

The Justinian

Volume 1983

Issue 3 *April*

Article 1

1983

The Justinian

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Recommended Citation

(1983) "The Justinian," *The Justinian*: Vol. 1983 : Iss. 3 , Article 1.

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Trager Triumphs with Trustees Will Take Office July 1

By Carol Milder

On April 6, 1983, the Board of Trustees voted unanimously to appoint Professor David Trager the next Dean of Brooklyn Law School, effective July 1, 1983. In another unanimous vote, Acting Dean George Johnson III was appointed Associate Dean. Paul Windels, the President of the Board of Trustees, stressed that "the Board acted on the position of the faculty that Professor Trager was the most qualified. The position that he was the only one qualified was withdrawn."

According to Board member Judge Moses Weinstein, he and Judges Henry Bramwell and Edward Thompson led the opposition to the original faculty resolution at the February meeting of the Board of Trustees. Dean Jerome Prince has admitted that "[t]he faculty resolution naming Trager as the only one qualified did disturb the Board of Trustees." Consequently, at the April 6 Board meeting the faculty members were required to explain their actions.

Both Prince and Windels have stated that the amended resolution is consistent with the real faculty attitude. "We felt the wording of the resolution did not accurately describe what had occurred," explained Prince. "It's not true that Dean Johnson and the [others are] not qualified. What they were really saying [is that] Trager was the most qualified." In fact, Prince noted that the editorial in the last issue of the *Justinian* "played a part" in the amended resolution. "It sort of pointed up the problem," he added.



Johnson



Trager

And the winner is . . .

Although the Board was not scheduled to take a final vote on the Dean at the April 6 meeting, Windels explained that the board "felt that it was in the interest of the law school to make a decision." Two members were not present for the vote. One, Weinstein, did not attend because his boat was stuck in Freeport. The other, Willard G. Hampton, explained that he was at the meeting but left before the vote. When informed of the result Weinstein stated, "I'm very bitter about it."

Sources close to the Board have indicated that informal polls of the Trustees revealed a preference for Johnson. The amended resolution and final vote have given rise to speculation by some that the original resolution was politically successful and that the faculty is in a powerful position at

BLS.

Prince, however, has stated that he "honestly can't tell" whether or not there was a pro-Johnson bias because the Board "never took a vote." Prince denied that the vote was a quid pro quo for the amended resolution. It was simply a "recognition of the fact that the Board has the authority to appoint a Dean and the faculty was making a recommendation and not arrogating power to itself to appoint a Dean," he explained. However, "being realistic, the Dean has to work with the faculty and no one will want to become Dean of a law school without the full support of the faculty." Prince insisted that the Board had a "choice" either to accept the changed recommendation or open [the Dean Search] up again. Prince then exclaimed: "I want to emphasize that the Board was not coerced into doing this."

At the April 6 Board meeting, in addition to appointing Johnson Associate Dean, the Board voted to express its appreciation to Johnson for his work this past year. He was also appointed Secretary of the Board of Trustees, a position formerly held by Dean Prince.

According to Prince and Trager the posi-

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Guv to Speak

Dean Prince has announced that Governor Mario M. Cuomo will address the graduating class at this year's commencement exercises. Commencement will take place on Friday, June 10, at Avery Fisher Hall.

Prof of the Year

The *Justinian* Collective and Staff proudly announce the First Annual Professor of the Year Award. A certificate of Excellence will be presented on Thursday, April 21st, to the Professor chosen by the student body as THE MOST!

Every student is encouraged to submit one ballot to the *Justinian* in favor of the professor that s/he believes is the most informative, the most concerned with his/her students and the educational process, the most personable, the most entertaining, and/or possessed of any other award winning qualities.

Student submissions will be accepted at the *Published by Brooklyn Works* 1983 cafeteria from 1-2 before April 20th.

The Circus is Coming

By Bridget Asaro

One weekend a year the BLS moot court room is transformed into a stage, giving performers-cum-law students a chance to show their stuff. This year's Second Circus Revue, which is a spoof on the law school community, was nearly cancelled until determined cast members joined together to find a pianist who could work with them in preparing the shows, which will appear on April 28th, 29th and 30th.

