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THE JUSTINIAN

BROOKLYN LAW SCHOOL

VOL. XXVIII, No. 2

DECEMBER 8, 1967

BROOKLYN, NEW YORK

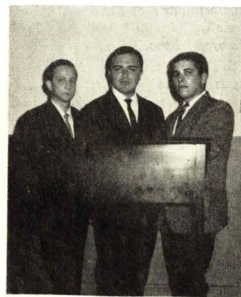


Moot Court team defeats Columbia; beat by St. John's

Brooklyn Law School's National Moot Court team, consisting of Arthur D. Chotin, John Wilson, and Steve Tamber defeated Columbia Law School in the first round of regional competition but were foiled by St. John's Law School in the second round, which was described by participants and observers as "very close."

The National Competition is sponsored each year by the Young Lawyers Committee of the Association of the Bar of the City of New York. Competition, in each of fifteen regions is conducted in November and the regional winners meet during December for the final rounds. Scoring is done by each regional sponsor, and the Young Lawyers Committee scores all briefs in the final round.

This year, the case consisted of a suit brought on behalf of purchasers of stock and debentures of the Big Hole Mining Corp. against an accounting firm who certified the financial statements of the Big

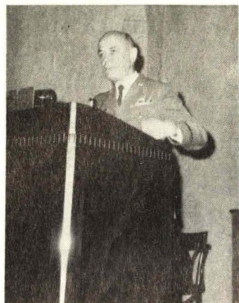


MOOT COURT TEAM: (l-r) Steve Tamber, Arthur Chotin, John Wilson

Hole Mining Corp. The plaintiffs alleged that the statements were misleading and false, and that they purchased their securities in reliance upon them.

The report, certified by the accountants, and submitted to the SEC, showed large profits which should have actually been recorded as losses. The accountants did not divulge this information until one year after the figures had been used in the prospectus by which the corp. now bankrupt, sold its securities.

The main substantive issue in the case concerns the liability of the accountants to third parties. The case also dealt with the application of the 1966 Federal Rules of Civil Procedure which govern the use of class actions.



Col. Paul Akst

Service chief claims no more deferments for new law students

Addressing a quivering BSL audience of 1000, Col. Paul Akst, the N. Y. C. Director of the Selective Service System stated that as of this moment no one about to enter a law school anywhere in the U.S. in September, 1968, will be granted a 2-S (student defense) classification commencing September, 1968.

The Col. explained that under the Military Selective Service Act of July 1, 1967 all undergraduates maintaining normal progress toward their degrees (25% each year) would be entitled to a 2-S classification for a period of 4 years. Only those post-graduate students who are studying "in the national interest" will be entitled to a 2-S classification. Presently, the only post-graduate students who fall in the category of "studying in the national interest" are doctors, dentists, osteopaths, podiatrists and veterinarians. According to Col. Akst this list of post-graduate students who may receive a 2-S classification may be expanded to include law students, students for the clergy and other groups. However, as things stand right now attendance in a law school will no longer entitle one to a student deferment.

As to those of us already in law school our Selective Service classification will depend upon the number of years of study we have completed. "First year students, your uniforms are waiting outside," Col. Akst told those assembled. Should things stand as they now are, those

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Distinguished Alumnus Award to Supreme Court Justice Groat

by Alan R. Altira

The Hon. William B. Groat, Supreme Court Justice, Second Department, '20 is this year's recipient of the Brooklyn Law School Alumni Association's Distinguished Alumnus Award.

This honor will be conferred upon Justice Groat on Dec. 9, 1967 at the annual alumni luncheon being held at the Waldorf Astoria Hotel. This award, traditionally given to that alumnus who has best upheld the responsibilities of public service and leadership in the field of law will be presented to Justice Groat by the Hon. George C. Bel-dock, Presiding Justice, Appellate Division, Second Department.

Justice Groat's notable legal career began in 1921 upon his admission to the New York Bar. After serving three years as Assistant District Attorney for Queens County, Justice Groat was appointed Assistant Attorney General of New York State. In 1938, Justice Groat served as counsel to the New York State Joint Legislative Committee on Industrial and Labor Relations, where he so remained until 1947, when he became counsel to United States Senator Irving M. Ives. Justice Groat had acted as advisor and consultant to Senator Ives in preparation and enactment of New York State's law against discrimination in employment. In

1953 President Eisenhower appointed Justice Groat as chief advisor to the U.S. Delegation to the International Labor Organization Conference in Geneva, Switzerland. Justice Groat was elected Judge of the County Court of Queens in 1951 and was assigned Acting Justice of the Supreme Court in 1954.

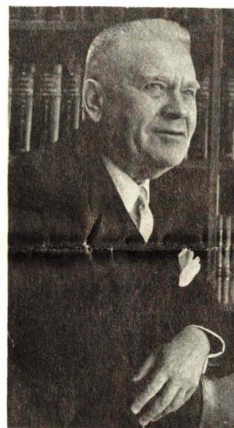
Justice Groat has been a member of the Advisory Council of the

New York State School of Industrial and Labor Relations at Cornell University since 1945 and also serves as a member of the Judicial Conference of New York State. He is the author of numerous articles on industrial and labor relations and served as advisor in the preparation of "The Story of American Industrial and Labor Relations."

In 1919, shortly after receiving his discharge from the U.S. Navy he married the former Viola McMail. They have two sons, William Budge III, and John Sinclair.

Dean Jerome Prince, as is customary, addressed the hundreds of graduates and students who attended. The progress of the new school building was a primary topic of his speech. Philip Hoffer, President of the Alumni Association, welcomed the guests and informed them of current news and matters affecting the association. Mrs. Miriam H. Kamen, Treasurer of the Alumni Association graciously served as chairman of the luncheon committee.

In addition to the Alumni Luncheon, the Association will sponsor other activities. Among these are the State Bar Luncheon in the winter and Homecoming Day in the spring.



Justice William B. Groat

Considers change in evidence law

by Don Hecht

As part of the Honor Program, the Legislative Workshop, as its project, will consider some important changes in the law of evidence.

The Honor Program has been created for the benefit of students whose scholastic average places them in the upper portion of their class. Students eligible for this program are permitted the opportunity to engage in some form of original research that ordin-

arily would not be included in the law school curriculum.

This year, approximately twenty students have been invited to participate under the direction of the New York State Administrator of Courts, Thomas F. McCoy, Dean Jerome Prince, Assistant Dean Gerard A. Gilbride and Professor Fabian G. Palomino.

