, of our mental make-up” simply from reading and studying history, literature, and philosophy in the classroom. True, doing all those things can help, but standing alone they are far more akin to “mere formulae or dogmatic assertions” than to a real basis for internalizing norms. What worked for me—for those values *have* become my own—was the *combination* of such a liberal arts education *together with* those inestimably valuable components of the Maritime undergraduate experience (the ones that I have been referring to all along as the extra-academic components). As I wrote at page 7 regarding my decision to join the new Humanities Study Area Concentration:

[I]f one *adds to all of the above* a healthy dose of the humanities, i.e., of formal training in philosophy, history, literature and music, one has, in my opinion, a liberal arts education for success in *life* that is unsurpassed by any I can imagine. That’s exactly why I added the humanities to my plate back at Maritime, why I encouraged others to do so, and why I’ve never regretted either move.

But what if that program that I chose to join so long ago and without subsequent regrets did *not* add its "formal training in philosophy, history, literature and music" to "all of the above" (i.e., to the rest of the Maritime undergraduate experience)? How would such a program, lacking those extra-academic components, stack up against, say, a liberal arts program at Swarthmore? Would I have had regrets? You bet I would! Such a program would have offered nothing *special*, and I certainly would have fared far better in the short and the long run having gone to Swarthmore. And so I now turn to ask the truly piquant questions: What exactly is being offered to the new non-license students in the program that will be established by means these proposed changed graduation requirements for the baccalaureate degree in General Marine Business with a Humanities Study Area Concentration (or, for that matter, in Marine Transportation)? Will "PS 101" and "PS 102" make all the difference? Will those two courses change the program in General Marine Business with a Humanities Study Area Concentration from a run-of-the-diploma-mill college experience to anything remotely resembling the multifaceted, challenging, integrative, character-building, *foundation-laying* experience that has succeeded so often in transforming forever the lives of so many, including myself? (I'm not even going to bother stating my obvious answer to that rhetorical question. If you don't see it by now . . .)

I think that we can offer the new non-license students something much better than that. If the other state maritime schools have done something along the lines of the essentially eviscerative approach that's being pushed here (and I'm not really sure that's the case, but the question is in any event moot), so be it. Why should we *imitate* when we can *innovate*? I think that we can continue to offer—to *everyone* who comes here—a unique educational opportunity such as can be found nowhere else (and such as I found). I think that we can and must creatively foster the full integration of the new non-license students with the rest of the student body, rather than merely set them in motion on parallel and competing tracks. It is far more difficult, of course, to do it that way. To build an integrative and cohesive structure would require careful planning, creativity, diligence, passion and commitment (to name just a few of the qualities that ought to be found somewhere among the team of would-be architects). To design and implement such a plan would be surgery, not butchery, but surgery is far more demanding in terms of its requirements for such things as precision, care, judgment and dedication than is the art of fast commercial meat-cutting. It is far easier for all concerned (who, like most of us humans, will often choose the path of least resistance when one has been made available—my foundational premise back on page 3) to go the latter route, and, with one easy stroke of the butcher's knife, to cut out those less palatable guts, cast them on the floor, and serve up a bright red piece of meat that we can rest assured will catch the eye of enough new customers to keep the shop in business.

It strikes me as an unbelievably paradoxical (but perhaps also paradoxically auspicious) occurrence that, just as all this is happening here at Maritime, the *lead* article in the *current* edition of *Academe*, the bulletin of the American Association of University Professors (January-February 2000, volume 86, number 1, please find it and read it), is right on point as to *everything* that is going on and *everything* I am writing about here. The article is entitled, "The True Scholar"; it was written by Robert N. Bellah, Elliott Professor of Sociology at the

University of California, Berkeley. In it he writes:

I have suggested that the very notion of a true university depends on the survival of . . . inquiry in which the link between the intellectual and the moral virtues is not entirely broken, in which something like judgment has at least a degree of influence. In the current university, the humanities, even though they are at the moment rent by civil war, are closest to this understanding.

Are not the humanities, *when integrated within something akin to the Maritime College undergraduate experience that I have described, even closer?* Aren't Schumacher, Bellah and I all saying something pretty similar as regards the *value* of certain kinds of education?

