

The Justinian

Volume 1973
Issue 7 December

Article 2

1973

The Justinian

Follow this and additional works at: <https://brooklynworks.brooklaw.edu/justinian>

Recommended Citation

(1973) "The Justinian," *The Justinian*: Vol. 1973 : Iss. 7 , Article 2.
Available at: <https://brooklynworks.brooklaw.edu/justinian/vol1973/iss7/2>

This Article is brought to you for free and open access by the Special Collections at BrooklynWorks. It has been accepted for inclusion in The Justinian by an authorized editor of BrooklynWorks.



Justinian

Volume XXXIV - No. 6

TUESDAY, DECEMBER 17, 1973

Page One

LISLE LAUDS BLS AT ALUMNI LUNCHEON

By John DiBella

The annual alumni luncheon was held on December 1st in the Grand Ballroom at the Plaza Hotel. The Hon. Edward Thompson, president of the Alumni Association, presented the awards. The recipient of the "Distinguished Service Award" was the Hon. M. Henry Martuscello, Associate Justice of the Appellate Division of the Second Department. Mrs. Rose Hoffer was named Alumna of the Year. After the traditional speeches, Dean Raymond E. Lisle was introduced to the members of the Association to give the annual, "State of the Law School" speech.

Dean Lisle spoke of the substantial progress and achievements that have taken place over the school year. He specifically praised the members of Brooklyn Law Review for their outstanding achievement in the highly praised Second Circuit Law Review; the success of the *Justinian* in the past year in being awarded special recognition by the Law Student Division of the American Bar Association; the election of one of our students, Howard Kane as president of the Law Student Division.

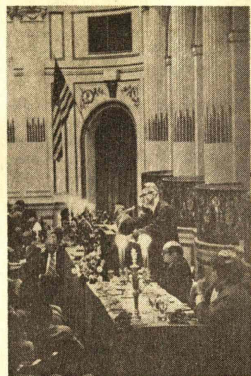
Women in the Law

Dean Lisle detailed important new aspects that have enhanced the reputation of Brooklyn Law School. The typical entering class of the past was composed of 11% women students, but this percentage has increased to 21% with a further expected increase to 25% for the 1974 entering class. Dean Lisle also took the opportunity to remark that there is a very high percentage of women on Law Review and Moot Court.

The Faculty

Dean Lisle stated that the number of full time faculty members has increased quantitatively

over the year. In 1965 there were only nineteen full time faculty members, but today there are



thirty full time professors at Brooklyn Law School. Dean Lisle then defined a full time professor as one who is totally committed to giving his/her time to the needs of the student body, not only in teaching but in such areas as consultation, supervision of clinical programs, public service projects, and publication of scholarly articles. Dean Lisle also confirmed reports that additional full time faculty will be hired next year.

American Association of Law Schools

Dean Lisle announced that he has received word from reliable sources that Brooklyn Law School's application for membership in AALS was favorably received by its Executive Board. He stated that the law school had clearly met all the standards of the association with the only negative factor being affiliation of the law school with a university. Dean Lisle announced that in October

(Continued on Page 2)

Change in Rape Law Urged

By Anne Hunter and Joseph La Barbera

Above the street entrance are inscribed the words "District Attorney" visible only by their enormous size and couched in the somber black hue of the criminal courts' building. We enter and are halted by the officer at the desk who instructs us to sign our names and issues us visitor's passes which we attach to our coats. We proceed into the elevator, disembark on the sixth floor, turn left and are promptly halted by another man at another check-point. He murmurs, "name, address, phone number and who are you here to see." We both give the desired information and become visitors number 99 and 100. Our purpose in the District Attorney's office is to visit Leslie Snyder, an Assistant D.A. presently with the homicide division, to discuss the movement to eliminate the corroboration requirement in rape cases.

Ms. Snyder turns out to be a bright, talkative, young woman providing a rather sharp contrast to her foreboding surroundings. Ms. Snyder started by giving us the details of her participation in what she terms "the liberalization of the rape law." Although she is on the Mayor's Task Force on Rape, her involvement is primarily on an unofficial basis, stimulated by her personal desire to see the corroboration requirement eliminated. The primary legislative work and appeals cases are being handled by Michael Juviler of the District Attorney's office. Ms. Snyder terms her own role an informative one aimed at communicating the need to liberalize the statute in question.

Thirty-seven to forty percent of the rape cases handled by the D.A.'s office are being defeated at the grand jury level. Afterwards, grand jury members write that although they believed the rape victim's story they could not in-

dict the accused because the strict corroboration requirement was not met. Ms. Snyder stated, "Let's face it, there are still people who believe that no woman can really be raped. There are still people who treat rape victims as criminals." Ms. Snyder spoke favorably of the partial liberalization of the rape law passed during the last legislative session but felt that any corroboration requirement was still undesirable.