Second Circus consists of a series of about 13 musical and comedy skits, 11 of which require musical accompaniment. "Each song has to be transposed to fit each person's individual key. It's very time-consuming unless there's someone to transpose on the spot," said Amy Greenberg who, along with Gianna Torre, is directing the show.

According to Torre, signs posted around the school advertising their need for a pianist elicited few responses, mostly from first year students who could not spend enough time on the show.

The cost of a pianist is \$450 out of the \$2,300 allocated by the SBA. Technical costs such as lighting, sound and piano rental will cost about \$1,200, the remainder going for costumes and incidental costs. The directors hope to get additional funds from the SBA, which they say looks encouraging.

The show is faced with further problems including the lack of comedy writers and the short three-week rehearsal period. Both Greenberg and Torre believe, however, that

Continued on page 4

Tax Team Gains Semis



Pictured above: L., Philip Sharfstein, r., Stuart Lang. Not pictured: John Oswald.

By Wendy Heller

Stuart Lang, John Oswald, and Philip Sharfstein, representing Brooklyn Law School, reached the semi-final round of the Albert R. Mugel Tax Moot Court Competition held on March 4 and 5 at the University of Buffalo Law School, before losing to the eventual winner, host Buffalo. The hypothetical case on *cert* involved the tax ramifications of a property settlement pursuant to a divorce in an equitable distribution jurisdiction.

In the first preliminary round, held on March 4, Philip Sharfstein and Stuart Lang argued as respondents against Capitol University. In the second preliminary round, John Oswald and Stuart Lang argued as petitioners against Ohio Northern University. Brooklyn Law School's team was one of only eight teams, out of thirty four competing, to proceed to the quarter finals.

On March 5, Sharfstein and Lang argued for respondent against the University of Cincinnati in the quarter finals. BLS won and advanced to the semifinals, held later that day against Buffalo Law School. BLS

was eliminated after the semifinals and Buffalo went on to win first place in the competition as well as awards for Best Brief and fourth best oralist. Brooklyn's Stuart Lang won the award for second best oralist.

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SBA

Elections

Executive Board elections will be held on the first Monday and Tuesday in May. SBA President Bobby Steinberg encourages any interested student to run, but to be prepared to make a year long commitment. Steinberg and other current executive board members are ready and eager to discuss their experiences and responsibilities with any student interested in running.

Justinian

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EDITORIALS

KUDOS

The *Justinian* wishes to applaud the recent decision of the Board of Trustees, appointing Professor Trager as Dean and amending the resolution submitted by the faculty to state that Trager is the most and not the *only* qualified candidate for the position. Despite the fact that the *Justinian*, like the Student Bar Association and the Alumni Association, favored Dean Johnson over Trager, we are pleased that the Board decided to ratify, however reluctantly, the faculty's choice. It has long been obvious that the faculty, and not some mythical "administration," is really running the school. The faculty's choice of Trager is both reasonable and justifiable. It should have been given great weight, and was.

Professor Trager deserves to be given a chance to show what he can do. However, his first priority, given his evident lack of popularity should be to mend his fences with the student body and the alumni. Too many students feel, with some reason, that Trager lacks respect for student opinion, and independent student initiative. It is incumbent upon him to demonstrate the reverse as soon as possible. Perhaps the best argument for Trager is his demonstrated sense of the urgency of the school's problems. He should put that sense to work as soon as possible to foster a sense of community among students, faculty, and alumni, so as to move the school forward as rapidly as possible.

One further note. The faculty has, and should have ultimate power. But the manner in which the faculty nominated Trager does not speak well for the faculty's wise exercise of its power. It is well that Trager has indicated that he will force the faculty to undertake more work commensurate with its power. Power separated from work can only lead to irresponsibility.

Clinical Caste System Limits Opportunities

Seasoned bulletin board watchers know by now that Professor Henry Holzer has been made head of the entire Brooklyn Law School Clinical Program. Professor Holzer has wasted no time in instituting serious changes in the program, as evidenced by some ominous new regulations which have appeared recently.