Bellah then goes on to describe the sharply declining representation of the humanities as a proportion of undergraduate degrees from 1970 to 1994, citing a recent study entitled, "The Market-Model University: Humanities in the Age of Money," which was published in the May-June 1998 issue of *Harvard Magazine*. Its authors, James Engell and Anthony Dangerfield, attribute that decline to the fact that the humanities lack any of the three alternative attributes by which curricular offerings attract enrollment in this "Age of Money": (1) a "promise" of money (i.e., the field of study is popularly linked—even if erroneously—to improved chances of securing an occupation or profession that pays well); (2) a "knowledge" of money (i.e., the field itself studies money, as does economics, for instance); or (3) a "source" of money (i.e., the field is well-endowed by grants, research contracts, or other funding).

Yet, *within* the above-described paradoxical circumstance, i.e., that all of the above commentary should appear in print with the ink barely dry just as certain members of the Humanities Department at SUNY Maritime apparently stand ready to cut out with their butchers' knives the very guts of their own unique and wonderful institution, is another paradox: we live in the Age of the Lawyers. As was the case with the Age of the Dinosaurs, it may ~~be~~ well that these terrifying and currently dominant creatures will suddenly find themselves, like the reptiles, not quite extinct, but as a group certainly no longer dominant, and individually most often of far less impressive stature. But that is hardly the case just yet. Today, our culture revolves around lawyers. Many—if not most—of our "hit" TV shows are about them. For the most part, they run the governments of our nation and those of its states. Their craft governs our lives, personal and professional—*especially* in this Age of Money. And every year, as reliably as the banks of the Nile for the ancient Egyptians, this nation's numerous and diverse law schools are flooded with applications from capable college graduates who want to be members of the bar and will fork over a hefty tuition just for the *chance* of doing so (like passing the Coast Guard license exams, passing the bar exam isn't guaranteed). I'm a lawyer myself, and have been since 1996; quite a few of my classmates from Maritime are lawyers, too. And I have no reservations in expressing my heartfelt opinion that my education at Maritime was the *best possible* overall college-level preparation for law school that I can *imagine*. For one thing, the law schools today are bending over backwards to teach

ethics (which connects integrally to such things as responsibility and "good shipmatehood"), as often as not *remedially*. That's because, all joking aside, such things as virtue, honor, responsibility, and reliability *really do matter* in the practice of law. And such things certainly *ought to matter* in the careers in government (including its judicial branch) toward which so many lawyers so steadily flow. In keeping with such needs (in all professions, not just the law), undergraduate programs have begun to incorporate ethical training into their curricula, but such classroom coursework standing alone pales, in terms of its efficacy, in comparison with the vastly more comprehensive and interconnected system of education that has traditionally, and for many decades, been offered at the Maritime College.

The crux of this paradox within a paradox, though, is that law, so demanding of an ethical foundation among its practitioners, is a field that has *all three* of the above-listed winning attributes for a field of study in this Age of Money! You can (1) *make* a lot of money as a lawyer; (2) learn a lot *about* money as part of the process of learning about the law (how many elective and even *required* courses have titles like, "International Business Transactions" or "Corporations"?); and (3) *find* a whole lot of money for such things as public interest lawyering, policy analysis and, often relatedly, legal research projects conducted under the auspices of the academy.

SUNY Maritime, and particularly its Humanities Department, today finds knocking at its door the rare and ephemeral (i.e., soon to be lost forever unless responded to while still knocking) opportunity not only to *preserve*, but to *make far more widely available*, a cohesive system of undergraduate education that can remedy (and already has contributed to remedying in its small, beautiful way) those very problems that Bellah, Engell and Dangerfield, and indeed Schumacher, describe, and which many other institutions are struggling at this very moment to address. The University, the College, and the Department all have a duty to make the most of that opportunity. Eviscerating that which has worked so well for so long, and replacing those "guts" with *nothing of substance*, is hardly the way to do it.

