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Justinian

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MONDAY, NOVEMBER 9, 1970

345

Page One

Police Have New Powers Under CPL

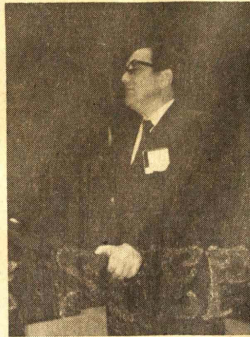
By Ron Einziger

Don't despair, all you beleaguered law students trying to wade your way through the convoluted passages of the Code of Criminal Procedure. The CCP shall soon be no more. Its death is scheduled for September of 1971, when the Criminal Procedure Law shall rise from its ashes.

The CPL was introduced to Brooklyn's legal community on October 26 at the Fall meeting of the Brooklyn Law School Alumni Association. The presentation was made in the form of a panel discussion, with frequent participation by the audience.

The panel members were Fordham Professor of Law Richard Denzer, who headed the commission that wrote the CPL, Surrogate Judge Nathan Sobel, representing the Bench; Elliot Golden, Chief Assistant District Attorney of Brooklyn, representing the prosecutor's point of view, and Herbert Lyon, attorney for Alice Crimmins, representing the defender's view. All but Prof. Denzer are BLS alumni.

The delay in the effective date of the new law, said Prof. Denzer, was to allow time for the legis-



Judge Edward Thompson

lature to correct any defects that might be found. Many members of the audience felt that they had defects to point out.

The CPL, Prof. Denzer explained, was not designed to amend the CCP, but to abolish the old law of criminal procedure and rebuild it from the bottom up.

Among the differences between the CCP and the CPL is that under the CCP, a policeman could arrest, without a warrant, a person who he had probable cause to believe had committed a felony, even though not done in his presence. He could not make an arrest for a misdemeanor under

(Continued on Page 7)

SBA Reps Meet With Dean Gilbride To Talk Over Delays On Resolutions

By Kenneth S. Levy

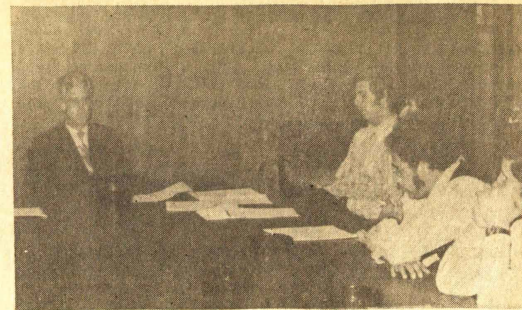
Representatives of the Student Bar Association, distressed by the apparent powerlessness of their organization, held a special meeting with Assistant Dean Gerard A. Gilbride in an effort to clarify the SBA's role with respect to the regulation of student affairs.

The more than two-hour session, held at the representative's request, proved to be an unsuccessful attempt to speed up action on recent SBA resolutions by bypassing a faculty committee and dealing directly with the dean.

Dean Gilbride said that all resolutions except one had been submitted to the Faculty Committee on Student Relations and, following its consideration and a general faculty vote, would be returned to him for final determination.

The one exception was a resolution concerning an Internal Revenue Code section which restricts political activity by tax-exempt educational institutions.

Referring to the resolutions submitted to the faculty committee, Dean Gilbride said, "It is within my discretion whether matters of



Dean Gerard A. Gilbride meets with SBA and Justinian representatives. Seated at right are, from left: SBA President Richard Schneyer, ABA-SBA Representative Jerome Hochman and Justinian Managing Editor Neil B. Checkman.

this kind are submitted to the faculty."

He explained that the resolutions in question had been submitted to the committee because they directly concern the faculty.

The resolutions deal with such subjects as grading, class rank and final examinations.

"Not all resolutions will be submitted to the faculty in the future," Dean Gilbride said, "but when it deals with very serious problems I reserve the right to do it at any time."

Representing the SBA at the October 27 meeting were President Richard E. Schneyer, Second Vice-President Peter Weiss, ABA-SBA Representative Jerome Hochman, Executive Adviser Murray Skalar, Jerry Labush and Hether Lewis.

Neil Checkman and Sam Grafton represented the editorial staff of the *Justinian*.

In response to a question by Mr. Schneyer concerning the status of

the SBA, Dean Gilbride commented, "I recognize the SBA as the authorized representative of the student body, but I'm not going to say it is the only voice in the school."

Dean Gilbride noted that the faculty committee could decide to speak to individual students in addition to SBA representatives.

"It is the faculty committee's function to set up their own structure and to determine how they will handle communications with the students," he said.

Dean Gilbride added that he would be willing to speak with SBA representatives before making any final decisions on resolutions.

Referring to political censorship of the *Justinian*, Dean Gilbride said, "As far as I can see the law is clear on this matter and we will be running the risk of losing our tax-exempt status if we ignore it."

(Continued on Page 3)

Clinic Will Remain Open

The Fort Greene Legal Services Office will remain open "in the near and foreseeable future despite the fact that its demise was, in theory, scheduled for this last October 31," according to BLS Director of Clinical Services, Gary Schultze.

Two weeks ago, a story in the *Justinian* reported that the future of the BLS Legal Services Program seemed bleak due to a general cut-back on funds suffered by the Office of Economic Opportunity.

The BLS program draws its cases from the Fort Greene Office which is financed by the OEO through New York's Community Action for Legal Services.

New York's Community Action for Legal Services (CALS) had received only last year's budget, thus requiring a severe reduction of present programs due to increased costs.

However, Mr. Schultze said that even if the Fort Greene Office does close up, "the BLS program won't be affected very much at all, since we have fairly reliable assurances that the South Brooklyn Office would change its location and expand to handle the Fort Greene area."

"We would then just draw our cases from the consolidated office," he said.

When quizzed about his salary, Mr. Schultze responded, "although money is important, the interest of the students in the program is paramount as long as they are involved. I will be too. In the last ten days I've gotten a pretty much

unshakable commitment from CALS that their share of the funding will continue. So, in answer to all your questions, Fort Greene will be here for awhile. I'm in for the duration — hopefully."

At this time, the overall CALS funding issue has refused to become a dead letter of the law; there still appears to be some pressure on national and regional OEO to increase the CALS budget. When asked about this, Prof. Michael Botwin said, "As a member of the City Bar Association's Legal Assistance Committee, I know just a little bit about this

and am free to tell you even less. I can say, though, that a team of very distinguished and "Establishment" New York lawyers has been negotiating with national and regional OEO for an increase. Whenever they'll get it, God only knows. But it seems at least that the issue is still open and I wouldn't sell the team's effectiveness short."

So, the picture is generally quite a bit brighter than it was two weeks ago. Fort Greene is still not on the casualty list. The BLS Program is assured of continuing. And there may even be some hope left for CALS.

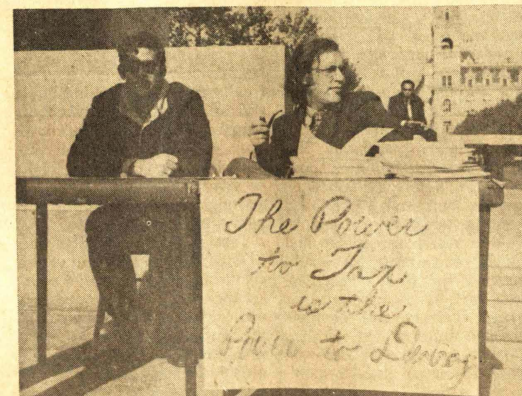


Photo by Abe Kunstlinger

Neil Checkman and Steve Blumentrantz sit at Gadium Plaza, hoping to attract signers to their petition which decries the loss of the tax exemption to conservation-minded organizations.

Jail The Judges, Hamill Suggests

By Pete Hamill

And yet nothing will change, because of the way we choose our judges and because of the way we let them serve. Any one who has spent time around our courts knows that the average judge is someone who comes in at 10:45, works until 12:15, goes to lunch with his county leader at Joe's on Court St. or Longchamps on Broadway, returns gorged for the afternoon session at 2:15 and then adjourns at 3:45 in time to get to the track for a couple of races.