In form, this year's project is divided into two categories. Approximately half the group has

been assigned to do a critical analysis of proposed legislation in the field of evidence and to submit their recommendations, in memorandum form, to the New York State Legislature pursuant to hearings on the bills. The remaining half of the group has been assigned the duty of drafting legislation amending or supplementing the existing laws of evidence. In addition, a few similar assignments have been given outside the field of evidence. This proposed legislation will be supported by detailed memoranda.

As an integral part of the program, its members have been given instruction on the New York State legislative process, specifically on the drafting of a bill and the writing of a memorandum supporting the bill or critically analyzing an existing proposed bill.

Based on the merits of past Workshops, there is an excellent chance that a portion of the work submitted will significantly contribute to the existing body of State Law.

Students represent clients for aid society

by Paul Waintraub

1967 with six senior law students, one from each New York City law school.

The plan was first to fully acquaint the students with the essential substantive and procedural aspects of welfare, unemployment insurance, rent control, social security, and landlord and tenant law. This was accomplished by a lecture in each area from an expert practitioner which was followed up by independent study of the relevant statutes and rules. Next, by personally ob-

serving Legal Aid attorneys, the students familiarized themselves with the techniques of interviewing a client and of representation at a hearing. Finally, after instruction in legal ethics and courtesies, the student-attorneys were assigned their own cases. Similar training was completed by six more law students later in the summer, and when school opened in the fall the twelve were made responsible for recruitment and training of other interested

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"Thou sea is so vast and our ship so small"

With the end of the fall semester all too clearly in view, *The Justinian* wishes to add a bit of encouragement to the flood of advice that you the class of 1970 have received.

You will have discovered that the study of law is in many ways like your undergraduate studies. You will plan to study more than you will study. You will take and cut classes, respect and swear at professors, be bored, excited and often confused by your courses.

But the study of law is also different. You are among a select group. Your selection has been based on academic prowess, and except for that single strength, there is little that can be said to be a common trait among you.

Professors, using their "socratic weapons" all too successfully, will poke and jab at you, when you are defenseless, when you don't know a principal from an agent, and when you bleed all too easily.

In your attempt to see the forest, you will keep running into new and different trees, always hoping and waiting for the time when you will have been seen these trees enough times and in enough different ways to recognize and understand them.

You will have learned that law school is different from most undergraduate schools, in that there is only one exam per course, and that each professor grades his exam all too differently. It is extremely difficult to predict the results of these exams, but you will spend numerous hours trying to anticipate the results of each particular one.

The results of your efforts will vary as do the students. However over the course of numerous exams, prepared and graded by many professors, your performance will present a pretty accurate picture of your ability.

As one knows, prosperity as a law student has unfortunately, one official indicator—grades. While in theory, all of the class could maintain a A average, in reality, only a minority will excel academically. Fifty percent of you, will be for the first time in the bottom half of your class.

Thus despite doing an exceptional amount of study, your record will not be exceptional. Though you are stronger academically than ever before, you will receive fewer academic awards.

Yet, you will find your work more exciting than any other you have done, the professors more stimulating than drab, and the school more admirable than disagreeable. You will be encouraged in the thought that success in your studies will entitle you to membership in one of the most elite and honored professions one may enter.

BLS Civil Rights Chapter, aids overburdened lawyers

by Naomi Werne & James Abramson

The Brooklyn Law School Chapter of Law Students Civil Rights Research Council, founded in 1965, attempts to act as a liaison between students who desire to do civil rights research and overburdened lawyers handling civil rights cases. Upon receiving the problems sent by lawyers, the L.S.C.

R.R.C., recruits students to work on them. During the summer, selected students are placed as full-time assistants to attorneys at law throughout the country.

This last summer L.S.C.R.R.C. placed four students from Brooklyn Law School with agencies in

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For the defense; Henry B. Rothblatt

A phone rings in the Bronx . . . It's picked up . . . Answered: "Rothblatt." Lee Bailey's on the other end. The next day Henry B. Rothblatt, 38, and F. Lee Bailey are jetting across the country to address a bar association on trial tactics in criminal cases.

It is a common occurrence for Henry B. Rothblatt, lawyer, author and lecturer to be winging off to some bar or trial lawyers' conference anywhere in the United States to deliver his advice on trial practice. The comments of this erudite trial attorney are in demand.

Since his admission to the bar in 1939, Mr. Rothblatt has tried thousands of criminal cases. Although most of them have been in New York State, he has also defended many criminal matters in California, where he was admitted to practice in 1949, as well as in many other states where he was admitted on special motion.

Mr. Rothblatt is the author of the widely acclaimed *Successful Techniques in the Trial of Criminal Cases* and *Handbook of Evidence for Criminal Trials*, both published by Prentice Hall. Two more of his works, *A Manual of Criminal Law Forms* and *New York Crimes, The Revised Penal Law*, will be published at the beginning of 1968. He has served as Editor-in-Chief of the *Journal of the National Association of Defense Lawyers* in Criminal Cases and has authored many law review and journal articles dealing with criminal law, discovery and evidence. He is also a columnist for *El Tiempo* and the *Los Angeles Times Syndicate*.

But strange as it may seem, Henry Rothblatt didn't always want to be a lawyer and didn't decide on law as a career until a year before he entered Brooklyn Law School.

Young Rothblatt entered Stuyvesant High School with all intentions of becoming an engineer. At the time of his graduation from Stuyvesant, in the top 10% of his class, he was awarded a State

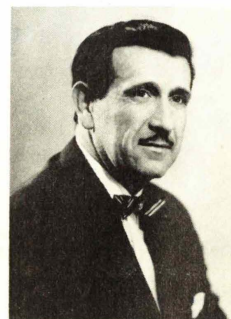
Scholarship and a tuition free scholarship and stipend at Cooper Union. However, he decided that he didn't really want to be an engineer and entered City College to pursue a career as a foreign language teacher.

By the end of his first year at College, when he decided that he hated Latin, young Rothblatt gave some serious thought about his future. He remembered that as a child, before he was old enough to work after school and during the summer, he used to spend his spare time watching the proceedings at the Bronx Magistrate's Court near his home. He remembered that he was always fascinated by the workings of the Court. Now he thought of a career as a criminal lawyer where he would be defending the rights and liberties of the accused.

A year later, he entered Brooklyn Law School. He did so without graduating from college because his scholarship still had two years to run. At that time, tuition at BLS was \$180 per year. He was assured of at least \$100, a lot of money in depression days, for two years toward his tuition.

During the time he attended college and law school, young Rothblatt worked as a part time usher at the Loew's Theatres, earning, at first 25¢ an hour and then \$12 a week when he was promoted to full time usher and assistant ticket taker. This latter assignment gave him time to study between shows.