As final closing commentary to this lengthy part 1 of my letter to you, and in support of the opinion I expressed on the prior page to the effect that "my education at Maritime was the *best possible* overall college-level preparation for law school that I can *imagine*," I shall offer not my own words but those of Peter Megargee Brown, a very successful and respected member of the bar. Mr. Brown is perhaps best known as an accomplished trial lawyer who, after graduating from Yale Law School in 1948, among other things served as assistant counsel on the New York State Crime Commission under John Marshall Harlan, as assistant U.S. attorney in charge of the Federal Waterfront Prosecution (1953-1956), and as partner and head of litigation at the prestigious firm of Cadwalader, Wickersham & Taft. Here is what he had to say about the humanities in 1987:

In recent years many observers believe that there has been a decline in the art of cross-examination. This downward trend might be linked to the decline in the importance of the liberal arts—history, English, literature, philosophy. . . .

Study of the arts and philosophy encourages the person to ask not only the more precise but the *larger questions*. In conducting his cross-examination, the questioner must always keep his main objective in focus. This is true for most of us, lawyers and non-lawyers alike.

High-caliber critical thinking cannot evolve without strong doses of the liberal arts. . . .

A friend told me that on the day Franklin Delano Roosevelt was inaugurated president of the United States, he paid a courtesy call on a former justice of the Supreme Court, Oliver Wendell Holmes, Jr. Holmes was then ninety-two years old. The president discovered him in his library reading Plato. Roosevelt asked, "Why do you read Plato, Mr. Justice?" To which Holmes replied steadily, "To improve my mind, Mr. President."⁶

- (2) *Approval of the proposed revised graduation requirements will, virtually irreversibly, commit the College and the University to the long-term implementation of the flawed, eviscerative "optionalization plan."*

"[A] page of history is worth a volume of logic."⁷

Let me put it this way: once the butcher finishes gutting the animal, it pretty much doesn't matter whether it was dead or alive to begin with—the animal is either going to die almost immediately or, if it is to delay that inevitable fate for any appreciable length of time, it must somehow adapt to the loss of its organs, in which case, even if it's successful, it's almost certainly going to be a sick, frail animal just waiting to die anyway. Well, no, I take that back: hypothetically speaking, of course, still-fresh organs on the butcher's floor might be surgically reattached. Given extensive, *expensive* and protracted care, the animal might survive, and might even become healthy again, but it certainly would be a whole lot safer and easier to have left its organs intact in the first place! Just so here, in every sense.

In short, once the animal is gutted, it's *history!* The "animal" here being the Maritime College, and that page of history being now held between *your* fingers—about to be turned—as you (carefully, I hope) consider your vote on this first step of what is undeniably an eviscerative process, I have labored these past few days both diligently and hurriedly in an attempt to produce what I hope is at least a small volume containing some logic (and perhaps

⁶ Peter Megargee Brown, *The Art of Questioning: Thirty Maxims of Cross-Examination*, "Maxim XXI: Let the Humanities Be Reflected in Your Cross-Examination" (1987) (italics in original).

⁷ Oliver Wendell Holmes, Jr., *New York Trust Co. v. Eisner*, 256 U.S. 345 (1921).

also an appeal to some even higher reasoning processes), all in a last-minute effort to prevent the guts of that animal (which *is* still living and, in the truest sense of the phrase *alma mater*, has given me something of lifelong value that it *could* give to others if allowed to live on) from being spilled out on the floor. In light of all that, please forgive me for what at times may seem an almost melodramatic propensity to engage your much-needed attention with vivid and perhaps sometimes mildly nauseating metaphors. But, above all, *please* read and envision those metaphors clearly and carefully enough to sense the truth—and the urgency—in them; please juxtapose them, in your mind, as they were meant to be juxtaposed by their hurried, worried author, next to those more prosaic arguments and narratives that I have tried to connect to the metaphors. And if the whole or some parts of this work, this letter, this small volume of logic and metaphor, this (to borrow a phrase from José Martí) *verso del alma*, has succeeded in making you moist-eyed or queasy at times, so much the better. Many of the tougher—and accordingly the more valuable—lessons in life are learned in close association with one or the other of those physiological reactions, if not both at once.