The two essential elements which now must be present in a rape case according to the Penal Law §130.15 are 1) the attempt to commit sexual intercourse and, 2) lack of consent. Both of these elements must be independently corroborated by evidence other than the witness' testimony. Possibly the liberalization will allow one factor to satisfy both elements. Ms. Snyder described a case where a virgin was raped and excessive bleeding occurred. The prosecution was able to get the court to accept the bleeding as evidence of the sex act as well as of the lack of consent element. This, however, is an ideal prosecuting situation. Other test cases under the new law are presently on appeal to determine whether both elements could be satisfied by a pair of torn underwear or hopefully (and justifiably according to Ms. Snyder) by a torn bra or just bruises. Ms. Snyder has spoken to various police groups advising them on what to look for under the revised law in the way of evidence. By totally eliminating corroboration, however, Ms. Snyder hopes primarily to increase the number of cases which go to trial. "The victims are entitled to get their cases past the grand jury stage and before a petit jury," she stated.

In response to a question concerning the protection of innocent defendants who might be unjustly convicted, Ms. Snyder stated that the defendant would not be deprived of any rights. Cases would be decided by jury like any other crime, instead of being eliminated by a statute which ultimately punishes the victim. She then cited Kalvin's study of juries which demonstrated that most juries were unsympathetic to rape victims. "Legal Aid", she said, "keeps saying that juries are sympathetic to rape victims, yet are not able to provide any evidence to support their theory."

The only visible opponent to the liberalization of the rape law, according to Ms. Snyder, is the Legal Aid Society. Their main fear lies in an inordinate increase in the number of rape convictions. These fears, according to Ms. Snyder, are essentially unfounded and based on Legal Aid's position on the defendant's side

of the fence. Oddly enough, the only other opponent to the elimination of corroboration was the ACLU. Confronted with both the



Ms. Leslie Snyder

women's movement and the desire to protect the defendant's rights, they decided recently to adopt a neutral position and are now left uncomfortably straddling the fence.

We probably can look forward to a relaxation of the rape corroboration statute in the near future. Fortunately, there are people like Ms. Snyder within the confines of those black and somber buildings who are willing to work to change the law.

Back in our hallowed halls we consulted BLS Criminal Law professor, Nancy Fink, whose views on the corroboration requirement substantially coincided with those of Ms. Snyder. Professor Fink said, "If I'm robbed I don't need a witness. Without the corroboration requirement a rape victim, like any other witness, would still have to convince a jury that she is telling the truth. If it can be shown that the victim knew the defendant, there is going to be a strong doubt for the victim to overcome . . ." She felt that our present law was based on the "puritanical idea that if a woman is raped she asked for it." When questioned as to whether juries would be overly sympathetic to rape victims when the defendant was black, Professor Fink said that there is very little interracial rape and in southern jurisdictions where they are worried about it there is no corroboration requirement. Her concern is that society as well as the victim has a right to be protected from rapes and with such a low conviction rate (2.9% based on arrests in N. Y. compared with 11-30% in jurisdictions with no corroboration requirement) there is minimal protection and no deterrence.

The SBA will host a seasonal party in the 3rd floor lounge at 8 P.M., Thursday, Dec. 20

All welcome.

The Choice Is Theirs

By Marc Kasner

There are many facets of this law school and its administration that are unknown to the majority of the student body. One of the more obscure is that of hiring faculty members. This is handled by an Appointments Committee composed of a number of faculty members and chaired by Professor Yonge. The other members on the committee are Professors Crea, Chase, Herrmann and Holzer.

The selection process of new faculty members is a lengthy one spanning several months. The first problem when dealing with faculty appointments is the question of where and how the committee receives the names of prospective professors. The committee employs a number of sources. One of the most valuable is the American Association of Law Schools, which offers law schools the service of collecting and forwarding resumes of all persons

seeking positions. In conjunction with this, many applicants go to the AALS annual meeting where the committee members can meet them. Besides this valuable source, the BLS committee works with the graduate division of certain law schools who often have people interested in teaching. A third source is the personal contacts of professors and the Dean, and applicants themselves who write and forward their resumes. After critically analyzing the numerous resumes, the committee decides on whom they wish to invite for interviews. The interview is held before the entire membership of the committee. No decisions are made until after all applicants have been interviewed, at which time second and possibly third, interviews are required. When these have been completed, the Dean determines the priorities of the school, and

relays this information to the committee which then makes recommendations to the Dean. Technically, it is the Board of Trustees that appoints new professors, but they generally accept the recommendations by the Dean. It is the Dean who has the highest authority in the selection process. The committee makes its recommendations to the Dean, but there is nothing to prevent the Dean from ignoring the recommendations of the committee and submitting his own to the Board of Trustees. In the past, the two have worked together on an informal basis and have come to an agreement in all cases. However, it is the Dean who has the authority to overrule any recommendation made by the committee.

As for what attributes are sought after in an applicant, the

(Continued on Page 2)

Published under the auspices of the Student Bar Association
BROOKLYN LAW SCHOOL
250 Joralemon Street, Brooklyn, N. Y.

