

The Justinian

Volume 1969
Issue 3 *December*

Article 1

1969

The Justinian

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Recommended Citation

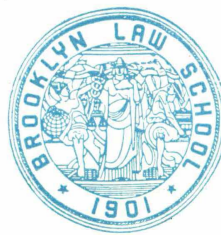
(1969) "The Justinian," *The Justinian*: Vol. 1969 : Iss. 3 , Article 1.
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THE JUSTINIAN

BROOKLYN LAW SCHOOL

et al.: The Justinian



VOL. XXX, No. 2 December 19, 1969
BROOKLYN, NEW YORK

BLS Dedicates New Home Early Years Recounted

The dedication of the ten-story structure at 250 Joralemon Street coincides with the anniversary of the founding of the school sixty-eight years ago by Dean Richardson and Norman P. Heffley, who was the school's first president.

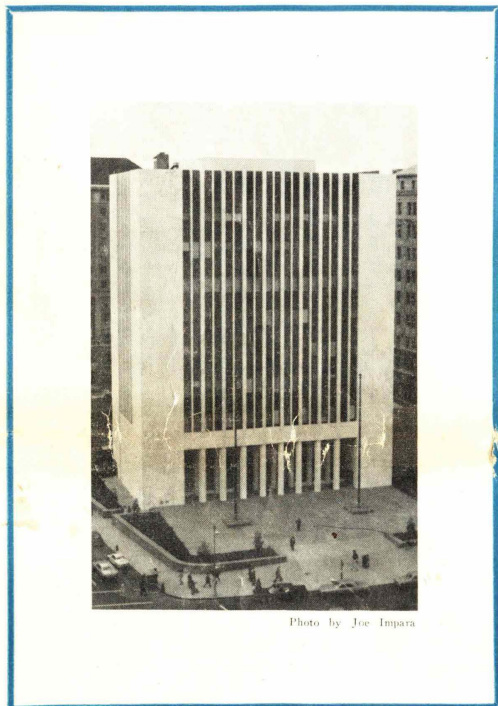


Photo by Joe Impara

The school's first class of five students was held in the Heffley School Building at 243 Ryerson Street. One of those five students was Francis X. Carmody, who later achieved prominence as an educator and author.

In 1902, the school moved to 187 Montague Street. Mr. Heffley left the school. A year later, under Dean Richardson's direction, Brooklyn Law became affiliated with St. Lawrence University and later became the university's Department of Law, an arrangement which lasted for forty years.

From 1903 to the start of World War II, the school experienced continued growth and development

in prestige and physical resources. To accommodate larger classes, the school moved to the Eagle Building, which remained its home for twenty-four years.

In 1928, Brooklyn Law constructed its own building at 375 Pearl Street and remained there until this year. In 1937, the school was approved by the Section on Legal Education of the American Bar Association.

Following the hard times of World War II and the death of Dean Carswell in 1953, Jerome Prince, who had been associate dean, was appointed dean. Justice Charles E. Lockwood of Supreme Court, Kings County, became president of the Board of Trustees. Upon Justice Lockwood's death in 1958, Justice Henry L. Ughetta of the Appellate Division, Second Department, was named board president and became the driving force behind the campaign to build a new school building. Judge Leonard P. Moore of the United States Court of Appeals for the Second Circuit succeeded Justice Ughetta as board president upon

(Continued on page 6)

Alumni Luncheon Jurist Honored

Hon. Hyman Barshay '22, Justice of the Supreme Court has been named the recipient of the Brooklyn Law School Alumni Association Alumni of the Year Award



Justice Hyman Barshay

for 1969. The distinguished jurist was honored by the Association for his outstanding service to the Bench, Bar, the Law School and the community. The award was presented by the Hon. Edward Thompson, President of the Alumni Association, at the Annual Alumni Luncheon at the Plaza Hotel on December 6th, 1969.

Justice Barshay was born one of seven children to Marcus and Lena Barshay in Babroisk, Russia in 1902. He came to the United States with his family in 1909. He attended P.S. 147 and Eastern District High School in Brooklyn, and in addition to being a good student, he won All City Honors in basketball. The Judge received his L.L.B. from Brooklyn Law School in 1922. Justice Barshay entered public service in 1929 as an Assistant District Attorney, Kings County. He engaged in the practice of law and was elected to the Bench as Justice of the Court of Domestic Relations for the City of New York in 1951. He became a Justice in the Court of Special Sessions, City of New York in 1952, a Judge of County Court of Kings County in 1954 and Justice of the Supreme Court in September, 1962.

Justice Barshay is an active participant in community affairs including the Federation of Jewish Charities, United Jewish Appeal, Hebrew School of Williamsburg, the American Committee Italian Migration, and the Boys Club. He is the recipient of the 1964 Man of the Year Award, from the Harlem Lawyers Association and the Bedford-Stuyvesant Lawyers Association.

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Curriculum Expansion Set Summer Session Offered

By SAM GRAFTON

The re-institution of summer session pending demand and the addition of three first year electives and two second year electives have been announced by the administration.

Plans for the summer session were initially announced at an S.B.A. executive board meeting with the Deans. In a subsequent interview with *The Justinian*, Asst. Dean Gilbride, citing the Court of Appeals' *Rules for Admissions of Attorneys*, emphasized that students would be required to attend two summer sessions each having an eight week duration for twelve hours per week (day session) or eight hours per week (evening session). The Asst. Dean explained that since only six credits (day) or four credits (evening) would be given in each summer session, a student would have to take twelve credits (day) or eight credits (evening) in order to save one term's work. Such a program could, therefore, be available only to first year students. Dean Gilbride also noted the following problems: (1) many students have summer reserve obligations which could unexpectedly occur over either of the two sessions; (2) many students are compelled to work over the summer; (3) a student would be "hurrying" his law school education and a "saturation point" might be reached; and (4) it may prove difficult to secure faculty help.

Student proponents of the summer session argue that (1) summer positions are hard to find and poorly paid; (2) the regularly scheduled course load could be

"lightened" by the matriculation of a course over the summer; and (3) a summer session could make possible the additional matriculation of electives that students were unable to take during the regular term.



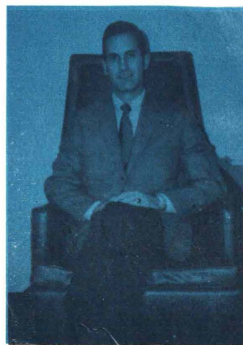
Dean Jerome Prince

As to how much demand would be needed, Dean Gilbride replied that the minimum class would need between 40 or 50 students. The Asst. Dean remained somewhat pessimistic about the whole program. "We've had it, we've tried it, and it's faded into the blue . . . for lack of demand."

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The Justinian Editor

Louis Pepper is this year's Editor-in-Chief of *The Justinian*. This is Mr. Pepper's second year in that position.



Louis Pepper

Mr. Pepper, a senior student, has also served as a member of the SBA House of Delegates in his position as a Class President. Last year he served as a Delegate from BLS to the Quint Circuit Conference of the Law Student Division, A.B.A., held at Williamsburg, Va. He was a semi-finalist in the Freshman Appellate Moot Court Competition. This year, Mr. Pepper was selected for inclusion in Who's Who Among Students in American Universities and Colleges.

Upon graduation, Mr. Pepper anticipates employment as a government attorney. Mr. Pepper's fiancée, Renee, is a Speech and Elementary Education Major at Brooklyn College and is a resident of Belle Harbor, N.Y.

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THE JUSTINIAN

PUBLISHED QUARTERLY DURING THE SCHOOL YEAR
UNDER THE AUSPICES OF THE STUDENT BAR ASSOCIATION

BROOKLYN LAW SCHOOL

250 JORALEMON STREET, BROOKLYN, NEW YORK 11201
Vol. XXX, No. 2 December 19, 1969

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FACULTY ADVISOR

Professor Milton G. Gershenson

EDITORIAL:

Apologia

Recently, this newspaper has come under sharp criticism for its failure to meet the expectations of various segments of the student population. Without attempting to dignify these criticisms, some of which are to be found in the "Letters to the Editor" column, the Editor has chosen to set forth the following response.

What is *The Justinian*? It is a newspaper, attempting to keep the student informed of pertinent developments. It is a magazine, seeking to offer expository essays on topical subject matter. It is a journal, offering to students in the future, an opportunity to review preceding events in the life of the Law School. *The Justinian* is a solemn responsibility which has been borne for over thirty years by a succession of student volunteers.

Who produces *The Justinian*? *The Justinian* is financed by the Law School but is under the complete control of its student staff. Membership on this staff is open to all members of the BLS community. Articles for publication are solicited from students, faculty, alumni and other prominent citizens.

Being the Editor of *The Justinian* is a distinct honor. It is an honor which entails, however, no small amount of personal sacrifice. For the most part, the Editor of this newspaper stands alone in his editorial responsibilities. Even with the begrudging assistance of other students, the final burden falls squarely upon the shoulders of the Editor. It is a responsibility which is eagerly accepted by the Editor and which he attempts to faithfully execute to the highest possible standards throughout his tenure.

Students have criticized *The Justinian* for its failure to publish more frequently. To publish an edition of *The Justinian* requires large amounts of journalistic sound articles. The simple fact is that this newspaper is usually starved for "copy." *The Justinian* of October 14, 1969, (Vol. XXX, No. 1), was complimented by many who read it. How many students are aware that the Editor was personally responsible for filling six of the ten pages of that issue? Are they aware of the hours spent by the Editor reading copy numerous times from proof to finished product, writing headlines, soliciting photographs, drawing puzzle grids, and pleading for students to produce written accounts of their experiences? There will be those who quip, "You are the Editor. Don't do it yourself. Ask students to do these things." The simple fact is that the Editor has asked too often and been assisted too infrequently.

One is urged to scan the pages of this edition. Where are the articles concerning: Professor Farrell's appearance at the U.S. Supreme Court on November 20, 1969; a report by a member of the Committee of Concerned Students

Dear Editor:

Fortunately Peter Zenger died long ago. Had he have read the last issue of *Justinian*, he might have had second thoughts about crusading for freedom of the press.

The October 14, editorial, aimless and boring to be sure, had the additional characteristic of inaccuracy. Specifically your reference to the Ad Hoc Committee of Concerned Students (for Oct. 15) was a blatant misstatement of the facts, a despicable lie. You asked who sponsored the petition re-

questing the Moratorium Program. Where were you Mr. Editor when the announcements inviting all students to attend the meetings of this ad hoc committee were conspicuously posted? Where were you Mr. Editor when the petitions were openly passed around for the student body to read and sign? Had you come to the planning sessions, you could have seen with your own eyes the various members of the "conspiracy" (and, perhaps, even have photographed them). You could have bothered to read, investigate, and interpret

(now the Student Lawyer's Alternative), on its current plans and of its efforts to create the Moratorium Day Program of October 15, 1969; a report on the activities of the Student Bar Association.

The answer is direct. These events have not been reported for lack of interest of a student to write the necessary copy.

There are those who say that it is the responsibility of *The Justinian* to investigate and to report the news. To them the response is that a newspaper requires a staff. The staff of *The Justinian* is inadequate. Let those who demand to be interviewed, write their own interviews and submit them for publication. *The Justinian* has never refused to publish an article which was within the meaning of "fair comment."

Requests have been made for *The Justinian* to assume an editorial stance on issues of national importance. The editorials of *The Justinian* are directed to issues of schoolwide importance with deliberate purpose. A journey of a thousand miles begins with but a single step. To effectively confront problems of national import, one must first confront himself and cure his own inadequacies.

BLS is paralyzed by the inertia of its students. Our Student Bar Association must adopt a system of direct popular election for the selection of its executive officers. Our student government must cease to govern by default. If necessary to the promotion of more effective operation, the day and evening divisions should be governed by separate bodies. An operating budget should be created for S.B.A. and should be subject to allocation by that body.

Recently, the senior class was informed that applications for *Who's Who Among Students in American Universities and Colleges* were available. Of a senior class of over 100 students, only 3 applications were submitted. Perhaps if someone had filled out the applications for them, more students would have "submitted" the forms.

The "silver spoon" doctrine must be abolished. Students complain of the ridiculous requirement which compels a student's seat to be filled for the recording of attendance at each class hour. It is absurd to treat a student as though he were in elementary school and then to expect him to develop a professional demeanor and sense of responsibility. The quality of classroom instruction could be improved immeasurably if the students who attend come prepared and eager for discussion. The taking of attendance and the recording of "unprepared marks" by professors is asinine. It would be better for a voluntary class of fifty to conduct an intelligent and probing discourse with their professor, than for a section of 150 bodies to hear lectures on why John Q. Student is going to fail the course if Professor X gives him one more unprepared mark. Let these professors who are so concerned over awarding grades for classroom performance better spend their efforts by making themselves available to the students. The Student-Faculty Tea of November 19, 1969, found only six faculty members in attendance while over 150 students were present.