According to the regulations, students who wish to be placed in clinics must now submit a copy of their transcript as well as a resume. The resume must include class rank and grade point average.

Apparently, this new regulation is intended to separate the wheat from the chaff, lest Brooklyn Law School allow its weaker students (the bottom 50%!) into the legal community to possibly tarnish the reputation for excellence the new administration so urgently desires to achieve.

The school, through its neanderthal grading and ranking policy, has officially designated one half of its students as "second class." To ask them to note this on their resumes is ludicrous. Even the BLS Placement office in its literature advises students who are not in the top 25% of their class to omit this information from the resume. Clearly this policy will have a chilling effect on students who are not in the top of their class, forcing many of them to attempt to seek necessary legal experience, *without the benefit of academic credit*.

The importance of clinical experience prior to graduation, especially for students without impressive grades, cannot be overemphasized. In fact, the slick new BLS Bulletin calls clinical education "an integral and vital component of legal training." A tough job market will be even tougher to break into for students without having first become acclimated to practice in the clinical setting.

The new requirement effectively denies those students who are not at the top of the class <https://brooklynworks.brooklaw.edu/justinian/vol1983/iss3/> clinical experience. This is an unconscionable, undemocratic regulation which should be altered immediately.

LETTERS:

Mack Gets Tough

To the Collective:

I would like to respond to the *Justinian* article (in the last issue) by Bruce Feffer which concerned alternatives to New York State's present approach to crime fighting, in particular the tougher sentencing rules which became law in the early 1970s.

The title of the article, "State Gets Tough—Crime Marches On" is indicative of the basic slant of the article. The author notes that some studies have found that the sentencing innovations have not caused a correlative decrease in crime. This simple equation is completed by furnishing the implication that criminals are not deterred by tougher criminal laws. However, the inconsistency of these statistical studies (e.g. a Citizens Crime Commission reported a reduction in serious crime in New York City for 1982) and the considerable number of factors that may affect a community's crime rate, should make us pause before we take that jump and conclude that mandatory sentences, reduced plea bargaining, and other "get tough" measures have failed to make inroads on crime.

The author remarks upon the "decade long policy in New York State which has relied on putting more and more of the citi-

zenry behind bars." Sounds like a terrible neo-Nazi type policy, doesn't it? But when the word "citizenry" is thrown out, and the phrase "individuals convicted at trial of criminal offenses" is substituted, New York State looks less monstrous, and, in fact, perfectly reasonable.

Mr. Feffer cites with approval an attorney who states that "the criminal justice system should be geared toward crime prevention, rather than punishment after the fact." The initial appeal that this truism has obscures the fact that before we can ultimately prevent crime by altering the familiar socio-economic factors which breed crime, we have to eradicate the end result of this metamorphosis, crime that is happening right now. We don't have the luxury of erasing the slate and giving everybody the opportunity to grow up again in the most optimal circumstances. Certainly, vigorous study of the potential for crime prevention should be pursued, but not at the expense of law enforcement. Research provides hope for the future, but cannot provide an effective response to a problem of great urgency today.

Timothy G. McNamara

Sophistry

To the Collective:

Despite Mr. Richards' fine sounding arguments and phrasings in the March issue (Guilt By Association), I believe he misses the forest for the trees.

It is quite clear that beneath the articulations of the Declaration of Independence and the Constitution lies the historical, sociological etc. experience of the American people. Within that experience is the hard-won understanding that peaceful and orderly transfer of power is the lynchpin of the democratic system. A threat to that lynchpin is the greatest threat to the body politic of the greatest democracy known to history.

The struggles of the 1930s and thereafter must be seen in that context, i.e. between advocates of violent, extra-democratic overthrow of the legitimate government and the representatives of the people.

The attempt by a small group of ideologues to manipulate and subvert the levers of American democracy was clearly the underlying stimulus of the situation. Certainly, the people are entitled to know whether an officer of the court, i.e. an attorney, supports or opposes democratic procedures.