Editor-in-Chief
LAURENCE KRAMER

Managing Editor
JOHN DI BELLA

Staff

Susan Alexander	Drayton Grant	Sidney Meyer
Jay Breakstone	Bob Heinemann	Allan Millen
Fred Brody	Anne Hunter	John O'Reilly
Victor Davich	Howard Kane	Kenneth Raphael
Ronald Eisenberg	Mark Kasner	Marc Richter
Edward Fernback	Morgan Kennedy	T. M. Schliefer
H. Flamenbaum	Joseph La Barbera	Jan Schoenhaus
Ann Flannery	Elyse Legman	Charles Segal
Stephen Glasser	Peter Lifson	David C. Sprafkin
Steven Goldberg	Jane Mailman	Joseph Supp

Senator Bellamy Seeks Senate Reform

By Morgan Kennedy

Carol Bellamy, a state senator from Brooklyn, came recently to Brooklyn Law School to discuss some of the difficulties and experiences that she has encountered as a freshman senator in Albany.

Senator Bellamy emphasized that she does not have any idealistic illusions about the legislative process nor does she expect to reform the entire system. The Senator exhibited a realistic and cynical view of the political process with its rigid procedures and traditions that make it difficult to create the reform that is essential. Senator Bellamy enumerated the problems that make it impossible for a young and talented legislator to draft and pass creative legislation.

A good piece of legislation is the product of an enormous amount of hard work, diligence, and dedication. One person alone cannot draft a bill. The legislator needs the help and assistance of staff members who possess the legal training and expertise required to create a practical and functional piece of legislation. The State of New York allocates \$12,000 a year to Senators for the hiring of staff, a sum which Ms. Bellamy deems barely enough to hire a competent secretary. For this reason Senator Bellamy must rely on voluntary assistance from sources outside the political processes of Albany. Professors from Brooklyn Law School have recently assisted on two bills that Senator Bellamy has introduced in the Senate.

Senator Bellamy focused her wrath on the committee system in the state legislature. She remarked that many laymen think that all of a Senator's bills necessarily come up for a vote by the full Senate. In fact, only a small percentage of the bills that are submitted ever come up for a vote. The greater percentage of bills meet a different fate — usually "killed" in committee. The theory behind committee organization is that the committee shall judge the merits of each bill,

acting as a screening device. In practice the committee operates as a system to obstruct controversial legislation before it attracts unwanted public attention. The committee chairmen (whom Senator Bellamy characterizes as dictators) have tremendous power and influence over the fate of legislation. The chairmen decide which bills will be reviewed by the committee and which bills will not even be debated. If the chairmen disapprove of a bill and refuse to let it leave the committee, there is no way that the Senator can petition the full body to bring that bill before them.

Many Senators not only acquiesce to the system but utilize it for their political advantage. It becomes possible for these Senators to placate dubious organizations or interest groups by giving these individuals the impression that they are fighting for them and even document these remarks with legislative drafts, while knowing that the bill will never get past the committee. Senator Bellamy called this situation, "a farce on the public."

Senator Bellamy further stated that if a bill does reach the Senate floor many members do not bother to read the final draft. The Senators do not rely on debate and discussion to formulate their position on a bill, but rather closely follow party lines on the final vote.

Senator Bellamy concluded that the most important reform that can be implemented is in this area of procedure. She strongly advocates that the closed system of committees be abolished and that all committee hearings and debates be made public, and that all senators have a right to see that all of their bills be submitted to a vote by the Senate. Senator Bellamy believes that this will drastically affect the quality of legislation and legislators for, "an open system is needed, in which people are held accountable for their legislation."

Choice

(Continued from Page 1)

committee prefers an individual with some experience either with a law firm, another school or a judge clerkship. A bit of each would give the individual some seasoning. Professor Yonge prefers that the individual have some practical experience in the field; he believes that this gives the individual a grasp on reality, not only an exposure to theory. He is thereby exposed to a diverse background which expands an individual's horizons.

As can be seen from the above, there has been no mention of student participation in this process. There is none. Professor Yonge has said, "I have a mixed feeling on this topic; the faculty must live with the new people if they work out, so we would be more cautious, serious and concerned than student groups." Professor Yonge has also said that the faculty is in a better position to determine what the school's needs are now and in the future. In conclusion, he felt that the student body might be helpful in sitting in on interviews and relaying their opinions to the committee, but he opposed students receiving any voting right or control in the appointing of faculty members.

At present, BLS is seeking three new professors. The areas of specialization have not been decided, but the school is actively seeking a professor from a minority group.

ALUMNI LUNCH

(Continued from Page 1)

The Committee on Accreditation had endorsed Brooklyn's application and that the Executive Board had also approved, leaving only the House of Delegates' acceptance, which is expected in late December.