But it is now my duty to step back from the murkiness of metaphor and state, in as plain, clear, common-sense language as I can muster, just *why* making these curricular changes now would effectively kill any chances of designing and implementing at some later time a far more cohesive and integrative plan for accommodating new non-license students in a way that would offer them something akin to what the traditional Maritime College education offered me and so many others. There are many interrelated reasons why such would be the case, which is why I have tried to paint the “big picture” first by the employing the “butcher” and “building” metaphors. To explain and explore all those causal links in depth, in plain language and without the aid of such metaphors, would require not one but several volumes. Instead I shall, of necessity and having employed those metaphors, skim the surface, and resort here to a writing style that I do not favor, listing below, in “bullet-point-block,” four of the more patent reasons that would, individually and collectively, effectively *guarantee* the result that I fear:

- In collective public action limited by fiscal concerns, once a “problem” is perceived to have been “fixed” it usually receives very little additional serious attention unless and until it is again perceived to be “broken.” Thus, support (both fiscal and ideological) from ~~the~~ all levels of decisionmaking and funding within the State, the SUNY system and the College for additional, sustained creative efforts to develop and implement a system under which non-license students would be offered (and therefore required, see all the above) to participate meaningfully in the extra-academic components of Maritime life, will *never* be forthcoming until it is too late to work (i.e., once the system is again perceived to be “broken,” at which point it really *will* be, mark my words). Once the core of the “optionalization plan” is implemented (i.e., once the “animal” has been “gutted” and the new “meat” put on display—sorry, I can’t help it), the “problem” will be perceived, by the inertia-bound collective among us that inevitably governs in such matters, as having been “fixed”: it *simply wouldn’t get enough of the indispensable immediate follow-through* needed in order to make all the great things we’d have hoped for actually happen. The only effective way to implement such plans to offer the valuable extra-academic components of the Maritime

education meaningfully to the new students is to have well-developed plans solidly in place for doing so (i.e., "locked in") *at the time of the initial "fixing" of the problem.* (This all relates, of course, to the "urban planning/land use" aspect of the "building" metaphor, which I employed at page 13, wherein I state the principle that good planning generally entails *not* tearing down a standing structure that remains viable and useful *until* the plans for building a new one are fully drafted and stand ready to be implemented.)

- Even if such additional and sustained support were forthcoming, which is unlikely, the admission of new students under the "optionalization plan" as so far formulated would immediately have the effect of causing the two degree tracks to compete with each other. This would cause immediate harm to the traditional program, the consequence of which would be reversible only gradually, over time, and with far greater effort (and therefore at greater cost) than would have been the case had such competition and consequent harm never been made to occur in the first place. (Relevant metaphor: surgically reattaching the animal's organs as opposed to leaving them intact in the first place.)
- From the moment non-license students are offered admission under the modified graduation requirements, those students will have what we lawyers call a "reliance interest" in being allowed to finish earning their degrees under the same terms that applied when they were admitted. It would be unfair to impose new requirements on them for participation in any extra-academic components of the Maritime education that the developing non-license program might entail. Thus, such requirements would have to be "phased in" with successive classes, a far more costly and cumbersome operation in the long run than would be designing the plan cohesively and integratively in the first place. The net and final effect would be to discourage— and, combined with all the other factors I've mentioned, *prevent*—any later improvements. (This, obviously, ties in both to (1) the considerations set forth in the first of the above "bullet-point-blocks" and (2) the metaphor of the greater difficulty of surgically reattaching organs than of refraining from cutting them out in the first place.)
- The reputation and credibility of the graduates under the "new plan" would be subject to doubt from the start, since the "new plan" at its core is based on the removal of the traditional aspects of the Maritime undergraduate experience that have made its graduates highly desirable in many industries and positions. Even if some of those valuable aspects of the Maritime education were "phased back in" as to the new students and the overall system thereby eventually improved, the "new plan" would, for years and even decades, have to "catch up" in establishing the reputation and credibility of its graduates. Relatedly, in the meantime, many employers and others who might recruit Maritime College graduates will fail to distinguish clearly between the two "types" of graduates. This, in turn, harms the overall reputation and credibility of the graduates of the *competing traditional program*, which *further encourages students to opt out of that program!* Why work hard for something that people don't even recognize? Taken together, all of these foreseeable consequences (and more) will precipitate a downward spiral from which it will be difficult to emerge without far greater—indeed, extraordinary—investment of effort and resources. (This

overall concept of a downward spiral inevitably resulting from the "optionalization plan" relates most obviously to the "litter-filled vacant lot" metaphor at page 13, but it also ties in to all of the "big-picture" ideas that I have attempted to convey not only with both the "building" and the "butcher" metaphors but also in each of the above "bullet-point-blocks." Simply put, in language I probably learned as a paramedic, the "optionalization plan," the *evisceration*, does not *take care* of its *patient*, the College)

