

# The Justinian

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## The Justinian

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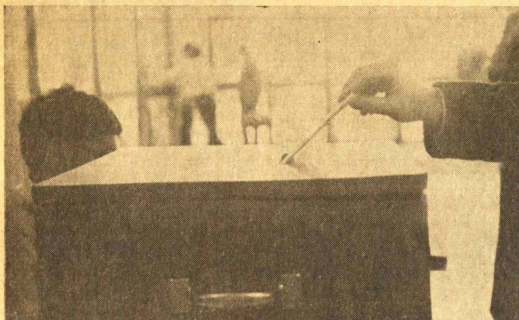
# Justinian

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WEDNESDAY, MAY 3, 1972

Page One

## Elections Finalized



By Robert E Slatius

Mitch Alter, in a re-election held on April 17 and 18, was elected president of the SBA. Mr. Alter defeated the two remaining candidates for the position, after a fourth one dropped out on the morning of April 17. After a weird turn of events, in which the entire election for all six offices was re-run, the winners were finally announced on Thursday, April 20.

Meryl Wiener won an easy victory as night vice-president repeating her earlier performance of March 27 and 28. Judy Teitelbaum is to be the new recording secretary and Gary Peters will serve as corresponding secretary. The only surprise occurred as Chris Stern defeated Maria Shapiro for

the position of day vice-president as Ms. Shapiro won the March 27 contest.

The final race, that for treasurer, was captured by Shirley Norris in the closest contest of the elections. While Ms. Norris had a plurality of votes, she obtained the constitutional requirement of 40% of the votes cast for the office, by one vote.

In commenting on the race for treasurer, Mr. Marvin Schechter, of the revised election committee, stated that the requirement of 40% did not include the blank votes cast, while it did encompass all write-in votes for the position.

The first election ended in a hail of allegations and complaints of improprieties concerning the electioneering practices of the various presidential candidates. The major contention revolved around the problem of allowing two sets

of rules for the solicitation of votes; one for day students enforced by Mr. Simon and Mr. Friedman and another policy, that of allowing the candidates to campaign in the voting area, promulgated by Mr. Elliott in the evening.

Mr. Friedman explained, that he felt this original three man election committee was fully competent to determine the problem of the presidential race, "but in the interests of the appearance of justice" the matter was turned over to a hearing commission consisting of the remaining members of the Student Bar Association executive board: Ms. Rosemary Carroll, and Messers Michael Steinhorn, Howard Jahre, Martin Press and Robert E. Slatius.

After exhaustive hearings, which were taped, the hearing commission decided that an entire

Mitch  
Alter,  
SBA  
Pres.



new election for all the positions would be re-run. While no one was accused of any wrongdoing, the hearing commission believed that in order to preserve the dignity, respect and integrity of the S.B.A., the re-run was necessary. Ms. Carroll, S.B.A. president, explained that this was only the

(Continued on Page 7)

## Placement Director Named

Dan Savage has become Brooklyn Law School's first full time placement director. This move will free Prof. Ronayne, who held this position for several semesters, to devote full time to his academic responsibilities. Mr. Savage, a native New Yorker, comes to Brooklyn Law with a Psychology degree from Columbia University and many years of experience in the placement and personnel fields.

Prior to taking this position, Mr. Savage was Vice President of Scott Personnel in Manhattan and owner of Wall Street Personnel International of London, England. Also, from 1964 to 1968, Mr. Savage served as the Director of Employment Development and Training Evaluation for New York City's Department of Labor under Mayor Wagner. He has recently been accepted as Referee by the National Mediation Board and has



Dan Savage and Sect. Mary Zupa

taught Labor Law and Personnel Administration at Hunter College and Xavier Institute.

As he sees it, the primary focus of the placement office will be to create employment opportunities for under-graduates and graduates of the Law School. He will also concentrate on summer, part-time, and full time jobs for those still

(Continued on Page 9)

## ALSO IN THIS ISSUE

- International Law Society — Page 3
- Around the Conference Table — Pages 4 and 5
- A Ride on the Interview-go-round — Page 10
- Movie Review: Godfather — Page 12

# ABA Proposal Stirs Legal Community

The following report is from an ABA special committee. The report suggests to the ABA and "approved law schools" methods for discovering present or future character derelictions, vulnerability to temptations, or improper moral character attributes. The text suggests that **Approved Law Schools** give a questionnaire or examination to accepted and matriculated law students, and keep dossiers on law students to be submitted to the examining authorities. The committee estimates that this would mean 100,000 dossiers annually. The committee also feels that the mere fact that all students would be obliged to take such a test very early after matriculation would serve a salutary purpose in focusing the student's attention upon the fact that admission to the practice of legal profession does require him to fulfill moral character standards, and would serve as a major deterrent to those who have "character deficiencies."

Each of us has to study carefully the report and voice his protest to such McCarthyism. Our law school is in an awkward position in that we are **only** approved by the ABA. What, if any, are the sanctions that could be imposed on BLS if we don't comply or what will happen to our law school if we do? These questions will press both administration and faculty into debate regarding our constitutional guarantees.

On Friday, April 14, 1972 Robin Schimminger (N.Y.U.) and David Beier (Albany Law) 2nd circuit ABA-LSD Governors, left for ABA headquarters in Chicago to press the ABA Board of Governors to reject this special committee's proposal.

Robin and Dave are representing eleven law schools (BLS inclusive). They are expressing our abhorrence and astonishment at such proposals and are questioning the institution of such an ABA sanctioned committee.

There will be a unified effort made by the law schools in the New York area. These efforts will be publicized.

## Text Of ABA Proposal

The Special Committee on the Feasibility of Establishing a Procedure for Reviewing the Character and Fitness of Candidates for Law School Admission Prior to their Acceptance as Students submits the following recommendations and report to the Council of

## Rebuttal

This statement has been prepared by students from Brooklyn, Columbia, St. John's, and Fordham Law Schools in association with the New York chapter of the Lawyers' Guild.

The "Report on the Feasibility of Establishing a Procedure for Reviewing the Character and Fitness of Candidates for Law School Admission Prior to their Acceptance as Students" is a dishonest and frightening document. It is dishonest in that it cloaks in the vaguest psychological language the intent to impose a stifling political conformity in law schools and the bar, and to continue to exclude from the bar members of

the Section of Legal Education and Admissions to the Bar:

### Recommendations:

1. That the ABA recognize that the primary responsibility for character evaluation of law students for future practice of law, as with discipline of admitted lawyers, rests with the bar and the courts.

2. That nonetheless, approved law schools should, as a part of their function in the legal profession, cooperate with the authorities charged with responsibility for character evaluation of those seeking

a license to practice law, by administering to their students such uniform tests or questionnaires (without being required to evaluate or make judgments on the results thereof) as the appropriate admission authorities may find useful and relevant and which are within the constitutionally permissible scope of inquiry.

3. That the approved law schools shall in catalogues, admission applications and other contacts with student applicants make explicitly clear that admission to

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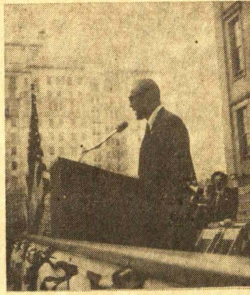
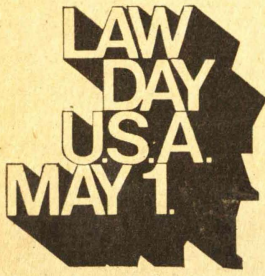
minority racial, social and economic groups who are likely to have "dangerous" predictive profiles. (Ironically, this proposal comes at that moment in history when the inclusion of formerly excluded classes, including women, in the legal profession is slowly becoming something of a reality.) The Report is frightening in that it opens the whole of a law student's political and private life, what he or she believes, says, or does, to a wide-ranging examination conducted in accord with undefined, ambiguous and illegal standards. Most frightening of all are the evident assumptions of the committee that drafted this report: that there are no moral or legal objections to the assembling of

"100,000 dossiers annually," other than the impracticality because of the numbers involved; that there are no moral or legal objections to the pre-judging of human beings as to their possible actions three or more years in the future, other than its "feasibility."

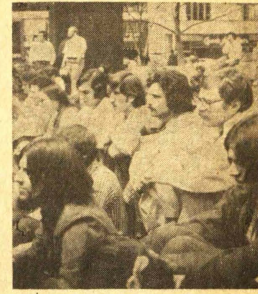
This proposal does not arise in a political or historical vacuum. It comes at a time when the number of lawyers willing to defend unpopular clients and causes is increasing, as are the attacks on this courageous minority; when proposals for central data banks, private and governmental, on personal credit, and political and criminal activities are multiplying; and when detention camps for

(Continued on Page 8)





BLS marked Law Day with an open air assembly in Cashmore Plaza. A fair sized crowd gathered to hear Brooklyn Boro President Sebastian Leone, Judge Thomas Jones, Judge Bruce Wright (speaking at left) and Allard Lowenstein.



## Profile:

# Allard Lowenstein

(This article is reprinted from the student newspaper of the University of Virginia where it appeared after the 1970 election.—Ed. note).

By JON MILLER

It rained on election night, a portentous sign for the hopes of a man who has done as much in the past few years to help change the direction of American policies at home and abroad as any man in or out of public life. The elements signaled a possible lighter turnout that night as commuters streamed homeward from the city.

They were suburbanites of middle and upper-middle incomes with good educations who, while not being entirely able to identify with the attitudes and aspirations of their high school and college age sons and daughters, could at least see through some of the hypocrisy which was America and realize that the choices America faced on that November 3 were not so simple as some would make them believe: the choices of a Mayor Daley, on the one hand, or an Abbie Hoffman, on the other.

When the Lowenstein saga is completed (and it is this observer's guess that it is far from complete), the interval which will end this January will be looked upon with the greatest awe and commendation. No one institution is so notorious for being the antithesis of the democratic tradition it supposedly symbolizes as is the House of Representatives, nor one single member so insignificant and powerless within that body as is a freshman Congressman, a supposedly "renegade" freshman Congressman at that. It is within this institution, though, that the sparkling qualities of Al Lowenstein have come to shine as a standard; his term being a test of whether the old folkways could be successfully challenged, whether the "golden rule" for being a politician could be flouted:

"The slogan that getting yourself re-elected is the first rule of politics can lead to a really pernicious attitude. The notion of being elected is inherently virtuous if you believe in it. We don't believe in royalty and inherited office, or in office as a result

of trial by combat. We're raised to think that democracy is the best way, and democracy means elections. But if you add the general human ambition to make the most of your future to the state of mind of people raised to believe in elections, you can end up with a dangerous combination.

There is nothing inherently immoral in trying to succeed, and in politics this society's idea of success is to get yourself elected. But once that has become the goal, all other goals and values can be forgotten. The test of virtue becomes success, and people measure success by whether you get more votes. So why shouldn't you think about how to get more votes? So that becomes the 'first rule' of that type of politics. It's also what makes the whole process so much less productive and honest. If you don't want to fall into that trap, you have to say no and

a major effort to end what have heretofore been limitless farm subsidies given to farmers for not growing things, an effort which culminated in a limit being set. Time after time he has voted against bills which he thought, upon study, were bad or unconstitutional (the D.C. Crime Bill and Pornography Bill), or bills which overspent taxpayer's money for non-essential military expenditures, often voting with a minority of six or eight on the floor of the House. Month after month he has stood upon the House floor condemning the Vietnam War which has continued on and on. Yet, as a political realist, he has shown a unique perception of what the root illness of our institutional stagnation has been: antiquated rules and procedures which stifle the democratic process at every turn. The business of Congressional reform was his first priority and it produced a bill which



reject that view of things. My first rule in Congress is that if I don't do more by being there about the things I care about than I would if I weren't there, then I shouldn't be there. That rule will make a lot of decisions much easier."

True to his own words, his two years in the House have been dedicated to the principle that doing the right things was more important than the things which pragmatically led to re-election. Farmed out to the Agriculture Committee, he has joined in

finally ended an infamous secret voting procedure.

The story of how secret voting was ended is a story unto itself when one realizes that the vote to end secret voting was, itself, a secret vote. The House galleries had to be stacked with college students whose job it was to memorize the faces of five Congressmen and remember how they voted during the unrecorded vote. Secret voting was, indeed, ended but this one incident shows yet another side of the Lowenstein aura, his appeal for

youth to participate within the electoral system rather than flout it — "participatory democracy."

Literally hundreds of students, particularly student leaders and editors, have had contact with the Lowenstein office, an office which has often kept an eighteen hour, seven day a week schedule, giving those who have visited it the feeling that the problems of the world do not run



a nine to five day or a forty hour week, at least not for this Congressman. For the thousands of others who have heard him, be it a college campus or at an Ethical Culture Club, it has brought renewed hope that the system can be made to respond if only people would make themselves aware of why it won't respond and, in turn, do something about it.

Hundreds of student volunteers gathered at Carl Hoppl's, the plush catering establishment located towards the eastern end of the Fifth Congressional District. Carl Hoppl's would have been near the center of the district some six months earlier had it not been for a business-as-usual state legislature (including the man who opposed Lowenstein) which redrew the district lines, chopping off the liberal, well-to-do, five towns area and adding the more traditionally conservative Massapequas.