By the time he graduated from law school, Mr. Rothblatt had a job with the Bronx Borough President at \$16 a week. He passed the bar and then, because he had no baccalaureate degree, he was faced with a decision of either clerking for a year or taking a master of laws degree before being admitted. Law clerks were paid, in those days, \$5 a week, if they were lucky, so financial circumstances again dictated the decision. He took a master's degree at BLS and was able to maintain his job with the Borough President while attending school.



Henry B. Rothblatt

In 1939, he opened his first office on 149th Street in the Bronx. In 1942, he moved to 161st Street in the Bronx when he became associated with Mr. Arthur Hammer. That association lasted until 1963.

Mr. Rothblatt still maintains the same 161st Street office, much expanded since 1942, and maintains offices in Manhattan on East 69th Street and on West End Avenue.

In 1944, Mr. Rothblatt married the former Emma Allen, an attorney who is now in practice with her husband. Mrs. Rothblatt previously served as Assistant Director of the New York City Bureau of Police Women and as Deputy Commissioner of Commerce and Public Events of the City of New York. The Rothblatts have one daughter.

Mr. Rothblatt has served as Chairman of the Criminal Law Section of the New York State Trial Lawyers Association, Chairman of the Criminal Courts Committee of the Bronx County Bar Association and is presently Co-Chairman of the Criminal Defense and Prosecution Problems Section of the American Bar Association, and a member of the Criminal Law Faculty of the American Trial Lawyers Association.

He has worked on such famous cases as the Dr. Carl Coppolino murder trials, handling the motions in New York in respect to the Medical Examiners Office and is presently working on the Mark Fein Habeas Corpus Appeal to the United States Circuit Court of Appeals.

Although Henry Rothblatt is in demand as a lecturer and consultant, he still finds time to defend the unknown and the unheralded. The accused need not be famous to have Henry B. Rothblatt for the defense.

all facets of the program are running smoothly.

The actual day to day operation of the program is in the hands of the Blood Bank Committee within the Student Bar Association. Under the leadership of Richard Runes—Chairman; and Gerald Resnick, Warren Pesetsky and Arthur Shaw, Vice Chairmen, the committee makes all necessary arrangements regarding the giving of blood at the school, compiles lists of the donors and the benefits to which they are entitled, and has the responsibility for releasing blood when requested.

The Blood Bank program is operated in conjunction with the facilities of the Inter-County Blood Banks Inc., a non-profit community blood bank, Brooklyn

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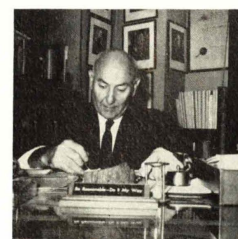
BLS Blood Bank; Grade A Insurance

by Mike Wolin

This is an advertisement for the best form of insurance available to you and your family while you are a student and throughout your lifetime. It is a simple, straight forward evaluation of an insurance program which involves no money, provides vital benefits, and, oddly enough, is greatly undersubscribed by the students of Brooklyn Law School. This insurance is membership in the Blood Bank provided through the Student Bar Association of Brooklyn Law School.

At this point, you may be experiencing some degree of chagrin since you may not look upon a blood program in terms of receiving benefits, but rather in terms of giving something of yourself—namely, your blood. Although this point of view is understandable, a complete review of the facts regarding the program might prove otherwise.

The Blood Bank Program is for the students and alumni of Brooklyn Law School and their families. It is managed by the students through their representa-



Prof. Morris D. Forkosh

tatives, the Student Bar Association, and the Blood Bank Committee with the close supervision of Professor Morris Forkosh. The Student Bar Association, under the leadership of Bob Bonanno, has the responsibility for developing the broad policy lines under which the Blood Bank operates. This includes determining what benefits will be given in return for student contributions, and keeping the student body advised of all developments concerning the operation of the Blood Bank. It is their responsibility to see to it that

Webster to Marshall to Story William Kunstler

by Professor Habi

As *The Justinian* expansion continues, it is pleased to welcome articles by members of the BLS faculty.

In Daniel Webster's own words, the question to be raised in such actions as the Dartmouth College Case was "whether, by the general principles of our governments, the State legislatures be not restrained from divesting vested rights." The case was argued before a full bench in a "mean apartment of moderate size" in the North Wing of the Capitol, assigned to the Court while its regular quarters were being rebuilt after the fire of 1814. In the center, dominating his associates, was the great Chief Justice, John Marshall, whose luminous intellect and sane judgment did so much to determine the course of our national history. Webster spoke first and made the most famous appellate argument in American history. Several years later Justice Story wrote this description of the scene:

"Public expectation was keenly alive; and accordingly on the day set for the argument a large assemblage of ladies, of eminent lawyers, and of distinguished statesmen, filled the Court Room. Mr. Webster opened the cause for the plaintiffs in error, giving to his accomplished colleague Mr. Hopkinson (now Judge Hopkinson) the close. Mr. Holmes and Mr. Wirt were the opposing counsel and in all respects adversaries worthy of the cause. The printed speech of Mr. Webster is now before the public; and it may be thought wholly unnecessary to describe its character. But, it is impossible in any written speech to give the form and impress, the manner and the expression, glowing zeal, the brilliant terms of diction, the spontaneous bursts of eloquence, the polished language of rebuke, severe in beauty, the sparkling eye, the quivering lip, the speaking gesture, the ever changing, and ever moving tones of the voice, which add such strength

and pathos, and captivating enchantment, to the orator as his words flow rapidly on during actual delivery. It is then that we hear, and see, and feel the living and present power of his thoughts. It is then that he terrifies us by his instant appeals, or melts us by his touches of nature, and draws us down the willing slaves of his reasoning, or bears us aloft to contemplations which seem to reach the flaming boundaries of time and space. Those, who were present at the argument of which we are speaking, will readily understand our meaning. They cannot but remember with what decorous deference he began to unfold the topics of his arguments, and the lucid order and elegant arrangement, by which each progressive position sustained and illustrated every other. He began by unfolding the facts in that brief but exact manner, for which he is so remarkable; and arriving at the points, for which he meant to contend, he first presented them in their general bearing and aspect; and then proceeding to the more minute analysis, he brought out into singular felicity and clearness all the various learning, from judicial authorities, from historical archives, from parliamentary debates, from elementary writers, which could illustrate and fortify his grounds. As he went on he kindled into more energetic action, and if one may so say, he scintillated at every step. There was an earnestness of manner, and a depth of research, and a potency of phrase, which at once convinced you that his whole soul was in the cause; and that he had meditated over it in the deep silence of the night and studied it in the broad sunshine of the day. At times his voice rose almost into startling impetuosity. It was the struggle of the giant to relieve the incumbent pressure of his thoughts, to deliver over the strong workings of his soul, and to uproot the

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Law Review's right of refusal upheld by U. S. Appeals Court

An attempt by Prof. Alfred Avins of the Memphis State University Law School to force *The Rutgers Law Review* to publish an attack on the United States Supreme Court's school desegregation ruling of 1954 has been quashed by the United States Court of Appeals for the Third Circuit.