Having explained my reasons for believing that to approve the changed graduation requirements would be nothing less than institutional suicide, I would be remiss if I did not now offer to lay out, if only briefly and skeletally, some of my visions for an "alternative architecture" to the eviscerative "optionalization plan" that stands ready and about to be implemented with—as I hope you have begun to see by now—dangerous irreversibility. I have been considering the possibilities for some time, and have recently begun putting some of my ideas on paper, in a piece tentatively entitled "Toward Professional Discipline." Although I have borrowed a bit from that work-in-progress here, I can neither fully incorporate it nor claim that it is anywhere near complete.

My own proposal, in a nutshell, is this: begin the analysis by reviewing the strengths of the traditional program while simultaneously considering the perspective of the 17-or-18-year-old high school student who is considering where to apply to college. Based on the conclusions that may be gleaned by means of that dual perspective, modify the Maritime undergraduate experience to make it a unique, attractive "package"—both for students who are seeking merchant marine officers' licenses and for those who are not—but *don't* sacrifice the integrity and cohesiveness (i.e., the strengths) of that "package" by creating easy and complete opt-outs of things like "the regiment" (which is really, after all, a complex fabric of duties and responsibilities, the threads of which could carefully be tailored to the various types of students according to well-developed criteria). *Especially*, don't let students simply "opt out" of the practical hands-on training components that make the Maritime education unique. *Do* open the door as widely as possible to non-license-track students, offering competitively valuable degrees and thereby boosting enrollment substantially, but make sure that each and every one of those non-license-track students is trained, from the indoctrination period on to graduation—to be a good *seaman* and a good *shipmate* even if *not* a licensed merchant marine officer. ("Good seamanship" and "good shipmatehood," as I think I've established here, require and apply skills and values—including preparedness, self-discipline, good judgment and teamwork—that are needed in any livelihood and, indeed, in any *life*.) Finally, *integrate* the new non-license-track students fully with those pursuing merchant marine officer's licenses—to the advantage of both groups—by: (1) making sure both are well-represented in as many sections as possible of both "core" and elective academic courses (particularly in the Humanities Department, where discussions of substance will be facilitated); (2) making athletic activities equally available to both groups integratively, and actively encouraging such melded participation; and (3) designing a system requiring and rewarding the interactive participation of both license and non-license students in watchstanding and other activities comprising the regimental and performance-based training (i.e., seamanship) components of the undergraduate program.

Overall, I think we ought to shift the emphasis of all the extra-academic components of the undergraduate program, including that of "the regiment," toward greater valuation of *performance over appearance*. In other words, demand *responsibility* while, perhaps to a greater extent than before, respecting *personal autonomy*. By moving in this direction, in a manner designed to accommodate both "groups," some of the characteristics of the regiment that might discourage prospective students could be reduced if not eliminated—we would, after all, be building our "architecture" on the merchant marine model a bit more so than the military one, appropriately enough. But perhaps most importantly in designing an attractive "package" for prospective students, we should make the most of the many and diverse international attributes that characterize and define the Maritime College, which derive from, among other things, our New York City location, our annual cruises to Europe, the international composition of our faculty and student bodies, and, central to all, the "hub of our internationalism," a concept eloquently and recently enough expressed by another author to deserve its *verbatim* reproduction here:

There is a common bond among seafarers from all over the world that far surpasses distinctions based on color, creed, nationality, religion, or socioeconomic stature. That bond comes from professional pride and their wider view of the world which their land-based colleagues often do not understand. If there is anyone worthy of being called an international citizen, it is a seafarer, for they are truly citizens of the world.⁸

I have much more, but I'll save it for such subsequent discussions as may occur (and which I invite) and for the completion of my work-in-progress, "Toward Professional Discipline."

Before closing, I ought to comment on the parenthetical subtitle of this "Open Letter to the Faculty of SUNY Maritime College," which is, "a respectful challenge to its President, Rear Admiral David C. Brown." The "challenge" (really more an invitation to constructive dialogue) is this: I should like to hear the President's responses to the thoughts and concerns that I have expressed herein. And I should like to have an opportunity to reply to his responses. I can think of no better, more productive, and synergistically informative initial forum for such discussion than that of public debate. Accordingly, I am providing the President with a copy of this letter contemporaneously with its distribution, and respectfully invite and await his response and, I hope, his acceptance of my invitation.