The judges simply don't work. And the jails are crowded to the explosion point because of their sloth and indifference. There is a way to prevent any further outbreaks in the city prisons and to cut the prison population down to

human size. That is to immediately jail every one of our judges. Put them all in cells, and keep them there with the rats and the roaches every night, with the guards rapping them on the head when they feel like it, where the only reading is "1001 Top Jobs for High School Graduates," where wives stand in the streets and scream their grief before the homo gangs rape you in the night. Keep the judges there until every case has been dealt with. It wouldn't take very long before even a judge started to understand that innocent men must be treated like men, even if they are locked in cages. If every city judge were jailed today, the trouble would be over by Wednesday.

From Pete Hamill's column, "White Heat." Reprinted by permission of N.Y. Post Corp.



Photo by Chuck Wendler

RUMOR SUBSTANTIATED — A rumor last spring that an undercover FBI agent had infiltrated the student strike at BLS has been substantiated by a Justinian photographer. The photo above shows the agent, cleverly disguised as a female revolutionary, standing near door of Moot Court Room. Badge gives him away.

SBA Confronts Faculty Committee; Resolutions Hang In The Balance

By Rosina Abramson
and Neil B. Checkman

Representatives of the Student Bar Association stepped up their fight for a quick decision on recently passed resolutions when they met Wednesday with the faculty committee presently considering the proposals.

But before the merits of its position could be considered by the Faculty Committee on Student Regulations the SBA executive board found itself embroiled in a dispute over the purpose of the meeting itself.

Mr. Richard Schneyer, the President of the SBA, stated that he

and the executive board were there to discuss the resolutions passed by the SBA and to get binding commitments from the faculty committee. Judge Glasser, who chaired the meeting, described the role of the faculty committee as to "hear and report" to the faculty only.

Mr. Schneyer, although requested by Judge Glasser to go on to the discussion of the resolutions, pursued the question of who has binding authority in negotiations with students as he felt this was the "heart of the matter" and that it would be useless to go further until this question was settled.

He reported that the SBA thought the faculty could make administrative decisions, but was told by Assistant Dean Gilbride that the faculty committee could only advise the faculty, who could in turn, only advise the administration.

When Mr. Schneyer asked to negotiate directly with the Assistant Dean, such meeting was allegedly refused. He went on to say that the SBA owed the faculty committee an apology for burdening them with administrative problems, but that the students of BLS had been cut off from all other ways of stating their position.

Judge Glasser again urged that the executive board go on to the resolutions as he was not in a position to comment on what the dean had said and that the committee was there only to consider the resolutions and "what happens afterwards is between the faculty and the administration."

Mr. Schneyer yielded to Judge Glasser's suggestion and introduced the resolution passed by the

SBA in support of the Justinian's efforts to preserve complete freedom of the press. The executive board was then told that the faculty committee was not empowered to hear this particular resolution as it was termed purely administrative.

Mr. Schneyer asked what route the SBA could take as both the assistant dean and the faculty had now refused to hear this question. Judge Glasser assured the students that they will get a response from the administration.

The next resolution was introduced by Miss Jane Conway, recording secretary of the SBA. This one concerned student displeasure with the present functioning of the Placement Office.

The faculty was in a position to hear this issue and they recorded the grievances and recommendations as outlined by the executive board.

Among the grievances listed were the fact that advance notice was being given to select students for forthcoming interviews, the lack of a full time placement officer, and the unfavorable image of BLS.

The executive board suggested that the school needs "a public relations man who will sell the school, so that the student need only sell himself."

Robert Elliot, night student loan chairman, introduced the next resolution to be considered. This resolution deals with a suggested change in the present system of class ranking which would provide prospective employees with an awareness of the high attrition rate at BLS.

After an analysis of the resolution
(Continued on Page 7)

Know Your Trustee: He's Powerless To Act

By Lloyd Berns

Many Brooklyn Law School trustees, often capable and concerned, have become powerless to make needed changes. Willard G. Hampton is one example.

Mr. Hampton, formerly an executive vice president of New York Telephone, is now serving as president and trustee of the Brooklyn Savings Bank. He is a graduate of Union College and received an honorary Doctor of Laws Degree from that same institution in 1958. He was married in 1948 and presently has five children.

Mr. Hampton feels that he owes his selection to the Board of Trustees of Brooklyn Law School to his established business judgment, a fact verified by his distinguished career.

Mr. Hampton is obviously a man who thrives on activity and one who tries his utmost to best meet the needs of each institution he represents. This was best displayed during our interview by the keen interest he expressed in the student conditions at BLS.

Mr. Hampton is a very capable trustee, as are most of his colleagues. However, great personal abilities of the trustees do not overshadow the inadequacies of our antiquated trustee system.

Mr. Hampton typifies the problems that now exist under this system. Despite great individual achievement, Mr. Hampton is obviously overburdened with responsibilities and cannot possibly extend enough attention to our problems.

He is a trustee or a director of twelve other institutions, including the Brooklyn Hospital, Union College, the Long Island Trust Company, and the Brooklyn Chamber of Commerce.

There are, however, even greater difficulties involved. The Board of Trustees was created out of legislative necessity to govern the law school. The board delegated these powers to the administration which was then to answer to the trustees for the management or mismanagement of the institution.

However, over the years the combination of trustee neglect and gradual assumptions of duties by the administration has left the trustees as a powerless group, not capable of effectively questioning the administration's control. Indicative is the fact that according to Mr. Hampton, the Board meets at "irregular" intervals. Also Mr. Hampton quizzed our reporter on such basic vital matters as physical conditions, student opinion, and curriculum problems.

The trusteeships have become rewards for past services, not catalysts for innovation. Naturally, the trustees' only contact with the school has become the administration; thus, the administration is in the peculiar position of providing the only information to the body that is theoretically there to check on their functioning.

The trustees have no knowledge of students' wants and needs, as contact is non-existent. Student desires are translated by the administration to the board. Mr. Hampton stated that he felt this was a proper method for student-trustee communications.

The result of this process has been the granting to the administration of a virtually free hand in such functions as, according to Mr. Hampton, faculty employment and curriculum reform.

We need drastic reform of this system. We should start with student representation on the board, a possibility which Mr. Hampton is not in opposition to, and then require that future trustees reaffirm their real responsibility to the law school, and its students, and no longer remain as figureheads of an obsolete system.



Willard G. Hampton

Mind Is The Message: Guru Comes To BLS

by Joshua Popoff

On Tuesday, Oct. 27, your Brooklyn Law reporter made the supreme sacrifice, renouncing his twelve noon pilgrimage to Chock Full O' Nuts, and deciding to attend a lecture on Transcendental Meditation. (the belly making penance so that the soul could be saved). The lecture, attended by only a few students, was sponsored by the Students' International Meditation Society, and delivered by Jack Forem, a youthful, sincere disciple of the practice.

The lecture, to my surprise, was fairly interesting. Mr. Forem, the antithesis of flamboyance in a conservative dark business suit and tie exuded a modest and unpretentious style of speech in quietly and clearly explaining the substance of this form of meditation. Though discoursing on a rather abstract and esoteric doctrine, interest did not lag, and the lecture was followed by an animated question-and-answer period.

Transcendental Meditation, as explained by Mr. Forem, is not another exotic religious import from the mysterious

East, but a scientifically-proven technique developed in India recently by the Maharishi Mahesh Yogi. The Maharishi, a student of the occult for many years, devised and propounded this technique with great success in India, and was urged by friends in the United States to come here and help turn the Western world to this way of thought. The Maharishi, given great publicity by the Beatles, kindly consented to the trip, went on the college lecture circuit, cut a few freaky records, took his bread, and split for parts unknown. Many of his converts, however, still believing in the concept, have established schools of meditation, and are precariously enduring under the new administration.