As the hour grew late and the tally flowed in, the results became more evident. Lowenstein had run in an "impossible" district and had run for that very reason; for if a district so designed that by its very nature it was unwinnable by someone of Lowenstein's viewpoint, if such a district were won, it would be a signal throughout the land that any district, however constituted, could be won by men who discussed issues intelligently and

truthfully on their merits. But somehow the feeling among those gathered was that they would take the old district and leave that challenge to someone else at another time.

\* \* \*

Down the block from Carl Hoppl's is the Fifth Congressional District office of Congressman Allard K. Lowenstein. Like its counterpart in Washington, its doors have been open on a continuous basis to the community it serves. Yet, it has also been the focal point for bringing national spokesmen of all viewpoints into the District to participate in some forty community forums, forums conducted with the belief that people are best served if they have the opportunity to confront on their home ground those who make and influence policy on both the local and national levels. Thus, from Bayh to Buckley, the forums have provided a degree of concern and enlightenment about the problems faced not only by the District but the nation as a whole, concern heretofore lacking on Long Island's South Shore, an area tied more closely together by a commuter railroad than by any particular sense of community cohesiveness.

The crowd grew, the fate was determined. It had been a dirty campaign for, not only did he have to run against a steady conservative tide which was temporarily engulfing New York State and his own gerrymandered district, but he had to run against a campaign seemingly orchestrated by the ghosts of a McCarthy of another era. There would be other campaigns but, somehow, this one seemed most important. As he spoke, they listened intently: "If every one in this room could have voted, we would have won . . . which means that the future belongs to us. They could only defeat us by distorting our views . . . We must look upon this defeat as a warning; the loss of one Congressman is not important. We must work hard now to reveal the issues so when the stakes are really high, as they will be in the election of a President in 1972, we will elect a President on his merits." He'll be back.



## Placement Problems

By BRUCE YUKELSON

Earlier this year, The New York City Bar Association held a discussion on the 1972 legal job market. Robert M. Sand, a member of the Association's Committee on Post-Admission Legal Education, predicted that 1972 will be a difficult year for law graduates to find jobs.

Due to the economic downturn and the increasing number of attorneys in the job market there are twice as many applicants as there are available jobs.

The problem is aggravated because the draft is no longer a major threat, and law graduates are not likely voluntarily to forsake the job market for military life. In addition, many draft-avoiding attorneys who went into exempt fields such as teaching have joined those attorneys returning from the battlefield in the job pool along with the new graduates.

The Wall Street law firms have shown no signs of letting up on recruiting. However, the lack of corporate and government opportunities and erratic hiring by small law firms has resulted in heavy competition for a narrow segment of jobs.

One encouraging note is the increase in opportunities in growing areas in Rockland and Suffolk counties, where small firms hire on need.

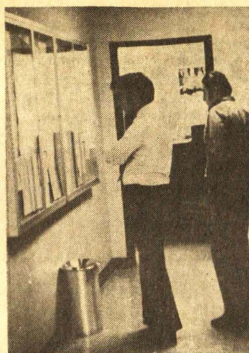
### Who Gets Hired?

Mr. Howard F. Maltby, the young placement director at Columbia Law, said that high grades and Law Review are the most important factors in getting a job. Ninety per cent of Columbia's third year students on the Law Review staff have been placed. However, the interview was the deciding factor for the middle 60% of the class at Columbia. Mr. Maltby indicated that successful applicants exhibited personalities that con-

vinced employers that they would succeed in law.

Mr. Peter R. Haje, a partner in a large law firm, also stated that the top students get the good jobs. He conceded that the top few students in all the law schools are interchangeable but quickly added that anybody not in the above category has a very slim chance, if any, even to get an interview at a first rate firm if he or she does not attend a leading national law school.

Below are school estimates of the percentages of second and



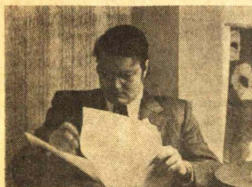
third year students at various law schools who have been placed. These figures were compiled by Mr. Maltby. The source of the figure from Brooklyn Law School was a nonidentified woman. Comparing all the figures of second and third year students it seems significant that placement does not increase markedly in the third year. An accurate second year BLS survey might very well show the 25% third year figure overly optimistic.

School	3rd year students	2nd year students
Columbia	66%	57%
Harvard	64%	55%
Yale	53%	50%
N.Y.U.	40%	30%
Fordham	14-15%	10%
St. John's	15%	5%
Brooklyn	25%	not available

## Research Assistants Assigned

Only five research assistants have been appointed in the new Research Assistant Program proposed by the faculty and by the Administration. The professors to avail themselves of this new program are Profs. Humbach, Ronayne, Schwartz, Wein and Yonge. Prof. Humbach, one of the original sponsors of the program, hopes that many more assistants will be appointed as more students find out about this little publicized program, and its potential is realized by the faculty.

The minimum qualifications for an appointment as a research as-



Prof. Humbach

sistant vary according to class. To be eligible, a first year student must have a first semester average of 4.0. A second or third year student must have a 3.75 index to be eligible. However, any student

who is not on academic probation may be appointed if a professor feels that a student is well suited for his particular research problem. To become an assistant, Law Review staff members must obtain the approval of the editor-in-chief of Law Review.

The purpose of this program is to facilitate the faculty in their research, and afford the students an opportunity to research, as well as an opportunity to make some money inside the school. The Administration has allocated \$2,000 to pay the assistants. This program also gives students who have not become members of Law Review the opportunity to obtain recognition in publications they helped research and write.

This is only a pilot program, and there is no commitment to continue the program beyond this June. Its future lies with the interest shown in it by the student body and the faculty. Presumably those of our faculty members who are doing research could use the help of students.

Since the entire faculty is aware of the program, there is no reason why each professor should not have an assistant. Hopefully, the faculty will take a greater interest in the program and make use of the manpower which is available to them.

## ILS Founded At Brooklyn

An International Law Society has been formed at BLS and has enjoyed an early enthusiastic response. The Society was formed two months ago by Michael Faltischek and Marc Rogart, both third year evening students. Starting with only four or five interested members, the number of members of the ILS has increased to thirty-eight.

When asked about the reason why the Society was started, Mr. Faltischek said "the idea which prompted us to organize was to provide for the increasing interests of students at Brooklyn Law School in the field of International Law." "International Law is now one of the most vastly expanding areas of law, with worldwide attention focusing on the problems of the environment, oceans, human rights, space, labor, and business." Mr. Faltischek, when asked how the society will function at BLS said that "we are going to provide the students with a forum for the exchange of ideas between faculty members, practitioners and themselves." Our efforts may also result in an increased and more convenient source of materials useful to the study of International Law.

The ILS has contacted various practitioners in order to provide students with an opportunity to discuss International Law problems with them. At the end of April, Judge Re of the United States Customs Court spoke to students at BLS. All students were invited to attend this lecture. The Society expects to have a guest speaker every month to talk with students on a formal and informal basis about opportuni-



Co-Founder Rogart

ties in the field of International Law.

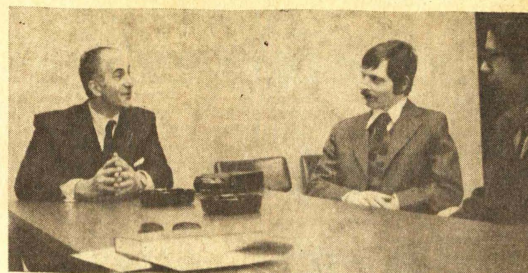
Membership has been sought in the Association of Student International Law Societies, which was founded in 1962 under the auspices of the American Society of International Lawyers. This organization now numbers 47 active student societies and is representative of student interest in the field of International Law. The association sponsors a yearly moot court competition in honor of Phillip C. Jessup in the sphere of transnational and international law. Brooklyn Law School was invited to participate in this year's competition, but was unable to partake for several reasons. "It is our belief," says Mr. Faltischek, "that our society will succeed in fielding a team for next year's competition."

In addition to the Society's plans for recruiting many more students, it will also attempt to influence the Curriculum Committee in the addition of more elective courses in international law. The present curriculum only provides a two credit elective in Comparative Law. It is the Society's hope to

## Judge Re Speaks To ILS

On Monday, April 17, the Honorable Edward D. Re, Judge, U.S. Customs Court, addressed the BLS International Law Society. Judge Re, a graduate of St. John's (B.S., LL.B.) and New York University (J.S.D.), is a member of the faculty of St. John's School of Law and was visiting professor

illustrate this point, Judge Re told the story of a lady whose childhood home in Europe had been confiscated during World War II. Her memory of her old home led the woman to claim a large house with a value five times its current worth. The woman presented her own case, and when confronted



Judge Re with Faltischek

at Georgetown University School of Law. He is the author of several books and law review articles in the fields of International Law and Equity. Judge Re spoke to the students about his experiences as Chairman of the Foreign Claims Settlement Commission.

Judge Re explained to the students the authority of the Commission, how it is funded, and under what rules of law it operates. Its function is to reimburse American citizens whose property has been confiscated by foreign governments. He stated that in his six years as Chairman, a willfully fraudulent or exaggerated claim was never brought before him. To

with a photograph of her old home exclaimed, "But it's so small!" The Commission gently explained that, although the house was probably just as she described it at the time the foreign government took it, it was authorized to reimburse her only for the current worth.

The next meeting of the International Law Society will be held on May 1st, at 3:30 p.m., in room 503. The organization and structure of the proposed Journal will be discussed. All members and anyone interested in becoming a member are asked to attend.

—Diane Danbeck

have an additional two or three courses added to the curriculum.

One of the most important functions of the International Law Society is to publish a Journal. According to Mr. Rogart, the society "intends to undertake the task of publishing a semi-annual Journal of International Law which will include studies, commentaries, book review and recent case comments by both practitioners and students. This will afford the students greater opportunity to participate in writing and research."

At the March 20th meeting, it was suggested that topics for comments should be submitted by the middle or end of April. The Society's expectations are to publish their first Journal by the fall. One of the aims of the Journal is to provide an alternative to Law Review which now is the only outlet for student writing. Students who wish to write for the Journal will NOT have to submit a 40-page comment as a condition precedent to being permitted to publish as is the case with Law Review. "It is our hope," Mr. Rogart emphasizes, that "all students who wish to write will be published."

All students who are interested in either joining the ILS and/or writing for its Journal should either contact Mr. Faltischek or Mr. Rogart in room 402. The Society is also sponsoring a trip to Washington, D.C., April 27-29 to attend the yearly conference of the ASIL. Speakers at that conference will include professors of international law from Japan, South America and Europe in addition to Senator Edward Kennedy.

Mr. Faltischek told us that "through conversations with Dean Lisle, the Society's faculty advisor, we have ascertained that the school would welcome and encourage the development of both the Society and its Journal. "Such an organization would be an added indication of the expanding interests of our student body beyond purely local activities."

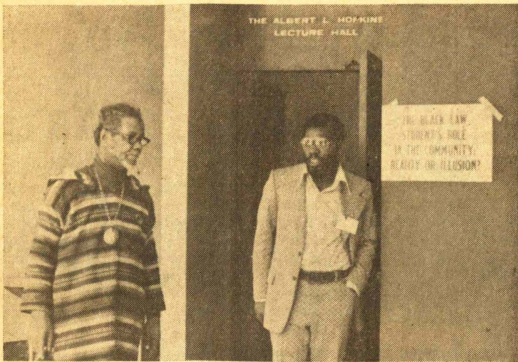
## \$500 Essay

Entries are invited to the Abraham Markhoff Memorial Essay Competition. This competition, established in the memory of a distinguished alumnus, awards a prize of Five Hundred Dollars this year for the best essay submitted by a BLS student on any subject in the law of Torts (including Products Liability) or Workmen's Compensation.

Entries shall be submitted to Prof. Leitner, Prof. Nightingale or Prof. Crea on or before November 27, 1972, and shall be between 5,000 and 7,000 words in length (exclusive of footnote material), typewritten double-spaced on 8 1/2 x 11 paper.

The prize will be awarded before the conclusion of the Fall 1972 Semester. The competition will be judged by a committee consisting of the above named members of the faculty.





## BALSA IN CHICAGO

By HAROLD BRISCOE

I am confident that anyone who has been to a national convention of any sort would shudder at the thought of someone asking him to give a report on that convention. The terror runs on a scale ranging from whether a short concise oral report or a detailed written analysis is required. Recently, four Black students from BLS attended the Black American Law Students Association National Convention at the University of Chicago. This writer was among that group.

To promote more interest in this convention, I think it would be better to first look into some of the local activity preceding that meeting. It probably all started last spring when the newly elected executive board members of the Student Bar Association decided that it would be a good thing if the students, through the SBA, controlled the student activity monies. All the student groups were asked to submit budgets to the SBA for approval and that budget was offered and accepted

by the Administration. The Black student group did not submit a budget because BALSA was not in existence at that time. (In fact, Black students were almost not in existence). At this point it would seem that, if by some fortuitous event a Black group was formed for their special interest, there would be no funds available for any student activity they might have. Wrong. There would be funds available for any student activity they might have. Wrong. There would be funds available if they only knew where to go to get them. The Administration has those extra funds. The SBA has a newly acquired "power" over the distribution of student activity funds. Some money. The student activity fund is made up of all the money the Administration is willing to contribute to that fund; most of the loot was paid by the students in the form of the student activity fee.