There is indeed much to be accomplished at BLS. The current first and second year classes have displayed a vitality and aggressiveness previously unknown at the Law School. Their enthusiasm shall indeed be transformed into effective improvements if they will recall always that the key to change within a government under law is not to be found in the hysteria of the herd but in the confluence of devoted men.

Letters to the Editor

who sponsored the petition, although this might have proven difficult since the sponsor's name and purpose could be found at the top of each sheet.

You ask why we did not meet with our elected "student representatives?" The fact is that they did not hold a formal meeting to discuss plans for the moratorium with less than two weeks remaining before the target date. When it became apparent that they would not act, the task fell to a spontaneously created group of students who managed to solicit the support and energies of more than four hundred future lawyers. Most importantly, several of our elected student representatives, including the S.B.A. President, were kept constantly informed of our activities and progress.

As for the rest of the editorial it borders on the absurd. If the school has not denied a legal education "on the basis of socially discriminating practices," then how come Mr. Editor there are only a handful of black students at this institution? How many blacks are on the *Justinian* staff, Mr. Editor?

"The Administration is composed of people," states the editorial — so is the school Mr. Editor, a fact not generally recognized by certain members of the staff who leave their manners at home or by those who run a bookstore with no books. Indeed if the "Administration's purpose is 'more important than any individual,'" then this school had best close its doors and go into the aluminum siding business. Mr. Editor, this school's most important asset is its individuals and nothing, absolutely nothing — no principle, no purpose, no philosophy — is more important.

From the standpoint of investigative journalism, *Justinian* leaves much to be desired. Saddest of all, however, is the plain, inescapable conclusion that Brooklyn Law School does not have a student newspaper. God bless you, Peter Zenger.

Marvin E. Schechter
2nd Year — Day
oOo

To the Editor:

"Of what accomplishments can the majority of our students be proud? Certainly not of the feudal student government under which student relations are allegedly promoted." Editorial — *Justinian* October 14, 1969.

Despite what the Editor of *The Justinian* calls the feudal student government at Brooklyn Law, we have not allowed a futile outlook to cloud and besmirch the work of the Student Bar Association as the representative body of the students at BLS. Though the SBA has by no means fulfilled all its goals one cannot look askance at such accomplishments as the Curriculum Review Committee, The Faculty Grievances Committee and the Student Evaluation of Faculty. It is easy to be apathetic and criticize, but it requires a great deal more courage to work in the face of adversity to improve the climate of BLS.

With a representative form of government it is up to each individual to exercise the right and duty to participate. Complacency is the easy way out, but it is only through a responsible and responsive student body in which we all work in conjunction with

(Continued on page 10)

Black Admissions Policy Revealed

by Sam Grafton

Less than 1% of the nation's lawyers are black, a curious condition for a fraternity which dedicating itself to justice. Where does Brooklyn Law School stand?

The following figures were provided by the administration on black and Puerto Rican student enrollment at the BLS.

	Population	Attending Evening	Attending Day	Scholarships Awarded
Minority students	16	11	5	6
Total students	1050	478	572	61
Freshmen minority students	9	8	1	4
Total freshmen students	454	190	264	6*

* Dean Prince noted the apparent disparity and suggested that for some reasons student needs increase in the second and third years.

Assistant Dean Gilbride states that the vast majority of potentially "qualified" black law students are presently being readily absorbed by the more prestigious law schools. By "qualified" the Asst. Dean means those students who could possibly assume the burden of law school work. "What's the sense of accepting a student who's not going to be able to do the work?" the Asst. Dean said. "We could do more harm than good."

A similar viewpoint was voiced by Dean Prince. The Dean revealed that his repeated efforts to recruit minority students by contacting various black and Puerto Rican organizations have proved unfruitful. After alluding to the paucity of minority college graduates, Dean Prince added that the BLS has yet to reject a minority student. "The real problem lies with the colleges," Dean Prince said.

"We obviously want to do our part," Asst. Dean Gilbride declared. Dean Gilbride noted that ten years ago Brooklyn had many more black students than it does today. "This was before other law schools (Harvard, Yale, etc.) became interested in the problem." The Asst. Dean also noted that small law schools across the country have few, if any, minority students.

Currently BLS participates in two programs to recruit minority students in addition to independent measures. The two programs are CLEO and the Consortium of Metropolitan Law Schools.

CLEO (or the Council on Legal Education Opportunities) functions as a clearing house for minority students seeking law school positions. In addition, CLEO conducts pre-law training programs during the summer. Funded by foundation grants, CLEO has attracted delegations from most of the Northeastern law schools. The last conference, at which Brooklyn Law School participated, was hosted by N.Y.U. and helped find seats for some 300 students. Brooklyn Law School attracted one student who presently attends with financial assistance.

According to Prof. Ronayne, who represented Brooklyn at the CLEO conference, Brooklyn is placing most of its emphasis on the Consortium of Metropolitan Law Schools. This program is geared to those minority students who must support families. Such students can attend by night only and are less likely to secure adequate assistance from the out of town law schools. Participants in the Consortium include, Brooklyn, St. John's, Fordham, New York, and Seton Hall (Newark). To date the

program is still in the fund raising stage although Dean Prince attributes eight of the nine entering minority students to the Consortium's efforts.

Audrey Freeman, a black student in her second year at the evening session, remarked that black students with aptitude could find seats

in the bigger name law schools and that such schools had more to offer by way of financial aid and prestige. According to Miss Freeman, who helped represent Brooklyn Law School at the CLEO conference, Brooklyn's position in comparison with Harvard, Yale, and Columbia was analogous to Renault competing with General Motors for potential employees. "But part of the problem," Miss Freeman said, "is that Brooklyn considers itself Renault."

Gregory Clarke, a third year black student and the present president of the S.B.A., also attended the CLEO conference as a representative. Mr. Clarke was particularly critical of Brooklyn's minority admissions policy. He contends that Brooklyn Law School refuses to take any initiative in this field. Indeed, he questions the good faith of the School's participation in CLEO. "How well intentioned can you (Brooklyn Law School) be when you attend a conference with no handbooks, no applications, and no money . . . It's true that the school has been priced out of the market, but they are allowing themselves to be priced out."

As to the Martin Luther King scholarship, which was established two years ago, Mr. Clarke noted that it was adopted by the school with reluctance and that it was unused for the first year. Dean Prince commented that the scholarship was not adopted reluctantly, and that there were no qualified applicants in the first year.

Board of Education Accepts J. D. Degree For Differential

by Sharon Reiter

On its application for promotional differential (increased pay) the Board of Education specifically states that,

"ONLY SOCIAL STUDIES TEACHERS are eligible to present a Juris Doctor Degree as an approved Doctorate Degree. Please note: The Superintendent of Schools has rendered a decision permitting Teachers of Social Studies to qualify for the Second Salary Differential by presenting evidence of a Juris Doctor Degree by a recognized College or University."

This means that a law school graduate in New York, up on receipt of his J.D. degree will only be eligible for this Second Promotional Differential if he holds a Social Studies license, in which case his J.D. degree will be accepted as an approved doctorate. If he holds a J.D. degree and any other license, only 20 credits out of the total he has earned during his law school education will apply toward the promotional differential.

The teacher in the latter case must also earn 10 credits, other than law, above his B.A. in order to qualify for his first differential, which will yield him a \$500.00 salary increase per annum. Normally, a teacher with a license in any field must have earned his B.A., 30 credits beyond his B.A. in approved study in a college or University, including 36 credits in a Board of Education approved area of specialization in graduate and undergraduate courses combined. These areas of specialization include: Foreign Language, Science, Math, English, Speech, Social Studies, Business Subjects, Health Education, Home Economics, Art, Music, Library Science, Industrial Arts and Education and Vocational Guidance. At this point, the teacher reaches his second salary differential and may receive a \$1,000.00 increase in salary per annum. The issue remains the Board of Education's future actions as to teachers holding J.D. degrees with licenses in areas other than Social Studies.

BLS Mooters Bow to NYU Decision Based on Brief

A persuasive New York University School of Law moot court team withstood a barrage of searching questions to defeat Brooklyn Law School by a split decision in the regional rounds of the National Moot Court Competition.

The divided three judge panel, representing the United States Supreme Court, gave the edge to NYU on the basis of its brief after comparable oral arguments by the teams at the competition held at The Association of the Bar of the City of New York.

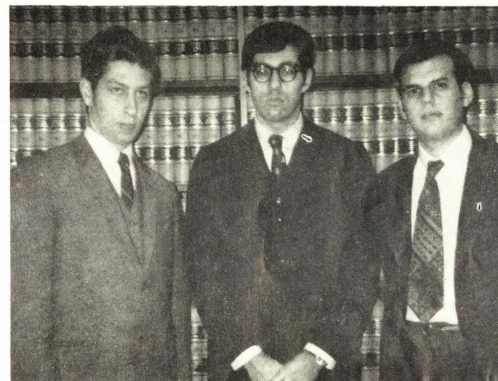


Photo by Mark Oshman

L. R. Michael Paikin, Roger Adler, Kenneth Levy

Both teams had received byes into the second round of the regionals after Columbia University dropped out of the competition.

N.Y.U. went on to win the regionals by defeating Fordham University. N.Y.U. also won

awards for the best brief and best oral argument.

Brooklyn Law School was represented by third-year students Roger Bennet Adler* and Michael L. Paikin, and by second-year student Kenneth S. Levy.

(Continued on page 10)

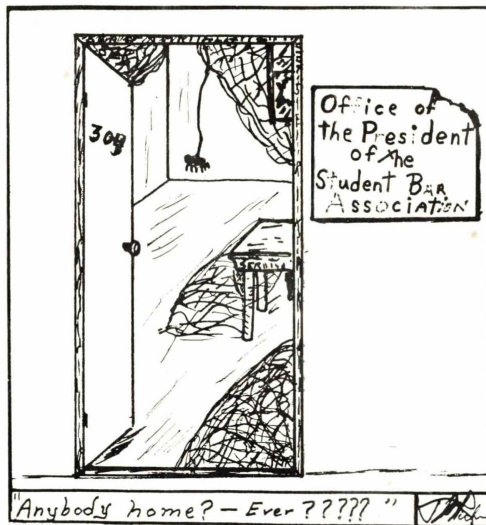
Top Ten Percent or Law Review

by Ron Shapps

It has come to my attention, my wife's attention and my mother's attention, that I will need an allowance for some time after my graduation from BLS. It isn't until one's third year of school that one is hit with the cold, hard fact that people don't come knocking down our door for a graduating student in the bottom of the class (less than law review). But preparations have been made by the school to take care of such a situation. Just after the flood, a list of then existing law firms was scribbled on a Kleenex and if you have to blow your nose and don't mind a dirty receptacle, these are available in room three hundred and something. You'll know it by the "fulltime" secretary putting a "full time" hem on her skirt.

Ladies and gentlemen, BLS needs a "full time" placement officer. If Professor Ronayne can't devote all of his time to the position why can't we hire someone who has worked for a placement agency that specializes in attorneys. It is the first and second year students who can benefit from such a change in policy. The third year students have already resigned themselves to the fact that many of them will be earning salaries less than \$7,500.00 per year upon graduation. That is \$2,500.00 less than a graduating accounting student at Baruch College. There is an obvious defect somewhere. I recently heard two seniors discussing jobs they had accepted. The better of the two consisted of hitting a rock with a piece of wood. Now this is a good improvement but it's not great.

If you have taken Con Law, you may be asking yourself what is the redeeming social value of this article? Or is it sheer pornography? As well as criticizing I do have several suggestions. The first of which is a full time placement director. Secondly, when material is distributed it should be updated each year. Thirdly, we must get recruiters into the school to see our students. This year Columbia has approximately 250 such recruiters vs. 10 coming to BLS (at the time of this article). Fourthly, if you as students have any suggestions, voice them. Both Dean Prince and Professor Ronayne are aware that the Placement Office leaves something to be desired and they are receptive to constructive ideas. And lastly, when you as alumni know of an opportunity, make an effort to see that graduates of our school get a shot at it.

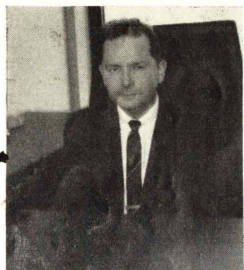


Professor John Meehan:

'we turn out as good a caliber of lawyer as any other institution'

by Daniel Raiskin

Amidst the tensions and problems of a school semester, nothing is so comforting to a student as a good teacher — a man who is learned and demanding, and yet sensitive to his students' problems and shortcomings. Such a man is Professor John Meehan.