The effect of our application and acceptance in this prestigious organization will be profound. Students who desire to do post-graduate work can now seek acceptance in any law school in the association; faculty members will be capable of transferring to other AALS schools, and Brooklyn Law School will be attractive to many professors from other law schools thus enhancing not only the quantity of applicants for teaching positions but also the quality.

Dean Lisle closed by saying that this has been a very good year for Brooklyn Law School, and by the applause given his speech by the members of the Alumni Association, they agreed as well.

The staff of the
JUSTINIAN
wishes all
a joyous and
peaceful holiday
and a
Happy New Year

— editorials —

Exam Schedules

That time of year which students dread and faculty members savor is finally upon us.

For many students the pressure of exams shall be even more onerous than usual. The elective system, although an essential and beneficial change to the school, has created serious conflicts in exam scheduling.

Several students were selected to assist Dean Hambrecht in handling any conflicts that might arise. Unfortunately, communications from these student representatives did not extend to the entire student body. As customary with the SBA, no information was presented to the students, either on the bulletin board or through this newspaper. As a result, obvious and serious conflicts in scheduling did arise.

We believe that a new and complete reporting procedure is called for in the future. A "tentative schedule" at the beginning of each semester should be presented to the student body by their elected SBA delegates. Certainly the administration can not object to releasing such information. All complaints would be forwarded to the Executive Board for investigation and determination, and if a worthy complaint was presented the SBA president would forward the complaint immediately to Dean Hambrecht. This "tentative schedule" would then afford ALL the students the opportunity to participate in scheduling finals and give the Administration a sufficient "grace period" for formulating a viable schedule.

Letters

Dear Editor:

I attach for your information a copy of a letter which I sent to Dean Lisle regarding the unresponsiveness of the Brooklyn Law administration toward the second-year evening students. I think the letter speaks for itself. I would like to add, however, that the "energy crisis" has brought to light another significant argument against next semester's class scheduled. The schedule as presently outlined is inefficient and unstructured in terms of consolidating numbers of class hours and class days into clusters. Indeed, under this schedule second-year evening students will have to attend classes 4 or 5 nights a week instead of 3, as could easily occur under the alternative schedule proposed by the night students.

It is clear from all of the above, as well as from recently disclosed final exam schedules that we need a full-scale review of how decisions are made by the administration on the day-to-day life of its students.

Sincerely,
David N. Lebenstein

Dear Dean Lisle:

I am writing to strongly protest the lack of responsiveness on the part of the Brooklyn Law administration to the request of second-year Evening students to amend the proposed schedule of classes for next semester. There seems to be no logical nor reasonable basis for a required Friday class. I understand that student representatives have met with you and have continued to receive a negative response to their request. I sincerely wish someone would explain to me the logical basis for the Administration's refusal to accommodate the student's request.

It is difficult enough to work days full-time and pursue an evening study of law for two or three hours a night, as well as put in important study and research time at the library, without being forced to attend classes on the first night of the weekend. It is really not a trivial issue — and it is one I know the sizeable majority of the students concur on. I urge you to reconsider your position. And in either case, I trust I will be made to understand the reason for your position up to now.

Respectfully submitted,
David N. Lebenstein



Classified



MITCHELL, STANS, DEAN & AGNEW
Washington, D.C.

Interested in third-year students only. Prerequisites for interviews include "Ethics I" and "Lawyer and His Role." Political campaign experience also helpful.

Firm specializes in criminal defense work, with specialization among the senior partners in fields of appellate work, electronic and physical surveillance law (a growing area) and government contracts. The firm anticipates having openings for many associates interested particularly in the criminal law field during the coming year, with a reduction of government contract and administrative agency liaison work.

Opportunities for pro bono work are better at this firm than at any other in Washington. Students hired as new associates may expect to perform work for the good of all Americans under the direction of the senior partners and their business and governmental associates. In addition, the responsibilities of financial management and political involvement make this firm's opportunities particularly attractive to those who like to travel and undertake firm business in several areas of the country.

Corporate and business clients represented by the firm may be found listed in Appendix Three to "Response to Subpoena," *United States v. Agnew*, Action 73-290 (Crim. Dkt., U.S.D.C. Md., 1973). Among the clients represented for political causes are some of the most prominent figures in American political life. The firm's diversified practice and opportunities make it an excellent choice for third-year students. (An Equal Opportunity employer.)

Sign up by December 1 for Washington, Danbury, Leavenworth and Lewisburg offices.

[Reprinted by permission of Virginia Law Weekly Vol. XXVI No. 7]

Justice Douglas On Civil Rights

By Susan Alexander and Anne Hunter

"William O. Douglas — Back in Yakima, Washington — they say that stands for William ZERO Douglas and I'm referred to as the only known Communist in the county." These were the opening remarks of a man who had just been introduced as a "practicing philosopher," "a beacon of hope" and a "great human being," yet still appeared to be very much the simple boy from the American Northwest. The occasion was a recent evening to honor Douglas at Staten Island Community College. It was heralded as a night to celebrate, and Douglas had much to celebrate. The audience sang "Happy Birthday" to him because on October 16 he was 75 years old. On October 29, he broke the record for length of service on the Supreme Court of the United States.