Transcendental Meditation, as espoused by the Maharishi, should be considered as a mental technique that, when used successfully, aids in broadening one's powers of perception, and of expanding one's consciousness. According to scientific research, man in his ignorance utilizes only about 5% of his cranial capability in normal thought processes, leaving all this latent poten-

tial untapped throughout life. The mastery of Transcendental Meditation, in teaching a person to intensely introspect all the many levels of his mind and being, opens up these formerly inaccessible portions, and permits one to enjoy true life happiness and contentment.

As available time was limited, Mr. Forem could not delve deeply into the techniques involved, but did explain that every individual seems to possess a unique "key" to unlock his potential, and that each aspirant, through separate instruction and guidance, can eventually achieve favorable results.

The technique of T.M. takes several years to be successful, and should be conducted under the tutelage of a trained and competent mentor in the science. In New York, instruction can be had, for a nominal contribution, at 23 Cornelia St., Manhattan, the northeast headquarters of the Students' International Meditation Society. For those interested in instant communication (not psychic-telepathy), the telephone is (212) 691-1170. Good luck in finding yourself. I gave up after the elections.

SBA Meets With Dean

(Continued from Page 1)

He said that a research memorandum done by Professor Martin Hauptman affirmed this view.

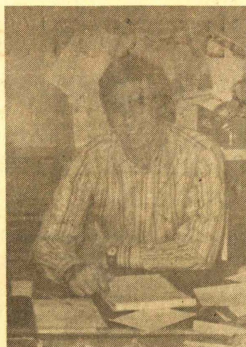
"If we feel the law is clear on a point, then we have to follow it. Research indicates this can't be done," added Dean Gilbride, pointing out that the law could not be challenged without running the risk of the loss of tax exemptions.

"I'm not prepared to jeopardize the tax status of this school at this time," he concluded.

Although he stated that he did not want to discuss the merits of individual SBA resolutions at the meeting, Dean Gilbride did note that the resolution making all exam papers available to students was voted down by the faculty committee.

"I go along with it," he said, adding that the rejection was undergoing a revision to show that the resolution was turned down for constructive reasons.

Mr. Schneyer urged more speed in dealing with future SBA resolutions.



SBA Pres. Richard Schneyer

Iota Theta Fraternity Holds Annual Recruiting Smoker

by Irving Friedman

Looking very much like a businessman's convention, Iota Theta held its annual smoker at Joe's Restaurant the night of October 12th. After those assembled had a chance to socialize over beer and sandwiches, the many guest speakers, Brooklyn Law School professors (themselves alumni of Iota Theta) told of

their experiences with the fraternity. Prof. De Meo was particularly lavish in his praise of one fraternity, crediting his getting through law school to the help of the brothers, who supplied him with texts he couldn't afford to buy.

As the speakers suggested, if you want to join a legal fraternity while at Brooklyn Law, Iota Theta has to be the one. Although the other three, unlike Iota Theta, were nationals, they didn't survive the transition to the new building 2 years ago. But being a local fraternity at BLS hasn't diminished the stature of Iota Theta. It's keystone to professionalism is exemplified by its alumni which includes many prominent judges, the judges on the State Supreme Court, and BLS professors.

This year the fraternity has plans for a speaker's program where alumni will speak on various aspects of legal practice, "so students can reduce their apprenticeships" as Vice President Richard Busch puts it. Iota Theta also set up a legal aid clinic in an impoverished neighboring community. The fraternity has also set up the Student Used Book Exchange (SUBE) to provide a useful service to the students at BLS. Students wishing to sell their used textbooks at a price well above the going rate may bring them into SUBE and designate a desired price. Those students wishing to purchase used texts at a lower price can choose from the available submitted books.

Oppose IRS Ruling

Senator Ervin • Dean Wolfman

These excerpts are from a letter to Internal Revenue Service Commissioner Thrower by Senator Ervin of North Carolina, chairman of the Subcommittee on Constitutional Rights, on the I.R.S. proposal to tax charitable organizations engaged in litigation in the public interest.

Dear Commissioner Thrower:

A fundamental constitutional right of each citizen is the right of access to the courts. This is axiomatic, for without the ability to enforce rights granted by the Constitution, statute, or common law, those rights are meaningless as a practical matter.

The proposed denial of tax exemption to organizations which pursue their activities through litigation would, if adopted, be direct governmental intrusion in and limitation upon legal advocacy. The fact that the Service proposes to "penalize" court enforcement of rights amounts to a condemnation of the legal process itself. By withdrawing tax exemption from otherwise exempt organizations because they seek redress in the courts, the Service is striking at the heart of one of the most effective, traditional, and basic of American freedoms. In effect, the I.R.S. is imposing a tax on the exercise of a First Amendment right.

The I.R.S. cannot restrict tax exemption to litigation for only one kind of charity defined in its regulations. To say that citizens who join together to pursue litigation for nonbusiness, nonpersonal reasons may not deduct their litigation expenses unless they are poor or seek to aid the poor is a denial of the equal protection of the laws.

Sincerely yours,

SAM J. ERVIN JR.



After a rather dry lecture . . .

This abridged letter to Secretary of the Treasury Kennedy by the dean of the University of Pennsylvania's law school concerns the decision of the Internal Revenue Service to suspend tax exemptions for organizations specializing in litigation (such as on defective products or against polluters) in the public interest.

My dear Secretary:

I write this letter primarily from the perspective of an educator, secondarily from that of a tax law professor.

My concern grows out of the extraordinary action and rationale of the Internal Revenue Service in bringing to a halt the philanthropic activities of charitable foundations and others that support the formation and continued functioning of the so-called "public-interest law firms."

Many of us in higher education proclaim regularly that the American political and social system provide the channels and mechanism that will permit the pursuit of change by persuasion, that violence, disruption and rebellion are unwarranted and destructive. We seek daily to gain student adherents to our view. In doing so, we have experienced many difficulties and frustrations. Recently, however, we have been able to make some converts and stiffen the resolve of those who, waveringly, believed with us. The public-interest law firms, their funding by "establishment" foundations, the willingness of courts to hear their causes on the merits, and the absolute neutrality of the tax law (not distinguishing between charitable activities that impinge on interests of important people and those that do not), have provided stellar testimony to our credibility.

When our students observe that, for the first time, the litigation technique and the possibility of competing interests may be considered antithetical to the "charitable" concept, and that virtually all significant public-interest law firm activity must wither until the issue is studied, at least for 60 days, they become cynical at best, and very likely distrusting. It is difficult for them to see that the I.R.S. position is anything more than a clampdown on an effective method to pursue change within the system.

If the I.R.S. wishes to study the question it has raised, if it wishes to provide guidelines to make sure that private interests do not secure tax exemption under a public-interest disguise, it should do so. It should not destroy faith in the system, in the Treasury's even-handedness, and in tax neutrality by preventing the continued operation and funding of public-interest law firms while the study proceeds.

Sincerely,

BERNARD WOLFMAN
Dean and Professor of Law

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EDITORIALS

There seems to be a misapprehension on the part of certain faculty members, as to who actually has the power to make the decisions in Brooklyn Law School.

Assistant Dean Gilbride has stated that he makes the final decisions on all but the most minuscule of matters. If the faculty doubts the validity of this statement, this column suggests that the faculty ask the Dean for a definite clarification of their role in the school decision-making process. We invite the faculty or Assistant Dean Gilbride to submit the answer to the Justinian for publication.

Among the administrative guidelines the Justinian staff acceded to in order to secure student funds was the following:

2. All material referring to living persons will be submitted to a faculty member of the Torts Department, preferably in manuscript, and no later than in galley, solely to protect the Brooklyn Law School and its student organizations from possible liability for libel since there appears to be no other practicable legal method to accomplish this.