Prof. John Meehan

Prof. Meehan is a graduate of Brooklyn Law School, having received his L.L.B. in 1950. After graduation, he worked in the insurance field, and spent two years as manager of City Title Insurance Company. Prof. Meehan joined the B.L.S. faculty in 1956, teaching Sales, and has been a member of the Property Department since 1957.

The Professor has served the legal community in various capacities. In addition to his teaching duties (which have recently been expanded to fill the void left by Prof. Glasser's departure), Prof. Meehan sat on the Research Council of the Temporary Commission on Estates to assist the state legislature with the preparation of the Estates, Powers and Trusts Law. In that capacity, he drafted Article XII of the EPTL, which deals with creditor's rights against testamentary beneficiaries.

An authority in the field of Decedents' Estates, Prof. Meehan is the associate editor of McKinney's *Real Property Practice*, and compiles and edits the annual pocket supplement of that volume. He also prepares the "Survey of New York Law of Property" annually for the Syracuse Law Review.

And yet, with all his outside commitments, Prof. Meehan is never too busy to be a dedicated and creative member of the faculty. He makes himself available to his students after classes in order to discuss their problems, and, while scoffing at the suggestion of an "open door" policy, believes that members of the faculty should be available to the students on a more regular basis. He is presently a faculty representative to the Curriculum Committee, and has made some interesting observations on the evolution of Brooklyn Law School.

The Professor points out that those students who demand curriculum changes and additional courses do not realize how much progress has already been made by the administration. Recalling his education at B.L.S., Prof. Meehan finds considerable changes in the courses offered. During those years, he notes, there were no electives available to undergraduate students. Courses such as Real Property Practice and the Practice and Pleadings course are recent additions to the curriculum, and are invaluable instruction for a practicing lawyer. Believing that an attorney should have a sound background, he is now working to add new courses, and to expand the scope of legal education at Brooklyn Law School.

While the courses have changed, Prof. Meehan finds that the students have not. He takes issue with those who consider students of today to be brighter and more involved in society than their predecessors. On the contrary, Prof. Meehan believes that the students of his generation were more stable and mature, but, in general, "people are people."

Speaking about the students, Prof. Meehan observed that "We turn out as good a caliber of lawyer as any other institution." He considers the faculty here excellent and the courses comprehensive, attributing the difference between an "Ivy-league" lawyer, and a B.L.S. graduate, not to the school, but to the socio-economic background of the students, and the friends and clients derived therefrom. In defending this position, he points to 110 judges presently sitting who have graduated from Brooklyn Law School. In any event, Prof. Meehan offers this formula for success to his students: "Ability, the will to succeed, . . . and a lot of luck."

Alumni in the NEWS

1933

John J. Scott will retire January 1, 1970 from Mobil Oil Corporation, where he has been the general counsel since 1959. At Brooklyn Law School, he was an editor of the Brooklyn Law Review. Upon being graduated, Mr. Scott became an associate with the law firm of Humes, Buck, Smith and Stowell. In 1945 he joined Mobil Oil. Mr. Scott is a member of the board of trustees and advisory board of the Southwestern Legal Foundation and its

HELP WANTED

A legal services office for Brooklyn Law School will be set up under the auspices of Profs. Botein and Raphael in conjunction with the Fort Greene Office of Neighborhood Legal Services, Corp B, under the OEO (The Office of Economic Opportunity).

At an initial organizational meeting, which attracted some 125 students, Prof. Raphael announced plans to open the office in the first week in February. Working at the office presents both an opportunity to serve the poor while gaining practical experience.

Prof. Raphael noted that in addition to students, there is a need for professional lawyers. Any concerned alumni or faculty members please contact Prof. Raphael or Prof. Botein.

Student Luncheon

by Neil Checkman

On October 28th students from section A of the 2nd year lunched with Professor Meehan. The lunch allowed the students to meet with the professor on an informal basis, and to air their views as well as listen to Mr. Meehan's beliefs.

Merits of Tenure

The following subjects were discussed: the lack of merit in the tenure system of faculty employment and student and faculty participation in the decision-making process and in curriculum review. Students questioned the rigidity of the case-method system of legal education, and its effect upon the ability of students to formulate intelligent questions with respect to the relevant issues.

Propose Small Seminar

There was proposed, the implementation of small seminar groups where interested students would meet and discuss material not offered as part of the present curriculum of the school. Professor Meehan pointed out that those students who choose to take part should be required to participate, mentioning that previous attempts failed due to a steady decrease in student interest, leaving participating professors with empty rooms and wasted hours.

After the meeting ended, the students expressed the feeling that the lunch was worthwhile and more would be forthcoming with other professors.

The primary complaint of Professor Meehan was the lack of preparedness of many students. If students came prepared to class, professors could more easily complete the term's work, thereby doing away with the necessity of additional lectures being scheduled.

International and Comparative Law Center, and many other organizations.

1936

Arnold Blitzer, '36, Administrator of N.Y.C. Department of City Planning retired from city service. Chairman Eliot, voicing the sentiment of the entire staff, thanked Mr. Blitzer for his dedicated service of over 38 years to the Department and for being one of the most capable and innovative Administrators.

1957

HAROLD H. DEAN, was appointed a Circuit Court Judge in Connecticut. Judge Dean is the first member of the class of 1957 to receive this high honor.

1961

IRWIN ENGELMAN, has been named controller of the Business Products Group of Xerox Corporation. Mr. Engelman was formerly manager of control services. He joined Xerox in 1966 after 11 years of diversified experience in government, public accounting and industry.

1962

MELVIN GUTTERMAN, will teach criminal law at Emory University Law School. Mr. Gutterman previously taught at Penn. State University and was director of the criminal law program at Michigan State University.

Professor Leitner:

Wealth of Experience

by Anthony Wayne DeFalo

On first meeting, one can't help but recognize the language and mannerisms which mark a seasoned lawyer and which have been acquired by Professor Leitner in over 20 years of practicing law. In his own easy-going manner of speech, Professor Leitner conveys his vast knowledge and a grasp of the law accumulated from years of experience. Very amiable, Professor Leitner, with his charismatic voice, could make even the dulllest topic interesting.

Born in Brooklyn, educated at Brooklyn College, where he received a Bachelor of Arts in 1947, and New York University Law School, where he was on the law review and received an LL.B. Cum Laude in 1949, Professor Leitner chose to embark on a career of practicing law which proved to be very successful.

Evidence of Professor Leitner's prowess as a practicing lawyer is the case of *Bing v. Thunig* (2 N.Y. 2d 667), studied by law students as a classic example of the successful arguing of an action in tort. In this case, the previous doctrine according hospitals immunity for the negligence of its employees was abandoned as being behind the times.

Some reasons which Professor Leitner gave for changing his way of life from practicing law to teaching it were a long term desire to teach young people, to be associated with them in an academic atmosphere and also, the temptation to change careers in mid-life was too appealing, intriguing, and attractive. Professor Leitner's appetite for teaching was whetted by several experiences he had with teaching, including the training of recruits while a commissioned officer in the army and while acting as an occasional substitute for a Professor at Brooklyn Law School, George Swetlow, whom he was associated with, giving a course on Medical-Legal Jurisprudence.

The Professor found professional life anything but a bore; however, while it was very demanding, it came to be, for him, less challenging, as, after having practiced for so long, Professor Leitner found himself repeating what he had already done. He finds teaching full time more challenging and demanding as he is now off what he previously knew as a normal work day, expending extra time in order to afford his students greater benefit.

It was suggested by this reporter that, while the rewards of practicing law are close at



Prof. Jerome Leitner

hand as in the winning of a case, the rewards of teaching are more remote, but I was corrected. Professor Leitner feels that there are many immediate rewards for instance, the business of teaching itself, is one of the things he lives for and enjoys. Further, he derives reward from stimulating his students and having them become more active in class. He is, however, also looking forward to the long term reward in seeing his students become successful lawyers, judges and representatives of the people.

Professor Leitner is truly dedicated to teaching and has the best interests of his students at heart. He suggests that while outside reading is valuable, it is hardly feasible to expect a student to become an intellectual in three short years. He is determined to stimulate intellectual curiosity in his students and feels it is most imperative that students develop a sharp ability of legal analysis. He maintains there are two elements a good lawyer must have, namely, the ability of analysis and presentation. For the Professor, it is the mission of the law school to develop potential lawyers. While it is up to the student himself to develop the abilities of a practicing lawyer. He feels that study groups are a valuable aid and that students should be more inquisitive. The rules are in the books and it is of greater value to the students if the teacher instructs the student in light of his past experiences.

The Professor describes both the facilities and his colleagues at Brooklyn Law School as "top notch." In speaking of his students he said: "I like them fine."

An interesting side light of Professor Leitner's career is in his experience in show business as technical legal advisor for the TV series of "The Defenders," and "The Trials of O'Brien." He is also proud of his family as he mentioned in a fond tone that the elder of his two children began kindergarten the same day that Professor Leitner began teaching here this fall.

Professor Leitner strongly recommends all law students read, *The Elements of Style* by Strunk. It is the opinion of this reporter that the students of Brooklyn Law School are truly fortunate in gaining as a teacher with his vast experience and ability, Professor Jerome M. Leitner.

Necrology

Hon. WEBSTER J. OLIVER '11 ABRAHAM A. BERRY, '24, was a Judge in the Brooklyn Civil Court since 1962. Judge Berry was also in the Third District Municipal Court from 1949-62.

JOHN W. MATZ '28, a partner in Sage, Gray, Todd and Sims, was an attorney and certified public accountant, specializing in estate and trust law. Mr. Matz was a director of the Edwin Gould Services for Children, a trustee of the Edwin Gould Foundation for Children, and a director and vice-president of Aztec Land and Cattle Co. of Arizona. He belonged to the Nassau Bar Association.

RAYMOND SEMBLER '29 BENJAMIN LEBENBAUM '43

The Criminal Lawyer

"The criminal lawyer is in the center of a procedural revolution which is not only affecting the life and liberty of his fellow man, but which is reshaping the rights of those accused with committing transgressions against society."

by Henry B. Rothblatt '38

One of the most brilliant courtroom strategists this country has ever produced, a man who is now a respected judge of the Supreme Court of the State of New York, once expressed what is unfortunately an all-too-common attitude among lawyers towards those of their brethren who practice criminal law.

"There are members of the bar who either never see the inside of a courtroom, or who practice in the rarified atmosphere of the civil courtroom and who peer down their noses at the criminal lawyer with that deprecating look that a parent usually reserves for the errant child."

Those are the words of New York Supreme Court Judge Samuel Leibowitz. I have specialized in the trial practice of criminal law for more than a quarter of a century. I understand, perhaps more than most, how frequently the criminal lawyer is looked upon by his colleagues as an "errant child". I should like not only to offer my own wholehearted endorsement to the words of Judge Leibowitz, but also to attempt to examine the role of this oftentimes sneered at member of the legal profession.

As you probably have surmised, my comments which follow are submitted by way of a brief for the much-maligned criminal lawyer; as a brief in his defense.

During the past eight years, law enforcement procedures have been rocked to their very foundations by a series of precedent-making decisions of the United States Supreme Court. Beginning with *Mapp v. Ohio*, 367 U.S. 643 and continuing with *Sheppard v. Maxwell* 384 U.S. 333; *Brady v. Maryland*, 373 U.S. 83; *Escobedo v. Illinois*, 378 U.S. 478; *Miranda v. Arizona*, 384 U.S. 436; *United States v. Wade*, 18 L. Ed 2d 1149; and *Berger v. New York*, 18 L. Ed. 2d 1040; the Supreme Court has drastically rewritten the rules of evidence for criminal trials. The Writ of Habeas Corpus has also become, during this period, a potent tool in the criminal lawyer's arsenal.

Constitutional Revolution

Because of this series of epoch-making decisions by the high court, the criminal lawyer is in the center of a procedural revolution which is not only affecting the life and liberty of his fellow man, but which is also reshaping the rights of those accused with committing transgressions against society.

Thanks to such lawyers as F. Lee Bailey (*Sheppard v. Maxwell*), John Flynn (*Miranda v. Arizona*) Edward Bennett Williams (*Wong Sun v. United States*), William F. Walsh (*Giordenello v. United States*), and Clyde Woody (*Aguilar v. Texas*), William Ericson (*Koed v. United States*), the accused's constitutional rights are spelled out and protected more clearly and rigidly than ever before in our nation's history.

However, because of the far-ranging impact of these recent Supreme Court decisions, the criminal lawyer must increase his skills and develop new ones. He must not only be expert advocate in trial, but he must also develop an expertise in motion-drafting and discovery techniques.