Although the President and I probably disagree on many points, I learned long ago, perhaps most acutely in law school (but, in truth, beginning here at Maritime), that the most productive discussions I can have are with those with whom I disagree. To take advantage of the potentially productive quality of such discussions, though, one has to be able to listen, and even be willing to be persuaded. In short, one must *consider* the arguments being made. Closed minds, as it were, leave little room for growth. Or, to paraphrase Carlos Castaneda, "clarity" is an obstacle to learning. Certainly, such thorough discussion and consideration

⁸

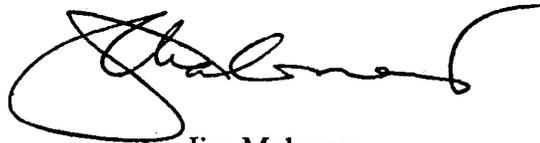
Shashikumar, *supra* note 3.

should be given a chance to occur before the eviscerative changes now on the table are actually made. Please consider that in casting your vote and thereby turning this page of history.

In the meantime, I am not sure whether I will be able to appear at the faculty meeting scheduled for 4:00 p.m. next Tuesday, and I acknowledge (as any would-be diplomat should, I suppose) that I have not even been *invited* to make such an appearance. In any event, as it happens I have a class at NYU just beforehand; I was already absent from this week's meeting as a necessary consequence of my finalizing this very effort-filled correspondence. And so, since this may be my last communication to you before you vote (or at least, I would hope, make a decision to delay such voting), I shall close now with a solemn plea.

By virtue of the trust vested in you, as manifested by your voting power at this critical juncture, you hold in your hands today a powerful instrument. That instrument may be the healing knife of the surgeon or it may be the eviscerating knife of the butcher. The choice of which of those tools will ultimately be wielded is yours to make, alone—but in the end, collectively. Of you, my individual reader, I ask only that you carefully consider which choice is which as regards your vote on the changed graduation requirements, and that you then act in good conscience, in good faith, and in honest and honorable fulfillment of your duty to my *alma mater*.

Thank you for having read this,

A handwritten signature in black ink, appearing to read "Jim Maloney", with a large, sweeping flourish at the end.

Jim Maloney

attachments:

my curriculum vitae (four pages)

two letters of recommendation (dated but nonetheless informative)

JAMES M. MALONEY
33 Bayview Avenue
Port Washington, NY 11050

(p. 1 of 4)

(516) 767-1395

EDUCATION AND TRAINING

New York University School of Law

Master of Laws candidate

Currently enrolled part-time in LL.M. program, studying constitutional federalism and federal systems. Expected degree completion: Fall 2002.

Fordham University School of Law

Juris Doctor, May 1995 (Evening Division)

Associate Editor, *Fordham Law Review*

Recipient, Emmet McCormack Foundation Prize (Admiralty Law)

Recipient, Whitmore Gray Prize (International Law)

State University of New York Maritime College

Bachelor of Science, May 1980

Chartering Certificate Program, Fall 1995 through Spring 1996

Saint Vincent's Hospital Institute of Emergency Care

Basic Emergency Medical Technician (EMT-A) Program, 1984

Paramedic (EMT-P) Program, October 1985 through August 1986

Maritime Institute of Technology and Graduate Studies

Advanced Training in Marine Cargo Operations, 1981

Advanced Training in Shipboard Medical Care, 1983

EXPERIENCE

Associate Attorney, Kirlin, Campbell & Keating

September 1996 through September 1999

Associate at admiralty and international practice, working primarily in the areas of commercial disputes, marine casualty and personal injury, marine protection and indemnity insurance, cargo and container leasing disputes, ship classification society liability, and arbitration. Cases in which I have had major involvement through all phases of litigation (including discovery, trial and appeal) include an action against the United States for defective charts and a suit against a shipowner for breach of a container leasing agreement.

Representative clients include: American Bureau of Shipping; American Steamship Owners Mutual Protection and Indemnity Association, Inc.; and Cunard Line Limited.