Prof. Avins, who was recently pitted against Wm. Kunstler in a debate held here on the meaning of the Civil War Amendments, contended that Rutgers, as a state university, was obligated to open its forums to all manner of opinion. He argued that the editors had no right to reject an article because of its nature or its ideological approach.

The court held that a decision not to publish the article was within the discretion of the editors of the student journal, and did not violate the author's freedom of speech under the First Amendment.

The court, whose jurisdiction covers New Jersey, Pennsylvania and Delaware, stated:

"The right of freedom of speech

does not open every avenue to one who desires to use a particular outlet for expression. One who claims his constitutional right to freedom of speech has been abridged must show that he has a right to use the particular medium through which he seeks to speak. This the plaintiff has wholly failed to do."

Professor Avins, who once taught at Rutgers Law School, charged that the student editors of *The Law Review* had been so indoctrinated in a liberal ideology by the faculty as to be unable to evaluate his article objectively.

This, the three-judge court said, "is so frivolous as to require no discussion."

The main import of the article was that the Supreme Court had erroneously construed Congressional history when it decided that school segregation was unconstitutional.

David Sheehan, the managing editor of *The Rutgers Law Review*, said that the article had not been solicited by *The Review*.

I am not condoning riots, however . . .

by Ken Leary



Prof. Alfred Avins

The acquisition of power through violence is the Negro's only chance to recapture the manhood that has been stripped from him and rid himself of the "badges and indicia" of slavery, according to William Kunstler, attorney for H. Rapp Brown, Adam Clayton Powell and Dr. Martin Luther King.

The chief counsel for the Student Non-Violent Coordinating Committee and member of the Board of Directors of the American Civil Liberties Union made his remarks during a two and one half-hour debate with Dr. Alfred Avins, Professor of Law at Memphis State University.

Speaking for the first 30 minutes on the "Meaning of the Civil War Amendments," Kunstler said the Negro gave up the idea of non-violence in 1965—"almost rightfully."

"I am not condoning riots," cautioned Kunstler, remarking that just as certain television programs conclude their presentations with the statement, "the names have been changed to protect the innocent," he too must be sure to qualify his statements. "Secretly in my private heart I may think riots are necessary."

Kunstler added that he thought riots were important politically and have a place. "I hope they do not have to occur," he said, "but I know they do."

The civil rights advocate traced the history of the Negro in America from the beginning of "black slavery" in 1619 to the present. He argued that the badges and indicia, or attributes of slavery, were supposed to have been irradiated during the Reconstruction Era following the Civil War.

According to Kunstler, the thirteenth, fourteenth, and fifteenth amendments were intended specifically to put an end to all of the attributes and stigma of slavery.

But, Kunstler said, the badges and indicia returned to the black man when the troops were withdrawn from the South in 1877 because of a political deal. Then in 1883 the "Civil Rights Cases" negated the three Civil War amendments.

Kunstler contended that in 1954 when the Supreme Court reversed *Plessy v. Ferguson* and held that the "separate but equal doctrine" was unconstitutional, the Negro regained faith in the courts. He believed in them up until 1961. From 1961 to the present was the period of "the irrelevancy of the courts," according to Kunstler. He said non-violent demonstrations had a ridiculous goal—the right to eat a hamburger in a restaurant or to go to a resort you couldn't afford.

Dr. Avins, author of *The Reconstruction Amendments' Debates*, argued that the Civil War amendments were adopted only to deal with statutes that classed Negroes as different from whites and that these classifications were the badges and indicia of slavery.

Arriving about 20 minutes late, Dr. Avins opened his remarks by stating, "I intend to ignore all this liberal propaganda on legislative history."

The native New Yorker contended that the "equal protection

clause" of the fourteenth amendment was designed to overrule only specific statutes which made distinctions between Negroes and whites. He offered the interpretation that equal protection meant only the same protection for Negroes as for whites under existing laws.

He argued that equal protection did not mean the right to go to school or the right to open housing. "The Supreme Court has amended the fourteenth amendment until it is almost unrecognizable," he said.

According to Dr. Avins, not only did the Supreme Court wrongly interpret the amendments, but they also made rulings that are in complete contradiction with some of them. Dr.

Avins propounded, "If you force a barber to cut somebody's hair, that is involuntary servitude (a violation of the thirteenth amendment which ended slavery)."

More than 100 spectators listened, as Kunstler rebutted, labeling Dr. Avins' dissertation a "rigid, right-wing, Southern point of view."

Kunstler concluded, "The people have a legal, moral, and ethical right to be violent. If they fail, they suffer the slings and arrows." He admitted that Negroes may be headed for what he termed "mass suicide."

Professor Morris D. Forkosh moderated the October 20th debate sponsored by the Brooklyn Law School Chapter of the Law Students Civil Rights Research Council.

After statements by both men and their respective rebuttals, questions were invited from the audience which proved polemic enough to require mild reprimands from the moderator.

Incidentally, at times it seemed as if the moderator was motivated by something quite different from a desire to keep things peaceful and running smoothly. Standing in the middle of the two men, he would at times lean a bit to the left and then a moment later sway back again towards the right.

But then did it matter since, perhaps paradoxically, Dr. Avins was seated on his left and Kunstler to his right.

School mourns death of deferments

(Continued from page 1)

who entered law school in Sept. 1967 will not be granted a 2-S after June, 1968. The Col. (a 1934 BLS grad.) said he would be in favor of allowing all those presently enrolled in graduate school to hold a 2-S until graduation "because of the confusion which may have been caused by the change in Selective Service policy." The Col. said he would use his influence to so change the present policy toward first year graduate students. Second year graduate students will be allowed to complete their degrees and maintain their S-2 in order to complete their studies (up to 5 years).

A third year student in the audience posed the question as to what kind of job a lawyer could get that would be draft deferred. The Col. replied that to the best of his knowledge only those lawyers who serve as a secretary to a federal judge have been occupational draft deferments.

Contrary to public opinion that the best way to avoid the draft is not to contact your local draft board and hope your file has been misplaced, Col. Akst said that the local boards "have never lost a file yet" and often give helpful information on request. For example, your local draft board would tell you on request the exact age group (to the month) that they are currently drafting. Currently, starting at age 26 and going down "every man over 20 years, 4 months who is 1A has been drafted." Such information is available for the asking.