We are living in turbulent times. Widespread unrest exists in many of our schools and on our university campuses. There is widespread opposition among young men to the draft. Acts of violence are increasing in Negro ghettos. Police violation of constitutional rights, etc — such things (to say nothing of the steadily increasing traffic in narcotics reaching into all elements of our society and of the mounting rate of crimes of violence in our cities) are rapidly causing an erosion of what, only a few years ago, was a prevailing attitude among most lawyers — a reluctance to represent clients whose views were antithetical to their own, and an unwillingness to handle criminal cases of any kind.

Today, it is hardly a question, as it was so certainly only a brief decade ago. Then, there was a question whether or not the obnoxious defendant — whether he be murderer, political assassin, draft dodger, narcotics pusher, sexual pervert, racist, communist or what not — was able to obtain competent counsel. A much more important question is how will the defense be conducted.

Although it is true that most young practitioners getting initiated into criminal law won't immediately be handling big name cases and won't be taking on questions of constitutional magnitude to Washington. Even though glamour and reknown may never attend the professional efforts of the criminal practitioner, he will find the field exciting and compelling. Once

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Henry Rothblatt, noted criminal attorney, was involved with the defense of the eight Green Berets charged with the murder of a South Vietnamese double-agent.

He is the author of books on the Revised Penal Law and White Collar Crime.

Librarian Seeks Student Help

By Peter R. Weiss

As this reporter entered the library and asked to see Mrs. Jurow, he explained that he wanted to interview her for *The Justinian*. Though busy with her functions as Librarian, Mrs. Jurow graciously told me to enter. Mrs. Lucy Schumer Jurow is an attorney, having received both her L.L.B. and J.D. from Brooklyn Law School.

When Dean Prince announced that Brooklyn Law School would move to 250 Joralemon Street, Mrs. Jurow realized that moving the library would entail great difficulty. Although many moving companies desired to move the library to the new building, the Dean permitted, on Mrs. Jurow's recommendation, a group of six graduating students, who had worked as student librarians, to move the library. This difficult feat was accomplished in eight working days with every book in its proper place.

The difference between the library in the old building and the present library is vast. There was no room for growth or expansion in the old building's library. The library was always crowded with little room to work, and was a bit inconvenient since it was on the top floor. The present library allows room for further growth and expansion (since September,

Alumni Executive Named Reckdenwald to Serve

by Marjorie Wiener

One of the major highlights of the 1969 fall semester is the placement of a full time executive secretary at the head of the Alumni Association. The administration firmly believes that an active alumni association is necessary to help insure the continued growth and success of BLS.

Edward W. Reckdenwald, the first executive secretary, is a graduate of C.W. Post College of L.I.U. and is a member of the Class of 1968 at BLS. His concern and enthusiasm for the emerging assignment are a sure indication of success.

The new administrator believes in dealing with only one problem at a time, beginning with the most critical. The major and most laborious task facing Mr. Reckdenwald is the fact that since the school's founding, part-time student volunteers have been in command of the alumni office. The secretary is compiling an up-to-date record keeping system.



Edward W. Reckdenwald

The coordination of alumni activities is Mr. Reckdenwald's second principle concern. He feels his office should serve as the intermediary between the alumni and the school. A continuing education program will predominately be concentrated in *Veritas*, the quasi legal alumni publication, and seminars. Travel tours, consumer services, and insurance policies are among the services the secretary would like to see the Alumni Association provide.

Since BLS is a private educational institution, it is a business organization that is concerned with staying solvent, meeting deficits, and having funds available for expansion purposes. This is where an active alumni association is most beneficial.

Mr. Reckdenwald is ardently committed to the student body. He believes that his job "doesn't start when they walk across the stage but starts even before the students arrive at BLS." Students and alumni should be brought together to understand and aid one another and this will accrue to the advantage of BLS.

BLS is indeed fortunate to have a man as capable and dedicated as Edward W. Reckdenwald.

Class of 1919



Brooklyn Law School Class of 1919 Celebrates its 50th Anniversary at Dedication Ceremonies on October 19, 1969.



"I Don't Understand Either"

FROM THE GALLERY

by Fred Ahrens

As a third-year student I have had occasion to witness changes in our institution, which, until this fall I had thought would be at best unlikely. Now for the first time the law school is more than a subway stop. Whatever the causes are, the school and its inhabitants are more involved. Both professors and students are no longer content in learning merely what "the law" is, but rather, what are the implications of being a lawyer in contemporary society. This change is evidenced most in the attitude of the first and second year students and least in the attitude of the students in the third year. More importantly, the faculty and the administration seem receptive to the new trend.

It is difficult to describe this attitudinal drift but it can be demonstrated. One example was the Moratorium Day ceremonies held at Brooklyn Law School. Class attendance was sparse in my section that morning and I was curious whether the absentees were not in attendance because of some "deep felt" political conviction or whether their failure to materialize was due to the erroneous belief that their absence would not be recorded, thus affording them the opportunity of catching a few extra hours of sleep and a Leo Gorcey movie. That afternoon the Moot Court Room began to fill, and ultimately reached a standing room only capacity. With minor exceptions participation by the third year people was limited to those who had spent the earlier part of the day distributing leaflets. On the other hand large numbers of those students in their first two years were present.

The composition of the body of speakers on Moratorium Day was also a source of interest. It was encouraging to see members of the faculty (Professors Crea, Nightingale and Raphael) sacrifice an afternoon in order to bring a little enlightenment to an area which is not strictly legal in nature. Mr. Lefcourt (of Black Panther fame) established what I believe to be a new school record, i.e., the first recent non-office seeking alumnus to address the student body.

Moratorium Day aside, the administration is also taking steps to eliminate the student-faculty-administration trichotomy. So far these efforts have manifested themselves in the form of informal meetings. I hope more efforts along these lines will be made to foster better relations and arouse a new interest in our school.

Graduates Elected to Office

By MICHAEL DUBOFF

Brooklyn Law School has distinguished itself for having the highest percentage of its alumni in private practice in the nation. Alumni of BLS have also contributed to our society as judges, State Senators and Assemblymen. In keeping with its long tradition, BLS alumni have been elected or re-elected to many New York City and State posts. The students, staff and administration of Brooklyn Law School offer a hardy congratulations to those graduates on their successful campaigns and look forward to their continuing tradition of service to the community.

Unfortunately, the results of the election of judges have not been tabulated as of the date of this printing. To the best of our knowledge, the names of the other alumni are as follows.

MANHATTAN
Borough President
Percy E. Sutton '50
BROOKLYN
District Attorney
Eugene Gold '49
City Council
William C. Thompson '54
Twenty-first District
Howard Golden '53
Twenty-fifth District

Barshay Feted

(Continued from page 1)

tion. In 1965, he was chosen Man of the Year by Shomrim Society of the New York City Police Department. He also holds an honorary Doctorate of Jurisprudence from the Suffolk University Law School, Boston, Massachusetts. The judge has been an active participant in both the Law School and its activities. He served as a member of the faculty as a lecturer for the graduate school. He is married and resides in Brooklyn, New York.

BLS Dedication

(Continued from page 1)

the latter's death in 1967, when construction began on the new school.

In looking back at the school's sixty-eight years, Dean Prince pointed out the "prominence in almost every field of endeavour" achieved by the school's graduates. More than 105 judges now in the metropolitan area are graduates of Brooklyn Law School.

Also counted among the graduates are Borough Presidents Percy E. Sutton of Manhattan and Herman Badillo of the Bronx, District Attorneys Eugene Gold of Kings County and John M. Braisted, Jr. of Richmond County, Presiding Justice George J. Beldock of the Appellate Division, Second Department and former Presiding Justice Bernard Botein of the Appellate Division, First Department.

In addition, Dean Prince said, alumni include "thousands of practicing lawyers, government and corporate lawyers, authors, military and naval officers, corporate officials and businessmen."

Dean Prince cited the scholastic advances made by the school with the strengthening of admission requirements and the program of study, now being re-examined. He also noted that the graduates of the school have "a remarkable passing average" in the Bar examinations.

The school has an enrollment of 1,050 students, with approximately 600 attending the day division. Dean Prince cited the impact of Selective Service for the larger-than-usual night division enrollment.

The school, incidentally, has a record seventy-six women students, with thirty-seven in the first-year class.

Brooklyn Law's continuity with the past is evidenced on the faculty. While Dean Prince has the longest service, thirty-five years, among full-time members of the faculty, Professor Roy F. Wrigley's service dates back to the era of World War I. Other part-time professors with lengthy service are Robert R. Sugarman and Richard J. Maloney, each of whom has been teaching for more than forty years.

The Secret Book

"If a man be in debt and sell his wife, son or daughter, or bind them over to service, for three years they shall work in the house of their purchaser or master; in fourth year they shall be given their freedom."

Sec. 117.

Code of Hammurabi

QUEENS
City Council
Arthur J. Katzman '25
Thirteenth District
Donald R. Banes '57
Fifteenth District



Photo by Mark Oshman

Dean Prince talks with students at recently held student tea

My Country Right or Wrong

by Roger Adler

At the close of World War II, it became popular to ask of the German people, "... how could you do this?" "... how could you allow these atrocities to take place?" At the Nuremberg War Crimes Trials we said that it is not a complete defense to the crime of committing atrocities against mankind to say that "I was only following orders." And so it became popular for smug Americans to look down upon those who followed the Nazi order which was to last 1000 years. Well, make no mistake about it, the silent Americans of this country are the new good Germans, and those who remain silent are are constructively liable for the sin of silence when there is, as there is now, an affirmative duty to speak.

Although I have acquaintances who find him amusing or even camp, I think Spiro T. Agnew is one of the most dangerous men in the United States today. The silent Americans who support him are no doubt a majority, and there are more people who think like the Vice President than there are those who think like Senator Eugene McCarthy or Senator Charles Goodell. The good Germans in our midst, with their "Daily News" minds confuse American flag decals with patriotism, and dissent with treason. How else can this group characterize the Chicago police riot of August 1968 as "mere overreaction on the part of the police," or the massacre of the Village of Songmy near Danang as a "mere inevitable consequence of war."

The spirit of Spiro T. Agnew and his ilk is the know-nothingism of "My country right or wrong." It manifests itself in the Spock trial in Boston, and in the recent political trial in Chicago presided over by Judge Hoffman. We see it when we read that those who marched on Washington in November to protest the War in Viet Nam are "Communist sympathizers" or "fellow travelers." The good German believes that one either supports this country right or wrong or get out. There is no problem with degrees of subtlety; if you do not vow continuous blind loyalty to the United States and fealty to the President, then at best you are something to be feared and kept under close surveillance, and at worst, should possibly be deported or incarcerated.

And so now the champion of all good Germans has made it to the White House. Richard M. Nixon, the political character assassin of Helen Gahagan Douglas and Jerry Voorhis, is now the Chief Executive of the United States. He now holds the most powerful elective office in the world. What has this man done to promote the general welfare and insure domestic tranquility?

He has appointed John Mitchell as Attorney General, and thus permitted the United States of America to find itself aligned with the segregationist forces of Mississippi in arguing for a delay of integration. We also see our chief legal officer clamoring against granting of parade permits for anti-war demonstrators and in favor of preventive detention.

Things have simply gotten out of hand. The lines are more clearly being drawn between those who agree and those who cannot agree with the current administration in Washington. More than ever before, neutrality and an open mind are ever more difficult to maintain. It is no wonder that the young people, the better educated, and the liberal elements of this country, have indicated a vote of no confidence in America as it now seeks to govern itself. Perhaps the Senate's rejection of Clement Haynsworth is a sign that all is not lost. But at this time I am weary and very fearful. I cannot believe that we have come this far to cop out on our national principles and to quit-claim away the Bill of Rights.

Blood Bank Announces Drive

The annual BLS Blood Bank collection for the sole benefit of BLS students, alumni, and their families will be held at this school in March, 1970.

The Blood Bank program offers the students and alumni of BLS an opportunity to become part of a program that will guarantee them the free use of blood when necessary. Each donor and his immediate family will be entitled to the use of up to seven pints of blood during the calendar year following their donation.

Any student who donates three pints of blood will become a lifetime member of the BLS blood program, and will be entitled to the benefits of the program for himself and his immediate family for the duration of his life.

Any questions should be addressed to Blood Bank Chairman, Jim Parker (Room 500—Day) c/o The Student Bar Association Office at Brooklyn Law School. This program is sponsored by the Student Bar Association.

Futility At Washington

by Gary Greenwald

The day began not merely as a beginning for them but as a hope for the future. To the world it was to be a peaceful march in Washington against the war, but to those present it was also a visceral expression against futility.

Washington was invaded by people of all types and colors who wished to give vent to their expressions and beliefs. This was to be done peacefully. There were other groups, which were far in the minority, who desired confrontation for the sake of furthering their political dogma. Those groups, for the most part, were ignored by the rest of the marchers. The day was a bright football type Saturday. The wind was brisk and the spirits high. The leaves were haphazardly strewn throughout as if to remind all that fall was here. Though both old and young were present, the average age seemed to be about 22. The White House was cut off from the march by buses which had been positioned so as to give the appearance of a wall guarding a fort. There never seemed to be an end to the supply of people. The Woodstockian army had arrived.