In one article this issue, we had written that a member of the Brooklyn Law School community was "ill-informed" of actual conditions. The faculty member who reads our copy insisted that "ill-informed" was libelous. We argued that a statement must be untrue to be libelous. The faculty member responded that truth is but a defense to a libel suit and that his role was to guard against possible libel, no matter how improbable that suit might be. The work was re-written to the faculty member's approval, and fortunately, to our approval. But we submit the thin line between censorship and libel has been crossed. If we cannot say that someone is "ill-informed," is there room for specific criticism of ANY individual?

A number of our contributors and letter writers have recently decided that they wanted to have their writings published anonymously.

We don't know their reasons for this. It may be modesty, a fear of reprisal, whatever.

We do know that we don't agree. We think that if something is worth writing it's worth standing by. A person who doesn't want his name used in connection with what he's written obviously doesn't think much of it himself.

We think that a person who's written something worth publishing should put his name to it. There is no reason not to do so.

As a future policy, the Justinian will not print any anonymous material.

Speakeasy:

Football Follies

By Marvin Shecter

The highlight of Brooklyn Law School's sports season took place recently — the Annual Student-Administration Football Confrontation. For the first time the game was played at the school's new football field located across the street from the State Supreme Court Building.

In pre-season practice, the Admins were drilled heavily in playing regulations by their mentor Coach Taxmann who reputedly ruled with an iron hand. Coach Taxmann is personally responsible for re-writing many of the "regs" in the Player's Code used by the Law School Football Conference, Brooklyn Division.

The Admin hopes for success rested largely with their new quarterback Big Jack McBride known for his audibles. Big Jack won the job when the Admin's former star quarterback, D. Priceless, retired after last year's rough season.

Much attention focused on the Admin's diminutive running back Billy Joe Creal, who recently completed a series of commercials for Tipparillo.

The game was close all the way. Several costly penalties for repressing, plus the unorthodox picket-line defense utilized by the Studes stymied the Admins. Big Jack's inability to make up his

mind on what play to use, and his failure to tell his players what his decision was didn't help the Admins.

The Studes, employing a radical-type offense had considerable trouble getting out of their huddle and when they finally did, couldn't seem to apply their techniques to actual situations.

Nevertheless, late in the fourth quarter Big Jack tried his best play — the quarterback sneak — to give the Admins a commanding 7-0 lead. The Studes came marching right back and with time running out decided to throw a bomb. At the last moment, however, the play was changed in favor of a more moderate running play. This failed as the Studes were stopped inches from the goal.

McBride, who received the game ball from his joyous teammates for outstanding leadership under pressure, was unavailable for comment after the game. The Studes muttered about not hitting hard enough and promised to be tougher in the future.

It was later reported that Billy Joe Creal who was knocked unconscious early in the game was not hurt seriously, but his lawyer said a possible negligence action may be brought. Coach Taxmann noted that the football field is no place for lawyers.

Viewpoint

Save The Country From The Children

By Harold Seligman

Remember when Mr. Joseph McCarthy reigned supreme?

If you were really too young to remember, make no mistake, Mr. Nixon remembers. At the dawn of the 1950's communism was the all permeating evil seeping into every pore of American society. Today at the dawn of the 1970's, America's youth is the evil turning the nation sour. America must be saved! — the administration believes it, the silent majority believes it.

Radicalism, no doubt is a growing force in the nation but how many young people are willing to bomb, burn and kill the silent majority to gain change? It is very hard to believe that the small percentage of fanatical youth who would kill for peace can ever put Washington and this nation on its knees. Then why must the Administration purge all youth? The answer is simple, the purge is a very strong political tool. If the Administration protects the voters from the on-rushing long-hairs, its failure to end the war, clean the air, reverse the faltering economy and crush organized crime can be minimized. Mr. Nixon can use this device to insure the silent majority votes Republican, come November 1972.

If you feel this theory is unjustified inspect the facts that lead to this belief.

The voice of the Administration, Mr. Agnew, has done his utmost to instill this fear in every American over 30. Without strong measures, he insists, the nation will be in peril from youthful revolutionaries and the liberal eastern establishment. Sadly, the Vice-President and his rhetoric are powerful forces in this land of ours.

An Ohio Grand Jury indicted students in the wage of the Kent State tragedy. Assuredly, the conduct of some campus radicals was criminal, but how could the Grand Jury vindicate the National Guard? It was easy when you realize the Guard was protecting the silent majority from the evil propagating on the campuses.

The Federal Government is now attempting to suppress political activity in the colleges. Under section 501(c),

(3) of the Internal Revenue Code, any school which allows students to use campus facilities for any political candidates will be in jeopardy of losing its federal tax exemption. Thus far, the Government has only given a vague interpretation of what conduct is or is not allowed. That, of course, is exactly what Administration officials want, for now school officials will be forced to control who speaks upon campus and what

is written in the school newspaper.

The actions exemplified above are just a few of the subtle moves to erase the nation's youth as a meaningful force.

The Communist purge of the 50's had this exact out-

come. But Mr. McCarthy, the true political animal was only interested in building himself into a political powerhouse no matter what the consequences.

If you don't remember, just ask Mr. Nixon — he remembers.

As I See It

Man On The Ninth Floor

By Neil B. Checkman

The administration will not challenge the Internal Revenue's threat to our first amendment freedoms.

There will be no Student-Faculty Senate where the students may take part in the reformation of Brooklyn Law School.

These are my conclusions based upon a recent conference with acting Dean Gilbride. He has laid it upon the line; his position is irreversible. All future S.B.A. resolutions will go first to the Faculty Committee on Student Relations, then to the faculty at their monthly meeting and then to the Dean for his decision. If the S.B.A. president has something to add, he may then meet with the Dean.

This column asked a specific question: "Do you recognize the S.B.A. as the authorized representative of the student body." The reply: "It is the only student organization, and it's recognized." Later in the discussion the acting Dean made this point: "Merely because the resolution comes from the Student Bar Association doesn't mean that other student opinions cannot be heard."

What point does this column make? Simply that the Dean in fact does not believe that the S.B.A. represents the student body.

When the Dean wants advice from students, he asks those students whom he respects, the ones who do not make trouble, who do not pass all those bothersome resolutions.

In short, the Dean seeks council from the minority of this student body, the student who just doesn't care.

When Richard Schneyer, S.B.A. president, asked the Dean to listen to what the resolutions mean, the Dean replied that he did not wish to discuss the merits of the resolutions before the faculty made their recommendations.

Let the faculty decide what the resolutions mean, and then advise the Dean. He will not be shaken from his important duties to be harassed by what the students think.

At a time when many of us feel the entire system is coming down upon us, when repression is just around the corner if not already here, when the war has taken 45,000 American lives and the toll rises daily, when pollution threatens our very existence, the administration tells us to mind our own business and be in our seats at the bell.

It is time to speak out, and it is time to take action, yet we are cautioned by the Dean that "You want speed and we want what is best for the school."

The man on the ninth floor is intransigent. He will not compromise, he will do little more than listen. Under no circumstances will he hear.

It is time we had a meeting of the entire student body. We must decide whether the S.B.A. is our collective voice, and if it is not then we should abolish it. This column believes that it is our voice, our advocate, our leadership.

If you agree with me, then let this meeting be a warning to the administration. Trouble always springs from intransigence. Those who refuse to hear the voice of the people often find themselves removed from their positions.

If this is your school, then you must have a say as to how it will be run.

You are all college graduates, many of you are married, you are not children. Refuse to be treated as children, demand your rights, demand to be heard. Together, Brothers and Sisters.



Terror Of Sudden Death Recitations: Russian Roulette In The Classroom

By Allen Hochberg

It is about the third week of any given term at ELS, just enough time for you to begin to know your schedule and professors. You just about have yourself organized, but not quite. You are thoroughly prepared for the cases and discussion of vicarious liability in Torts.

As it seemed particularly interesting, you continued further in your briefs than you thought the professor would get, thinking you would be well prepared as he was moving quickly. This you did at a slight sacrifice. The Contracts class was moving rather slowly and so you prepared for only three cases figuring that more would not be covered.