Upon receiving a 1A classification, it is possible to defer induction for several months by making

use of the appeal process Col. Akst briefly outlined.

A person may appeal his classification and demand a hearing within 30 days of receiving his classification. If the hearing fails to produce satisfactory results one has another 30 days to make his official appeal to his five-man local Appeal Board.

An unfavorable 5 to 0 vote ends the appeal process here. However, a split vote entitles one to an additional appeal. No-one may be inducted while his case is on appeal. A person appealing his classification may demand to speak with a Government Appeal agent. However, the appellant may not sit in on the meeting of the appeal board; such meetings to determine one's classification are absolutely secret. Col. Akst indicated that due to the large number of appeals a large number of cases are often delayed for as long as a few months.

One may appeal his classification for a variety of reasons however, Col. Akst wanted to make it clear that marriage or having children are no longer considered valid reasons for deferment. A family man may appeal for a hardship deferment but there are no strict rules. Each case is judged on its merits.

Every year, 300,000 men are drafted by the Selective Service System. A proposal, under the consideration of the President, called the prime age group system, would draft men starting at the age of nineteen; however, under this system, anyone who has had a student deferment would be placed in the same category as a 19-year-old upon termination of that deferment.

Blood bank seeks new subscribers

(Continued from page 2)

Law School has been affiliated with the Inter-County program since 1962. From 1960 to 1962 the school had operated under the Red Cross Program. Professor Forkosch indicates that Inter-County was found to be preferable since, unlike the Red Cross, it provided for cumulative blood credits from year to year with no service charge to the school. Inter-County facilities are not limited to the school grounds. A donor may give blood at a number of donor centers located at hospitals in Brooklyn, Queens and Long Island. A full list can be obtained through the Blood Bank Committee.

The benefits available to the student or alumni donor are excellent. If a donor gives one pint of blood in any one year, and is single, he and his family are entitled to seven pints of blood should the need arise. If a donor is married, he, his wife and children, and any relatives residing with him receive the same benefits. A donor's contribution of three pints of blood entitles him and his family to coverage for life. A donor can give three pints in one year or one pint per year. If a donor gives one pint and then more than a year elapses between contributions, he may resume coverage by a further contribution, and will still be credited for his initial donation. It is not possible to refer to any other form of insurance in which the insured and his beneficiaries can stop paying premiums after such a short period of time and still get the full benefits of that program for life.

The word "life" is the key to the Blood Bank Program. In many medical emergencies the availability of blood can mean life. For those uncovered by a blood bank plan the need for large quantities of blood can result in tremendous expense, since the cost of each pint of blood is between \$35 and \$50. Not only would membership in the Blood Bank entitle a family to the benefits already stated, but, depending upon the total number of blood credits available in the bank, the Blood Bank Committee may, at its discretion, increase the allowance to a member if there is need.

How can you participate in this program? You can give blood when the Mobile Unit comes to the school, which this year will be March 5, 1968. What preparation is necessary? None. Donors may eat normally, but are requested to avoid fatty foods. What is the procedure for giving blood? The student goes to a prearranged room in which he fills out his donor card and index

card, giving his name and date of birth. When his number is called he goes to the student lounge where a simple physical examination is given prior to the giving of blood. The actual time spent giving blood is five minutes, and with increased facilities of Inter-County being made available this year, the total process should involve thirty minutes of the student's time. After giving blood, refreshments are provided. The student who cannot give blood on that day can give his name and be classified as a good faith donor, who will be able to go to the blood donor center at a hospital and give blood. Alumni members may participate in the program in the same way as students. This year, for the first time, the Alumni Association will contact all alumni on its mailing list in order to provide them with information regarding the Blood Bank. Upon the acceptance of the donor's blood, given either at school or at the hospital, Inter-County sends a full list of those who have contributed to the school, where the information is compiled by the Blood Bank Committee.

What is the procedure if blood is needed? The donor presents his donor's card at the hospital, and they contact the school. Either the Chairman of the Brooklyn Law School Blood Bank, Professor Forkosch, the President of the Student Bar Association, or Dean Prince have the responsibility for authorizing the release of blood. It has been arranged so that any one of them may be contacted for authorization at any time. Upon confirmation of the status of the donor, the school personnel in charge contact the laboratory and delivery department of Inter-County which, in turn, will release the blood that is needed. This process usually requires no more than a few minutes. It is also to be emphasized that the facilities of Inter-County are nationwide, and, therefore, a donor can receive blood if he is located anywhere in the United States.

The worth of this program is apparent. However, at the outset it was mentioned that the program at Brooklyn Law School is greatly undersubscribed. If the program is as valuable as indicated, why is this the case? One factor is probably the lack of information on the student's part. The Student Bar Association is aware of this unfortunate fact, and for this reason is making a special effort to rectify the situation. It is in the process of setting up a Public Relations Committee within its own body to keep the students and alumni informed about school activities regarding the Blood Bank.

ALUMNI IN THE N-E-W-S

1931

IRVING R. ROSENTHAL has been elected to the Board of Directors of the Dime Savings Bank of Williamsburgh.

1935

LEIGHTON D. CAPPS, LL.M. '37, will complete a 38 year career with the Equitable Life Assurance Society of the U.S. on Dec. 1, 1967.

1938

LEONARD J. LURIE, LL.M. '39, government career executive was named deputy director of the U.S. Labor Department's Office of Labor-Management and Welfare-Pension Reports.

1942

COLONEL LEONARD REISS received his third award for the U.S. Air Force Commendation Medal. Colonel Reiss was decorated for meritorious service while serving as staff legal officer for the 3rd Air Division, Anderson AFB, Guam.

1952

L.T. COLONEL WILLIAM F. HERBERT a staff legal officer has received three awards of the U.S. Air Force Commendation Medal.

1962

NEIL FABRICANT has been appointed one of the editors of the Criminal Law Bulletin.

1963

RONALD BIANCHI is now a law assistant at the Appellate Division, 2nd Dept.

1967

JAMES G. FINE and HAROLD A. MAYERSON are now law assistants at the Appellate Division, 2nd Dept.

RICHARD I. MESH has been commissioned a second lieutenant in the U.S. Air Force.

JUDGES IN THE NEWS

REP. ABRAHAM J. MULLER '22, was easily elected judge in the Second District, which embraces Brooklyn and Staten Island.

JUSTICE M. HENRY MARTUSCELLO '30 was re-appointed by Governor Rockefeller to sit in Appellate Division, October 23, 1967. Justice Martuscello was elected Justice of the Supreme Court, Kings County, in 1952, re-elected in 1966. He has been serving in the Appellate Term since 1963.