The permit of the march down Pennsylvania Avenue was to end at 12:30. Thus, most people were curtailed from marching. The march itself was exceptionally peaceful. The police and marshals were there to make sure that the various problems did not get out of hand. Cries of "mini-pigs" aimed at the marshals by the revolutionary groups were laughed off as ridiculous by the marchers. Most of the comic relief was supplied by the mere mention of Mr. Agnew's name. The tragedy which was omnipresent was illustrated by the cryptic homilies chiselled into the various buildings along the way. The statements spoke of justice and fair play. And yet with nearly half a million people in Washington the President had categorically denied its importance. Law, like life, can only be important when made relevant. Somehow those terms which had been held so high became jaded and tainted by actions of Mr. Nixon.

On getting to the Washington Monument the various politicians spoke and discussed the war. The most effective speaker however was Dick Gregory who in his simple humor illustrated the tragedies of the day. The crowd was seemingly ubiquitous. The feeling of oneness and love was throughout. Richy Havens sang of freedom. The crowd gyrated and clapped. Some laughed and sang, while others cried and stood motionless. His performance moved everyone in some way. But the high point came when the man, who was at the mountain long before all of us, got up and sang a simple refrain which said it all—"Give peace a chance." Mr. Seeger put it all together in those simple words. The crowds rose singularly with their hands extended high, fingers arched in a "v" singing "give peace a chance." In the background Pete Seeger, aided by Dr. Spock, implored Mr. Nixon and Mr. Agnew to listen. The unity inherent in the group resembled more a church group praying to God, than a group of "effete impudent snobs."

At some time in the program Mr. David Dellinger spoke. He discussed the "Chicago 8" and the subsequent march to be made upon the Justice Department Building. The march took place later and at this point Mr. Mitchell's forecast and seeming death wish came true. His statements and actions combined with the anarchistic and highly belligerent fervor of the more revolutionary groups combined to produce the expected violence. The resulting confrontation which took place was greeted by canister after canister of tear gas. At this point emphasis must be made of the fact of the very few people who participated in the confrontation. Many people stood on the grass and sidewalks to observe. Essentially the confrontation was the work of a very few people dedicated to certain nihilistic principles. These principles were never the basic tenets of the greater majority of the people in Washington for the march. The basic feeling present was work for change through peaceful means and not through violence.

The retreat from the gas was met by the breaking of windows and other similar acts. Many people attempted to stop others from destroying property. In the end, little damage was actually suffered.

After the initial gas, other gassings took place in other areas of Washington. Soon Washington seemed to be located in a low hanging cloud. The gas was everywhere. People coming in cars. On the whole, the police did their job fairly and justly. The only problems seemed to be their indiscriminate use of gas along with the chasing of any person found in certain areas of Washington back to the mall out of the fear of being arrested or gassed.

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Summer Session

(Continued from page 1)

From the following electives students may choose a minimum of three credits or a maximum of four credits. There will be no additional charge for the fourth credit.

First Year Electives	Credits
Judicial Administration	(1)
Suretyship	(1)
Torts Seminar	(1)
Labor Law	(2)
Equity	(2)
Accounting for Lawyers	(2)
Insurance	(2)
Second Year Electives	Credits
Torts Seminar	(1)
Legal Draftsmanship in Real Estate	(1)
SEC	(2)
Aid to the Indigent	(2)
Labor Law	(2)
Equity	(2)
Admiralty	(2)
Estate and Gift Taxation	(2)

(Third year students have only required courses but may apply for permission to enroll in first or second year electives.)

The administration will distribute written information this month describing the course offerings and students will be expected to register by signing posted petitions.

The S.B.A. day session chairman of the summer session committee, Guy T. Parisi, told *JUSTINIAN*, that his first job will be "to see how many freshmen are interested and then to see which courses they'd be interested in." Mr. Parisi intends to distribute petitions in the first week of the spring semester. Mr. Parisi added that he had been told by the administration that the election of less than twelve credits in the summer sessions could in no way lighten the regularly scheduled load.

Ed Kallen, the S.B.A. evening session chairman of the same committee remarked, "There seems little that can be done at this point." Mr. Kallen cited the weakness and disunity of the S.B.A. but said he would try to do what he could. He also noted that he too had been told by the administration that students must attend two sessions and could not use credits earned in only one session to lighten their load.

(It is interesting to note that there will definitely be a summer session program for third year evening session students for the very purpose of lightening their credit load.)

According to the sole passage concerning the summer session in *Rules For Admissions of Attorneys* (Court of Appeals), credit may be given for work done in summer sessions provided that no session shall be less than eight weeks in duration. The following passage in the *Rules* provides that credit shall be given to the ultimate accumulation of 1152 classroom hours necessary for admission for any credits completed in any period less than a full semester.

The *Rules* define a full time student as one taking at least ten hours of classroom study per week and a part-time student taking at least eight hours per week.

At present BLS day students must take thirteen hours during the day or ten hours at night.

Books at the Bar

The Prosecutor, by James Mills, Farrar, Straus, Giroux, New York, 245 pages, 1969.

by Roger Adler

The Prosecutor is James C. Mosley, an Assistant District Attorney of the Queens County operating out of the homicide bureau. The book stems from seven months of the author's observation of Mosley, as the latter conducted investigations, sought indictments, and argued his cases before the courts. The major segments of the book center around the Alice Crimmins case, and the prosecution of four Mafia gangsters, the alleged murderers of Ernie (The Hawk) Rupolo, himself a Mafia killer. I was not particularly pleased with the book.

In the segment on the Alice Crimmins case, Mosley and Queens County detectives are antagonistic at the \$25,000 bail set for the defendant. The detectives thought that high bail might have kept Alice Crimmins in jail for a sufficient time for her to breakdown and confess. The function of bail, to insure the defendant's presence at the trial is completely ignored. Rather, the reader sees bail used as a tool to invoke a confession and thus relieve the necessity of hard police work.

In the same Crimmins segment, Mosley is quoted as saying "I could only be a prosecutor or a judge. I could never change sides. I couldn't defend a man I knew was guilty . . . can you imagine going to work on a detective like John Kelly trying to make him look like a liar, when you know he's telling the truth?" I do not share Mr. Mosley's one sided view of the law. Certainly when the object of the trial is, at least in theory, a search for the truth, can one in fact be considered a lawyer in the classical sense of the term when he feels unable to represent one viewpoint? This attitude is certainly as regrettable as that of some of this writer's contemporaries, who view the criminal law as a continuing battle against "The Establishment," and thus could only work for the Legal Aid Society.

Mills does raise important questions concerning criminal procedure when he observes: "The trial will be a process not of discovery and enlightenment, but of deception and concealment. Of the thirty or so people directly involved in the trial, the twelve men with the greatest responsibility — the jurors — will end up knowing the least about the case."

However, the author feels impelled to elevate Mosley by designating defense attorneys, Maurice Edelbaum is described as a "fat screaming little man" who "ridicules" and "torments" witnesses. Mosley, on the other hand, is an all around fellow, modest and lowkeyed, loyal to the law, and patient to a fault. The author characterizes Edelbaum as an actor who plays to the audience of jurors, judge, and observers. We are led to believe that only defense counsel act and create appearances, while the prosecutor plays the "straight arrow." Anyone who has spent time observing in the criminal

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THE TRIAL OF DOCTOR SPOCK, by Jessica Mitford, Alfred Knopf, New York, 1969.

by Prof. Stephen Raphael

"Hegel remarks somewhere that all facts and personages in world history occur, as it were, twice. He forgot to add: the first time as tragedy, the second as farce."

Karl Marx—*The Eighteenth of Brumaire of Louis Napoleon*.

Though Jessica Mitford's book is new, her subject, the use of legal process to stifle dissent, has become an all too familiar feature of American political life. Miss Mitford traces the twists and turns of the most recent "political trials", those charging Doctor Benjamin Spock, the Rev. William Sloane Coffin Jr., Michael Ferber, Mitchell Goodman and Marcus Raskin with conspiracy to counsel men to evade and resist the draft. It is ironic that this book should be published and reviewed at a time while we are watching yet another dreary spectacle in Chicago. Many of the observations that Miss Mitford makes in regard to Spock et al take on a special poignance in regard to the Chicago Eight (or rather the Chicago Seven since Judge Hoffman *sub silentio* limited *United States v. Barnett* to its facts and sentenced Seale to four years in jail for contempt of court). The book raises so many ideas that I am almost at a loss for a place to start.

First, I think this case must be seen within the context of the use of the legal process to stifle dissent and protest. As the Supreme Court pointed out in *Dombrowski v. Pfister*, the threat of prosecution can exert a chilling effect upon free speech which is protected by the First Amendment. The Spock, case illustrates the problem. Here, five defendants were selected for trial on the conspiracy charges. They were not alone in their actions. They were singled out from the hundreds and thousands of citizens who joined with them in their statements and actions. Why were they chosen? To a large extent, I must conclude that their selection was an attempt to make a public example of the most noteworthy in order to deter the others. It must also be pointed out that these men were the most vocal in opposition to the war. The same pattern was exhibited in Chicago in the selection of eight defendants in Chicago. A serious question must be raised: were the defendants selected because they were the only violators of the law or because their general political activity was distasteful? If the latter is true, it would seem that special selection for prosecution based upon dislike of defendants' protected speech would seriously violate the First Amendment.

Second, the use of the conspiracy charge against "political offenders" raises a variety of problems. Since the activity in question is usually speech by the co-conspirators, venue can be laid wherever any part of the conspiracy occurred. This gives the prosecution wide discretionary power to select the most favorable locale for the trial. Surely the problems of forum-shopping and judge-shopping in criminal cases where the defendants' liberty is in jeopardy should be disapproved of and curtailed as sharply as it is in civil cases

(Continued on page 11)

IT'S THE LAW!

by M. A. Oshman

Functional Analysis

by Carl Kubie

K 1	L 2	K 3	H 4	P 5	S 6	W 7	A 8	E 9	a10	O 11	B 12	J13	V14
U15	W16	Q17	O18	a19	V20	H21	H22	J23	D24	a25	L26		
M27	I28	R29	Z30	B31	G32	H33	G34	X35	T36	O37	b38	A39	J40
Z41	K42	C43	Y44	U45	X46	H47	F48	C49	b50	a51	C52	T53	
H54	Y55	A56	E57	P58	F59	I60	U61	T62	M63	N64	I65	C66	A67
W68	Q69	G70	J71	S72	S73	Y74	E75	A76	S77	K78	J79	C80	
M81	L82	N83	H84	A85	E86	A87	I88	H89	M90	F91	Z92	J93	O94
N95	G96	R97	U98	J99	S100	Q101	X102	W103	C104	U105	F106	I107	
U108	P109	Q110	Q111	D112	A113	X114	F115	D116	M117	S118	Q119	C120	
Y121	G122	V123	H124	b125	C126	U127	K128	A129	V130	b131	B132	L133	
W134	N135	G136	b137	Y138	B139	H140	C141	X142	M143	D144	T145	M146	W147
J148	P149	H150	G151	Z152	T153	b154	X155	H156	b157	M158	I159		
b160	N161	H162	L163	Q164	P165	T166	S167	G168	L169	a170	R171	L172	I173
V174	E175	L176	C177	N178	H179	T180	P181	P182	O183	K184	X185	a186	
V187	D188	R189	S190	O191	K192	X193	U194	A195	J196	W197	H198		
O199	Z200	a201	S202	W203	K204	G205	b206						

A. Things to which a lawful title may be acquired by ordinary prescription

B. Lover of Narcissus

C. A European rose (Rosa eglanteria) with stout recurved prickles

D. To encroach; trespass (archaic)

E. A judgment, sentence, or decree of a court of competent jurisdiction (French law)

F. God (Greek)

G. Focal point

H. Applied to the case of the death of a party to an action (3 words)

I. Mammal found in Australia, Tasmania, and New Guinea

J. Not excessively (music)

K. The drawer of a bill of exchange

L. Middle ear

M. An inquiry into someone's health (3 words)

N. A cutting off (Latin)

O. A tumor of fatty tissue

P. A lady's waiting maid (Surely you don't mean Mrs. Adams!)

Q. One type of a writ

R. The Buckeye State

S. The heavens

T. To suggest, indicate, or mean along with the explicit and recognized meaning

U. By word of mouth (Latin)

V. Handcuffs (colloquial)

W. Delivery; transfer of possession (Latin)

X. To skip with glancing rebounds

Y. I.G. J-----, German poet (1740-1814)

Z. An officer of the court who makes proclamations

a. A granular preparation of cassava starch

b. An acquittance or release (civil law)