(continued)

EXPERIENCE (continued)

Associate Attorney, Burlingham Underwood LLP

September 1995 through August 1996

Associate at admiralty and international practice, gaining experience in arbitration, charter party disputes, cargo-related claims, international sale of goods, maritime liens, ship finance and towage.

Paramedic, Saint Vincent's Hospital & Medical Center of New York

January 1987 to September 1995

Full-time position held throughout law school, providing advanced emergency medical care and transportation in 911 system in New York City. Also taught practical emergency medical skills to paramedic students at the affiliated Saint Vincent's Hospital Institute of Emergency Care during 1989 and 1990 (before beginning law school).

Editorial Assistant, *Lloyd's Maritime Law* (newsletter)

June 1994 through June 1995

Part-time position, writing digests of recent maritime cases under editorship of Professor Joseph C. Sweeney, Fordham University School of Law.

Teaching Assistant, Fordham University School of Law

Fall 1993 through Spring 1994

Part-time temporary position, assisting in teaching the law of property to first-year students. Duties included grading of practice exams and one-on-one consultation with students.

Adjunct Instructor, State University of New York Maritime College

Spring 1986

Temporary position teaching radar navigation while attending paramedic training program (see "Education and Training," page 1).

Watch Officer and Instructor of Navigation

Training Ship Empire State, S.U.N.Y. Maritime College

Summer Sea Term (May-July) 1985

Taught terrestrial navigation course and stood 0400-0800 watch.

Licensed Deck Officer aboard U.S.-flag merchant vessels

International Organization of Masters, Mates & Pilots (union)

June 1980 to January 1986

Relief second or third mate aboard American cargo ships, positions having been obtained through the above-named labor organization, with employers including SeaLand and Navieras de Puerto Rico. Between offshore positions, served as port relief officer standing cargo watches, and was occasionally employed aboard lower-tonnage vessels, including tugboats operated by Crowley Maritime and seismic research vessels operated by Sealfleet, Inc.

PUBLICATIONS**Law Review Articles and Notes**

A Breach in Tort's Clothing: Pleading Cargo Claims to Gain Lien Priority, 27 *Journal of Maritime Law & Commerce* 609 (October 1996). Provided a complete review of American case law addressing the pleading of cargo claims in tort in order to gain lien priority over preferred ship mortgages, then proposed and articulated a three-part test consistent with that case law by which to determine when such claims should be recognized by courts. Cited in law review articles and in the United States Code Annotated ("U.S.C.A.") at 46 U.S.C.A. § 31301.

Shooting for an Omnipotent Congress: The Constitutionality of Federal Regulation of Intrastate Firearms Possession, 62 *Fordham Law Review* 1795 (April 1994). Argued on enumerated-powers grounds that the commerce power should not be expanded to broaden the federal criminal jurisdiction over non-commercial intrastate activities traditionally regulated by the states, and that the Fifth Circuit's decision in *United States v. Lopez*, 2 F.3d 1342 (5th Cir. 1993), should be affirmed. The Supreme Court subsequently did so in its landmark enumerated-powers/federalism case, *United States v. Lopez*, 514 U. S. 549 (1995). Cited in judicial opinions in the Fifth Circuit and the Northern District of Alabama, in some 30 law review articles, notes, and comments, and in annotations in various sections of Title 18 of the U.S.C.A.

Suits for the Hirsute: Defending Against America's Undeclared War on Beards in the Workplace, 63 *Fordham Law Review* 1203 (March 1995). Articulated a freedom-of-expression theory for challenging government restrictions on facial hair in the workplace. Cited at 45A Am. Jur. 2d § 502.

Books

"Piloting and Radar Navigation," in *The Merchant Marine Officers' Handbook* (5th ed. 1989), Cornell Maritime Press. Authored text of chapter in current edition of industry standard.

Other Publications

"Is The Jones Act an Obstacle to the Advancement of Underway Emergency Medical Care Aboard Merchant Ships?," 4 *Maritime Law Practitioner* 1258 (1997). Questioned whether certain aspects of the American law of seamen's personal injury may be preventing the application aboard merchant ships of relatively recent shoreside advancements in emergency medical care. Lead article in monthly maritime law publication. The article, in substantially the same form, has also appeared in two other publications: the *S.U.N.Y. Maritime College Alumni Bulletin* (vol. 42; Fall 1996) and *Professional Mariner* (no. 24; April/May 1997).