The professor has made his opening remarks about "Mistake and the Parole Evidence Rule," none of which you have heard as you were praying fervently. The fourth case had just been recited and you get this subliminal twinge, "he's gonna call on me." You duck. You squirm. You flip pages.

All of this is to no avail as your name rings out through those tinny speakers and echoes through your mind. The seconds it takes you to stand up seem long enough for a re-creation of the universe and you hear yourself mumble, "Uh, I'm uh, unprepared," and fall back into your seat while the fluorescent lights flash white and the professor studiously bends over his roll book making little notations next to your name that you are sure are going to send you to the Centre Street Tombs to await sentencing.

The question presented by this tale is: Why can't one know when

he is to be called upon so he may perhaps be particularly well prepared to recite? There is a difference between the understanding we must have to follow a case and to recite publicly.

The former requires a thorough knowledge of the facts, statutes, and rules of law. The latter requires something more than this. It requires the use of all the facilities involved in the communication of ideas and planning of how to put these ideas into your own words. Every student should be able to do this with every case but should he be required to be prepared to this extent with every case?

I think not. The preparation needed to recite is time consuming and does not of necessity add to the student's comprehension of a problem. If he missed the issue in his understanding he will miss it in his recitation. If he tries to prepare every case for recitation, he will probably be working quickly enough to finish the assignment in a reasonable time, but too quickly to really understand the case. It is better if he spends his time understanding all the cases thoroughly and is also prepared for a recitation on a specific one assigned.

I submit he will understand the course more completely, and his recitation will not be a waste of time for the class or terror for him. With each one knowing when he will be called upon to recite, the atmosphere in the class generally would be less terror ridden and thereby more conducive to learning.

The tendency to disregard the case being done at the moment and prepare the next case, in the event the burden falls on you

next, would be eliminated thus allowing full concentration by everyone on the "case at bar."

The argument arises that each student should be thoroughly apt on his feet if he is going to practice law. That is, if he understands the case, he should be able to talk about it coherently.

Yes, that is a nice idea but I have seen it fail in about as many cases as it has worked. The ability to think on your feet comes from confidence one has in himself and his work. I think confidence is more readily built where the individual can prepare and be ready, than in the situation where at any moment his number could be up.

The abolition of the method of sudden death need not extend further than the first year. By the second year, if the student does not have sufficient confidence in himself to be able to recite on a case impromptu, then he is either not doing his cases or does not have the ability to communicate spontaneously and might question his choice of a career. He is, in some circles, known as a mouthpiece. It is not mandatory

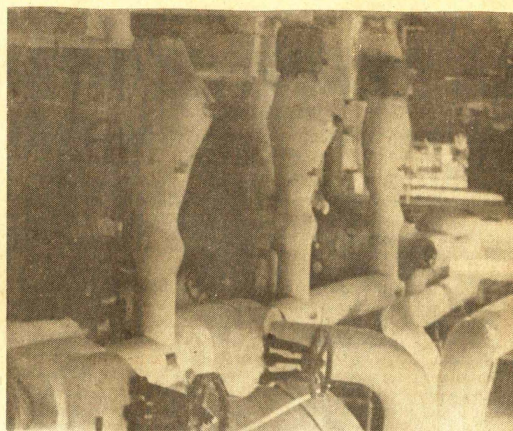


Photo by Chuck Wender

Another of today's many uses for pipes.

that sudden death be abolished in any particular year or course. It depends on the circumstances, namely the difficulty of the course material.

Of course, it may be contended that if the student knows he is not going to "get nailed" he will do his one or two recitations and spend the rest of the term with cans in front of him and playing Botticelli. This is not so different from the current practice and if

the material is difficult enough to require preparation for recitation, he is not going to pass the course with cans and anagrams, and he should know it.

In conclusion, I believe the elimination of the sudden death method in certain cases as specified above would tend to create a better atmosphere for learning and understanding the materials. After all, isn't that what we are here for?

Derek & The Dominoes Rock At Fillmore



By Ron Einziger

Eric is here.

Or rather, Derek is here. Eric Clapton, who now has his very own rock and roll band, is back for another tour of America with his new group, Derek and the Dominoes.

Clapton, formerly of the Yardbirds, John Mayall's Bluesbreakers, Cream, Blind Faith, the Plas-

tic Ono Band and Delaney & Bonnie & Friends, has joined forces with Jim Gordon, Carl Radle, and Bobby Whitlock, all formerly of Delaney & Bonnie & Friends and Joe Cocker's Mad Dogs and Englishmen, to make up the new group. This band has quite a history, folks.

The name was chosen to reflect Clapton's wish to get away from his old "Eric Clapton, King of Guitar" image.

Derek and the Dominoes appeared at the Fillmore East on October 23 and 24 and showed themselves to be a very good and potentially great band. Potentially, because they have the greatest guitarist in rock and excellent players on bass, drums and keyboard. When they're playing together as a band, they're brilliant. If they can keep on doing that,

which they did during most of the performance, there will be no problem at all. They have to stay a band, rather than a collection of soloists.

Cream and Blind Faith died because Clapton and the other members of those two super-groups got carried away by their own images as super-stars and constantly sought to outshine the others.

In deciding to name his group "Derek and the Dominoes" rather than something on the order of "Eric Clapton and Friends," he's shown his desire to avoid such fatal ego-tripping. The performance demonstrated that he's doing a good job of it.

The highlight of the performance was "In the Presence of the Lord," a song Clapton wrote for Blind Faith, now sung by Eric, rather than Stevie Winwood. Though his voice is nothing like Winwood's, it's good enough to carry off the song quite well. The song features a beautiful melody, good lyrics, good playing by all the members of the band, a restrained, tasteful solo by Clapton and a stained glass window projected on the screen by the light show. Rock 'n' roll at its best.

The rest of the performance, with the exception of an overlong drum solo, was also excellent. Other highlights were "Tell the Truth" and "Blues Power," both songs written by Clapton. I was disappointed by the band's failure to play "After Midnight" the best song from Clapton's solo album.

During the intermission before Derek came on, the Fillmore presented an hilarious ten minute compilation of the best scenes from Marlon Brando's "The Wild One," the original motorcycle epic.

The audience cheered as Brando and friends put the squares on (remember when "square" meant "straight"?) and booted the town vigilantes who went out to rid the town of the menace of the motorcycle marauders. A final cheer went up as "Easy Rider's" great-grandfathers roared off into the sunset.

Humble Pie, an English group, and Ballin' Jack, a California group, preceded Derek and the Dominoes on the bill.

Students: Different As Night And Day

By Robert E. Status

It has oft been said that the difference between a day student and one attending evening sessions is the difference between a reserve unit and an occupational deferment. The validity of this distinction is minimal when considering the different approach these two types of students take toward law school studies.

The difference can clearly be observed upon entering an evening section. One notices the older age of the evening student, his shorter hair, neater manner of dress, limited classroom participation and religious reliance upon canned briefs. He walks into his lectures tired and drained without the bright-eyed, bushy-tailed approach of his morning contemporary.

The evening student is a teacher, policeman, caseworker, accountant who labors until at least three o'clock and in most instances later. Any spare time he has during the day is used to keep up with and not ahead of his lecture that evening. The reading of

outside case material mentioned during lectures is a delicacy he rarely tastes.

With the investment of much of his physical energy in his job and other pre-dusk interests, he must leave accepted student activities to the day student who in most instances has an abundance of this energy unexpended. Which of his classmates represent him as class officers is seemingly an unimportant matter to him; however, the nocturnal academian is just as concerned as his counterpart when his status as a law student is threatened. One only has to refresh his recollection, that during the student strike of last May professors echoed in empty halls both night and day with equal resonance.

The night student is a serious student who must and does pass the same bar exam as every other applicant in the state. If the value of learning the law in part time doses is questionable, one has but to take cognizance of the fact that Warren Burger is a product of such a milieu.

Justinian

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BROOKLYN LAW SCHOOL

250 Joralemon Street, Brooklyn, N. Y.

"As life is action and passion, it is required of a man to share in the passion and action of his time, at peril of his being judged not to have lived."