67	8	56	76	195	87	113	129	85	39
139	12	31	132						
49	141	66	120	126	177	60	104	43	52
116	188	24	144	18	112				
86	9	75	57	175					
91	115	48	106	59					
168	34	70	96	136	32	151	205	122	
124	33	150	84	22	54	162	4	198	21
156	89	47	179	140					
159	60	28	107	88	65	173			
23	13	196	99	93	71	148	79	40	
184	42	1	204	78	128	3	192		
163	176	133	172	169	26	2	82		
158	81	146	27	90	63	117	143		
178	95	64	135	83	161				
11	191	199	183	37	94				
58	182	149	181	165	109	5			
111	17	119	164	101	110	69			
97	171	29	189						
73	77	100	190	6	202	118	72	167	
166	36	62	180	53	145	153			
61	194	45	15	108	98	127	105		
14	20	130	187	123	174				
103	16	68	197	134	7	203	147		
35	46	114	193	102	185	142	155		
121	44	74	138	55					
30	200	152	92	41					
19	10	51	25	201	170	180			
S	E	C	U	R	I	T	A	S	
154	206	160	125	131	38	157	50	137	

Wherever I went fury had run rampant leaving behind a trail of death and destruction. Dead blood-soaked bodies were strewn throughout the garbage-filled streets, cars were demolished and overturned, windows were non-existent, and stores were sacked and burned. It was evening, black as black could be, yet one could still hear the crack of guns echoing through the air, the moans of wounded and dying men, and the shrill of a forsaken baby left beside its lifeless mother. The inevitable storm had finally come, and had completely levelled a "sophisticated" civilization. Now, the hours passed slowly, so slowly that one's calm turned to nervousness, and one's nervousness to psychosis. Nothing remained except ruin and despair, such infinite despair, for man was once again no better than an animal. At long last, sweet Eos appeared, bringing cries from a few stragglers back from the final scene of collapse. Yet, no bearers of news could have plunged me into greater chaos. All that my system represented was gone — the judges and his associates had been executed as enemies of the people.

Such a tale may well be drawing close to reality in this land of our unless there is a sudden renaissance of the jurisprudential system. For too long the subtle emanations given off by the legal system have spelled incompetence, inadequacy, and indecision. No longer do the courts have the respect of the people. The entire legal complex must be revamped and attuned to the present age, which is a totally new, creative, technological, highly self-evaluative era. The courts must deal with the fact that standards are not the same as they were years ago, and must reappraise America's thinking about right and wrong, man and woman, church and state, law and order, and black and white. If the law is to be a measure of an age, it must be updated so that the measure is an adequate and fair tests of society. Else, the reading will be biased, the statistics grossly erroneous, the judgments totally inept, and the application unexcusably improper. One need only look about to see the evidences of a nation's growing pains, and the need for greater perception. A day never ends without the occurrence of some novel dilemma with its unique questions and reactions. Despite all of this, however, our law remains ambivalent while the people are growing restless. Those whose fathers and grandfathers bled to see this law evolve, those whose hearts gave out to see this law create a nation, and those who were glad to have this law as their own are growing sick and tired of being used and abused by the system. It is this which will be the total downfall because men will no longer abide by the principles of order, but will revert to that state of disorder which is most natural. Men will destroy that which they have created in order to return to a state of untethered existence. This will mean the antithesis of law and order, or riot and chaos, murder and destruction.

It is presently our calling, therefore, to cross the rubicon, and to take a stand on all the perplexities facing our system. To do this, however, we must examine each part of the entire scheme to see that it is fit and running well. Truly, this means devising an operational system whereby judges are properly trained, selected, and are not merely the beneficiary of some political saint. The lawyer must more fully respect himself, for only in that way will he respect others, and that which he is destined to do for them. It is time to look more frequently to the ranks of those who teach the law because in them is true honesty and full devotion to the cause. As the church co-exists with the state yet is separate therefrom, so too must our law be from politics. Only in this way will law be dispensed to all with total fairness. With the increasing automation and computerization of the world, our legal system, too, must adopt these methods for without these new techniques our system is prey to sluggishness, prejudice and injustice. If all else can be reduced to numbers, so can the law. In such a system, perhaps, objectiveness would surge, subjectiveness would ebb, and law might be what it should be. With these hurdles crossed, and the system running effectively, then the decisions can be made.

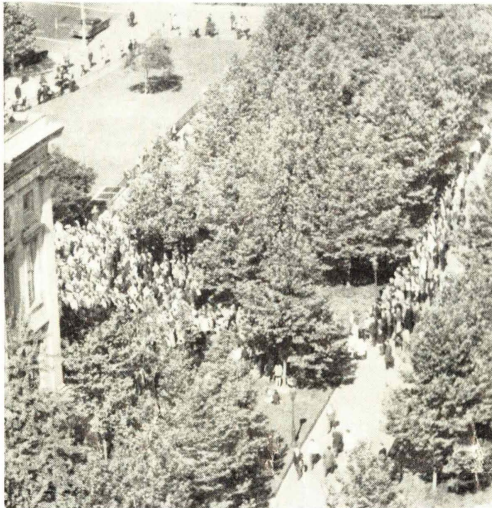
The decisions will be made, and when they are, they will not need to be enforced because the power in their creation, and the thunder in their essence will be sufficient to cause compliance. Respect will be once again be evident, and all that we now know of dissent, violence and brutality will disappear. All will be content with the system because it will exude confidence and finality. It is upon this internal healing, then, that we must concentrate, for only in it will we find any relief for our external dilemmas, and the possibility of avoiding any ultimate disaster.

The Hidden Toll of War

by Neil Cheekman

The war in Vietnam has taken 40,000 American lives. How many additional lives has it ruined? Aside from the permanently crippled, there are men who are forced to serve jail terms for failing to allow themselves to be inducted, who fled to Canada, and who deserted to Sweden. These are the obvious casualties of the war, but there are many others. Young men have forsaken career ambitions to take teaching assignments in the draft-safe New York City School system. This has given New York a teacher surplus of highly-educated but poorly motivated individuals, some of whom classify teaching as the next worst thing to serving in the Army.

The war has taken a toll in other ways. It has divided families and friends upon one of America's most tender areas, the question of patriotism. Many people who fought in World War II and Korea and even in Vietnam, see anti-war sentiment



Crowd listening to an address by Mayor Lindsay in front of Borough Hall on Moratorium Day, October 15, 1969.

as unpatriotic and anti-American. Protestors are either communists or sympathizers or dupes. Youth is constantly being branded as cowardly with the exception of those unfortunate enough to have been drafted and sent to Vietnam, who are instantaneously acclaimed as heroes and patriots. People who have so long believed that this nation can make no mistakes are slowly being shown that it can, and the result is terrifying. Deep-seated beliefs die hard, and violent, unthinking action will sometimes accompany their death-throes.

The overwhelming majority of the American people love this country and what it should stand for, and accusations of lack of patriotism deeply wound those who choose to stand against the war. People still prefer to think in black and white terms, as if "shades-of-gray" thought is more painful.

Because of this situation, the War in Vietnam must be ended; there must be a uniting of a divided country, a return to an understanding between all Americans. The question is, how shall the war be ended? On October 15, 1969 a Moratorium was held, calling for the immediate withdrawal of all U.S. troops from Vietnam. It attracted millions of participants from all walks of life. It was heralded as democracy-in-action by some, mob-rule by others, a day of national mourning, a day of national disgrace. Whatever one calls it, its outcome remains undetermined.

There is a great divergence of opinion as to the Moratorium's possible effect. Its promoters believe it will influence the President to hasten an end to the war, its opponents believe it will prolong the war by giving false hope to the communists. Its propriety is no longer relevant, it happened and the clock cannot be turned back. I only hope that the United States does not have to pay the price of the Moratorium in additional loss of the lives of American servicemen.

BLS Hosts Conference

by Marjorie Wiener

"The Police, Civil Disorders and Due Process" was the title of a seminar held on November 15 by The Academy of Police Science, Inc. and BLS. Approximately 70 people from the academic world, enforcement agencies, and the legal profession attended the all day program. Professor Ronayne, the co-chairman of the seminar, set the tone of the meeting by asking how the Preamble to the United States Constitution (insure domestic tranquility) could be reconciled with the 14 Amendment (insure the due process of law) in the face of violence that is now characteristic of the educational, political, and social life in America.

The morning session was devoted to an examination of the various points of view. Burton B. Roberts gave the prosecutor's side, William M. Kunstler spoke for the defense attorney, the Honorable Francis J. Bloustein represented the judiciary, and Claudius S. Matthews discussed the attitudes of the community.

Burton B. Roberts, the District Attorney of Bronx County, is the epitome of the capable and hard-working D.A. He is a down-to-earth, firm but compassionate man who dislikes the spotlight. Mr. Roberts is a graduate of N.Y.U., Cornell Law School, and received his Masters of Law degree from N.Y.U. He was the chief assistant D.A. to Frank Hogan before assuming his present duties.

Mr. Roberts strongly believes that it is the duty of the law enforcement agencies to uphold the First Amendment guarantee of freedom of speech and to recognize and help reform the inequalities in American society. The right to protest must be encouraged and assisted as long as it does not impede the rights of the majority. Dissenters have no special right to violate, by destruction and by confrontation, the rights of others who do not agree with their point of view. The system of having a government based on law is the strength of the United States.

In order to preserve peace and tranquility and in order to best serve the law and the majority of the people, elective and appointive officials should not hesitate to make unpopular decisions. Conversely, the law enforcement and prosecuting agencies must not only take proper and firm action in order to earn the respect and support of the communities but must also get involved in community programs.

Mr. Roberts pointed out how the October 15 Moratorium Day Parade in the Bronx was an example of intelligent and constructive dissent as well as a victory for all sides. There were, as one high enforcement officer said, "no arrests, no injuries, nothing to report, release the men standing by."

The D.A. believes that firm and fair handling of any situation will result in approval by the overwhelming majority of the public. The prosecutor has been closely involved with the civil disorders at Fordham University and at Bronx Community College. In both cases some students obtained access to the Administration building, and conducted a sit-down which resulted in partial to complete destruction of the interior. These students were informed of the consequences of interfering with the normal functioning of the school and what would happen if they did not leave. Those who participate in law breaking in an institution of higher learning will be arrested and charged with the crimes they committed.

(Continued on page 11)



The Year One

By Peter R. Weiss



It was a small, overcrowded cell which could fit thirty people. But now approximately fifty people were jammed in like cattle. The stench, squalor, and heat could nauseate even a strong man. One of the many rodents there tried to run up the wall but fell to the ground after being scorched by a man with a lighter. A frightened, bewildered, sensitive boy of seventeen huddled in one corner, eyes downward, afraid to look up and see what surrounded him. This is the cell of the Criminal Court in Brooklyn. The boy is David Blumencrantz, younger brother of Steven Blumencrantz, a second year Brooklyn Law School student.

Wednesday, October 15, people all over the United States partook in Moratorium Services. Brooklyn Law School students were no exception. To commemorate the Moratorium, a group of concerned students, the Ad Hoc Committee, planned a program of guest speakers ranging from Percy Sutton to Gerald Lefcourt. Unfortunately, this beautiful and glorious program was marred by an ugly and stupid incident.

Since the school's program was to begin at 1 in the afternoon, some students spent the morning handing out literature protesting the war. Among these students were Steven Blumencrantz and his younger brother David, a seventeen year old high school student. David was wearing an Army jacket with sergeant's stripes on it (a fatigue jacket).

Francis Giordano, a Staten Island lawyer who is the President of the Staten Island American Legion, walked by David who offered him literature which Mr. Giordano not only refused but told him to take off the jacket. He gave David ten minutes to take the jacket off or he would arrest him. Ten minutes later, Mr. Giordano rushed from his office, McKinney's in hand, screaming, "I am placing you under arrest according to Statute 238-2 of the New York State Military Law" (this law states that it is a misdemeanor for any unauthorized personnel to wear Army uniform).

David, bewildered and shocked, didn't know what to do. Steven asked the lawyer to explain what was happening because he was David's brother but the enraged lawyer refused, calling him a few choice epithets. Eyewitnesses to the incident told this reporter that the lawyer was like a mad dog, — his eyes glazed, mouth foaming, ranting and raving.

Although he didn't really want to, a police officer under legal compulsion finally arrested David. Mr. Giordano grabbed David roughly but the police officer told him not to touch the boy. Then two other police officers took David with Mr. Giordano to the Eighty Fourth Police Precinct Station House where papers were filled out. The Police Captain was quite amused at the stupidity of the entire matter. He had never seen anything quite like this before.