Let's get back to how to get the money. There was, until recently, two ways. 1. Ask the Dean. 2. Ask the SBA to ask the Dean. BALSA

decided to use the former method. The Dean said yes, but he thought, in deference to the authority he had delegated to the SBA, it would be a good idea to allow the SBA to distribute the funds to BALSA. The agreement: the Dean will cause a check to be drawn to the SBA, the SBA will cause a check to be drawn in the same amount to BALSA. Simple. How could it go wrong? You guessed it.

Some members of the SBA were of the feeling that the Dean had breached an agreement. Instead of saying yes, the Dean's action should have been to send those students to the SBA where they would have to submit to send those for that executive body to present to the student representative government for approval to go to the Dean to ask for the money he was willing to give. Those SBA members felt that there should be no favorites. The argument goes something like this — "if the Blacks are going to be able to supercede procedure then what's to stop the . . ." Enough.

Suffice to say that, when the smoke cleared, the money was distributed; the four black students went to Chicago (the funds were originally for two students); those same students found themselves in Chicago without reservations because deposit money had not been advanced; certain other students at BLS proved more by their actions than ten thousand revolutionary militants could have proven by voicing volumes of their rhetoric. I'll take this opportunity to drop the subject.

Nearly 700 Black law students from across the country attended the Convention. The theme of the meeting: THE BLACK LAWYER AS A POLITICAL TOOL FOR SOCIAL CHANGE: A COMMUNITY PERSPECTIVE. I refuse to discuss the theme, but I remember one of the key speakers noting that in place of "tool" should have been "mechanic." In spite of the

theme, more Black students attended than ever before. It gives me great pleasure to say that more black students were interested enough to attend; it gives me even greater pleasure to say that I was interested enough to go.

There's something about a convention that takes hold of the participants. Committees, workshops, and plenary sessions afford them the greatest opportunity to profile; imagine an aspiring lawyer who would not take such an opportunity. It's amazing how so many who have had such extensive training in legal tact and logic could cause so much commotion. Astonishing is the fact that the convention was concluded with the best of style and with most of the convention business settled.

Politicking abounded. I don't mean to cast stones, for I too found myself drawn by the force created by the cries of those searching for effective leadership. I was on one ballot until it became necessary to form political alliances to protect local interests; ballot bargaining was an aid in assuring the outcome of various polls. The number of votes each law school is allowed is determined by the Black student population

at the school with a maximum of four votes. Brooklyn Law School had two votes; Harvard, Yale, Columbia, Buffalo and NYU each had four votes. BLS formed a strong alliance with Columbia and NYU. NYU's Henrietta Turnquest was voted Northeastern Regional Director.

In between meetings there were numerous workshops devoted to the discussion and possible solution of problematic subjects of concern to black students. Here's a list of some of the key subjects. Prisoners, Prisons, and Prison Reform

The Problems of Placement  
The Black Lawyer as a Political Force and Organizer

The Black Attorney and the Worker's Struggle

The Black Law Student's Role in the Community: Reality or Illusion?

Perspectives on Legal Education

There is at least one question remaining unanswered. What is the necessity of such an association of Black students having a national convention? I will attempt to answer that question. I remember the evening Professor Schissel asked me, half-jokingly,

(Continued on Page 8)

## AROUND THE CONFERENCE TABLE

By MEL B. GINSBURG

The National Student Lobby was set up in October, 1971 as one of 43 groups, which were lobbying for a senate bill. The bill was to put the responsibility for voter registration on the government as opposed to the individual. The bill failed, defeated by absenteeism rather than lack of sympathy, but the lobby survived and a new pressure group was born.

By December the National Student Lobby represented about 40 schools. Today 118 schools, 800,000

students and 35 states are represented by N.S.L. For \$50.00 per year any school can become a member and help decide federal policy.

On March 22-24, 1972, N.S.L. held a national conference in Washington, D.C. Over 300 students from nearly every state attended. In two days nearly every representative and senator in Washington was contacted by a student.

The first and foremost issue presented was S-659 — The High-

er Education Act. Different versions of this act have been passed by both the Senate and the House. The bill is now in conference where it is likely to die unless a compromise can be reached — the main obstacle being the anti-busing rider attached to the bill in the House version. The House conferees have been instructed not to compromise. Mr. Strickman, minority counsel to the Equal Opportunity Education Committee, who works out of Jacob Javits' office, told the Brooklyn Law School representatives that Senator Javits (a conferee) would sooner see the Education Bill die than to pass the anti-busing provision.

No compromise — no bill.

Representative Rooney, who represents the district in which Brooklyn Law School is located (14th District), was not available during the two days. Subsequently, however, the BLS lobbyists received a letter from Rooney stating in his sympathetic attitude toward our views and suggested that residents of his district write him about any federal legislation in which they are interested.

How important is this bill? Today there are more students than ever before going to college. The office of the Department of Health, Education, and Welfare sets strict eligibility standards (very low family income) which a student must meet to receive financial aid. According to the Federal Government's own standards, current funding is completely inadequate. And the situation is getting worse:

(1) Educational Opportunity Grants — the EOG program is currently the only federal grant

program for qualified high school graduates of "exceptional need."

(a) The number of students receiving initial grants reached a peak of 145,000 in 1968 and has been less ever since.

(b) Thus far, only \$165 million has been appropriated for 1972-73. Grant renewals for those who received EOG last year will absorb about \$125,000. By law, these must be funded first. This leaves just \$40 million available for initial grants. At the expected average grant level of \$580 per student, about 69,000 will be funded (compared to 100,000 last year). But colleges report (officially to HEW) that 471,000 first year students will be eligible (i.e., these students meet strict government standards of need). 402,000 students will not receive EOG grants for which the government says they are eligible.

Unless the Appropriations Committees recognize the crisis, only 15% of those eligible for initial EOG grants will receive them next year. Congress must supplement its current appropriation by at least \$250 million just to meet its own strict standards.

(c) \$580 is no substitute for full-time summer jobs, or part time jobs during the school year. Loans are also necessary. Students from poor families need EOG in order to work their way through college! Neither tuition, nor the cost of living, was so high when the Congressman or Senator

went to college as both are now.

(d) \$250 million is the minimum increase for those currently enrolled. If we are to encourage more qualified students from low-income families to attend college, many millions more will be needed.

Student Assistance Programs (regardless of the formulas worked out in the current House-Senate conference on S-659) have always been underfunded. This coming year (1972-73) when requests for defense appropriations are \$6.5 billion above last year — higher education appropriations must not only not be cut, but they must be expanded several \$100 millions.

(e) Work-Study — Students are willing to work their way through college. With unemployment for all ages nearly 6%, unemployment for youth is closer to 20%. Unemployment among students seeking summer work or part-time work is even higher. Work is essential to both low and moderate income students. Unfortunately, the number of students receiving work-study jobs has not increased significantly in the last two years. For 1972-73, colleges have requested funds for 707,952 eligible students, but current appropriations will fund only 370,938.

Unless at least \$260 million more is appropriated, students willing to work their way through college will be unable to do so.

(3) Loans — \$550 million more  
(Continued on Page 8)

## LOBBYING IN WASHINGTON



Denise Howard with Congressman John Dow



By ELLIOT SCHAEFFER  
and ROSEMARY CARROLL

Winging our way to Buffalo, or shuffling to Buffalo as some might say, were four stalwart veterans of BLS ready to take on the radicalizing process. With our treasurer's well wishes, "Get receipts for everything, and armed with our position paper and someone known as a third year student, (no harm intended Steve) we were greeted at the airport and rushed off to the Buffalo Law School.

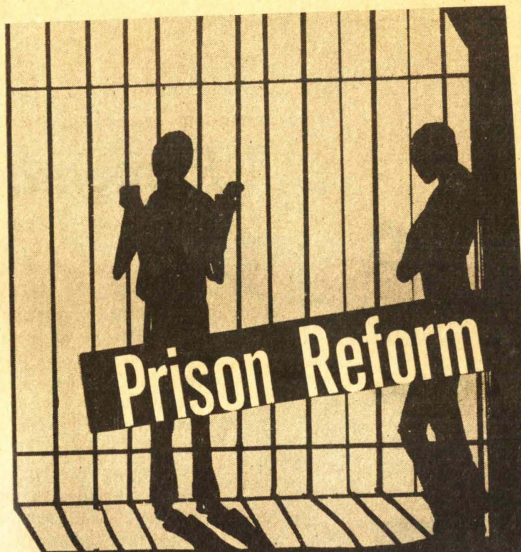
Rutgers' answer to John Roy-nayne, Arthur Kinoy, the keynote speaker, began the conference with a discussion of the "Role of the Radical Lawyers and the Radical Professor of Law." His thesis emphasized the concept of the return of constitutional power back to the People, the fourth and least recognized branch of Government. Correlative to this concept was the idea of the radical lawyer as a defender of the constitutional and its advocate. He urged that radical lawyers "participate fully in the agony of their times" by being in the vanguard of the peoples or people's movements. He cast the radical lawyer in the role of preserving the best traditions of the American system and the Govern-

ment as a usurper. This point was brought out most clearly from a case he had argued before the Supreme Court, *US v. US Dist Ct*. In this case it was held by a lower federal court that the Government wholesale use of eavesdropping without prior court approval was violative of the Fourth Amendment and presented an ultimate threat to the existing structure of government. Mr. Kinoy noted that this was the first instance in which he appeared as a respondent defending the position of the lower court against the government position that it be given a free hand to use wiretaps and other devices when ever it felt it was in the interest of "National Security." Extrapolating from this point, Kinoy noted that this was consonant with the Government's ongoing strategy to maintain control through the abuse of constitutionally protected rights. This has been evidenced by the Government's attempt to eliminate the right of jury trial, restrict the right of counsel, and employ preventive detention. "These experiments in fascism provide a devious camouflage of the Government's failure to deal with basic economic and social

conditions by characterizing the voice of dissent as subversive." Kinoy ended by saying that it is the job of the radical lawyer to pierce these deceptions of the government, to keep sight of the real issue, and to discredit such activity wherever found.

On Saturday, the conference reconvened and broke up into panels. There were many panels but we were particularly impressed by the panel on Criminal Defense led by The Peoples law office of Chicago and Southern Conference Educational Fund (SCEF). The first problem presented by the panel was the type of Criminal Defense a lawyer used, Political or a Straight defense. The concept of political defense derives from the teachings of Marx and, contemporized today from the letters of George Jackson and the writings of Angela Davis. Though no definitive rule could be formulated, it was agreed that such a decision must necessarily take into account the temper of the court and jury, the nature of the issues involved in the case, and the confidence of the attorney and the defendant in pursuing such a defense. Other problems, which should be extraneous to a legal proceeding, such as the effect of counsel's appearance, sexism, and graft to clerks to facilitate calendar placement, were recognized by all as practical considerations which must be taken into account in creating the best possible defense strategy.

**Prison struggles**, paneled by Sam McDowell of the Albany Prison Project, the Brooklyn House of Detention Project, a Buffalo Law Student of the Attica Defense Committee, presented the issues which have become of particular significance to the legal profession. The discussion highlighted the need for realistic prison reform, the radicalizing effect of incarceration, and recent developments in the defense of the At-



## RADICALS IN BUFFALO

tica inmates. The last and most poignant speaker was Sam McDowell, a black and former graduate of Dannemora, whose theme was that the job of the attorney who deals with minority groups and their struggle can best aid their efforts by sticking to the law and not imposing their own personal politics. He felt that too many "radical lawyers" coming to the defense of minority groups attempted to proselitize them to a particular point of view without considering the needs and developments of the people involved. It is one thing to believe that a color TV is a "contrived consumerism of

a capitalist society; and quite another to tell a poor person not to aspire to such possessions before they have acquired them and know what it's really like." This premise is founded on a basic respect for each person's integrity.

In conclusion, we felt that the conference exposed us to differing points of view, alternate types of legal professions, a community of activist lawyers attempting to restructure the reorganization and priorities of the law.

And so, we returned to BLS, older and wiser and, to our treasurer's everlasting annoyance, without receipts.

## AROUND THE CONFERENCE TABLE

By BETTY LEVINSON and  
MARGOT KARLE

There has recently been concern among the feminist community that the women's struggle to attain equal rights through the practice of law is in danger of becoming a mimicry of the traditional male-created relationship between attorney and client, that of the expert and the supplicant. There has been a tendency to recreate the professional elitism with which far too many lawyers oppress those who seek their assistance: poor people, black and Chicano people, gay people, and, cutting across all these groups — women. Accordingly, the organizers of this year's National Conference on Women and the Law, held over Easter weekend at Boalt Hall School of Law, Berkeley, encouraged attendance not only by woman lawyers, law students and legal workers, but also by women outside the field whose work and lives bring them into conflict with the law: women working in health and education, labor, welfare, prison reform, gay rights, as well as the "average" woman, the housewife, the high school and college student, who experiences sex discrimination as a matter of routine.