Predictably, Douglas' speech concerned First Amendment freedoms. He began by quoting a Chinese proverb stating that man was given two ears because he is entitled to hear two views. Douglas said that some men seem to believe that we're entitled to only one ear.

Since the ratification of the First Amendment in 1791, it has been a subject of constant argument. The First Amendment states that "Congress shall make NO law . . . abridging the freedom of speech, or of the press," but some interpret that to mean that "Congress may make some laws . . ." Douglas, an absolutist, battles the revisionists who try to rewrite the First Amendment. He believes that it should be applied to all utterances without impunity. To those who would ban obscene publications because they are offensive, Douglas asks where the line should be drawn. He keeps his own list of offensive utterances. He says that the list grew and grew and was aided considerably by Watergate. That doesn't mean that all material on Watergate should be banned as obscene just because he considers it offensive. What if all lists of objectionable materials judged by the "community standards" test were as big as his? Potentially all ideas are subject to censorship now, not just those obscene in the sense of pornography.

After over thirty years of fervent support of First Amendment rights, Douglas sees those rights to be as much in jeopardy now as ever, with the greatest threats in the areas of obscenity and political ideas. Our easy use of bugging may bring an end to "an era which brought us close to the Jeffersonian era." Prior restraint on news media has not been allowed, but because of the danger of influencing the jury trial, that freedom may be undermined. Douglas believes that a defendant's right to a fair trial is still protected by the right to request change of venue and by the proper screening of jurors. Television and radio have always been under First Amendment protection, but now the courts have decided that the President and/or Congress may hold the media to fair comment. He feels the new ban on the broadcast of drug-related song lyrics perhaps portends the censorship of comedy and news programs. Douglas views these trends as encroachments on Constitutionally-guaranteed freedoms. He

believes that those rights will have full effect only when "tolerance for the errant spirit of man is honored."

It was during the question and answer period, rather than during the prepared speech, that Douglas displayed his personality. At 75 he is still a handsome man. His white hair and lined face contradict his youthful vigor and sense of humor. Giving an opinion on the possible need for a "mini-Supreme Court," he said that even with the 4500 petitions for certiorari each year it is still only a four-day-a-week job. Douglas is the only Supreme Court justice whose chooses to have only one clerk, though he would probably prefer to have none.

In answering one question, he referred to "a man or a girl." A women's lib advocate, resenting the comment, asked why he had used that phrase. Douglas humbly apologized, explaining that "if Mrs. Douglas were here tonight, you'd realize why." When pressed about whether he would consider any exceptions to absolute free speech, he contended that perhaps military movements in a time of war might be the only one. In answer to a question regarding his impressions during his month long trip to China last summer, Douglas said, "Perhaps we have more in common than you all imagine." When the audience reacted with silence Douglas added, "That's supposed to be a joke."

In closing someone asked if after serving honorably on the court for so many years (Douglas interrupting to say "you'd get an argument on that . . .") whether he would change anything he had written. Douglas replied simply that he didn't have time to go back and read all those long opinions.

Book Review:

by Joseph La Barbera

In his new book, Dr. Menninger analyzes the manner in which the concept of sin has been altered and disguised by modern society. He recounts the historical aspects of sin establishing man's constant ability to avoid outright confrontation with it, as well as man's inability to eliminate its influence on his system of values. He examines the creation of crime from sin and the shifting of responsibility from priests to police. He goes on to explain how man's ever present consciousness of sin comes to light through symptomatic behavior. Menninger, through the above separate analyses forms an overview of sin in society and goes on to define the old sins which still prevail and the new sins which have been created through the evolution of social intercourse. Dr. Menninger explains his revival of the concept of sin as the most effective way of helping man to deal with his social environment.

Dr. Menninger describes man's basic need to form a concept such

By EDWARD FERNBACH

Chief Justice Warren Burger spoke to a capacity audience at Fordham University Law School on November 26, where he delivered the John F. Sonnet Memorial lecture. Mr. Sonnet was a leading trial lawyer in New York and an Assistant Attorney General of the United States.

In a highly controversial lecture, the Chief Justice said that American lawyers must go beyond informal and voluntary specialization to a system of certification beginning with trial lawyers, just as the medical profession did when it started limiting the practice of surgery. The Chief Justice urged both lawyers and their organizations to study the problem and to take steps to improve trial advocacy in American courts. He said that the quality of both defense and prosecution was in serious need of improvement.

"In many important respects England and the U.S. are widely different. We can't adopt now what we didn't adopt in 1776, but we can learn much from the English system of jurisprudence." He added that English trials are conducted in a fraction of the time that it takes in the U.S. for comparable litigation. The Chief Justice was quick to point out that the best American trial lawyers are as good as the best English trial lawyers, but, he insisted England's good trial lawyers far outnumber our good trial lawyers.