Mr. Richards should not allow nice procedural distinctions to obscure the critical underlying, though often unarticulated, conflict which was the wider environment of the situation he describes. Experience, as we have been taught, comes before the law—not after. When too fine argument camouflages the deeper reality, sophism results. You can check that out with Plato.

Sincerely,
Joe Royce

Behind Glass Doors

To the Collective:

It was useful to read your article "Dean Johnson Speaks Out," by Carol Milder, in the last edition of the *Justinian*. The question of who will be the next dean of Brooklyn Law School is vital to the present school community and to the future of our law school. Students and staff cannot appreciate the seriousness of the impending decision unless we are informed of the issues being decided behind the glass doors. We hope the *Justinian* will continue to inform the school community about issues and decisions concerning the choice of the next dean.

Karen Christensen
Pat Cox
Maria Shelzi

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Hang: Reagan Ignores Toxic Hazards

By Steven Eisenstein

There are few issues of more pressing concern to our society as a whole than the ravages caused to our environment by air and water pollution. Among the most serious aspects of such pollution is the problem of toxic wastes. Toxic wastes have an effect both on our environment and on our selves. One would think that a lecture on such an important topic by someone knowledgeable in the field would draw a large audience. Unfortunately, one would be wrong.

Sponsored by the Natural Resources Law Society, Walter Hang spoke at BLS on April 7 to a disappointing assemblage of seven students. Those who did not attend missed an enlightening and enjoyable experience.

Execution Guatemalan Style

By Scott Pollock

The U.S. backed government in Guatemala insulted Pope John Paul II by rejecting his plea of clemency for six men who were sentenced to death by a secret tribunal. The executions on March 3 were carried out just days before the Pope's intended visit to Guatemala, a country engaged in a bloody civil war which has been characterized by thousands of civilian and peasant deaths by death squads which have been linked to the Guatemalan armed forces.

The pope visited the country anyway and his speech reflected his displeasure by calling on the peasants and church lay people to organize against the violence. Despite this call for an end to all violence and killing, five more prisoners were executed by firing squad on March 21. This brings to fifteen the number of people executed under General Rios Montt's decree law 46-82 which extends the number of offenses for which a person may be sentenced to death. The law also establishes secret tribunals to hear and decide the cases.

According to *The New York Times* of March 3, "the tribunals do not allow the defense lawyer and the accused to see the judge, the prosecutor, the evidence, or the witnesses ... the verdict is delivered either by letter or by an anonymous phone call." Guatemala's military government calls the secrecy necessary in order to protect the judges from reprisals from rebels. Although the law was decreed in conjunction with the imposition of a state of siege last July, government officials have stated that the lifting of the state of siege would not have the effect of abolishing the secret tribunals.

Critics of the tribunals say that they constitute a means of legalizing the killing which was previously carried out by the death squads. But human rights groups and lawyers have reported that the disappearances and extra-judicial killings in the countryside continue. In addition the armed forces have been reported to be continuing their incursions into Mexico in order to raid refugee camps.

Amnesty International, which opposes the death penalty in all cases on the grounds that it is a violation of the right of a person not to be subjected to cruel and unusual punishment as proclaimed in the Universal Declaration of Human Rights, has called for letters of appeal to be sent to President Efraim Rios Montt at the Palacio Nacional, Guatemala City, Guatemala. Others have been sentenced under the law and await execution. Despite international outrage at the actions of the Guatemalan government, the Reagan administration and Congress recently approved a 6.2 million dollar military aid package to Guatemala with no indication that pressure will be brought to bear for Guatemala to improve its human rights record.

Walter Hang is eminently qualified to speak on this topic. A molecular biologist by training, he has worked for the past six years on toxic pollution problems in New York State. His research has been aimed primarily toward reducing cancer rates caused by toxic pollution. "One of every three people born today will get cancer some time in their lives." The blame for much of this, says Mr. Hang, is in the number of toxic chemicals being pumped daily into our surroundings.