Inevitably, a conference attempting to deal with such a wide

variety of problems in only two days must be somewhat superficial and rushed. In fact, we must admit that we were disappointed at the lack of substantive information exchanged at the conference, as were many of the three hundred women who attended. Yet, after participating in non-stop workshops and discussion groups, and reflecting upon the conference as a whole, it seems to us that it provided an accurate, if rough, measurement of the tremendous achievements of the women's movement and the problems which yet elude solution.

The workshops, divided into topic matters (abortion, girls' rights, legal clinics, law school admissions, welfare, Third World women, divorce, etc.), provided an opportunity for women from different parts of the country to describe and compare how they are attempting to alter our sexist society. Some difficulty arose from an impatience between legal and non-legal women simply in regard to methods of communication. As law students we forget that the language we employ, except as between ourselves, is unintelligible. The use of a "professional" language, we all agreed, keeps the elitist roles alive, and constant effort must be exerted to overcome its separating effect.

The subject matter of each of the workshops suggested what form each discussion took, some tending toward specialized discus-

sions of pending legislation, for example, a California bill whereby any woman bearing a third illegitimate child would be forced to give up that child to the good offices of Ronald Reagan. Attacking the proposed law's presumption that a third illegitimate birth indicates moral depravity, sisters from all over California are organizing to block its enactment. A more casual, and highly instructive talk was introduced by women from Seattle, describing the Women's Divorce Cooperative where noncontested divorces can be had for almost no money (as contrasted with the \$350 charge prescribed by the Washington bar schedule) and are prepared by women seeking divorces with the help of the Cooperative's "how to" packet. Fortunately the Seattle bar has conceded that the Cooperative is not practicing law without a license, thereby ensuring the growth of the program which, by the way, also provides women with an opportunity to rap about the practice of marriage.

An abundance of newsletters and pamphlets were distributed at the conference, and as many as we would carry are available for you in the Women's Group Locker Library. Included are "Breakaway," "Mother Lode," "Chutzpah," and "Our Bodies Our Selves," the excellent health primer for women prepared by the Boston Women's Health Course Collective. (Information on every aspect of the women's movement is available, on written request, from the Women's History Research Center, Inc., and the Women's History Library, Berkeley.)

One of the papers we received,

an "Agreement of Northern California Law Schools Providing for Mutual Enforcement of Antidiscrimination Sanctions," calls for up-to-date transmission of information regarding employers (law firms) who discriminate on the basis of sex. Although several schools in the New York area, notably N.Y.U. and Columbia, are dealing with this problem within their own placement offices, all New York City schools ought to join in such a cooperative effort.

Nationally, the conference resolved, women will continue to press for the ratification of the Equal Rights Amendment. Locally, sisters will act for the repeal of all state anti-abortion statutes, and further oppose all state, municipal and county laws which oppress women. A disturbing ex-

ample of the latter was described to us by Berkeley area women, who live in the highest highest rape-rate zone in the nation. Any victim of rape can receive medical attention from county doctors — at a minimum cost of \$75. The consequence of this practice, obviously, is that poor women are discouraged from reporting incidents of the crime.

The continuing study of the law as it affects women will again be assessed by sisters in our area at a Northeastern Regional Meeting to be held in Boston next fall. The National Conference will reconvene next spring, at a southern city to be announced.

In the interim, the Women's Action Group will report, from time to time, on our efforts at BLS and on progress in the New York area.

## WOMEN IN FRISCO





## I Remember . . .

The last edition of a paper somehow always reminds of award ceremonies at the end of summer camp. I always hoped for Most Improved Camper, but never got it. Anyway, after the presentations were made and the ice cream and orange drinks were devoured, each of us was left with some memories that, at least to us, were important. So, I remember . . .

- when we had a dean, then we didn't have a dean, and then we had one, albeit temporarily, or maybe it's permanently.
- when we had our first meeting with a member of the Board of Trustees, also our last despite pledges to the contrary, where he left his hearing aid home, (another unfounded rumor),
- when we asked for more electives and got them,
- when the Students asked to control their own money and got it,
- Attica,
- Knapp (Whitman not cat),
- A dean that spoke straight to the students and even

- once publicly admitted he was wrong (between the "no comment's")
- Basketball at BLS (or Barrister Balls as some would prefer it)
- Christmas and Clytie,
- Finals
- Psssst, what d'ya get in Tax? (you'd think someone was selling french postcards on 42nd Street)
- No attendance (maybe one day, no bells)
- Grafton v. BLS (can you imagine the gall, I bet they expected an apology)
- Evaluations Evaluated and Evaluated and Evaluated and . . . . .;
- Elections, and re-elections, and re-re-elections and . . . . .;
- the candidate who dropped out because the elections were so tainted that he felt this was the only way he could guarantee the right guy getting the office (WOW!) — you figure that one out nit-pickers of the world)
- Advertisements for Law Day by Clint Eastwood (that's Dirty Harry for those that don't read our movie reviews)
- and
- FINALS

## Thanks . . .

We have two good reasons to say thank you to the Administration. Not "Thanks, but why didn't you do it sooner?" Not Thanks, but you look like a gift horse, please open your mouth" — Just "Thanks." First of all, for pushing back the exam schedule. It's good to know that in the collective Mind of the Administration, considerations of academic quality prevail over administrative convenience, and that what is what is wrong can be set right. Secondly, thanks for an expanded elective list. During the long gray days of our April, it was almost fun to choose among a group of courses that were appealing. We note Dean Gilbride's hand in these happy events. Is this a New Era? We intend to make it so, because change like this is beneficial to the student body and to the Admin-

istration — and because cooperation is contagious.

There have been other incidents worthy of praise recently, and we'd like to give them positive reinforcement. Its only fair; we've been quick to criticize in the past.

The school, for one reason or another, had to administer re-examinations to a couple of students this summer. The exams had to be prepared, proctors had to be hired. Dr. Hambrecht noticed that a large number of students were required to take these re-examinations next January. He sent a notice to each such student offering them the option of taking their re-examinations during the summer.

"It was no extra problem for us," he explained. This is a clear departure from prior school policy on such matters. We find Dr. Hambrecht's approach refreshing: He sought out and implemented a new policy of great convenience benefit to the students for no more reason than that there was no reason not to.

## A Question Of Fear

Soon all the battle lines will be drawn, the position papers written, slogans slung, and general quarters sounded; and soon, as must inevitably be the case, the ABA psychological testing proposal will be withdrawn and Truth, Justice, and the American way will have won another battle. But, after its over, will the stain of it ever be removed? There is no detergent that can bleach the minds that conceived so bastard a child.

No matter the outcome, the question must turn from the battle field to the source of confrontation. To have tests devised "to identify those significant elements of character that may predictably give rise to misconduct in violations of professional responsibility," can reflect only some deep rooted paranoia. Further, it is suggested that these tests be given at the earliest possible time, — perhaps they should be given to the parents so they will not have hopes for their "predictably" misfit offspring.

Defeating the proposal is important but only of remedial effect, as such a recommendation is symptomatic of a greater illness. Dissent is the root of growth and yet these men would attempt to eradicate it as you would weeds from a lawn. Such a concept denies the possibilities of growth and maturity in the individual, as it would brand them for the remainder of their lives as social misfits for feelings and actions formulated in adolescent and youthful years in the midst of an already turbulent and unsatisfied society. The result of discord is dissent, whether it be with the pen or on the streets, that is a lesson of history. The committee would attempt to stop history and, as history has shown us, it is they who will suffer most for their folly. When men refuse to listen to the sounds around them they are deaf even to their own hearts.

It is suggested, therefore, that it be everyone's duty to see that not only is this particular proposal defeated by exerting pressure on those who have the power to quash it, but that we fight such repressive measures wherever found so that personal rights and academic freedom will have fertile soil in which to grow.



# Justinian

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345

## Letters to the Editor

### By Way of Introduction

Dear Next Door Neighbors,  
I was born in Orange, N.J. and lived in East Orange and later Mahwah, N.J. until departing for the Midwest to attend Hope College, in Holland, Michigan. In my sophomore year I transferred back East, however, and graduated from Vassar College in 1967. After graduating I moved to Manhattan and got a fascinating job proofreading telephone books while waiting for the caseworkers' strike to be over, so that I could work for the Department of Welfare (now euphemistically renamed "Department of Social Services"). I worked for D.S.S. for a little over a year, then went to India with the Peace Corps. Finding that I was not suited to the P.C. program, which involved teaching the villagers how to grow vegetables and wheat, I terminated my involvement and returned to the U.S., where I worked for a small private social work organization and saved up my money to go to law school.

I decided to go back to school because, with a B.A. and experience as a caseworker for D.S.S., when I looked for a non-social work job the only thing employers wanted to know was whether I could type. They were also overly-anxious about whether I was going to get married, have a baby, and quit. I thought I needed better "credentials" for a better job. Law appealed to me because I thought that if I knew a little more about the legal system I could improve the situation of Blacks, women, welfare recipients, and other people who are kept down by the system.

For me, being Editor-in-Chief of the Law Review is not a step toward Wall Street or a high-level government job. It is just doing a job that I enjoy, with people I like and respect, learning more about the law and about human beings than I learn in the classroom. After I graduate, my husband, Dr. Daniel J. Tay (fellow in pediatric cardiology at N. Y. Hospital-Cornell Medical Center) and I will either stay in the N. Y. area or perhaps move to Boston or San Francisco (Danny likes the warm weather, because he grew up in Indonesia) and I will join a law commune, work for Legal Services, go into private practice, or do whatever else the spirit moves me to do.

Well, I'm sure you don't want all of this — I got a little carried away.

Best to you all,  
Nancy S. Erickson

From the Editor:  
Happy Birthday Vera!

March 13, 1972

To the Editor:

Just a note on human error or maybe a case for students being allowed to see their finals regardless of their grades.

I was given a "D" in an elective course; over one week after I put in a request to see my exam I was permitted to see the professor. Armed with my knowledge of the course material and my class notes, I was prepared to discuss the exam. Two sentences into my opening argument, the professor interrupted and told me there had been a mistake. The grade was not a "D" after all, but a "B!" A phone call later, I received my revised report card from a secretary.

I inquired as to whether such errors occur very often at Brooklyn Law School, and she told me "human errors can happen."

I agree — think about it.

Name withheld by request

To the Editor:

As I was campaigning during the second election for the office of day vice-president of the now shaken S.B.A., I went up to a senior student who had promised me her vote in the first election. I greeted her in a friendly manner, handed her one of my fliers and said: "I hope I can count on your vote this time." At this she flew into a furious rage and said "How can you expect anyone to vote in such an election?" She went on to say that she did not question my personal integrity but she certainly would not vote a second time because her original vote had been thrown out. I can't really blame her. But, believe me, my frustration surpassed hers. It is rather annoying to be asked to vote twice for the same purpose; it's really horrible to have to run twice for the same job, especially when you feel you won the first time and you won HONESTLY and ETHICALLY.

I was outraged by the high-handed manner in which the administrative hearing, which was supposedly held to determine what to do about the presidential race, voided any other race I feel my outrage is justified since only the presidential candidates were granted admission to that hearing.

I registered a written protest with the S.B.A., which follows. I know now, since the elections are being held while I am writing this, that I will not get my answer, much less, my day in court. My purpose in publishing that complaint is to inform the voters that they are not the only ones

dissatisfied with the events of the last two weeks.

The news which I have just heard that the S.B.A. elections for all positions are being contested makes me feel that HE WHO SCREAMS THE LOUDEST GETS THE MOST. This has never been my philosophy but I think the time has come for me to do some shouting.

On Wednesday, March 29, the candidates for the presidency, the two people who ran for day vice pres, and several others met with you in room 603 to do a post-mortem on the election. Some came to protest, others to explain. I came to listen. My opponent asked for a recount. I felt this was justified. The recount was performed. My election was confirmed.

When an election is won, and especially when it is won by the narrow margin of seven votes, I don't see how the winner can be expected to consent to a second contest at the polls. This demand for a second election was certainly unexpected and completely unwarranted.

The bone of contention was supposedly the Monday night electioneering. How does this affect the day vice-pres. race? Neither day vice-presidential candidates' names appeared on any of the ballots that were deposited on either Monday or Tuesday night.

On Wednesday, March 29th, the two day students on the election committee repeatedly told us that the only election, the results of which were decided on the basis of the Monday night vote was the presidential race.

We were also told that the only issue that would be considered at the administrative hearing was the presidential one. If other issues were to be brought up, which undoubtedly were, why weren't the individuals concerned allowed to speak in their own behalf or at least learn what their accusers said?

The complaining candidates had a chance to make their accusations and present our defense?

If the original election can be thrown out for such flimsy and (especially in the day vice-presidential race, really NON-EXISTENT reasons) what is to stop the losing candidates from demanding election after election until they are finally victorious?

I do not feel that I am the George Washington or Napoleon Bonaparte of Brooklyn Law School but the fact remains that I WAS FAIRLY ELECTED and if my election were overturned, it would be robbery pure and simple.