Justice Burger placed a great stress on ethics, where once again the English are superior. "The English training in advocacy places great stress on ethics, manners and deportment, both in the court room and in relations with other barristers and solicitors. The effectiveness of this training is reflected in their high standards of ethics and conduct. Dis-

cipline is strict, but disciplinary actions for misconduct average three a year for all 3000 barristers in England. My own personal observation, based on forty years of professional exposure, is that in any multiple judge American courthouse, there are numerous daily offenses that would bring severe censure if committed by an English barrister. How many serious errors of counsel are made in trials, I would not venture to say." The Chief Justice cited an informal poll of jurors after trial who said that the thing that they deplored the most was the personal vendetta that trial advocates brought into the courtroom with them. Such conduct, he said, does not occur in the English courtrooms.

Three basic assumptions of the English system ought to be accepted, according to the Chief Justice:

"(1) Lawyers, like people in other professions, cannot be equally competent for all tasks, especially in our increasingly complex legal system in particular;

"(2) Legal educators can and should develop some system whereby students or new graduates who have selected, even tentatively, specialization in trial work can learn its essence under the tutelage of experts, not by trial and error at clients' expense; and

"(3) Ethics, manners and civility in the courtroom can be inculcated and are essential ingredients and the lubricants of an adversary system of justice."

Chief Justice Burger also directed his criticism against the law schools in this country. He stated that they fail to provide adequate and systematic programs by which students may focus on the elementary skills of advocacy. He supported a two year course of study in law school, after

which more specialized legal education should begin. "And if this specialty is litigation," added Justice Burger, "the training should be prescribed and supervised by professional advocates cooperating with professional teachers, for both are needed. (Chief Justice Burger was a former Professor of Contracts at the William Mitchell College of Law.) He pointed out that the medical profession does not train its doctors solely with books; "more than 80% of all medical training is done by practicing physicians and surgeons in hospitals." Drawing this analogy to its logical conclusion, Justice Burger feels that trial advocacy must be learned from trial advocates and in the litigation process. After law school, "those who wish to be advocates should begin a pupillage period, assisting and participating in trials with experienced trial lawyers."

Comparing trial practices to the skills and experience of fliers, the Chief Justice observed: "The painful fact is that the courtrooms of America all too often have Piper Cub advocates trying to handle Boeing 747 litigation. I should add that all of the Piper Cub advocates are not by any means recent law school graduates."

In concluding his lecture, Justice Burger called for public cooperation to exact the aforementioned measures. "While the legal profession must obviously lead in this effort, the efforts of the public dictate that the views of practitioners who are affected cannot be controlling, any more than we allow the automobile or drug industry to have control of safety or public health standards. There are consumers of justice who must have protection, and it is the duty of the legal profession to provide reasonable safeguards, unless lawyers prefer regulation from the outside."

Whatever Became Of Sin?

— by Dr. Karl Menninger

as sin in order to define his social limitations. He cites examples of men throughout history who have specifically reminded man of his sins. At first, the Doctor explains, these men are heroes, but inevitably they are destroyed. The destructive agent is man's inability to face up to his sins. This destruction, according to the author, was the fate of Christ and in modern times of men such as Martin Luther King. Man refuses to admit to himself that sin is a reality and he therefore seeks ways to conceal it.

Many of the crimes defined by our laws derive basically from man's concept of sin. Now, we are faced with the problem of deterring "crime" in lieu of sin. The major drawback, says the author, is that we no longer associate guilt with crime as we did with sin. We deal with crime by retributive methods which are sins themselves and have lost the ability to deal with crime in our minds through an analysis of our own guilt. We avoid committing crimes, not out of any deep seated feeling of right and wrong, but out of a wish to avoid the arm of the

law. Few, if any worry about dealing with God anymore says the author.

The concept of sin dominates our minds, like it or not, says the author. We can't turn it off like a TV. It shows itself in psychosomatic illnesses, periods of depression and ulcers, as well as in aggressive behavior and criminal activity. Sins often are a result of man trying to cope with his surroundings. Thus, a man under the constant stress and degradation of poverty will commit a crime in order to escape. The crime is a symptom readily noticed by society says Dr. Menninger. The sin is not the man's—it is the sin of the society that forced the man to act. If society would look to its sins it would essentially find the source of its crimes.

Dr. Menninger examines group sin. This is the type of behavior which gives rise to self-righteousness at the expense and to the detriment of society. Once people get into groups their ability to ignore their sins multiplies. Group support can dominate and diminish any personal qualms about specific actions. Individuals within a

group define right and wrong by the group's opinion and will avoid rocking the boat by subverting their individual feelings for the sake of the group. A group can develop, according to Dr. Menninger, a whole system of values which its members will seek to impose on society irregardless of sins that may be committed. The reader reflects on certain systems of values in political circles which give rise to scandal, war and environmental rape all for the sake of a group in power.