In an effort to find a solution to this terrible problem, Mr. Hang recently journeyed to China, his ancestral homeland. The first part of the lecture consisted of slides taken during that trip. Views of the Great Wall and the Forbidden City were accompanied by a running commentary on China's pollution problems and a comparison with those of the United States. For those who believe that capitalism is the cause of all industrial problems, Mr. Hang has some bad news. China too has serious

problems with pollution, and they are getting worse. China uses certain energy sources, such as high sulfur coal, which cause more pollution than those used here and China still uses substances such as some pesticides that are banned in the United States. These negatives are somewhat balanced by China's greater use of recycling and the general use of bicycles as opposed to cars, but this is not enough. The level of pollution in China is growing daily as more and more factories are opened. Obviously the solution does not lie here, especially since America would not easily be convinced to give up her disposables and her automobiles.

But to discover a solution we must first recognize the problem. This consumed the balance of the lecture as Mr. Hang outlined the causes and effects of the toxic pollution problem in this country. The figures are staggering. There are 70,000 artificial compounds in commercial production in the United States. These compounds permeate

our lives. As Mr. Hang pointed out, we sit at our artificially manufactured tables, taking notes with our plastic pens, wearing clothes which are usually blended with an artificial fabric. Production of these artificial compounds results in a waste by-product of 90 billion pounds per year. To dispose of this waste, 80,000 landfills have sprung up in this country. The leakage from these landfills has resulted in the presence of more than 700 toxic compounds in our drinking water. The implications are apparent. New York State, with more than its share of industry and resulting landfills, has the second highest cancer rate in the nation. Two thousand lakes, in this state alone, have been irretrievably lost to toxic wastes. Even more disturbing is the effect on the young. Babies are being slowly poisoned by their own mothers with the toxins present in mother's milk.

With its professed concern for the unborn, one might think that the Reagan Administration

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Toxic Waste

Continued from page 3

ministration might extend its attention a few months to babies who suffer from our mistakes. But the attitude seems to be out of womb, out of mind. The Reagan administration might direct its attention to babies who suffer from our mistakes. But the attitude seems to be out of womb, out of mind. The Reagan Administration has cut toxic waste cleanup programs by 50 percent and the current scandals rocking the EPA attest to how little the government is really doing about this problem.

The ultimate question, then, is what can be done. Unfortunately, there is very little that can be done about the pollution that already exists. Once a source of ground water is contaminated, it is lost. We can filter it as it comes out and make it semi-drinkable but the source itself remains polluted. The solution then must be directed at the source of the pollutants. Mr. Hang does not advocate that we return to completely natural products. In our society none of us could live without these artificial compounds we have grown so used to. But there is a way to manufacture these products without producing

the toxic wastes. Japan and Germany are doing it but this country is lagging far behind. Unfortunately, most of us do not have a real voice in the running of the Fortune 500 companies.

One place we can be heard is in our legislature. Mr. Hang is working on two bills currently under consideration for this session. The first is a Community Right to Know Law which would compel industry to reveal where it has dumped toxic wastes. Incredibly there is, at present, no requirement for disclosure.

The second bill should be of special interest to law students. This bill seeks to change the statute of limitations to run from the date of discovery rather than from the date of exposure. For some toxic compounds such as asbestos, the symptoms do not arise until up to forty years later. This effectively bars recovery.

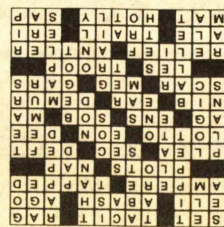
The lecture ended with a call to become involved. Write to your legislators, learn about the issues. This is a problem that affects all of us, whether we are interested in it or not. If we want to have a voice in our own futures, we have to understand the problems. Hopefully, if Mr. Hang comes back next year, he will be greeted by a much larger audience.

Second Circus

Continued from page 1

these problems can be overcome through hard work. "It was encouraging for me and Amy," Torre said. "We had already made up our minds to cancel the show. We can do a better job knowing that the cast is behind us."

So, once again, the show must go on!