Time, effort and a small amount of money were expended in my campaign. I want the job, I want the title, I want the responsibility. I believe they are rightfully mine.

Elections were held, the results were posted. I was repeatedly told my election was official and that the matter was settled. I am asking the Election Committee to show cause why the original election should not stand. Unless they can do so, a second election should NOT be held.

Sincerely,  
Maria Shapiro

To the editor,

This year's elections for SBA officers were clouded in controversy and uncertainty. The integrity of the SBA has been preserved and most capable officers elected. It is commendable that nearly 50% of the student body took an interest in the election and cast their votes. I would hope that this interest perseveres next year. The key to a successful SBA administration is an active, con-

## comment

EDITOR'S NOTE: This space has been left open for future comment from any individual in our legal community. Your opinions need to be heard, and have a right to be voiced. If it's worth the space, we'll print it.

By HOWARD FELLER  
(Certified Public Apathist)

Fellow CPA's, these are trying times. Much backsliding is evident among the ranks. We have to pull together and stay apathetic.

The situation is inevitable. Every four years a group of unemployed public speakers start promising all kinds of things if only we just get involved. It's easy to be apathetic to war, famine and disease at a few thousand mile distance. But these characters are smart. They don't bother with that stuff. They hit below the belt. One promises your kids won't have to go to integrated schools. Another claims he'll lower taxes.

The true CPA, however, sees through all this rot because he has a sense of history. He knows an election is an election is an election. Leaving the metaphysics aside I shall illustrate.

Remember your first vote? It was probably for second grade class officers. The kid who got the most votes was president. The kid with the second highest number of votes was vice-president and so on. Remember Clyde W. Ferne III who won because he promised four milk and cookie breaks a day? Clyde remembers. He's been putting his office down on résumés ever since. (He's also been putting down his fourth grade sergeant-at-arms, high school senior treasurer and college student council president.)

By the way, I bet you never got those four milk and cookie breaks either. After all Clyde had to deal with the administration. They had their bosses too etc., etc. And besides a kid needs at least two terms in office to accomplish such a feat. It's not as if he started the one-cookie-break trend himself.

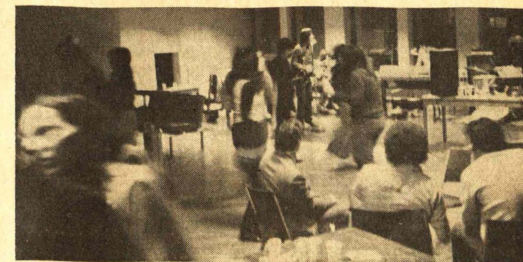
The other day I saw a whole bunch of posters in the Café de Law School Brooklyn. I recognized about one and a half people out of the bunch. And I didn't like them. I even read a few party platform and listened to a candidate or two. Personally, I'd rather they promised four milk and cookie breaks.

The CPA formula (reg. 7894 (-) 86) makes it simple to figure how many of these promises will be implemented. First, discount 90.2%. Second, subtract two time the number of days until the next full moon after the election. Finally, figure it will take about four years.

So I ask you, is it worth your hard earned time caring about who "wins?"

One word of caution. If you are not apathetic by the age of twenty or so be careful. The sudden realization that you have no control over virtually anything can be a real shocker. If you do not have a strong constitution please do not delve any further into CPA literature.

Remember our motto. "Caring is the opiate of the masses."



SBA Wine and Cheese party: Another Neil Simon production.

cerned, student body. I intend to work with Mitch Alter and his Executive Board to further the interests of BLS.

In the past there has been a deficiency of student participation for committee work. The SBA can achieve goals desperately needed only if students actively participate, devoting their valuable time and talents in making BLS the institution we know it can be.

Ken Kirschenbaum

## Elections

(Continued from Page 1)

second time in the history of Brooklyn Law School that the S.B.A. executive board was elected by the popular votes of the

entire student body and therefore certain problems which arose were not foreseen by the original elections committee.

The measures taken by the hearing commission were adopted by the delegate assembly of the S.B.A. subsequent to a two hour debate on the subject.

A new election committee was established, which after many hours of deliberations published a set of definitive rules regarding the election which were strictly adhered to by the candidates and devoutly scrutinized by the committee. On Thursday morning, April 20, Mr. Schechter announced, that voter turnout in the re-run was less than that in the original election but that the results were finally final.



## ABA Proposal

(Continued from Page 1)

practice law depends not only upon adequate academic accomplishments in law school and successful completion of the bar examination, but upon satisfying the requirements of the particular jurisdiction as to proof of good character — and that these requirements differ from state to state.

4. That all states be urged by the ABA to adopted serious and vigorously enforced law student pre-registration requirements in accord with Standards 11 and 12 of the Code of Recommended standards for Bar Examiners, adopt the National Conference of Bar Examiners, Assoc. of

American Law Schools, and the American Bar Association. Pre-registration requires a law student at the earliest feasible stage of his legal education to make known his intention to apply for admission to the bar in the state of his choice, together with such information as to character required by the state.

["Dean O'Toole expresses misgivings as to the efficacy of pre-registration and accordingly does not concur in this recommendation.]

5. That all approved law schools shall release to any admission authorities in any state to which the student ultimately applies for admission any information relevant to his admission to the bar, in the law school files or coming to its attention by any means other than confidential communications by a student to a law school officer or teacher made dur-

ing the time of the student's law school enrollment. This policy shall be announced by the law schools to all applicants.

6. That the ABA, through appropriate channels, such as the American Bar Foundation, encourage research studies to determine whether character traits can be usefully tested prior to application for admission to the bar, beginning with the following two studies:

A. An interdisciplinary inquiry into what is now being done or projected in other professions or businesses: (Examples as targets for such inquiry might be psychologists, philosophers, theologians, physicians, including psychiatrists, behavioral scientists, accountants, public officials, officers of banks, fidelity insurance companies, personnel and management associations.)

(1) To identify those sig-

nificant elements of character that may predictably give rise to misconduct in violation of professional responsibilities.

(2) To estimate the capacity of those inimical elements to persist despite the maturing process of the individual and the impact of the stabilizing influence of legal education.

B. A "hindsight" study of selected cases of proven dereliction of lawyers to ascertain whether any discoverable predictive information could have been obtained at the law student level by feasible questionnaires or investigation; and if so, what type of inquiry would have been fruitful. The results of such a study might suggest a future format which would not trespass upon constitutional rights as determined by the Supreme Court but would still furnish worthwhile information in this context.

7. That, based upon such information as the suggested studies reveal, the National Conference of Bar Examiners be urged to continue to develop recommended uniform character questionnaires (and investigations, to the extent feasible) for first year law students to be given as early as possible after matriculation.

8. That (while probably beyond the scope of this Committee's assignments) the organized bar and the Supreme Courts of the various jurisdictions be urged to continue and increase their efforts to root out the known, as distinguished from the potential, character risks already engaged in the practice of law.

9. That the law schools should continue their efforts to make progress in improving the quality and quantity of instruction in professional ethics.

## Balsa

(Continued from Page 4)

why we had formed a Balsa chapter at BLS. I answered, "Mostly because there is a chapter at most other law schools." It can't be accidental that most Black law students feel a need to belong to some common interest group. It couldn't possibly be a fad; there aren't enough of us to make it a respectable fad. I submit that the necessity for such conventions is

the intercommunication of ideas on how to combat the evil taint of racism so prevalent in our society. Racism is so pervasive that out of despair some would contend that things are changing.

In a recent conversation with a Black attorney who graduated from BLS in the early fifties, I found it interesting to hear that graduating classes contained six or seven Black students; for the last three years BLS has succeeded in graduating one Black student per year (last year the only

graduating Black student was from the evening division). Are things better? I dare say that, until the legal profession shows a marked increase in the number of lawyers from the Black community, convention must wait!

The Student Bar Association of Brooklyn Law School in conjunction with Brooklyn Women's Strike for Peace and Brooklyn Vietnam Veterans Against the War will hold a Moratorium Rally against the war and against "business as usual" on Thursday, May 4, 1972 at 12:00 noon in Cashmore Plaza, Brooklyn Boro Hall. The Rally will have a Speakers Program from 12:00-1:00 p.m. and then a March to Foley Square to join the City-wide rally at the Federal Building.

Among the speakers at the Boro Hall Rally will be: Allard Lowenstein, Jim Noonan (Vietnam Veterans Against the War), Michael Russek (Brooklyn Tenants Alliance), Bea Kriedman (Women's Strike for Peace), Larry Vogelman (Student Bar Association of Brooklyn Law School), Dana Bieberman (National Lawyers Guild) and others.



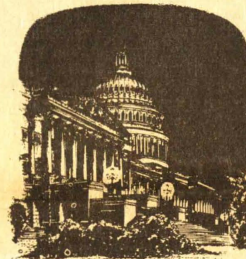
Caucus

## NSL

(Continued from Page 4)

must be appropriated to meet demand.

Twenty-five million people will be eligible to vote for the first time in a presidential election this year. Most of these are students. The time is ripe for an organiza-



tion like the N.S.L. to grow and develop. The B.L.S. representatives were greatly impressed with the organized full schedule during the conference. Each night various congressmen spoke to the group. On Friday night Jack Anderson expressed his feelings on ITT, John Mitchell, Richard Klien-

dienst and other "protectors" of the law.

The B.L.S. representatives, having been in Washington as frustrated demonstrators and now as registered lobbyists, found quite a different reception. Congressman Dow of the 27th District spent over an hour discussing legislation and Congress with our lobbyists.

Education amendments have been referred to on the floor of Congress as the National Student Lobbyist amendments. After the March 22 Conference, N.S.L. has become an effective student representative organization. Student potency may finally be effectively felt on Capitol Hill. Congressmen became amazingly receptive when confronted with constituents who have traveled to Washington, gone over their voting records and are prepared to discuss specific legislation.

Lobbying is a unique experience and one that can be personally fulfilling. Congressmen need to get information from sources which are not interested in only making a profit for themselves.

If you are interested in the N.S.L. program write: National Student Lobby, 1835 K St., N.W. Room 414, Washington, D.C. 20006. (202) 293-2710 or contact student representatives Mel Ginsburg and Denise Howard in Room 402.

## Rebuttal

(Continued from Page 1)

6-year-olds with "criminal proclivities" are seriously being suggested.

What is being proposed by the ABA report is the establishment of a screening process focusing on "character traits" with no requirement whatsoever that these characteristics be connected to past action or behavior, and requiring only the most speculative, hypothetical connections to future behavior. Questions as to the proposal's language and intent abound. To raise just a few: What is a "character risk"? Who are the "known . . . character risks"? What "selected cases of proven dereliction" is the report talking about? What are "elements of character that may predictably give rise to misconduct"? What are those "inimical elements" that "persist despite the maturing process of the individual and the impact of the stabilizing influence of legal education?"

To disqualify persons from attending law school or practicing law not because of what they have done, but rather because of who they are or what they might be-

lieve is to fly directly in the face of the standards set by the Supreme Court, not only on First Amendment questions generally, but also, and more importantly, in the area relating to bar procedures. As the Court recently held:

The First Amendment's protection of association prohibits a State from excluding a person from a profession or punishing him solely because he is a member of a particular organization or because he holds certain beliefs . . . Broad and sweeping state inquiries into these protected areas . . . discourage citizens from exercising rights protected by the Constitution. A State may not inquire about a man's views . . . solely for the purpose of withholding a right or benefit because of what he believes. It is sufficient to say we hold that views and beliefs are immune from bar association inquisition designed to lay a foundation for barring an applicant from the practice of law. *Baird v. State of Arizona*,

401 U.S. 1 (1971).

It is precisely the type of inquiry and penalties that the courts have forbidden to Character and Grievance Committees that the

ABA seeks to implement on the law school level. Procedures abound by which the legal profession can exclude or rid itself of persons whose actions as lawyers would be truly inimical to the public whom they are supposed to serve. But these procedures theoretically require the observance of certain rules and are open to scrutiny by the courts. It would appear that the only possible rationale for the proposal under discussion is to avoid the requirements of due process and judicial review by the mechanism of a simple rejection letter from a law school.

An equally noxious aspect of the report is that, if adopted, law schools would become investigatory agencies for the various Character Committees, and in the process, any vestige of academic freedom at the schools would be destroyed. Despite the report's disclaimer and sop that collection of character data by law schools would not obligate them to evaluate such information, the report proposes that the schools administer such "uniform tests or questionnaires" as the "appropriate admission authorities may find useful and relevant," thus encouraging, if not precisely mandating, the use of such information in the admissions process. Furthermore, by pro-

posing that law schools "shall release to any [bar] admission authorities in any state to which the student ultimately applies for admission any information relevant to his admission to the bar in the law school files or coming to its attention by any means other than confidential communications by a student to a law school officer or teacher," the report would totally destroy the confidentiality of student files and would stimulate the accumulation of unquestioned, wide-ranging data on students during their years in law school. At a time when law students are beginning to question some of the antiquated notions behind legal education and to demand that their curricula be made relevant, the impact of this data collection, disclosure, and the proposed requirement that a student register early for the bar of a particular state, cannot help but chill — if not totally freeze — the activities of a law student, both inside and outside of law school, during his or her time in law school. In fact, the report itself expresses this hope by stating that "the very fact that all students would be obliged to take such a test very early after matriculation would serve a salutary purpose in focusing the student's attention upon the fact that admission to the practice of the

legal profession does require him to fulfill the moral character standards of the jurisdiction where he seeks to practice." In light of the fact that all students are currently very much aware of the necessity of undergoing an inquisition by a Character Committee, it would seem that the proposal for an even earlier and more forceful reminder of this fact can only be made in order to further stifle law students in their exercise of protected constitutional and academic rights while they are in school.