JOHN H. BENOIT '51, was appointed by Governor Rockefeller, Nassau County Judge.

Faculty Briefs

Thirty-one of the judiciary who were elected on Nov. 7 to state, county, and city courts in New York are expected to attend an indoctrination course sponsored by the Judicial Conference Dec. 4 to 8 at the Civil Court House III Centre Street.

The course on evidence will be taught by Dean Jerome Prince on Dec. 5.

From Webster to Marshall to Story

(Continued from page 3)

very foundations of the opposing argument. There was breathless silence in the audience. Even the eagerness to hear seemed at times checked by a present sense of overwhelming reasoning. It was a relief even to gain in his momentary pauses some short interval of repose from the intense stretch of thought, by which the mind was irresistibly driven. And when he came to his peroration, there was in his whole air and manner, in the fiery flashings of his eye, the darkness of his contracted brow, the sudden and flying flushes of his cheeks, the quivering and scarcely manageable movements of his lips, in the deep guttural tones of his voice, in the struggle to suppress his own emotions, in the almost convulsive clenchings of his hands without a seeming consciousness of the act, there was in these things what gave to his oratory an almost superhuman influence. There was a solemn grandeur in every thought, mixed up with such pathetic tenderness and refinement, such beautiful allusions to the past, the present, and the future, such a scorn of artifice, and fervor, such an appeal to all the moral and religious feelings of many, to the lover of learning and literature, to the persuasive precepts of the law, to the reverence for justice, to all that can exalt the understanding and sensify the heart, that it was impossible to listen without increasing astonishment at the profound reaches of the human intellect, and without a deep sense of the divinity that stirs within us. There was a painful anxiety towards the close. The whole audience had been wrought up to the highest excitement; many were dissolved in tears; many betrayed the most agitating mental struggles; many were sinking under exhausting efforts to conceal their own emotions. When Mr. Webster ceased to speak, it was some minutes before any one seemed inclined to break the silence. The whole seemed but an agonizing dream, from which the audience was slowly and almost unconsciously awakening."

SBA gives its report

by Bob Bonanno

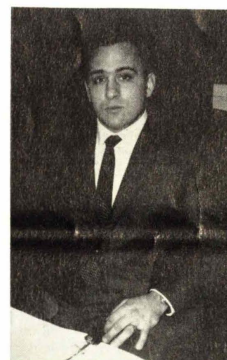
With the new building taking shape on the horizon, the Student Bar Association is embarking on a program designed to better unite the student body. It will combine a program of social and legal activities and will promote an awareness that Brooklyn Law School is, indeed, a first-class educational center.

Two newly-formed committees have been added this year—the Public Relations Committee and the Moot Court Committee.

The Public Relations Committee is charged with the responsibility of bridging the communications gap between the student body and its elected officers. However, its major function will be to explode the myth that Brooklyn Law School is strictly a "New York-Exam-oriented law school." Committeemen will interview the many faculty members who, through distinguished service on various Law Revision Commissions, have been instrumental in revising laws of the state. This committee will prepare a study on the performance of B.L.S. students on the New York State Bar exams and on the Bar exams of other states as well. This data will be integrated in an article to be released to all major New York newspapers.

The Moot Court Committee, under the guidance of Professor Richard Farrell, has done a magnificent job reorganizing the moot court program and drafting the problems for this year's competition. Mr. James Tenzer and Mr. Charles Smiley, co-chairmen, plan to organize a committee of upperclassmen who will be available to assist participating freshmen with any difficulties they may encounter and to familiarize them with research procedures. Also planned are prizes to be awarded to the winners on Law Day.

The Social Committee, under the able Chairmanship of Mr. Henry Hackel, started the semester off with two resoundingly successful Freshman Teas . . . more than two-thirds of the Freshman Class attended, and



SBA president Bob Bonanno

almost three hundred donuts were devoured in less than ten minutes. Future plans include a dance and a one-day ski trip to be held sometime in February . . . alumni invited to participate (cost, approximately \$12.50 per person, will include transportation, lifts, lessons, equipment).

The Education Committee will present a number of films and speakers on subjects of vital interest to the students. The first speaker will be Colonel Paul Akst, Regional Director of the Selective Service System, a distinguished alumnus of Brooklyn Law School, who will address the students on "The Selective Service and the Law Student" on December 1st.

Mr. Randolph Jackson, chairman of the Law Day Committee, is working with Miss Joyce Krutick and Mr. Peter Reiter to engage a prominent speaker and prepare an interesting program for Law Day.

The future looks bright. A life insurance plan similar to the S.B.A. Health Insurance Program, which has met with great success is being considered. Numerous students have spent many arduous weeks planning our events for the school year. The full cooperation of the faculty and the student body are necessary to bring our plans to fruition.

Alumni!

Support Your Alumni Association

A one act play — The Interlude

by Bernard Kobroff

Friday, evening at home

Mother: Dean go to bed.
 Dean: No mom I have to finish my homework assignment.
 Mother: Homework, homework, what are you talking about? Don't you have a final tomorrow?
 Dean: Yes, but I have four hours of classes on Monday and I must be prepared. It is very unprofessional to walk into the lecture hall without full understanding of the topic to be discussed.
 Mother: What are you raving about? Didn't you tell me you were going to relax and go skiing during your intercession? You know you took six courses this term and your finals aren't over yet. Why don't you do your work during intercession?
 Dean: Oh, but I am going to finish it during the intercession. I will go to the library and do the outside cases from 9:30 A.M. to 12:30. Then off to Vermont for an hour of relaxation; finally a leisurely drive back to the city and then up bright and early for the new term.
 Mother: Dean, are you feeling well? Don't you understand that you can't do your homework for next term while you are supposed to be studying for finals and you can't burn up all that energy without resting? You will just have to be unprepared Monday.
 Dean: Never! Death before dishonor!
 And he did.
 R.I.P.

Bernard Kobroff

It takes longer to sue

It is taking longer than ever to try personal injury cases in courts throughout the nation.

In its 15th annual Calendar Status Study, the Institute of Judicial Administration reported that the average time from "service of answer" to trial by jury in state courts was 20.7 months. That aver-

veyed in 1967, local rules of practice call for the filing of a statement of readiness for trial when both parties have prepared their cases. Until that statement is filed the courts take no responsibility for moving the case on the docket. In 1967 the average waiting period from readiness date to trial was

Civil Rights Chapter aids investigation of police brutality

(Continued from page 2)

involved in civil rights law. Allen Lippel, a third year student, worked with the New York Civil Liberties Union's Police Practices Project, which investigated charges of police brutality. Allen stated that Paul Chevigny, Director of the Project, had remarked that instances of police brutality were the exception rather than the rule and that he had seen many examples of police restraint, such as a policeman non-violently arresting the drunk who had spit several times in his face. However, one of Mr. Chevigny's clients who went down to the stationhouse to charge a policeman with assault was kept waiting for several hours and when he sought to leave, his was blocked by a policeman who then charged him with assault. The judge told Mr. Chevigny that his client would be acquitted if he would drop his charges against the policeman. The client, who wished to go to law school, did.