After the papers were filled out, David, handcuffed, was then taken to the cell of the Criminal Court to wait for arraignment. He was in this cell for approximately three and a half hours surrounded by hardened criminals. One was there for attempted robbery with a shotgun, another for assault with a deadly weapon. One wonders how this experience will affect a sensitive seventeen year old's mind.

David was then arraigned and ordered to return January 28th for a pre-trial hearing. Two lawyers, Mr. Stein, a civil lawyer, and Mr. Gould, a criminal lawyer, are acting as David's attorneys without charge.

Tuesday, October 21, with another Brooklyn Law School student, I went to interview Mr. Giordano in his office at 26 Court Street. I asked him for an interview because I didn't wish to appear biased and wanted to report both sides. He replied, "I have nothing to say at this time and if I want an interview I will get in touch with you". However, he further stated that he arrested David because the boy had no right to wear the jacket and in so wearing it desecrated the uniform of the United States.

Letters to the Editor

(Continued from page 2)

the Administration, that the goal of a progressive and realistic legal education can be realized.

Student activism is not to be feared, for it is only through action that one attains results and it is for these results that the students and the Student Bar Association must strive in order to achieve the desired goals for an effective legal education. For as Disraeli eloquently phrased it, "Justice is truth in action," and that is the goal of us all as lawyers and citizens.

Richard J. Rosenthal
Second Year-Day

Department of Personnel:
Dear Sir:

As any student knows, the effectiveness of a library is greatly increased by the presence of low-cost copying machines. Their presence also to some extent discourages the mutilation of library materials. An important factor regulating the use of these machines is their cost per copy.

Machines identical in type to those in the Brooklyn Law School library operate at Adelphi University for five cents per copy. A discussion with the head librarian at Adelphi revealed that the University "in no way other than the donation of floor space subsidizes the operation of the copying machines."

In light of this information, I am led to the conclusion that Brooklyn Law School is either unable to negotiate rentals as effectively as Adelphi University, or that a profit is being made by the law school or the machine owners.

The library should be organized to serve the needs of the students. A lower cost copying machine would certainly be beneficial. I think the students of the law school are entitled to a full explanation of this situation.

Sincerely,
Stephen Singer
3rd Year-Evening

To the Editor:

As one emerges from the dim, warm subway and turns towards 250 Joralemon Street, he may be awed by the upright columns of polished, white marble proudly familiar to those who are privileged to study, teach, and administer programs at Brooklyn Law School.

Gazing at the respectable symbol of legal education, one should appreciate the magnificent architecture of its creators. The bold, strong base of white marble housing the library exudes purity of character and symbolizes the need for a solid legal foundation upon which to build. Sharp, flat columns of stone interwoven with glass jut ever upward toward the skyline as if to say there is no end to the heights attainable with a sound legal education.

But this building is more than stone and glass from without; it was created by skilled architects to be an environment for learning, study and discussion to be carried on within.

One enters the spacious lobby and may be greeted by Wade, who gives the appearance of a clerk of the court, in his sparkling uniform. Passing the glass-lined library, one proceeds to the sparkling four elevators operated by an electric brain.

The second floor library is a typical environment needed for

learning. Walls are lined with volumes of law. Cork tiles aid in producing a soft quiet atmosphere. Large tables offer freedom for thought by their mere spaciousness, and single study desks evoke an atmosphere conducive to concentrated study.

Even the air conditioning adds to the environment. The well lighted library and offices are comfortably cool for quiet study and secretarial tasks. The classrooms are the coolest of rooms in the building coaxing the students to be alert in class for learning and ready to rise and discuss legal issues.

Adding to the environment is the position of the floors. First year students may feel that they enter on top by being placed on the sixth, or highest classroom, floor just above the second year students. It shortly becomes evident that the activity is on the third floor housing the law review, placement, the student bar association, and other offices and conveniently sandwiched between the research center of the library below and the senior classrooms above.

Administrative offices are on the ninth floor, above everyone and everything save the heavy machinery to run the building. This positioning is good planning as it adds to the environment for the administration is responsible for the operation of programs, classes, and new students.

Architecturally, Brooklyn Law School at 250 Joralemon Street is a dream constructed into a reality.

Stuart Jay Katz
Second Year-Day

Dear Editor:

This letter is to announce my resignation from the staff of *The Justinian*.

The Justinian has lost touch with the student body at Brooklyn Law. This situation is nothing new. Last year's May issue referred to itself as the "most widely circulated, unread newspaper in America." Did you ever wonder why? It isn't apathy. The students might have shown some interest in the paper if it had shown some interest in communicating with them rather than preaching at them.

The Justinian's prestige among the student body is so low that two organizations — the SBA and the Committee of Concerned Students — are issuing their own newsletters rather than use *The Justinian* to publicize their activities.

How can you expect the students to take seriously a "newspaper" that admits that the administration uses it as an advertising medium, that prints without comment a childish set of regulations adopted by the trustees, but refuses to print an article critical of the new building and, implicitly, the administration?

Do you really expect students to have any regard for a newspaper which has an editorial that lectures them for their "diatribes against the Administration", the same Administration that excludes them from the dedication ceremonies of the new building?

When 400 students sign a petition to ask the school to allow the use of the Moot Courtroom for Moratorium Day you can't accuse them of being apathetic just because they aren't interested in reading your paper.

And who can blame those students for bypassing their "elected representatives"? What have their elected representatives ever done before this year? For one thing, they botched up the publication of the teacher evaluation by first voting to publish and then by surrendering to the administration at the first sign of pressure. And please, dear editor, don't lecture us about volunteering for committees. You were the chairman of the SBA Constitution Revision Committee, of which I was a member. How many meetings did you call? One. I missed that meeting because I got there two minutes late and it was over.

But go ahead, Mr. Pepper and Mr. Cohn, print your rules and regulations and crossword puzzles and editorials lecturing us naughty children. And go on being ignored.

Something is happening, but you don't know what it is, do you, Mr. Jones?

Ronald Einziger

Background of Mooters Varies

(Continued from page 3)

Adler and Paikin argued the case for the school. The two represented the respondents in an action against a university by five students who were expelled and had their scholarships suspended due to participation in a campus demonstration.

Levy was due to argue for the petitioners in the event that the team progressed in the competition and was chosen to represent that side.

Judges for the case were Joseph Cox, former surrogate of New York County and attorneys Joseph Calderon and Robert L. Tofel.

The New York University team included Kenneth R. Feinberg, Mrs. Susan Deller Ross and Arnold J. Haiman. Feinberg and Mrs. Ross argued for the petitioners.

BIOGRAPHIES

Roger Adler was the "swingman" in the competition. He was to argue regardless of which side Brooklyn Law School was scheduled to represent. He was born in Brooklyn and did college preparatory work at Adelphi Academy. He then enrolled at Western Maryland college in Westminster, Maryland. While at the small liberal arts college he was a member of the intercollegiate soccer team and a reporter on the school newspaper. He completed his requirements for the bachelors degree in January, 1966, with a major in political science. He then enrolled in American University's School of Government from which he received an M.P.A. in Urban Affairs.

At Brooklyn Law School he is a contributing editor on *The Justinian*, and was a finalist in last year's second year moot court competition. He is a recipient of American Jurisprudence prizes for Administrative Law, Urban Land Problems, and the Advanced Torts Seminar. He hopes to find a position following graduation, as either a trial or appellate advocate. He lives in the Flat-

Legal Services Programs Outlined

by Stephen Holbreich

There are many opportunities to take part in providing legal services for the poor while in law school. While these opportunities have not been well publicized in the past, an effort is being made to correct the situation.

There are many organizations that need law students to help them provide legal services. Among them are the Legal Aid Society, Community Action For Legal Services, and many neighborhood groups. There are opportunities to work for such groups during the school year and during the summer vacations. Some of the openings during the school year are voluntary and some are paid, while the summer internship programs have paying positions. Many of the summer positions are funded by the Office of Economic Opportunity and The Urban Corps. The legal services provided by the students cover a broad area and include

interviewing clients, doing research and brief writing, and representing clients at agency hearings.

The programs usually provide opportunities for second and third year students. Summer positions for the second year students are generally obtained by the middle of the spring semester. It is important that the students at this school begin planning now for next year. Any student who is interested in developing this program can sign up in *The Justinian* office. Those who sign up will be contacted as soon as possible regarding an introductory meeting. It is hoped that a group of students at this school will form an organization to acquire information from and provide help for the various legal services in the metropolitan area.

It is unfortunate that a law student is given no clinical work while in law school. Unless the student develops the practical aspects of the legal profession on his own, he will graduate from law school without much idea of what it is like to be a working attorney. Working for a legal services agency provides a two-fold benefit for the student. It develops his ability to counsel clients by experiencing the true lawyer-client relationship and it is an opportunity to provide legal assistance in a meaningful way for people who cannot afford a private attorney.

—Stephen Holbreich

In Brief

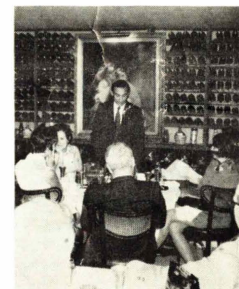


Photo by Martin Gamliel
Judge Glasser addresses guests at a testimonial dinner in his honor.

Forkosh Speaks

Supreme Court Justice William O. Douglas and Brooklyn Law School Professor Morris D. Forkosh will be among the participants at a Conference on Constitutionalization of Science to be held on December 15-19, 1969 in Santa Barbara California.

The Conference, sponsored by the Center for the Center for the Study of Democratic Institution will deal with Jurisprudential and Constitutional aspects of problems raised by Contemporary Science.

Thompson Appointed

Justice Edward Thompson, the president of the Brooklyn Law School Alumni Association, was named Administrative Justice of the New York Civil Court. The appointment takes effect on January 1.

Military Lawyer Pay

A House subcommittee has approved a bill which would allow military lawyers pay and continuation bonuses comparable to those now received by military physicians.

Police Conference Held At BLS

(Continued from page 9)

In support of his argument, Mr. Roberts cited the following cases: Robinson v. Florida, 1963, 378 U.S. 153; Human v. City of Rock Hill, 1964, 379 U.S. 306; Shuttlesworth v. City of Birmingham, 1965, 382 U.S. 87; Adderley v. Florida, 1966, 385 U.S. 39.

William M. Kunstler has devoted himself in recent years to handling the cases of radical civil rights workers and students. The "people's lawyer" is a very intense individual who places moral considerations first. He is a graduate of Columbia Law School and has taught at N.Y.U.

The fact that there are two legal systems is readily apparent when the defendant is hated by the judge, the jury, the prosecutor, the legal profession, the press, and by the public. There can never be "due process". The Rosenberg trial awakened William Kunstler to this realization. He had turned down an offer to assist the defense attorneys and Mr. Kunstler saw what an atmosphere of fear and isolation can and does do to capable lawyers who defend hated clients.

A defense lawyer can not be a lawyer who is a mere representative of the client. This is what Voltaire meant when he stated that although I do not agree, I will defend your right to say it. Due process will not become effective until the lawyer is not afraid of the judge, the jury, the prosecutor, and at least openly, of public opinion. The lawyer must be willing to forego the system of complacency, of ambition, and of social satisfaction. Otherwise, the lawyer will be "assisting in the dance of death." The defense attorney must be a complete advocate for his client: he must identify with the fundamental objectives of the client. A defense lawyer is a lawyer of the people and must utilize the courtroom to equalize the odds.

Mr. Kunstler drew an analogy between the people's lawyer and *Moby Dick*. Both Herman Melville and the defense attorney see the world as being divided between the forces of evil and the forces of good. Although neither force can conquer the other, evil is in a stronger position. Captain Ahab is representative of man's desire to conquer and destroy evil. Ahab could not destroy the whale; he could only wound it. The defense lawyer wants to have the opportunity of harpooning evil in order to equalize the odds. The forces of good must be kept alive and given promise for growth so that in the future, all men will be equal before the law.

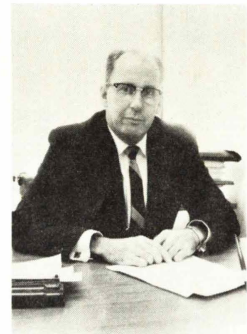
The Honorable Francis J. Bloustein, Justice of the Supreme Court: First Judicial District, was the third speaker. Judge Bloustein presented a history of the judicial process and showed how the rights of the defendant are zealously guarded. It is important that lawyers and judges do not lose their perspective, their objectivity, during the course of a trial.

The courts have the obligation of establishing a balance between the rights of the community and those of the defendant. The problem facing the judicial system is the congestion in the court calendar. He states that this is due to insufficient space, understaffing in the legal air society and the prosecutor's office, and to a shortage of correction officers, probation officers, and warrant officers.