The ABA proposal, in its attempt to coerce or punish prospective law students or lawyers, to deprive them of their calling or to subject them to harrowing testing and inquisition, solely because of their ideas, beliefs, or personalities, contains the very clear and present danger of undermining both the asserted freedom and independence of the bar and the very constitutional rights which are the highest duty of the legal profession to defend. As the Supreme Court said so forcefully,

It is important to both society and the bar itself that lawyers be unintimidated—free to think, speak, and act as members of an independent bar. *Konigsberg v. State Bar of California*, 353 U.S. 232, 273 (1957).



# LSD NEWS

By HOWARD KANE

Howard Kane, who has been writing the LSD NEWS column in the past few years, also keeps us up on such items as the ABA proposal which appears on page one. Howard is becoming news himself now, as he's recently been elected Lieutenant Governor of the 2nd Circuit of the LSD-ABA. This summer he'll be BLS's alternate delegate to the National LSD convention in San Francisco where he plans to run for National Vice President. Good Luck, Howard. — Ed.



## DISCRIMINATORY SELECTION OF U.S. SUPREME COURT LAW CLERKS

The "Ivy League" law schools have a monopoly on Supreme Court law clerk jobs. There have been 361 law clerks appointed by Justices who have served on the bench for the last ten years.

Harvard accounted for 125 law clerks, or thirty-five percent of the total of the legal minds who have researched and written the celebrated "landmark" decisions of the Supreme Court.

Other law schools represented by 10 or more law clerks were Yale — 60; Chicago — 13; Michigan — 14; and Columbia — 16. Yale and Harvard accounted for 51% of the total.

If you would like to serve as a Supreme Court law clerk after you graduate, write to one of the Justices directly. Address as follows:

Justice .....  
United States Supreme Court  
Supreme Court Building  
Washington, D.C. 20455

## LSD LIAISONS MAKE A DIFFERENCE

The Law Student Division liaisons to the councils of ABA sections are having some impact on the direction of the profession. In most cases, through section bylaw changes, law students are voting members of the section's governing body, the council. Law student views through these liaisons are helping to mold the direction and activities of the organized bar. Two recent examples are Mike Morgan, University of Chicago law student, who is the LSD liaison to the ABA Section of Individual Rights and Responsibilities, and Roger L. Keithley, Harvard law student, who is the liaison to the ABA Section on Criminal Law.

Morgan recently played a key role in helping to bring a matter concerning the IR's Council taking a stand in favor of a committee's report which would call for a liberalization of the marijuana laws.

The Council of the Criminal Law Section in considering support for U.S. Senator Lloyd Bentsen's (Texas) Senate Bill 2657, voted 9 to 8 against. Keithley was one of the nine who voted against the bill. S2657 would greatly alter the ex-

clusionary rule, thereby weakening the Fourth Amendment and citizens' rights thereunder. Keithley also spoke out against S2657 in the debate preceding the vote. Since that council's action, Senator Bentsen has amended his original bill.

These are just two examples of the important roles LSD liaisons are playing. They add to the relevancy and the value of the whole liaison program. Other liaisons are working on similarly important matters in their sections. When openings for liaisons occur the applications of qualified and interested students will be welcomed, as are contributions to the overall LSD programs at all times.

## THE DARTMOUTH PLAN FOUR THREE-MONTH TERMS

Dartmouth College has recently taken a major step in the further development of undergraduate education which we think has employment implications you would like to know about. Starting in September 1972 the College will shift to a system of year-round operations. Under this "Dartmouth Plan," as it is called, the year will be divided into four three-month terms. The College will operate during all four of those periods — that is, all year round. Dartmouth students, however, will be varying their vacation patterns so that every term several hundred undergraduates will be 'off' and in the job market. After a traditional fall, winter, spring, freshman year, a student can choose any combination of eight fall, winter, spring and summer terms over the next three years that he wishes. What this means is that most students will have an extra vacation during their college years, and, in particular, that those vacations will often be in seasons other than summer. This system also gives the student a great deal of flexibility so that he can arrange to have vacations of six or even nine months if he so desires.

## BOSTON UNIVERSITY CENTER FOR CRIMINAL JUSTICE

A Boston University Law professor, Sheldon Krantz, who has worked at both the federal and state levels to improve the ways we combat crime, has been appointed director of Boston University's Center for Criminal Justice. The Center will turn its research increasingly towards stimulating basic changes in the criminal judicial system. The Center is likely to do research and propose reform in the administrative law that governs correctional institutions, perhaps by developing test cases based on basic Constitutional issues that affect inmates. All its research would involve work by students at Boston University School of Law. This gives them maximum exposure to the actual problems of criminal justice before they graduate for law school.

## 30 YEARS FOR ONE JOINT

Grass

a narcotic drug. The ACLU says this is an arbitrary classification.

The National Commission on Marijuana and Drug Abuse estimates that 24 million Americans have used marijuana at one time or another. The ACLU's brief says, "for too many years the marijuana laws have made technical felons out of millions of Americans, and have bred disrespect for the law."

## CATHOLIC UNIVERSITY RECEIVES MAJOR OEO GRANT

The Columbus School of Law received a \$772,252 contract award from the OEO office to conduct National Training and Educational Program for Legal Services Attorneys. This program will produce 500 of the 2,000 legal services attorneys in the country.

## Placement

(Continued from Page 1)  
attending the school in the lower grades.

Mr. Savage plans on providing the students with the facts that go into obtaining a job from making interviews to writing resumes. Furthermore, he is keenly aware of the problems facing the night students as he was once one himself.

To begin to establish the credibility of the placement office, Mr. Savage plans a meeting with the student body to familiarize them not only with himself, but with his plans and ideas. He feels that a key to successful placement lies in communication between the opportunity and the proper applicant. Many times a notice of employment may be put up on the board and by the time the interested student sees it, it is stale if it isn't already stale by the

time it gets reported. He feels that there is a market for every student and it is a problem of establishing the credibility of the office with the legal community at large.

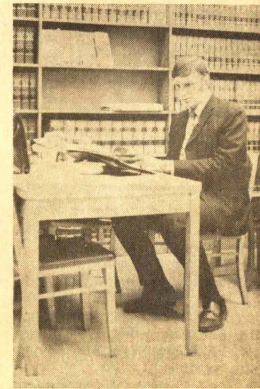
To contact the smaller and medium size firms, a flyer is planned that will acquaint the attorneys with the school and the placement office. Mr. Savage plans personally to visit the larger firms to create opportunities for Brooklyn graduates. Besides jobs with private firms, he plans to explore City, State, and Federal employment opportunities, as well as those with brokerage houses and banks. Mr. Savage hopes to effectively use the alumni, which has not been successfully done to date. Also, he plans to bring the placement office into the College Placement Council, which supplies its members with a directory of employers and monitors job opportunities, and the National Association for Law Placement.

## Just Who Is Blind?

"Academically you have a higher average than I; intellectually you may be better than I, but we can't chance it because you're blind."

This is the kind of prejudice that Leonard Du Boff, a teaching fellow at the Stanford Law School, runs into. Du Boff, who was graduated with the highest average in the history of Brooklyn Law School didn't expect such narrow-mindedness in law. He has repeatedly interviewed with law firms who say they won't hire him because he's blind.

"The blind are not protected by the Civil Right Act. We have no strong groups behind us to get us jobs. We are openly discriminated against." Ted Prim, a blind third-



Leonard DuBoff

year Stanford law student, is finding the same slammed doors.

Du Boff was graduated from Hofstra University in New York magna cum laude as a mechanical engineer. Because of an accident which blinded him, he was unable to continue as an engineer. He turned to law, found it rewarding, and will teach it next year as an assistant professor at Lewis and Clark College in Portland. He may someday go into private practice with a focus on trial law.

Du Boff has a firmly disciplined mind. In law school he picked out two or three of the best students and gave them carbon paper for their notes. He had the notes read to him and he, by memory, added and deleted. The notes were then taped, but were already filed away in Du Boff's mind.

He finished law school in June, 1971, and took the post at Stanford. He and his wife live in Escondido Village, with Alex, a golden retriever guide dog.

Alex likes to play, but on harness he will notice nothing but Du Boff and his safety.

One day a few years ago, Du Boff's brother phoned to ask him what he thought about Lyndon Johnson.

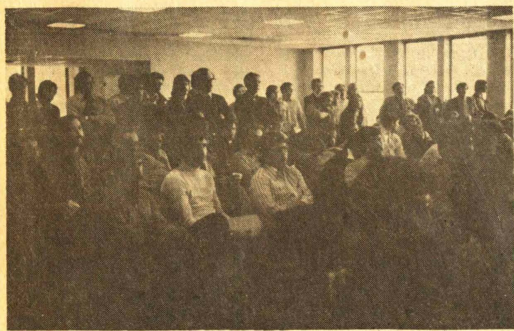
"Now that he's not running again, I think he's OK," Du Boff replied.

That apparently satisfied the brother, who had a message for Leonard from the White House. President Johnson wanted Leonard to come to Washington to be honored for his academic accomplishments.

Du Boff went, was honored, and looking back, says Johnson seemed "very old, very tired, really washed out, and nice."

Du Boff, who enjoys working with students, will set up the writing program for freshman law students at Lewis and Clark this fall.

(Continued on Page 11)



Unlike our photo, the picture seemed bright as Professors Schwartz and Leitner gave a talk on "Starting a Law Practice" in the lounge recently. "No one has left the legal profession yet because he hasn't been able to make a living at it," Leitner told the crowd. They discussed where your first clients come from, how to present yourself, how and where to set up an office and narrowing down an area of expertise. If there was a single theme it was that there's still a lot of opportunity for a young lawyer starting out with just a degree, a little spunk and a lot of confidence. "The fellow who started his practice in Levittown, L.I. back in 1951," the students were told, "has just got to have been the greatest all-time genius."



Courtesy of the N.Y. Lawyers Guild publication.

I had an interview recently with the Legal Aid Society, where the only openings were in the Criminal Division. I was to be interviewed by a Mr. G down at 100 Center Street. The office was really bustling when I arrived, filled with young white people in spiffy suits and young black people in more casual dress. The lawyers and their clients. After a short while, a tall athletic guy, maybe forty, led me into his office. Hard nosed? You couldn't scratch G's nose with a diamond.

"Sorry I kept you waiting. First let me tell you a few things you should know about us. We demand a three year commitment and you must sign a contract agreeing to that. We regard this as the commitment of an attorney, not just anybody off the street. If you break that contract, we'll do our best to see that you never practice again in New York. Your name will be on every blacklist in every court in this state. Is this satisfactory to you?"

"Yes . . . It seems reasonable."  
"All right, good. A few words

### Your name will be on every blacklist.

about salary and benefits. You'll work a standard hour five day week, twenty days vacation a year. As for insurance . . ."

I stopped listening at this point. G did too, I think. He had obviously delivered this speech before. And before that. And before that. I had never seen lips moving quite so quickly.

" . . . I know you're interested in salary. You'll start at \$600 and when you're admitted you'll go up to eleven two. In fact it'll probably be higher than that. A new contract is being negotiated now but its provisions won't go into effect until after the freeze is lifted."

His voice was slowing a bit and I suspected this prerecorded message was coming to an end.

"One more thing. We've taken on a lot of June graduates who haven't been admitted yet. If a large number of them fail the bar exam, we're going to have to let people go. Since you'll be one of the last to be hired, you'll almost definitely be dismissed if you don't pass. Is this acceptable to you?"

"Yes . . . It seems reasonable."

"In addition your performance will be reviewed after the thirty day training period, after two months and after six months. At any of these times you may be dismissed with no reasons given. Is this agreeable to you?"

"Yes." At this point castration would have been agreeable to me.

"At any later time if we wish to dismiss you and you wish to contest it, the matter must be submitted to an arbitration board of staff and management."

Period. Punto final. G leaned back casually as if he were about to share a confidence with me.

"Look, I know some of this sounds kind of hard and if I were still on that side of the desk, I'd find some of it pretty hard to swallow. But now I'm over here, on the management side, so to speak, and it's my duty to give it to you straight. O.K.?"

"O.K." I nodded, trying to look sympathetic.

He was thumbing through my résumé, which wasn't exactly my strongest selling point. I had typed it a few days before with my old beat up typewriter and some of the letters, especially the capitals were more grey than black. I had considered retyping it with a new ribbon, but it was late, and who

the hell would care how it was typed. After all it was the content that was really important. If only the content had been any good.

"What's this H.P. stand for?"