Second year students Naomi Werne and James Abramson worked for different branches of Christians and Jews United for Social Action, an organization originally founded by Catholic Charities, which is now receiving money from the Office of Economic Opportunity. The "legal" work of the organization was concerned with welfare rights and tenant-landlord law. Both students did very little legal research and primarily acted as a liaison between the Welfare Department and the client or between the tenant and his landlord. However, both found the experience invaluable training in learning to elicit information.

Gerald Salzman began his work in the National Office of the NAACP doing research on cases arising under various equal employment opportunity commission laws. His work on the memoranda was interrupted because current cases the NAACP handled required immediate attention. Prosecutions under state conspiracy laws of students allegedly involved in killings of several policemen during dormitory riots on a Texas University campus last spring necessitated immediate preparation of a memoranda on pre-trial discovery. Another important case involved racial discrimination in a union. Gerald's last project was a U. S. Court of Appeals (6th circuit) brief on federal equal employment opportunity laws.

Book at the Bar

by Emily Novitz

America's Concentration Camps by Allan R. Bosworth. Norton. \$5.95. 283 pp.

"To Hell with Habeas Corpus"

"Concentration Camps?"
 "Germany."
 "Concentration Camps?"
 "United States."

The existence of concentration camps in the U.S. during the 20th century is one of our country's greatest embarrassments. This book, an account of the internment of Americans of Japanese descent makes evident why the episode is referred to as one of "the blackest stains on our history."

The book is not very well written. But its content outweighs the faults of its style. My main objection is the introduction of emotion for its own sake even where it blurs the point; however, this may be a function of the subject matter. The author's research seems quite thorough, and his selection of photographs adds credibility to what the reader wishes was true.

For a highly controversial issue, the arguments are not evenly balanced. There is very little that can be said in support of what happened. All the valid arguments seem to be on the side condemning the so-called Relocation Centers. Nevertheless, there are students of the question, and indeed of Constitutional Law, who, like the Supreme Court of 25 years ago, still rationalize the acts on one theory: "At that hour" concentration camps within the United States were necessary and proper. Westbrook Pegler was their spokesman: "To hell with habeas corpus until the danger is over."

Of the 110,000 interned "Japanese," 70,000 were "Nisei"—American born. Their parents (Issei) were born in Japan would have been first generation Americans but

The 14th amendment was not were not permitted naturalization, merely ignored, it was flagrantly rejected.

Though racially Asians, the Nisei had as their only nationality and identity, the United States of America. In 1941, a 10-year-old shouted:

"Hey, the Japs have attacked Pearl Harbor."

The Fifth Column; one imagines the paranoia which clutched nervous Caucasians who saw Japanese spies, saboteurs and soldiers in every shadow and Pacific wave.

According to Mr. Bosworth, only one Japanese was convicted of spying (and it is not even clear if that was preinternment activity). There is a question of whether there would have been spying had the camps not existed. Even if there had been, was the protection worth the price?

Of course, no discussion of America's concentration camps is complete without mention of the fact that there was no mass evacuation of Germans and Italians and their offspring during the war in Europe, despite the numerous conviction of German spies. Evidently, for numerical, not to mention racial reasons, this was unworkable.

Nonetheless, the real point is due process and that certainly would not have been satisfied by imprisoning Germans and Italians in addition to Japanese.

Semantically, a question is raised as to whether these were concentration camps, or internment centers, or evacuation areas. They were not quite jails: here inmates had to pay or necessities. Concededly, the captives could earn money; for example, a medical doctor might earn as much as \$16.00 per month.

When the war was over, and the prisoners within our borders released, the matter of money was raised again. For the property which had been confiscated and sold, the Americans of Japanese descent would receive ten cents on the dollar. The author reports that some of the debts still have not been paid.

When talking about denial of due process, degree does not really matter, though for the property part there was at least a measure. Not so for the life and liberty. 110,000 persons lost their homes and businesses and were placed where they didn't want to be.

Asked why they passively complied with the evacuation orders, the Japanese American Citizens League described their action as "the only way we could demonstrate our faith in the ultimate workings of American democracy."

Class Make Up — 1970

by Louis Pepper

With the entrance of the Class of 1970, Brooklyn Law School marks its 60th year of service in the preparation of future members of the legal profession. The 427 students in the first-year class were selected from over 1800 applicants.

There are several significant points regarding this year's class. Its median L.S.A.T. score is 546. Its median grade point average is 2.4 (on a basis of 4) with the single highest G.P.A. of 3.5. Geographically, it is a diversified class with students coming from 101 colleges and having domiciles in eleven states.

The City University of New York provided the largest group of students, with CCNY sending 55, Queens College sending 37, Brooklyn College sending 31 and Hunter College sending 20. The only other college providing a

comparable number of students was NYU with 30.

In spite of the large number of CUNY students in the first-year class, the total is still less than one-third of the entire class. This total becomes even less significant when one pauses to note that there are over 100,000 students in the City University of New York. As an indicator of academic ability, however, it should be noted that the CUNY colleges above draw their student bodies from the top quarter of the entire body of graduates of all high schools, public and private.

Thus, the Brooklyn Law School student body is indeed academically distinguished and is far from being "local" in character. If there be one who would raise the cry of mediocrity, let him seek elsewhere. Mediocrity is, at best, odious to a community of scholars.

age figure was 19.9 months last year, when 18 out of 97 courts reported delays of more than 2½ years. This year 17 out of 99 jurisdictions reported delays of more than 2½ years.

Lawsuits for personal injury are moving a little faster through the courts in Washington, D.C., San Francisco, Brooklyn, and Omaha this year, but clogged dockets are getting worse in Boston, Philadelphia, Manhattan, Los Angeles, and Honolulu, the Institute reported.

The Institute, an independent legal research group, uses the "service to answer" date—on which the party being sued answers the complaint—as the point at which court proceedings begin.

It was noted that while personal injury cases constitute "a narrowly limited facet of the broad and complex field of adjudication," it is in this area that aggravated delays are most frequent.