Numerous letters to the editor in publications including the *Journal of Commerce*, the *New York Times*, and *The New York Post*, expressing viewpoints on topics including constitutional law, navigational instruction at the United States Naval Academy, and alcohol policy.

CURRENT BAR ADMISSIONS, LICENSES, ETC.

Bar admissions and years of admission:

State courts: New York, 1996; New Jersey, 1997

Federal Courts: Southern and Eastern Districts of New York, 1996
District of New Jersey, 1997
District of Connecticut, 1999

United States Coast Guard license:

Master, Steam or Motor Vessels to 1600 Tons, Oceans
Second Mate, Steam or Motor Vessels, Any Tons, Oceans
Current license issued June 23, 1997; expires June 23, 2002
Radar Observer (valid through August 2000)

Federal Communications Commission permit:

Marine Radio Operator (valid through October 2000)

Association of Ship Brokers and Agents (ASBA) certification:

Chartering Certificate issued May 1996

MISCELLANEOUS

Member: Maritime Law Association of the United States (Member, Maritime Personnel Committee); Marine Society of the City of New York; Association of the Bar of the City of New York (Member, Committee on Admiralty, 1997-1999); American Mensa, Ltd.

Second language: Spanish



HARVARD LAW SCHOOL

CAMBRIDGE • MASSACHUSETTS • 02138

September 6, 1996

Re: James M. Maloney

To Whom It May Concern:

As a Visiting Professor at Fordham Law School in the spring term of 1995, I taught a seminar on "Constitutional Amendment," in which Mr. James M. Maloney was one of twenty-five or so students. This was an advanced offering in constitutional law and theory, and I am under the impression that it had a good representation from among Fordham law school's ablest third- and fourth-year students (who struck me, I should perhaps say, as responding to the course on the same level I found among a comparable group of Harvard Law School students when I taught a similar seminar here in the following year).

Among this group, Mr. Maloney impressed me as favorably as any. I found him well prepared, thoughtful, in strong command of the materials and ideas of the course, clear-spoken, an effective writer, and definitely a pleasure to exchange ideas with. Mr. Maloney came to the course with a pretty well-formed set of views regarding many of its central concerns, which it's fair to say were and remain in some respects rather different from my own. I found him nevertheless receptive and responsive to others' views, eager to learn from them -- and ready to maintain his own position, when it remained different, with an admirable combination of directness and appreciation for how others could disagree.

If you are considering Mr. Maloney for a position and would like to speak directly with me about my recollections of him, please feel free to call at (617) 495-4628.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Frank I. Michelman'.

Frank I. Michelman
Robert Walmsley University Professor



SEA-LAND
SERVICE, INC.

S.S. Pittsburgh
December 6, 1984

TO WHOM IT MAY CONCERN:

This letter will introduce Mr. James M. Maloney who is at present acting as Medical Officer in addition to his normal duties as Second Officer. The S.S. Pittsburgh is a 690 foot long container-ship with a complement of 40 men. The Medical Officer is responsible for providing routine and emergency care for any sick or injured persons aboard the ship while at sea.

On November 21, 1984, during a voyage from San Juan, Puerto Rico to Elizabeth, New Jersey, the U.S. Coast Guard requested the S.S. Pittsburgh to transfer a sick woman from the sailing yacht Courtesan to the S.S. Pittsburgh for medical treatment.

The Coast Guard chose the S.S. Pittsburgh to handle this operation over another ship in the vicinity because the Pittsburgh had medical equipment and a trained Emergency Medical Technician, Mr. Maloney, aboard.

The transfer was accomplished with the ship's motor lifeboat in rough seas about 280 nautical miles southeast of Cape Hatteras, North Carolina.

Once the dehydrated patient was aboard Mr. Maloney successfully initiated intravenous therapy following radio medical advice from a U.S. Coast Guard physician. The patient remained aboard for two days until the ship reached port. During that time Mr. Maloney continued to provide excellent care to the patient.

Mr. Maloney has asked that I recommend him for admission to a Paramedic Training Program. Based upon my observation of his performance as Medical Officer aboard and his performance in the normally demanding responsibilities of Second Officer he has my highest recommendation.

Sincerely yours,

Gary J. Cordes
Captain Gary J. Cordes