N.Y.U. Law School had stopped ranking students at the end of my first year, lucky for me. Instead of the traditional A-B marking system they had substituted a parcel of letters that came later in the alphabet.

"Oh, that stands for High Pass. That accounts for about 75% of all the grades that are given out."

Since I had no class rank, I had stapled a Xerox of my final transcript on to the résumé. I had also stapled on a form letter from the school explaining the marking system. Since there were nine different types of letter grades on the transcript, I was confident no one would have the time or the patience to bother deciphering the thing. I was right so far.

"How the hell do they expect anyone to understand this stuff?" G asked.

"I don't know. I can't figure it out myself." A little humor always breaks the ice.

"You know this is the real world now. The training you've gotten in law school for the practice of criminal law is about as valuable as a trip to the moon."

"True," I admitted.

"I notice you worked at Lefkowitz's office. What'd you do there?"

At a previous interview, with Community Action for Legal Services, I had made the mistake of answering that question honestly. This time I was prepared.

"Well, I compiled an investigative report on the Long Island swimming pool industry. I drafted a motion for leave to appeal to the federal courts. I worked on a class action settle order involving price fixing in the drug industry. I researched a few other briefs . . ."

"Swimming pools, huh? What brand do you advise?"

"Don't buy any of them. They are all crooked."

When in Rome, speak as the Romans do.

"All right. Let me ask you a few questions. Why do you want to work for Legal Aid?"

Just my luck. He was starting with the tough ones.

"I felt it would be the best possible training I could get in the area of litigation."

### I felt I was getting the hang of these interviews. Just act exactly like the person who's interviewing you.

"Well, you're right about that; you'll get more work here than you could ever get in the D.A.'s office."

"That's good. One of the reasons I didn't go back to the Attorney General was that too many people were trying to avoid work. I like to work hard."

Oh cut it out.

"That's good, because you'll get it here. All right. Let me put a case to you. A guy's arrested for holding up a candy store. He tells you that he has a record and that his alibi is that he was with two of his friends, who also have records. You know you're not going to have much chance of winning this case, but that you can make a deal with the D.A. What do you do?"

"Think quick. The people's lawyer.

"I'd explain these things to the man, that his chances of getting off weren't very good, that he could get a lighter sentence, and ask him what he wanted to do."

"But what would you recommend?"

"I wouldn't recommend. I'd present what I thought his chances were and I let him make his own decision."

"But don't you feel that the job of a lawyer is to recommend a course of action to his client?"

"Not really. I would feel obligated to explain what I thought his chances were. He would have to make the decision."

"How do you feel about plea bargaining in general?"

I thought for a second. This is Legal Aid.

"I have no moral objections to it. As a means for getting someone a lighter sentence, I guess it's all right. If the defendant wants to use it."

G smiled, perhaps at my innocence.

"Did you know that more than 90% or more of all criminal actions in New York are disposed of by pleas? Are you aware that less than 600 criminal cases actually went to trial last year?"

"I'm surprised the number's so low."

"I know. But you should know that a lot of the work you'll be doing here will be pleas."

"If people want to plea, that's all right with me."

I felt I was getting the hang of these interviews. Just act exactly like the person who's interviewing you.

G explained a bit more of what my chores would be. Then he asked me a few more short questions and seemed satisfied with my answers. After he had answered the phone, which had been ringing off and on throughout our interview, he led me to another office across the hall.

"We'll continue the interview over here," he said, as he hurried out of the office.

On the phone behind a desk was a gentle looking middle aged man, speaking softly.

"Hi. I'll be with you in a second."

"You will?" "What happened to G?"

He hung up and came over and shook my hand.

"Hi. My name's M. I'll take over the interview from here."

He led me to his desk. "Take a

I shrugged, agreeing.

"Listen. Let me illustrate. A few years ago a couple of my clients got sentences that were really stiff. These men were absolutely innocent but they wanted to cover themselves with alibi defenses that weren't true. I pleaded with them not to, but they wouldn't listen. When their witnesses got up on the stands they were ripped apart."

I listened attentively, with my most sympathetic expression.

"But I feel no guilt at all for what happened. And do you know why?"

"Because you did your best?"

"Exactly. Because I knew I had done everything within my power to help these men. This is all we ask of anyone. If you screw up, if you make some stupid mistake because you were too lazy to devote your full energies to somebody's case then you should feel guilty. It should disturb you. But if you do your best . . ."

"What else can you do?"

"Exactly. And you know something. These two men have never blamed me in the slightest for what happened to them. Every Christmas I get a very nice Christmas card from both of them. They know that I did all I could for them."

"It's lucky they don't send Christmas packages," I said, half under my breath. Thank God he didn't hear it. Or didn't seem to.

We talked a bit more, mainly about how Legal Aid was an independent agency which owed no allegiance to the state government.

"Well, I'll take you in now to see Mr. P. We require three interviews of potential staff members."

Hmmm. It occurred to me that I was doing all right so far. They waited until the end of each interview to tell you that there was another one coming up. I hadn't been disqualified yet.

P wasn't in just then but I was told to wait in his office. A few minutes later a rather thin man of about forty, with a neatly trimmed grey beard, loped into the office.

"Dobkin?"

"Yes."

"P. How're you doing?"

He extended his hand, which I shook.

"How've you liked all these interviews so far?"

"Great," I answered, with a wink in my voice, to show him that I was also just one of the guys.

He leafed through my résumé. "What's all this letter crap?"

"There's a note attached there that explains it," I pointed out.

"Ach," he said, tossing the papers aside. "O.K. Let's get down to business. What do you think of plea copping?"

"I have no moral objections to it. As a way of getting somebody a lighter sentence, if he wants to use it. That's O.K."

"It's his decision?"

"Yes. It's his life."

"All right. Here's a case for you. A guy's accused of murdering his wife. You get him an acquittal. A minute later he tells you he did it. How do you feel?"

"Fine."

"No regrets?"

"No. Why should I regret keeping somebody out of prison. I don't believe anybody belongs in prison . . . the way they're now constituted," I added quickly. Let's not get too radical.

"You don't think people should

be put in prison? What about a guy who rapes twelve little girls. Do you think he should be out on the streets? What about the other little girls out there? Don't they have any rights?"

"The guy needs help, obviously. What's the use of throwing him in a prison cage? What good will that do?" I was getting kind of worked up myself.

"It'll protect all those little girls. That's what."

Yes, but who's protecting the boys in prison. I was smart enough not to say that.

"Yes, but in the long run those girls would be much better protected if we developed some kind of penal reform that would help cure the guy instead of just locking him up, which does no one any good."

Wow, I was really proud of myself for that one. Even P seemed to like it. What a backhand! P changed the subject.

"What about that beard. What if you thought it was going to hurt one of your clients?"

"If I thought that, I'd shave it off. Or trim it."

He smiled.

"But you wouldn't be happy about it?"

P asked me a few more questions which I fielded in the same tight lipped style.

"All right. There's one more interview you'll have to go through. With Mr. K. He's the head of this division. See when you can set up an appointment."

So far, so good. I had made it to the final plateau.

I had to wait almost a week for the interview, but the follow-

### Why do you want to work for Legal Aid?

ing Monday morning I appeared again at the Legal Aid office. One of the secretaries phoned up to announce me and told me to go up to room 1529. Mr. K was waiting for me.

I hurried over to the elevator, rode up, came out, and rounded the hall to room 1529.

It was empty.

I looked in 1528. Empty.

Oh boy, I must have heard wrong.

I raced downstairs and told the woman what had happened.

"Oh, I'm sorry. Did I say 1529? I meant 1530. You have to go through the exit door. The entrance is out in the hall."

I raced back to the elevator, up, out, and down the hall—opened the office door.

"What happened to you, you're late," Mr. K's secretary said curtly.

A few minutes later another man came into the office. Five minutes after that K emerged from the inner office. He was fiftieth and very dapper.

"Have you found out about that suit yet?" he asked his secretary. She said she was working on it. The tailor had just called.

He turned to me.

"O.K. You can come in now."

I stood up, smiling.

"Not you. Him," he said, pointing to the other man.

I had a feeling this interview was not going to go well.

A few minutes later he came out for me. I followed him into his inner office and sat down.

"Why do you want to work for Legal Aid?"

I tried to look serious. "I felt it would be the best possible training I could get in the area of litigation."

That one had seemed to work well before.

(Continued on Page 12)



# AALS and BLS: An Old Story

By LARRY HAUPTMAN

The school still awaits a response from the Association of American Law Schools. Or, as rumor has it, the Administration has seen fit to keep the AALS report under wraps. Presumably, membership and the concomitant accreditation, would confer a degree of academic respectability which Brooklyn Law School presently lacks. In any event, the Dean himself considers AALS' blessing to be of the utmost urgency, and has made the matter a personal project.

The Justinian, in its 11/8/71 number, reported renewed efforts on the part of the school to "re-establish informal lines of communication with the AALS." The article stated that according to Dean Prince, Brooklyn could have become a member of the AALS in 1937, but chose not to do so through the personal decision of Dean Richardson. The article did not elaborate upon the possible reasons for Dean Richardson's "personal decision." Certain questions are immediately raised. Measured by the standards set down by the AALS, were we more qualified in 1937 than we are today? Did Dean Richardson consider AALS membership unimportant or insignificant? Is Brooklyn's past and present nonmembership explainable on grounds not purely relevant to considerations of quality and merit.

The AALS ostensibly has definite standards which must be met in order to qualify. Assuming the validity of these guidelines, it appears that Brooklyn, during the years immediately preceding 1937, was something of a paragon in the field of legal education. For example, the AALS has stated that any respectable law school faculty should engage in research and contribute to legal publications. The 9/12/35 issue of the Justinian reported that eight new books were published by various members of the faculty and were ready for use by the students. Included in this batch of publications were Dr. Edwin Wellington Cady's second editions on "Cases on the Law of Insurance" and "Cases on the Law of Private Corporations"; Dr. Peters' second edition on "Criminal Law," revised by Professors George H. Folwell and Jerome Prince who were also preparing a case book for the same course; Vice-Dean William V. Hagendorn's text on the law of Sales; and Professor Edward Vosseler's text and casebook on Wills.

Two further guidelines set down by the AALS include a "substantial building" and the ability of a law school to graduate students who are more than mere technicians. The Brooklyn Law School of yesterday combined these two ideals in one fell swoop. Upon

entering the school every day the student was reminded of the historical and cultural, as well as the practical meaning of his legal heritage as he walked by the façade of Richardson Hall. Around the doorway were sculptured panels portraying the stages of the law's development. The significance of the panels were explained in the 10/10/35 issue of the Justinian: "The panels symbolize . . . times and tendencies, with all that went before and all that we know to have happened since. It is hoped that these brief descriptions of six of the more significant . . . scenes from the history of the law will stir the reader to learn more about the ancestors of our law, and, by extension, to comprehend something of what our times will leave, something that may be pictured on the walls of some great law school of the future." Pictured and described were the panels of Khammurabi with his Code, Justinian with his jurists, the Magna Carta with its Barons, Manu with his Flood, Moses with his Tablets, and the Constitution with its Founding Fathers. Not that the panels themselves were of any importance; it's rather that students saw fit to feature their splendor on a two page spread.

Apparently, the AALS considers university affiliation to be absolutely essential in facilitating student exposure to the wide-ranging and divergent fields of knowledge of which all aspiring lawyers should be cognizant. Discovery, awareness, intellect, study, tutelage, sensitivity, broad-mindedness — these, I suppose, are the values implicit in the AALS requirement of university affiliation. However, the events and happenings which took place within the confines of Brooklyn's portals were not exactly of small moment. The 11/14/35 issue of the Justinian reported that Freida B. Henock, a graduate of the law school, was organizing and directing a symposium on "Current Developments in Law and Economics." Scheduled to give lectures were Professor Morris R. Cohen of the College of the City of New York, Professors Thomas Reed Powell and Felix Frankfurter of Harvard Law School, Senator Robert F. Wagner, and Jerome N. Frank, then general counsel of the Reconstruction Finance Company. In fact, it seems that Brooklyn Law School served as a rostrum for prominent leaders who wished to air their views on provocative social, economic and political issues. The 6/9/37 issue of the Justinian reported an interesting debate which took place in the school auditorium the previous April, on the subject of President Roosevelt's proposal to increase the num-

ber of Justices on the Supreme Court. Participating were Supreme Court Justice William Harmon Black, Professor Roy Fielding Wrigley of the law school faculty, and Osmond K. Fraenkel, counsel to the Civil Liberties Union. Professor Robert R. Sugarman acted as chairman of the proceedings, which were broadcast over radio station WHN.