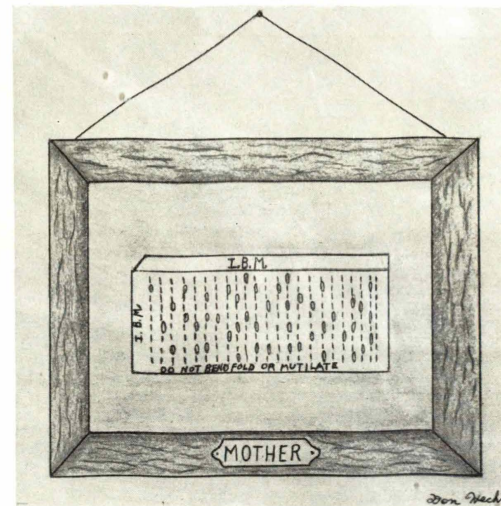
The reader should note that these statistics may reflect delays for which the courts are not to blame, such as adjournments requested by counsel or cases not prepared by the lawyers in a reasonable time, and that the figures for the study were furnished by the state courts. The IJA study did not deal with the federal courts.

In 51 of the jurisdictions sur-

veyed in 1967, local rules of practice call for the filing of a statement of readiness for trial when both parties have prepared their cases. Until that statement is filed the courts take no responsibility for moving the case on the docket. In 1967 the average waiting period from readiness date to trial was

about 13.6 months, a rise of about 1.2 months from the average figure of 12.4 months reported by the 49 jurisdictions last year.

It should be noted that calendar congestion is at its worst in jurisdictions with over 750,000 population.



Ballads of a law student

To the tune of "What Now
My Love?"

What now my Dean,
Now that I've flunked out,
how can I be,
a rich attorney.

Watching my B's,
turn into failures,
watching my 2-S,
turning to 1-A.

Once I got a B,
in property,
and even passed,
a legal clinics class.

But then a D,
in bankruptcy,
sent me toward,
my Selective Service Board.

What now my Draft Board,
My exemptions over,
Standing before you,
I know my time has come.

I was a fool,
in Brooklyn Law School,
I traded Prosser,
for a loaded gun.

What now my Doctor,
What can you do,
the worst I've had,
is the Asian flu.

Oh my sweet mother,
why didn't she,
let me play football,
and maybe break my knee.

Now it's decided,
I have my orders,
a lowly private,
in the Big Red One.

What now my parents,
standing at the airport,
waving good-bye,
to their only son.

What now my girl,
now that I'm gone,
on my way,
to kill some Viet Cong.

Another boy,
perhaps you'll wed,
I should have stayed,
in school instead.

BLS Students participation in legal aid increases

(Continued from page 1)
and qualified senior students.

The limits of student representation are spelled out in the Appellate Division's authorization. Presently students are representing clients in administrative hearings in the areas of unemployment insurance, rent control, and just recently, welfare, as well as all proceedings in small claims court. Approval was also given for representation in non-payment proceedings in landlord and tenant court and specified misdemeanors and offenses in criminal court, but neither area has yet been entered.

Surely the largest part of the student's duties involves the many intermediate steps following the interview and preceding final disposition of the case. This often entails writing letters to agencies or opposing attorneys, legal research, drafting legal documents such as affidavits, orders to show cause, subpoenas and stipulations, preparing briefs and memoranda of law, and finally a good deal of negotiating toward a favorable settlement for your client.

Participation in the student-attorney program has grown from the original six to thirty-five senior law students. In addition there are presently 200 second year students who, upon completion of seventy hours as clerks in a Legal Aid office and approval by Mr. Cohen, will be acceptable for the program beginning next summer. This may seem to be a sufficient number, but Mr. Cohen feels it is only the beginning. In unemployment insurance alone there are 45,000 hearings yearly, and in the great majority the client is unaided, due to the small fee an attorney would collect even if successful. Mr. Cohen sees the student-attorney program as serving two distinct needs: first, providing able representation for the poor in areas where their rights are often neglected or abused, and second, offering an invaluable experience in the realities of advocacy for qualified and conscientious law students.

"TheGreatRace"

by Aaron Carr

Once again the great race is calling all contestants to the starting line. First, the professors will be making a valiant effort to finish their course curriculums. As past experience has shown, some professor will call extra classes in order to achieve this goal—to the woe of the students. Second, students will be making their bi-annual dash in order to finish the term's work. As past experience has shown, many students will become ardent endorsers of No-Doze—to the glee of their local drugstores proprietors. Third, students will be hurrying in order to digest the term's work in a matter of days. So the race goes on and on ad infinitum, without any hope of relief.

This article suggests that there should be a one week hiatus between the last day of classes and the first day of examinations. In addition, it is suggested that there should at least be a two day gap between each examination.

The purpose for these suggestions is to increase the efficiency of each student's performance in examinations. It is believed that if a student has more time to digest a whole term's work without the pressure of trying to finish the course curriculum, his grades will invariably show an improvement. Furthermore, it is felt that "cramming" for an examination may enable the student to pass that examination but will not enable him to retain that information for a long period.

In capsule form, what is advocated is to replace the "great race" with an examination period that could only be, at most, nine days longer than the present period. It was not long ago that professors were given an additional five weeks to grade examination papers in order to give each paper its proper attention. The nine extra days advocated may well result in test papers that are of a superior quality to those previously submitted, and thus deserving of the extra attention professors now show examination papers.

Alumni in the news - 1967

Ten years ago, the December issue of *The Justinian* reported preparations for the faculty-student basketball game. The faculty hoopsters consisted of Dean Prince, Dean Gilbride, Pro. Morris D. Forkosch, Prof. Donald Farrington Scaly, Prof. Noel Hauser and Prof. Arthur Block.

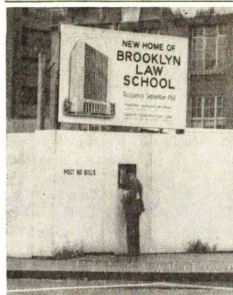
Prof. Mario Pitoni made political history, when as a Democrat, he was elected to the Supreme

Court in Nassau and Suffolk Counties.

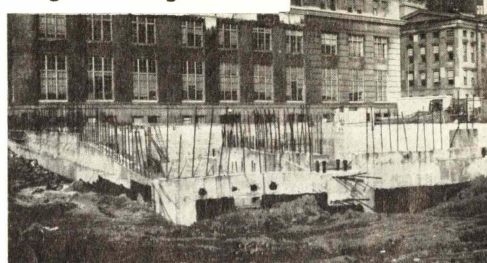
The BLS team, consisting of Stephen R. Lang, Irving M. Sherman and Arthur J. Kremer whipped Fordham in Moot Court Competition.

The impending formation of a sorority was reported.

Bernard Botein, '24, was appointed Presiding Justice of the Supreme Court, Appellate Division, 1st Department.



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