Claudius S. Matthews is the

Acting Executive Director of the Bedford-Stuyvesant Community Legal Services Corporation. He is a graduate of BLS.

This dedicated and sincere official believes that there are complex and varied interests in his community. The civil disorder confrontations are a conflict between the desire of the people to further their own ambitions and the government's duty to uphold the law.



Prof. John Ronayne

Since the police are the most visible link between the community and the governmental agencies, the police should increase their involvement efforts beyond PAL and support local organizations such as Youth in Action.

The afternoon session consisted of panel discussions. The three panels and their panelists were:

1. Legal Limitations of Police Power

Chairman: John A. Ronayne, Frank Day (Professor, Michigan State University), Frederick Ludwig (First Assistant District Attorney of Queens County), Claudius S. Matthews, Harold J. Rothwax (Mobilization for Youth, Inc.), and Lt. John Sullivan (Director, N.Y.C.P.D.'s Legal Division).

2. Police and Community View of Police Power

Chairman: Vincent A. Carlin (Adjunct Professor, Rutgers University), Algernon Black (Senior Leader, N.Y. Culture Society), William Brown (Professor, SUNY: School of Criminal Justice), Howard J. Devaney (Executive Director, The National Conference of Christians and Jews, Inc.), Richard A. Myren (Dean, SUNY: School of Criminal Justice), and Lloyd Sealy (Professor, John Jay College of Criminal Justice).

3. Police Techniques in Civil Disorders

Chairman: Dr. Robert R. J. Gallati (Director, N.Y.S. Identification and Intelligence System), Assistant Chief Inspector Michael J. Codd (N.Y.C.P.D.), Patrick V. Murphy (Director, Public Order and Safety Studies, Urban Institute), and Police Commissioner Johannes Spreen (Detroit P.D.).

The Academy of Police Science, Inc. is dedicated to the promotion of law enforcement as a profession, to the promotion of academic interest in the profession, the improvement of personnel standards, and to the utilization of concepts of "other learned disciplines" in the law enforcement profession.

New code of professional responsibility

The 450,000 copies of the new code are being published by Martindale-Hubbell, Inc., as a service to the legal profession through an arrangement worked out with the American Bar Association. The reprinted editions are expected to be ready for distribution by state bars and the law schools in early December.

The Code, adopted unanimously by the A.B.A. House of Delegates at the Association's last annual meeting, will become effective for A.B.A. members on Jan. 1. A number of state bars have initiated steps to incorporate the rules by that date.

Distribution of the reprints of the Code is being made through the state bars to avoid duplication of mailing. In integrated bar states, dissemination will include all lawyers within the state. In those states with voluntary bar associations, the state bar will attempt to provide copies to all non-members. Attorneys who do not receive a copy from their state bar headquarters by Jan. 15, 1970, may request one from the A.B.A.

Lawyers' Edition. The lawyers' edition of the reprint will have a white cover with a blue A.B.A. triangle on the front. In addition to the Code, it will contain the Canons of Judicial Ethics, the Oath of Admission, and the rules of procedure of the A.B.A. Standing Committees on Ethics and Professional Grievances, and Law Lists.

Student Edition. The student edition will have a special A.B.A. Law Student Division cover. In addition to the same contents as the lawyers' edition, it will contain an application form for membership in L.S.D., information about benefits of membership and letters from President Segal and L.S.D. President John A. Long of the University of Southern California Law School.

Books at the Bar

(Continued from page 7)

courts knows this is simply not true.

The segment concerning the trial of Ernie (The Hawk) Rupo, implies that the defendants' acquittal had to be the result of witness tampering and bad luck. I am not saying I disagree, but it surely is reasonable for a jury to acquit mafia members when the only hard evidence against them is that of former Mafia members who have received immunity from the prosecution as the price for their testimony. This area should have been further developed because it asks the deep and searching questions of how far a District Attorney should, if at all, go in extending immunity for past crimes since concerned observers feel it is improper for a District Attorney to operate in such a manner. Other commentators feel that the ends of a given conviction far outweigh the means of extension of immunity. This area was more fully developed in *The Victims* by Lefkowitz and Gross, and I would have liked to have seen some treatment in the book at bar.

I was somewhat disappointed with *The Professor*. Advertisements for the book raised by aspirations to a level which the author was unable to satisfy. It was too shallow as an in depth study of a big city D.A.'s office and it read too slowly as an adventure. It will, however, no doubt go over very big in sections of this country where men who wear sharkskin suits and white socks are considered well dressed, and the level of one's patriotism is measured by the number of American flag decals which adorn his automobile.

THE JUSTINIAN
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newspaper.

Futility at Washington

(Continued from page 7)

The people in Washington were truly wonderful and openhearted. Food, lodging, and other necessities were amply provided. The marshals did a magnificent job by limiting confrontation and by guiding the demonstrators.

The dedicated people selling peace buttons were there. The "hawkers" either giving away or selling publications were there. The young with the old walking on the mall linked in a common cause were there. The most startling fact of the march was the conspicuous and cacophonous absence of those who should have been there. This group, though transmogrified by status and self-importance is the one history has chosen to preclude this tragic slaughter. This is the group which is the true silent majority existing in the present plurality of political thought. They are exemplified by the person who says the war is wrong and does nothing further. Such individuals equate activism of any degree with treason. Where were all the law students and lawyers who learn of Brandeis Cardozo, and Holmes? Does that individualistic spirit, however defined, cease at the doors of law school? At what point will this large group be moved to say, "I will take a stand?" The lethargy of their todays exacerbate the problems of the world's tomorrows.

"The March on Washington" is history now, but the future is coming on quickly. Apathy is being attacked as well as the war policy of Mr. Nixon. The time for indecision and restraint has now come to an end. The '60's are leaving and a new era is about to begin. The time is ripe for love, brotherhood, and true justice for all. And most of all, it is time to give peace a chance.

(Continued from page 7)

under the Erie doctrine. But more importantly, the conspiracy charge makes each member in the conspiracy responsible for all of the acts of all of the other members without actual knowledge. Technically all 28,000 signers of the Resist petition were members of the conspiracy. Moreover, the publishers of Doctor Spock's book, in which he advocates resistance to the draft, are technically members of the conspiracy. They aided Spock in disseminating his views which were part of the conspiracy. Presumably the book-sellers were also guilty. Again the question of the chilling of free speech is raised. Any crime which is so broad and which requires no scienter and which applies to speech and merely requires further speech manifestations such as placing a telephone call or addressing an audience in front of the Justice Department to satisfy the "overt act" requirement, would appear to seriously erode freedom of speech. On July 11, 1969 the United States Court of Appeals for the First Circuit reversed the convictions of Spock et al. The majority opinion held that Judge Ford's instructions to the jury deprived the defendants of a fair trial and that further the evidence presented failed to prove a conspiracy as to Spock and Ferber and therefore they are freed from further prosecution. The other defendants are to be retried by the District Court. Circuit Judge Frank M. Coffin dissented holding that all of the defendants should be freed from further prosecution. In his dissent he emphasized the point that the use of the crime of conspiracy to deter dissent is unconstitutional. Judge Coffin argued for the abolition of conspiracy in First Amendment cases. He recognizes the need for conspiracy as a prosecutorial tool in fighting organized crime but sees it as causing a "blizzard" effect on speech; arguing, "This is a landmark case and no one, I take it, supposes that this will be the last attempt to use the conspiracy weapon. . . . The court's rationale provides no meaningful basis for predicting who will find themselves within the net. Finally, there is the greater danger that the casting of the net has scared away many whom the Government has no right to catch."

Finally, many interesting points are made along the way about such problems as how the jury panel was selected, how limited defense counsel is in Federal Courts in questioning jurors, the problems of multiple lawyers in conspiracy cases, the independence of the jury and the importance of the judge's charge. On all of these points, Miss Mitford raises substantial questions for the legal community.

Unfortunately, the readers of this book are likely to be members of that sector of our nation recently characterized by a stag-club lecturer as "effete . . . snobs". I say unfortunate because the audience that would most benefit from this book would be Attorney General John Mitchell, and other high ranking officials of the Justice Department who have taken an oath to defend the Constitution, all of it and not merely those sections which give support to the inference from *McCullough v. Maryland* of state-bond immunity. The time has come to stop political trials in America and the first step in decelerating the War on Dissent is the judicial whittling down of the conspiracy cudgel.

Rothblatt: Criminal Lawyer

(Continued from page 5)

established, it will be financially rewarding.

Mastering the Facts

In the practice of criminal law, perhaps the most difficult aspect of the work — certainly one of the most basic — is mastering the facts of the case.

Long hours will be spent discussing and gleaning the facts from the client. Most attorneys, as rational persons, will find it difficult in adjusting their senses to the often neurotic world of their clients who are often liars, cheats, conmen and killers — and sometimes all of the above.

About 50% of the clients who come into the office of the criminal lawyer are so moronic as to lie to their lawyers about the facts of the case. (At least 80% think they are so cunning as to be able to con the attorney out of his fee, an aspect of the practice that would alone warrant being the subject for a short text.)

Once the attorney becomes proficient in mastering the facts, the practitioner can move on to the legal areas.

Today, the drafting of pre-trial motions is one of the fundamental arts of the advocate. He must not only make sure that he covers all ground as enunciated by court rulings, but he must also be ever alert to the possibility of expanding the content of his motions to demand today what was unheard of yesterday.

Plea Bargaining

The attorney who does this often faces ridicule from the bench, and even, surprisingly, from some of his fellow practitioners. But he must learn to ignore this kind of criticism — which oftentimes is nothing more than a rationalization for their laziness. There are a few derelicts of the profession who may abandon their own clients to the first plea by the District Attorney.

However, understand that taking a plea is not to be criticized if the facts warrant it. What you must try to do, I insist, is to exhaust every pre-trial remedy, even those that may appear futile, before a plea is taken.

The courtroom trial, the most familiar part of the criminal lawyer's life is, of course, crucial. It cannot be detailed here except to point out what is perhaps the most important thing (aside from the rules of evidence) that the defender must keep uppermost in his mind during the course of a trial: to be prepared at all time to object; to, and to counter, the prejudicial acts and remarks of the prosecutor (and even the trial judge).

If the verdict is an unfavorable one, then the appellate process, including habeas corpus, will come in play. It is in these areas that the criminal lawyer must be an expert technician in pre-trial and post-trial procedures with an awareness of the remedies for which he is entitled to apply.

There are many pleasures and satisfactions in criminal advocacy. Not the least of these being, in some instances, the instrument of saving a human life. Or, in others, of being able to act to prevent an innocent man from being unjustly convicted and imprisoned. In his justly celebrated book, *Convicting the Innocent*, the late Professor Borchard of Yale University wrote of 65 persons who were convicted of crimes they did not commit. Fifteen of the convictions were a result of false or mistaken identification and 30 involved perjurious testimony. In four cases, the alleged victim of the murder turned up alive and well after the "murderer" was executed.

Advocacy and Justice

Advocacy and the criminal law are inseparable. No twelve men would ever send a defendant to the electric chair unless a prosecutor had succeeded in arousing their passions to a fever pitch. Nor could any innocent defendant ever hope to escape without the counsel of an advocate to lead him through the labyrinth of the intricate parts of justice. If there are failings in the law, if injustice still occurs in our courts, it is only we advocates — and no one else — who can right these wrongs.

To those who would look down their noses at criminal advocacy, former President Harry S. Truman's remarks may have some relevance: "Unless lawyers risk the obloquy of the uninformed to protect the rights of the most degraded, an important part of our rights will be gone."

The compartments of the law are many. But any lawyer who decides to devote his talents to the art of advocacy in the criminal courts will find more than ample opportunity to make a lasting contribution to the cause of justice.

And, after all, isn't that the very spirit with which all of us were once imbued (or should have been) when we decided to dedicate our lives to the practice of law?

3 in Who's Who

Three Brooklyn Law School students, Louis A. H. Pepper, Michael H. DuBoff and Geoffrey Keith Orlando have been selected for inclusion in the next edition of *Who's Who Among Students in American Universities and Colleges*, the publisher H. Pettus Randall announced late last month.

Mr. Pepper, the current editor in chief of the *JUSTINIAN* is a Graduate of Brooklyn College. In addition to the *Justinian* Louis has been active at Brooklyn Law as a former member of Student Bar and a member of Law Fraternity and a semi-finalist of the Freshman Appellate Moot Court Competition.

Mr. DuBoff graduated Pace College. At Brooklyn Law Michael has been a Contributor to Law Review, Alumni Editor of *Justinian* and Chairman of the Legal Research Writing Committee.

Mr. Orlando graduated as a dean's list student from Manhattan College. He has been a member of Student Bar and Magister of the campus chapter of Phi Delta Phi fraternity.

Answer to Puzzle From Last Issue