Oliver Wendell Holmes

"Come drink the waters of our time."

Richie Havens

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An Alexander Mehr Memorial Prize has been established. It will go to the outstanding member of the graduating class in Moot Court competition. The prize, given by Mr. and Mrs. Herman Mehr, is in memory of their son Alexander, of the class of '70 who died on Dec. 30, 1969. The Mehrs have given the school approximately \$1,000, the income of which will be awarded to the winner at graduation.

Fair Comments

Attys' Images

Dear Editor:

I believe that the report of my remarks on federal practice before a group of students in the Moot Courtroom on October 15 warrants clarification and correction as it appears the report is distorted and the meaning of my comments have been changed.

While I served in the U.S. Attorney's Office, Assistants were in fact discouraged from carrying firearms and I am informed that the same policy prevails today.

I did state that Assistants accompany agents on certain investigations and that I thought this was a good policy in some cases such as air and water pollution prosecutions. However, I do believe that it is a dangerous practice if extended to violent crimes where an attorney could get his head blown off. I contended that these types of investigation should be left to agents who are more adept at self defense.

I described the pre-arraignment procedure where the defendant is questioned by an Assistant U.S. Attorney and is given his rights. No statement is ever taken unless the Assistant believes that the defendant has intelligently waived his rights. However, what the prosecutor believes is an intelligent waiver and what defense counsel believes is a waiver may be two different concepts.

No impression that the U.S. Attorney asks for high bail in all cases was meant to be conveyed as the procedure of release on low bail and personal recognizance was explained. I did say that where the defendant is charged with a violent crime and/or is likely to flee, the Government then asks for high bail.

At the end of my talk, as your reporter may remember, I urged everyone present to try to join the U.S. Attorney's Office upon graduation from school. Certainly one must assume that I hold the Office in high regard if I offer such advice.

Now that I am a defense lawyer, I can't say I agree with everything the prosecutor does. However, I fear that your novice reporter innocently misinterpreted my enthusiasm for the defense to be a criticism of the U.S. Attorney. This was certainly not the intent of my remarks as I have respect and admiration for the Justice Department, the United States Attorney, his staff and prosecutors at large.

Very truly yours,
Louis R. Rosenthal

"Novice Reporter" Einziger replies:

I am glad that Mr. Rosenthal has taken this opportunity to make clear in his letter a number of things that he did not make clear in his speech. Since my report accurately reflected what Mr. Rosenthal said, and I would not want his views to be misunderstood, it is good that he has seen fit to supplement his previous remarks with this letter.

Mr. Rosenthal's statement that the U.S. Attorney's office was a good place to work was included in the story as originally written, but unfortunately had to be cut for reasons of space.

I am puzzled as to why Mr. Rosenthal did not state his objections to my story to me personally, when I spoke to him soon after the story appeared, rather than wait until a week later to write a letter to the editor.

Scores, Head

To the Editors (male):

It is my habit to leave anything I write untitled, and I have always been accommodated by English teachers who appropriately captioned my work "Untitled." The editorial staff of the Justinian, however, chose to print "GALS LIST GRIEVANCES" over my article in the last issue concerning the organization of women at BLS.

Perhaps it was the intention of the male editors to make a point of the subtle condescension to which women are subjected. Noble indeed. Perhaps they tried to offer a joke instead of an apology for their own sins. Not so noble.

I suppose that some female students can be aptly termed girls, as some males around here are still boys. Perhaps we even have some fellers and gals. But the organization in question is not founded specifically in support of the learned judge's feelings about the "priceless and crowning jewel of maidenhood," Bishop v. Liston (1924) 112 Neb., 559, and as far as I know, there is no such organization as Girls' Lib or NOG or Red Anklets. I am not advocating Women Scouts, mind you; I merely suggest that the goals of the group ought to have bearing on the captions of its activities.

Francine Perlman

Lauds Paper

To the Editor,

The first edition of the Justinian was waiting for me on that slab of formica or whatever unmarkable unscratchable material those desk tops are made out of. On picking it up I felt the distinct absence of that slick high-gloss cardboard the "old" Justinian was printed on and thought, "The administration cut back the funds for the paper. It must be moving left." It wasn't. It was moving reality. It looked a little like those underground rags like Screw which, by the way, sells in the Wall Street area almost as fast as the "Journal."

The impressive thing about the first edition was not so much what it contained but what was conspicuous by its absence. Try as I might I could not find one of those articles about a BLS graduate who became:

- Assistant DA in the Bronx.
- Clerk to a Nassau judge.
- A member of a court answering service.
- A guard in the Supreme Court parking lot.

It is not that I didn't admire and wish those people well, but I never knew them despite those murky photographs accompanying the laudits.

The second edition began to show a distinct journalistic trend. The paper is becoming a true organ of the student body. It is now dealing with all those things that have no doubt made the less stable of our predecessors neurotic practitioners—skilled and able, but neurotic. How many of them, and indeed us, began wondering whether the rule of perpetuities was a model of logic there was something wrong with their heads?

How many of the women who passed through the portals detected a leer in a professor's eye or male chauvinism in his lecture which he invariably opened with "Gentlemen"—while staring at her legs? How many wondered whether indeed there was some-

thing in the law more relevant to living than THE NEW YORK RULE?

What it is the tendency to forget or de-emphasize into extinction the principle or the theory of law which says that the system of law is to help us, as a society, live a better life. It is understandable that this basic idea cannot become the subject of a daily invocation for each class, but it should not be discarded in the intensity of our daily routine.

Of course there must be the assumption that this is indeed what we are working towards. But the objectives of a legal system may be a better subject for discussion in a political science course or a law symposium than in a procedure lecture.

What much of the material in the Justinian might do is say to the student, "That's some catch that Catch-22."

The paper has come to us. It is by us and about us. It is our feelings. It may help the first-year student understand some of the inconsistencies and absurdities and accept them without a major blow to his sensibilities. By pointing out these problems, perhaps solutions will be formulated. Anyway it is a sign we are beginning to get it together.

Allen Hochberg

Lashes Paper

To the Editor:

The main function of the Administration of Brooklyn Law School is agglutination. The application of glue is the only exception to the unwritten school rule against the liberal spread of any matters official. The irresistible force—untamed by centuries of metaphysics—would be rendered immobile by conservatism at BLS.

The school suffers from agglutination of communication. There is no more fitting symbol of parochial minds at work than the locked bulletin board on each floor. Bureaucrats, ideologues, and dictators everywhere have in common the propensity for monopolization of the means of communication. Access by key to a bulletin board, display of a sign in the lobby by permission, and prohibition in toto of free table space leaves little to the student other than an obscure student lounge bulletin board, located, to be sure, at the far end of that forty-foot room.

Even Justinian is not exempt from attempts at control by the Administration. The "crisis" of the recent Internal Revenue Service ruling concerning tax exemption of certain institutions was seized upon by the Administration to exercise censorship of the political contents of this newspaper, from articles to advertising.

There is no conspiracy; far worse, there is complacency. The student body, perhaps excusably, cannot react en masse to bureaucratic subtlety. That which is unforgivable is the craven reaction of the editorial board of Justinian. This newspaper backed, moreover, effectuated, without question, a directive the very propriety of which should have been the target of scathing analysis.

As George Orwell suggests in Nineteen Eighty-four, the ordinary dictatorship seeks conformity of men's fancies. The ultimate of the dictatorship is the dictatorship of men's hearts.

Stephen C. Spilky

Man...An Interesting Creature

by Henry Schwarzberg

When, in the realm of the human mind and in the course of human events, one is faced with the truth of humanity, a pain in the heart and a shudder through the brain is all that can be felt.

The very fact that the sum total of human suffering ever brought upon man has been brought by his fellow man, makes me ashamed of being a homo sapiens.

If we aren't shooting or stabbing each other in our societal bastions of technology, we are eating each other in the jungles.