The school's credentials were impeccable. Why weren't they acknowledged by the AALS? Apparently, Dean Richardson believed that the prerogative to determine who is to die and who is the cast is an awesome power which must be carefully scrutinized and constantly restrained. After all, why shouldn't Brooklyn be the model, the archetype to which others look up to for guidance? In an article printed in various Brooklyn newspapers and reprinted in the 11/10/36 issue of the Justinian, the Dean found reason to strongly object to the ABA's "arbitrary interpretation of standards" to which law schools were expected to conform. He specifically took to task the "Council of the Section of Legal Education and Admissions to the Bar of the ABA" which, according to the Dean, took it upon itself to "construct the original broad principles (of the ABA's Code of Standards) into a narrowness of meaning that is not in the best interest of legal education." It seems that the Council had imposed certain standards requiring law school faculties to be composed of only "full-time teachers." The Dean argued that this "standard" was arbitrary: "If there is one thing that education of the present needs, it is an adaptation of the theoretical to the practical work-a-day life . . . At Brooklyn Law School we have followed the principle that our students would benefit most if our faculty were composed largely of instructors who lived with the law, had experience with it in court, and met its problems face-to-face . . . There is nothing sinister or malefic in the spare-time practice of law by law school teachers, any more than there is in the practice of surgery and medicine by instructors in medical schools."

But the Dean was even more displeased with yet another of the Council's rulings — to wit, the classification of night-time instruction as "part-time." In passing, this and other similar ideas are fostered by a certain group which calls itself "The Association of American Law Schools." This is an organization of self-selected elite. Its members make up their own rigid rules of caste, and measure their self-importance by their own micrometers . . . By what strange process of reasoning night hours are part time while day hours are full time we leave to the Council to explain. Measured by clocks as we know them, night hours are as long as day hours; and

## President's Report

(Continued from Page 12)

club for Judge Thompson, then let us in. Give us the chance to tell you what you can do for placement, scholarships, legal forums and clinical work. We can't join the Association until we believe that it provides a real service to BLS.

Special thanks are in order for Professor Leitner, who, in making himself available for student programs, has effectively utilized his contacts with the Trial Lawyers Association. We urge the other faculty members to similarly get moving.

I would also like to express special appreciation to Neil Simon for his dedicated efforts in organizing the Freshman Orientation program, the Movie program, the Christmas Party and the Jock Society, as well as for his general display of enthusiasm and support for the policies of the Executive Board. Also, thanks to Alan Friedman for that continued sense of responsibility and concern; to Martin Press for the Law Day program; Robert E. Slatus for the Student Lobby and to the Executive Board generally.

The Justinian staff, is to be commended for its fair reporting and publicizing of SBA activities. Thanks to Hester Lewis, who with Promethean effort, gave backbone to the Moot Court Competition and cooperated with the student government in its efforts to establish a writing program at BLS.

Further, thanks to Second year class officers, Randy Bloch, Ken Paul and Andra Pollet for the time and energy devoted to the thorny problems of the past year.

Energy coming from many sources of student interest, combined with faculty effort and encouragement from Dean Lisle have cumulatively moved BLS forward despite itself. The task still remains enormous but now appears capable of accomplishment.

As President, I concentrated on articulating student goals and achieving new and previously untried channels of communication. In this pursuit I did not feel compelled to be restricted by ill-defined and often out-moded procedure.

I urge the new student government similarly to base its outlook in policy founded on student consensus. The approach must consistently emphasize that which I have found to be a truth at BLS. Students are professionals; they respond to the best instincts you ascribe to them; their energy for a genuine cause is invincible.

They remain the strength or weakness of this institution depending upon how you appeal to them.

Give them a responsibility to live up to; they will pay the dues.

## Duboff

(Continued from Page 9)

Law Prof. William Cohen, who works at Stanford with Du Boff, describes him as "the best teaching fellow with whom I've had experience."

Other colleagues use the words "he wants to help others," "warm

humanity," and "sympathetic understanding" in talking about him.

One student who spent some time with Du Boff said "when you think about the law firm that turned him down because he is blind, I begin to wonder just who is blind."

—Carol Sundquist  
News Service Student Intern



FREE THE BROOKLYN LAW SCHOOL 22!

Twenty-two BLS students spent 50 minutes jammed into an elevator which got stuck between the 2nd and 3rd floors on Monday morning, March 27th. When they were finally released, they diligently ran up to class — via the stairs.

three years can be added up of a total of night hours as well as they can out of a total of day hours . . . The Council's attitude is reminiscent of the old superstition that night air is bad for the health."

Obviously, something more than were disagreement was involved here. The stridency and animosity lying beneath

the surface sarcasm of Dean Richardson's comments manifests a personal animus which struck deep. Such rancor is characteristic of the type of family feud that persists generations on end. Is it possible that the AALS has been harboring a thirty-six year old grudge against Brooklyn Law School for the drubbing it took from Dean Richardson?



## Rosemary Carroll

### From the desk of the President

When we took office a year ago, we succeeded to an SBA office filled with rejected student resolutions, no dean, and no budget. Our primary goal was to establish foundations for an effective student role in the governing of BLS.

We worked no miracles in 1971-72, but with the concerted effort of an active Delegate Assembly and responsible student participation on student faculty committees, we managed, to create a working partnership of student, faculty and administration recognizing the contribution of all to the totality.

What Dean Prince referred to as a presumption of validity now attaches to the student and the voices of student concern. Thanks to Dean Prince, the first step in this direction was taken when control of the student activity fund was given to the SBA. And it must be recognized that Mike Steinhorn, as Treasurer, has demonstrated to a degree which would satisfy the IRS, that students can competently manage funds.

Dean Lisle has given a real hearing to all student resolutions presented by the Executive Board. The problem of effecting a machinery for similar communication as to administrative matters may require and consult with Dr. Hambrecht concerning proposed administrative actions. Dr. Hambrecht has achieved a better realization of the content and relevance of student criticism than he had at the time of the "poster controversy." A serious communication gap still remains. I urge Dr. Hambrecht to grow young with us or depart.

Freshman Orientation this year presented the student viewpoint included in mock recitations and general talk-sessions with incoming students. The Administration, however, refused to relinquish its prerogative of comatizing the incoming students with long and windy orations. The Administration should take the secure step forward of turning over the Freshman Orientation program entirely to the students. Protocol could be satisfied by a short speech given by the Dean.

The Curriculum Committee made great strides this year, in no small part due to the efforts of students who diligently attended meetings, compiled surveys of student opinion and aggressively asserted the student viewpoint. The faculty members, too, showed a new elasticity. But, as Professor Palomino noted, a committee with responsibility for curriculum should not avail itself of the all too convenient excuse "the Administration will have to decide that."

The expertise of the committee could be more reasonably exploited to avoid the problems of electives, examinations, etc, that plagued us this year. This committee should grasp full control of curriculum and not abdicate it to those bodies which have no true contact with students.

The faculty committee although it assured students of the value it places on the student evaluations of faculty, nonetheless, rejected student membership on the Committee for Selection and Tenure. As student opinion has played a major role in this committee's decision, students have earned the right to be on this committee. Professor Yonge, committee chairman who has consistently demonstrated openness to student suggestion, must be urged to re-evaluate this Committee's decision and effect a reasonable compromise.

The Trustees came to one student meeting, although Judge Moore (in writing) had agreed to monthly meetings to familiarize the Board with student problems. This showing is hardly commensurate with the responsibility of the Board to the school, and especially to the students. Certainly, it did not help the student government's efforts in preparing a Law Day program, nor in ascertaining the Board's position on important topics.

Further, the Board has received Jefferson B. Fordham's report on the readiness of the school for application to AALS. It is the Board's duty to make this report available to the student body through the student government. Fiduciaries owe a duty of candor to beneficiaries.

The Alumni Association has had one redeeming grace this year — Bill Holzman was the Director at the Law School. Despite repeated requests that the SBA Executive Board attend a monthly meeting of the Association, there was no response other than that such resolution was either tabled, watered down or generally discouraged. The Alumni Association has failed to eliminate its credibility gap with the students.

Students want to know while they are undergraduates, what the Association is and what it does. The student government wants to do more than present trophies to retiring deans. (Although, significantly, this was the most pleasant and direct communication with Alumni that this student government experienced to date.) If the Association is more than a fan

(Continued on Page 11)

## JOB

(Continued from Page 10)

K started thumbing through my résumé.

"What was your class rank?"

"I'd say I was in the second quarter," I lied.

"Why all these different grades?" he asked.

"Well I had sort of a checkered career in law school. I withdrew for the Army Reserves in my second term and got automatic P's in all my classes. Then last year I had an accident with my cab and I missed fall finals. I had to carry 22 credits this past spring."

"Are you still in the Reserves?"

"Technically, yes. But I expect to get a medical discharge in December."

"How are you now?"

"Fine," I answered, my voice cracking. It must have occurred to him that if I was fine I wouldn't be getting a medical discharge. It occurred to me too. I tried to get out of this predicament by adding "They probably won't want me anymore." I think it occurred to him that if the Army Reserves didn't want me, why should Legal Aid? Why do I get into these things?

"What law school did you go to?"

"New York University."

Funny. I was almost sure that was on my résumé.

"What college?"

"City College."

He wasn't reading very carefully.

"Do you know anybody who works for Legal Aid?"

"No."

"All right. You're asked to defend a man who tells you this story. He says he has an alibi defense. His wife and daughter were home with him when the robbery he's accused of was committed. You explain to him that the chances of a family alibi getting by aren't good. So he decides to plead self-defense. No, forget about the original alibi. He's pleading self defense. But before he makes up his mind he asks you to explain the law of self defense to him. What do you do?"

Hmm. Could you repeat that question?

"Well, I'd explain to him that it probably won't do any good to invent a story. It won't hold up. I'd tell him that his best chance in telling the truth. Then if he still wanted me to I'd explain to him the law of self defense."

I thought it was a pretty good answer if I had understood the question.

"What are your long range plans . . . after you finish with Legal Aid?" he asked.

"Well, three years is a long time. I really haven't thought that far ahead."

"Yes, but you must have some ideas. Do you want to work for a firm?"

"No."

"Well what other places have you applied to?"

"I've interviewed with CALS, South Brooklyn Legal Services, and Harlem Assertion of Rights."

I lied about the last one but it sounded good.

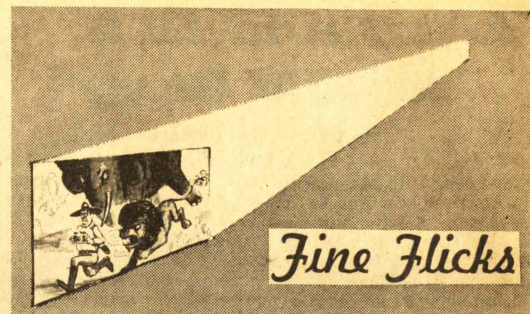
"So you're really interested in poverty law more than criminal law?"

Think fast.

"Well, I feel that working in Legal Aid's Criminal Division would be working for the community. Maybe it's even a little more important because here you're trying to save people's lives and not just their property."

Wow, speak about smearing it on.

"But basically then you are in-



## The Godfather

After viewing the *Godfather*, I walked out of the theater and put both hands in my pockets, picked up my collar, lit a cigarette and told my wife to shut up. We then went into a restaurant where I told the head-waiter to get us a table immediately or I would call my boys and they would summarily break both his legs. The waiter looked up at me and said: "Funny, you don't look Jewish."

*The Godfather* is about loyalty. Nunzio is loyal to Fabrizio — so Nunzio beats up Fabrizio's enemies. Fabrizio is loyal to Caruso — so Fabrizio shoots Caruso's enemies. Nunzio is disloyal to Fabrizio — so Caruso knifes Nunzio and then Fabrizio strangles Caruso for killing his former friend Nunzio. (If you think you are confused, think how Caruso felt.)

The film has some very good acting. It also develops respect for family relationships. In the movie, Michael, the son of the Godfather, meets with the two men who attempted to kill his father. As the two men are eating veal Siciliano (it's supposed to be veal Milanese, but the restaurant is in the Bronx), Michael shoots both of them in the face. The audience applauds; certifying that well known Italian-American proverb: blood is thicker than veal.

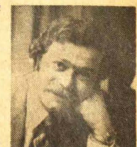
Actually the critics are correct in saying that this film is not just another gangster movie. *The Godfather* is the ultimate in the glorification of the criminal and results in a complete capitulation to the Hollywood stereotype of 22 million Americans of Italian descent.

*The Godfather* is an attempt of Puzzo and the talented cast to excuse the activities of what the F.B.I. classified as 5,000 Americans of Italian heritage engaged in organized crime. At \$4.00 a head it is also an attempt to make two million dollars before one reaches the age of 36.

I was happy with one scene. In the end of the film Michael has all of the competition wiped out while he baptizes his sister's child and then has the husband of his sister strangled for setting up the rub out of his older brother (this may not seem too clear now but the film is very specific on who gets killed for which reasons). Now, this scene is important because it points out that although you can love your sister and want to baptize her child, you may still have to kill your sister's husband and make your sister unhappy because her husband finked on your brother (which I always knew anyway since even as a kid I liked my older brother better than my sister).

## Reflections

By REUBEN SAMUEL



Reuben didn't submit a column for this issue. He's tired of getting dumped on.

terested in poverty law?"

I just smiled.

"Well, all right," K said, standing. "Call Mr. B at the beginning of next week."

"The beginning of next week?"

"Right," K answered, leading me

out.

When I finally reached Mr. B at the end of the next week he explained to me that there was a job freeze on and no one was being hired.

That's funny.