The purpose of his book is not to revive any hell fire and brimstone kind of preaching, says the author. His desire in writing the book is only to show how man must look within himself in order to define the problems which face him. Returning to a concept of sin appears to be a basic method (relied upon through the ages) of determining the essence of our madness. The scientist, doctor, and lawyer can improve their function many times over by learning to recognize sin from symptom and by dealing with crimes and illnesses using this concept.

Closer Look The President

By Bob Heinemann

(The President addresses the nation — a fantasy).

"Good evening ladies and gentlemen."

"I come before you tonight as a humble President, a maligned common man. This has not been done without purpose on my part. It was my game plan all along. For national security reasons I have never revealed that plan. But tonight, that plan having been brought to full fruition, it is time for your President to inform you, the American people."

"Remember my campaign pledge back in 1968 to 'bring us together?' Well, I am proud to announce that I have succeeded. I did not do this the popular way, the easy way, I did not make you love me. That would have been beneath this President. Instead, I made the hard personal and political choice that had to be made. I have united this country as it has never been united before during all its glorious history of great accomplishments. I have made you all hate me, as one, and with a passion. And I did it before '76, with more than three years to spare!"

"This was done at the loss of personal friends acquired throughout a lifetime of public service. One need only to recall John Mitchell and so many others too numerous to mention. I felt it was my patriotic duty to hide it even from my own family. Nor did I tell the Eisenhower kid, even though every time I look at him

I can't help remembering dear old Ike. If Julie had ever suspected, there's no way she could have kept it to herself. Not even Pat knew, although that great woman's intuition of hers made her mighty suspicious at times."

"It's been a lonely journey for your President, but I toughed it out. I spent many a sleepless night longing for a little understanding. If only Checkers had still been alive. I could have told him. He would have understood immediately, wagged his tail sadly, and given me a comforting slurp across the jowls."

But, it's a more complicated world today. Like many of you, I have graduated to chess. I even have a small set hidden in my piano to help wile away those lonely midnight hours. Make no mistake about it though, I'm just a patzer. I'm no Bobby Fischer. But I too have dreamed of beating the Russians. Of course, I substituted detente. When you can't win you have to play for the draw."

"But your President is not bitter. You may hate him, but he will always love you. Yes, even the Press! They played right into my hands. Without their help my whole strategy would have stayed chalked on the blackboard."

"So tonight, I address you for the last time as your President. I am resigning in body, but I will always be with you in spirit. My task is completed. My burden has been lifted. Praise the Lord, and good night."

The Reasonable Man

By Victor "Jake" Davich
(Conducted at the Bronx State Mental Facility, November 23, 1973.)

Justinian: Mind if we ask some personal questions

Reasonable Man: Sounds reasonable.

Just.: When did you first realize who you were?

R.M.: When I was five. At Debbie Ann Slotnick's birthday party. I refused to pin the tail on the donkey.

Just.: Why?

R.M.: I realized that there was a possibility of putting someone's eye out with a pin. At the time I knew nothing about intent or negligence.

Just.: What other indications did you have that you were to become the embodiment of a universal legal fiction?

R.M.: Well, after the party, I began thinking about a lot of things: not taking darts at P.S. 86, eating only three Mallomars at once, refusing to take candy or rides from the neighborhood stranger... I didn't know then that all this was reasonable. But all my friends called me "sissy".

As I got older and attended high school, I realized that I was indeed the "Reasonable Boy". I did not indulge in adolescent horseplay like sticking pencils in people's eyes, I ate well rounded meals, didn't get acne, took driver's education, did my homework, and joined the Hall Squad. Once more, I was friendless; now I was known as "strange", or "faggot". I never had a date once word got around that I didn't cry during David and Lisa. The girls said I wasn't sensitive, a real "cold fish." College was the worst. I refused to be liberated, realizing how un-

reasonable free love was, knowing with full cognizance the criminal penalties for marihuana and other mild hallucinogens. I also realized the inherent imprudence in a Big Mac. Again, no friends, no dates not even an affair with an over-the-hill townie. Nobody called me anything anymore. I was just referred to as a dud. However, I got straight A's, good enough for law school.

Just.: Harvard?

R.M.: No, Gonzaga. It was there that I first began to find myself. It seems that a large part of law was based upon someone called the "Reasonable Man." A legal fiction, he stalked the pages of every course I took. A lot of people had trouble figuring out who he was, I, however, was more fortunate, because I knew he was me. Thus, it was at law school that I finally found my calling.

Just.: Which is...?

R.M.: Being reasonable. That's what I do.

Just.: Is that how you wound up here?

R.M.: Yes, Being reasonable has its drawbacks. I thought Trac Two blades would be twice as effective. But it seems that they would not cut deeply enough into the main arteries. So I only managed to bleed profusely, not enough to go into shock and die.

Just.: What will you do now?