We have a capacity for compassion and a need for love. Yet, we stubbornly refuse to empathize and consciously torment that which we love most.

We follow a most curious chain of events. We create and then seek a way of destroying our creations. When we have accomplished this we create something impervious to the methods of destruction just devised. We thus spend our lives in a cyclical pattern of building a better mousetrap and then spawning a better mouse.

No wonder man has felt the need to create a God. He is so ashamed of his actions that he refuses to accept the responsibility for them, and instead, attributes them to predestination or to the will of a superior being, and so takes himself off the proverbial hook. The end result is peace of mind. Of course ignorance, delusion, and the denial of truth are there too, but as truth is apt to "induce apoplexy and thus hinder longevity," we are forced to, and even content in, letting it pass.

And so, we spend our lives as if on each day we lived we were attempting to make greater asses of ourselves than on any previous day.

(A funny thing about the ingenious human, he accomplishes that too—interesting creature.)

Sneak Preview of the Mid-Terms

Action — for damages

Facts Smith, an incurable kleptomaniac, visits the National Archives Building and absconds with the Constitution. The President, angered at the effrontery of a Radic-Lib, publicly offers (over T.V. and radio), a \$5.00 reward for information leading to the arrest of the culprit, and the return of the purloined document. The President expressly stipulates however, that the Government does not want the Bill of Rights returned, considering the Bill as antiquated and obsolete. Plaintiff, aware of the outstanding offer, makes a citizen's arrest, captures the guilty party, and retrieves the Constitution. However, he inadvertently returns the Bill of Rights as well. The Government refuses to pay the reward. Plaintiff sues.

Decision — Court found for the Government — Do you agree?

Action — Assault and Battery

Facts Plaintiff A, an itinerant Albanian monk, on a visit to the Bronx Botanical Gardens, casually reached over a guard rail and removed a leaf from a specimen of Plodius Selvanus, a rather large African carnivorous plant. Plaintiff B (the plant), slightly injured and quite agitated grabbed Plaintiff A, and earnestly attempted to consume him. Plaintiff A, a deeply religious man by nature, half-crazed by fright, went berserk and inflicted a grievous bodily injury upon Plaintiff B. Attracted by the commotion, several policemen came and separated the combatants. Each sued the other for battery.

Decision — for the Plant. Do you Agree?

Joshua Popoff

A NATURAL PITY

Sultry, simpering, snow-bound lanes
sidewalks, sitting and sulking,
under their burden,
but a day before,
scurrying snowflakes had drifted
and sifted through the chilled air
only to land aground.

Now, floundering footsteps
have created a mire of
melted snow and mud.
The beauty that was once white,
is now a mess,
to be succinct,
slush.

By Henry Schwarzberg



Krishna dancers come to BLS.

Grand Jury v. Kent State (1984)

By Steven Greenberger

Upon the death last year of four people at a small college in Ohio, the students of Brooklyn Law demanded a day of mourning. Those of us who had moral convictions did our own type of mourning, but now I feel like all of us are dying a slow death, not by a bullet but by a stifling of our mental processes.

Most of us were too young to remember the McCarthy era (Joe, that is) where Commie was the word — now I do not know what word will be used: radic-lib, student, dissenter, etc. We cannot let an era of repression reoccur or we will be forced to choose between becoming a Weatherman or a Birchite (great choice). Therefore this is a stand for the justice in the law which I came to this school to understand, but still fail to comprehend.

In James Wechsler's column in the New York Post (October 28, 1970) there was a reprint from an F.B.I. investigation of the Ohio "mishap":

"Most of the National Guardsmen who did fire their weapons do not specifically claim that they fired because their lives were in danger. Rather, they generally state in their narrative that they fired after they heard others fire. We have reason to believe that the claim that their lives were endangered by the students was fabricated subsequent to the event."

The President's Commission on Student Unrest also blamed the incident upon an overreaction of the National Guard. I then ask how can a grand jury, an (allegedly apolitical organization) indict 25 students and faculty members and exonerate the National Guard?

If one examines those who were indicted, it is evident that the majority of them were not the bomb-throwers or Weathermen or radic-lis; they were leaders in the school or part of the "establishment." Are we to conclude that these types are those who are ruining our country, continuing a war, increasing unemployment and inflation? Of course not. It is my belief that a federal commission under the auspices of a person of the stature of Ramsey Clark should examine the possibility that the District Attorney presented false, biased, misleading information which would play upon the fears of the people on the grand jury. With this commission and the probing of the Kent National Guard maybe the goal of justice will be achieved. Therefore, I ask all students who believe that we must work through the legal system to take a stand and stop being apathetic. Write your Senator, Congressman, do anything that you feel must be done, but do it now before either you or your brother or sister is indicted for "Riot II" or are lying on the ground somewhere, bleeding to death from a bullet wound.

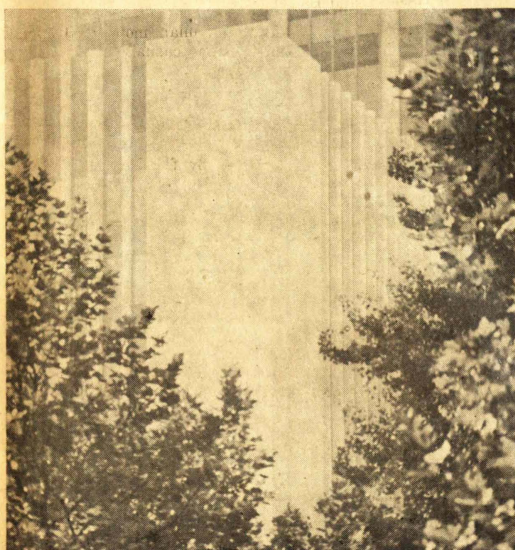


Photo by Marc Kaufman

IMPOSING EDIFICE — More than a year old, Brooklyn Law School's pristine marble façade shines in the sun.

"They're going to Congress, not to Nixon. They still think Congress has the power to declare war; I don't know where they got that idea, they must have read the Constitution."

Jane Fonda



Prospective Clients of BLS Graduates.

New Police Powers

(Continued from Page 1)

similar circumstances. Under the CPL, this is changed, and the policeman may arrest for any crime, whether or not committed in his presence.

The new statute also empowers a policeman to issue an "appearance ticket" instead of making an arrest for a misdemeanor or lesser offense. This is similar to a summons, except that a summons is issued by a court and a ticket is issued by a policeman.

The CPL repeats the CCP's requirement of a "speedy trial," but leaves the precise definition of "speedy" to the courts.

The CPL retains the provision that requires a pre-trial discovery hearing in New York City misdemeanor cases. This engendered a heated debate among the panel members and the audience.

There was also a lively discussion of the CPL's retention of the New York system of voir dire examination, rather than adopting the Federal system, in which the prospective jurors are questioned by the judge. In New York, they are questioned by the attorneys.

Many of the defense lawyers in the audience objected to a CPL provision that removed as a ground for appeal the fact that the judge refused the defendant's motion to inspect the minutes of the grand jury proceedings.

Judge Sobel ended the meeting by congratulating Prof. Denzer on his job of statute writing. "The CCP is the most confusing statute I've ever read," he said. Prof. Denzer took all the case law on criminal procedure and codified it into one clear statute, Judge Sobel concluded.

Judge Edward Thompson, Alumni Association President, presided at the meeting.

Curriculum Committee Studies Elective Reform Proposal

By Carl J. Kubie

KNOW ALL YE BY THESE, PRESENTS, that Brooklyn Law School has a most active and productive Student-Faculty Curriculum Committee. It consists of six elected upperclassmen and six appointed members of the faculty. Presently, the six faculty members are Professors Crea, Hauptman, Maloney, Meehan, Palomino and Dean Gerard A. Gilbride, who acts as chairman. Although the Committee has not met this year, in the past its sessions have resulted in vast revisions and overhauls of the curriculum. In its advisory capacity, the Committee considers the needs and wishes of the entire law school community, and suggests curriculum changes to the Faculty.

In the past, the Committee has discussed all aspects of legal education, and has innovated many new courses such as Torts Seminar, International Law, Federal Estate and Gift Taxation, Federal Regulation of Securities, Rights of the Indigent and Jurisprudence. The Committee has also recently instituted a mandatory Moot Court Program, and continually concerns itself with the allocation of credit hours to the various courses of study. Traditionally, the Committee has sought to offer the student a firm ground in what are considered to be the fundamentals of legal education. This accounts for the large number of required courses at the Law School, rather than a curriculum oriented more

toward elective and the sociological aspects of law.

On the subject of electives, the Committee has received various proposals. It has been suggested, for example, that electives be offered only during the last year of study. Problematically speaking, however, the Committee realizes that this might cause severe scheduling difficulties. Another suggestion has been that the Law School should vastly increase the number of available electives. Aside from what has been previously said on this subject, it is felt that the students, faculty and environment of Brooklyn Law School cause the curriculum to be geared in a certain direction. Again, the Committee attempts to satisfy the needs and wishes of the entire law school community, and hopes to offer a well-rounded relevant education.

Such a focus and consideration is what distinguishes Brooklyn Law School from many other law schools where the emphasis is on the sociology of law. Hopefully, the Student-Faculty Curriculum Committee will be able to continue its fine work and evermore increase the excellence and distinction of Brooklyn Law School.

Faculty Committee

(Continued from Page 2)

tion by all concerned, President Schneyer suggested that the faculty could discuss the subject and suggest possible improvements.

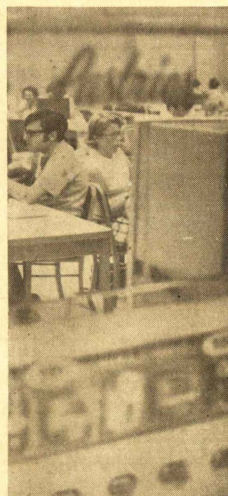
The committee suggested that there would be difficulties in ranking students who have switched from day to night, and those who have taken leaves of absence for military service.

Next, Murray Skalar, and Sherry Aaron spoke for a resolution providing for numerical identification of final exam papers. The resolution would provide for objectivity in the grading of an individual's final examination paper while allowing a professor to later take classwork into consideration for the final grade.

The final resolution considered deals with the establishment of a policy which would provide for equal student voting representation on all faculty committees.

The executive board delegates stated that the equal voting provision was negotiable, and that the intent of the SBA was to provide the students with a voice in school policies, which they do not presently have.

The faculty committee will discuss these resolutions and report to the faculty at their next monthly meeting.



Reflections on Lunch

Why Not Indian Lawyers?

By Stuart Schwartz

It is becoming fashionable in academia actively to seek out minority group members. It's the in-thing to do for the seventies. Although Brooklyn Law welcomed members of minority groups (without the tokenistic hoopla) twenty or thirty years earlier, our recently liberated neighbor schools are to be commended

for their belated awakening from lethargy.

There is another disenfranchised group in this country, though, who still continue to be ignored. I refer to the American Indian. With a life expectancy of 44 years and genocide accepted as a fact of life, it's hard to conceive of a more oppressed and needy group.

Encouraging Indians to go

to law school is not yet chic and probably won't be for some time to come. Therefore, it behooves us at BLS to take the initiative — NOW. I propose a full tuition scholarship to be called The Ira Hayes Scholarship. Once BLS takes the lead, perhaps some of the other schools will follow and hopefully they won't wait another twenty years before doing so.

QUESTIONNAIRE

Qualifications for the Next Dean

Knowing that a new dean will be selected in the near future, the Student Bar Association and the JUSTINIAN call upon the entire Brooklyn Law School community to determine the qualifications of the next dean. Please complete the following questionnaire and return it to officers of the student class, the Student Bar Office in 403, the JUSTINIAN office in 304, or mail them to the Brooklyn Law School, c/o the S.B.A. or the JUSTINIAN. Results will be tabulated and published in the JUSTINIAN.

CHECK YOUR STATUS:

Student ☐ Alumnus ☐ Faculty ☐ Administration ☐ Employee ☐

THE NEW DEAN SHOULD BE:

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. A noted legal scholar. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. A member of a law school faculty. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. A member of the Brooklyn Law School Faculty. | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. An administrator at a law school. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. An administrator at the Brooklyn Law School. | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. A noted member of the judiciary. | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. A noted practicing attorney. | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. A prominent public figure in the legal field. | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. An innovator in the field of legal education. | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Please list any other further qualifications. | | |

11. The persons who best meet your qualifications are:

Alumni News

By Leonard D. Duboff

Class of 1930

Samuel Hendel has been appointed Professor and Chairman of the department of Political Science at Trinity College in Hartford, Connecticut.

Herman C. Emer has been appointed Assistant Attorney General of the State of New York in the Labor Bureau. He was formerly the Director of the Enforcement Bureau for the New York State Workman's Compensation Board.

Class of 1931

Diana D. DuBroff has recently assumed the position of Alumni Director. She is presently on leave from the firm of Berlin, Berelson & Pateraus, Esqs., 10 Columbus Circle, New York City. Our thanks to Mrs. DuBroff in helping us formulate this column.

Class of 1941

Samuel Hellenbrand has accepted an invitation to lead a workshop-seminar in the federal tax legislative process. Mr. Hellenbrand has received national recognition as an expert in federal taxation, and he was Editor-in-Chief of the Brooklyn Law School Law Review.

Class of 1952

William J. Prescettano has been appointed an Assistant Vice-President of the Crum & Foster Insurance Company's home office Claims Section.

Class of 1953

Arnold M. Malech was one of two New York attorneys selected to participate as a part of a group of thirty persons from all over the country who are being trained as professional Court Administrators by the Institute for Court Management of the University of Denver Law Center.

Class of 1954

Former Bronx Borough President **Herman Badillo** has been elected Trustee of New York University.

Angelo Mauceri has been appointed to an interim term as State Supreme Court Justice in Suffolk County by Governor Rockefeller. Justice Mauceri was nominated September 11 as the Republican candidate to run in the November 3 election.

Class of 1957

Kenneth A. Green has joined the C.I.T. Financial Corporation, New York, as Assistant Manager in the Tax Department.

Class of 1961

Irwin Engelman has been appointed Controller of the Business Products Group of the Xerox Corporation.

Louis J. Ohlig is an Assistant District Attorney, Suffolk County.

Class of 1963

Wallace Leinhardt has been elected to the Board of Managers of the Queens County Bar Association.

Michael Lacher is Special Counsel to Mayor Lindsay.

Class of 1966

Daniel P. Sheerin, Jr. has been promoted to Assistant Vice-President of Marine Midland Grace Trust Company of New York.

Class of 1967

Commissioner **Robert J. Mangum** of the State Division of Human Rights has been elected a Trustee of New York University.

Class of 1968

Perry C. Burkett has recently assumed the position of Assistant General Counsel of the General Linen Supply and Laundry Corporation and is also Assistant Secretary of the Knickerbocker Leasing Corp. of Texas.

Class of 1969

Eli T. Bruno has joined Kinney National Service as Assistant Counsel.

WBAI (99.5 FM) Law Radio Schedule

November		
16, 30	Insurgents: Law	7:45 P.M.
22	Both Sides of the Bars:	
	The Fortune Society	7:45 P.M.
18	Washington Report; Judicial Review and	
	ACLU	7:15 P.M.
23	Caveat Emptor	7:15 P.M.
16, 23, 30	Environmental Outrages	2:00 P.M.
11, 18, 25	Womankind	8:15 P.M.
Daily	News	6:30 P.M.
Mondays	Free Voice of Greece	6:00 P.M.

"The lawyer has to be on the rampart for the people."

Ralph Nader, Dick Cavett Show
June 15, 1970

"The government of the people, by the corporations, for the rich."

Nicholas Johnson, FCC