R.M.: Well, my image is shot. They say I'll be leaving here soon. Maybe I'll just settle down — look for the "Reasonable Woman" if I can find her.

Just.: Somehow, it seems that you're not too happy with life?

R.M.: Well, being a standard for mankind isn't all it's cut out to be. You just can't be human. Maybe someday the law will real-

Law Student Division News

By Marc Kasner

On October 27, 1973 the Law Student Division of the American Bar Association held its Second Circuit Fall Roundtable meeting. The meeting was hosted by St. John's University School of Law. One purpose of the meeting was to present to the law student community what the Law Student Division is, what it stands for and to inform the student community of what it has to offer. The guest speaker at the convocation was Ramsey Clark, who focused on the domestic problems facing the nation.

The American Bar Association is composed of approximately 20 sections; each section is composed of attorneys and students specializing in a particular area of the law and dealing with the problems in that area. Each section has a publication that is mailed to its members to keep them informed of recent events in that particular field.

The LSD supports certain principles and throws its full weight behind them. The Law Student Division was extremely influential in changing the American Bar Association House of Delegates' stand on marijuana. The delegates backed a plan which is designed to eliminate criminal penalties for the possession of marijuana.

They have pressed for equal employment practices for all minority groups, including women. If any individual has a complaint he should lodge it with the LSD delegate in his school, who will relay it to his circuit governor. The governor will contact the firm being charged, giving them time to reply. If there is no response, or one that is inadequate, the investigation will be taken to the national level, where the LSD will contact the American Civil Liberties Union.

The LSD has \$32,000 to subsidize programs instituted by student groups in law schools around the country. The money is available; all that is required is to present your program to your LSD delegate. Secondly, your law school must have a 20% membership of the student body in the LSD. The last requirement is that your law school or SBA organization appropriate a matching amount.

The LSD has instituted a new program in New York where interested members can be appointed to the various Bar Associations. The purpose of this is to have law students in places that can influence the policies of the Bar Associations. Through the Bar Associations, the LSD is hoping to further expand the new clinical education programs recently instituted in New York State for third year law students.

These are just a few programs that the LSD has adopted and initiated in its short existence. In the past few years the LSD has grown extensively to become a viable, influential body which has great hopes for the future. Any student interested in obtaining further information regarding the Law Student Division of the American Bar Association should contact the school's LSD delegates or LSD President Howard Kane, a BLS student.

ize that. Then things will be a lot more reasonable...

Just.: Thank you.

R.M.: Pas de quoi.

From The President

I put this article in the form of an open letter to the students, faculty and administration of this school in an effort to inform them of the goings on since I've taken office.

All Student-Faculty Committee appointments have been made by a consensus of the Executive Board. It must be born in mind that student representatives to those committees were chosen by a Board different from the one that conducted the committee interviews some weeks ago. Two totally new faces have been added and two former members serve in more vocal capacities. For this reason the interview recommendations were relied on only to a degree. Its findings were given considerable weight but were not strictly adhered to.

The committees have already held their first meeting and the faculty chairmen of both committees have commended The Executive Board on the individuality and independence shown by its appointees. It is hoped that in this spirit we can avoid having such vital bodies function as arenas of student faculty confrontation and foster more productive forums in which individuals vote their conscience for the benefit of Brooklyn Law School.

Our Speakers Program has held its first function featuring former United States Senator Charles Goodell who spoke on civil liberties generally and then addressed himself more specifically to the Ellsberg Break-In and Watergate. He generated enough interest to draw a sizeable crowd and to keep a small circle of interested students and faculty in the lounge until past eight o'clock in the evening. We all owe John Steiger our thanks for

that interesting program.

Delegate Assembly meetings are being called more often in an effort to reach agreement on the pressing matter of budget allocations for the school year. I stress this as the reason for the frequency of meetings and not, as has been suggested, because I enjoy chairing them. Groups have been pressing for funds to get their programs off the ground but things are at a standstill until the delegates vote. I am pleased to announce that the Assembly has at this time completed its allocations, save some requests pending future contingencies, and I would like to commend the assembly for their frugal handling of student funds.

Efforts are being made to further the ties between our day and evening students on both the delegate and board level. I have made the additional appointment of Evening Advisor to the President on the Executive Board. This brings evening representation up to four of nine advisory members and three of seven voting members. Also, delegate meetings are now adjourned at 5:50 to give evening representatives enough time to get to class without our continuing any business in their absence.

The Board has given ample evening representation in its committee appointments as well. It is hoped that these and future acts of accommodation will at least somewhat breach the gap that presently exists.

In concluding I want only to say that I am optimistic of what can yet be done for our student body. The interest generated by our Executive Board and shown by many of the delegates gives promise of success in the implementation of the ground work that is now being laid.

HERB TEPFER,
Student Bar President



"The charges against you include two million counts of breaking and entering, operating a vehicle without a license, failure to obey FAA control tower instructions, employing non-citizen 'iceback' workers..."