Puzzle Answer

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Trager Triumphs

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tion of Associate Dean is the same position held by Johnson prior to his Acting Deanship. The position, however, has been formally added to the bylaws of the Board of Trustees. "It was the Board's idea to create an Associate Deanship" because "Johnson is very good at handling the administrative stuff, [and] handling students [and] office staff," explained Prince. The trustees have indicated that Trager will, as the "outside man," make the impact on the public, help raise money and have the overall responsibility for the law school, while Johnson will deal with the day-to-day administration of the school. Although the exact delineation of Johnson's duties as Associate Dean have not been determined, Trager has stated that Johnson is "going to play a prominent role."

At press time, however, Johnson had not

yet accepted the position because he did not know the details. If Johnson does take the position, Deans Kuklin and Hutson will leave the administration and return to full-time teaching.

Meanwhile, Trager has been busily preparing to take the mantle. According to Trager the interim period between now and July 1 will be "mainly a period of planning and talking to people." Trager will be planning the academic program for next year, creating a nexus between the placement office and the alumni, and drafting proposals Trager has discussed in previous issues of the *Justinian*.

Trager, stating that he is happy to have been appointed Dean, declined to comment on any of the Board of Trustees' machinations. He concluded that it's time to get on with the business of running the school.

ACROSS

- 1 Prepare a table
- 4 Implied
- 9 Tattered cloth
- 12 Actor Wallach
- 13 Confound
- 14 Time gone by
- 15 Electrical measure
- 17 Hit lightly
- 19 Parcels of land
- 21 Short sleep
- 22 Entreaty
- 24 Dry, as wine
- 26 Clever
- 29 Numbers game
- 31 Vast age
- 33 Scottish river
- 34 Silver symbol
- 35 USNA grad.
- 37 Cry
- 39 Grad. degree
- 40 Penpoint
- 42 Pitcher part
- 44 Hesitate
- 46 High rock
- 48 Miss Mundy
- 50 Slender fishes
- 51 — Etats Unis
- 53 Body of soldiers
- 55 Comfort
- 58 Deer's horn
- 61 Pub offering
- 62 Spoor
- 64 Silkworm
- 65 Small rug
- 66 Ardently
- 67 Weaken

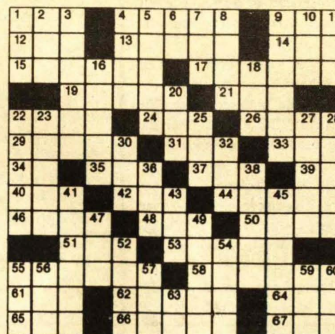
DOWN
1 Black or Red
2 Shade tree

3 Fur scarf

- 4 Edible rootstock
- 5 Encourages
- 6 SF's State
- 7 Suffix with harp or violin
- 8 Older — I am
- 9 Knocked
- 10 Mature
- 11 Deity
- 16 Raise the spirit
- 18 Mod's home
- 20 Notice
- 22 Schemes
- 23 Reasoning
- 25 Type of lettuce
- 27 Thighbone
- 28 Rips
- 30 Number
- 32 Bow
- 36 Famous uncle
- 38 Generated
- 41 "Swan Lake," e.g.
- 43 Soak
- 45 Shade trees
- 47 Old Portuguese coin
- 49 Holy —
- 52 Son of Adam
- 54 Sole
- 55 Aries
- 56 Guido note
- 57 To and —
- 59 Time period
- 60 Tear
- 63 Near

CROSS WORD PUZZLE

FROM COLLEGE
PRESS SERVICE



DEADLINE FOR
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Monday, April 25
5 p.m.

NLG Regional Confab Condemns U.S. Adventurism in Central America

"Turning the Tide: Uniting Political and Legal Strategies," was the theme of the National Lawyers Guild's Northeast Regional Conference in Amherst, Massachusetts on March 18-20, 1983. Brooklyn Law School Guild members Mary Zaslofsky, Scott Pollock, and Jonathan Carter joined hundreds of others from throughout the Northeast to exchange ideas and strategies for economic and political change through the Guild's work.

Workshops on affirmative action, military and draft counseling, organizing against racism at law school, women and gays and the military, consumer issues, and strategies to oppose the U.S. military buildup and world intervention were only a few of the conference offerings.

A workshop on Immigration Law focused on defeating the proposed Refugee Control Act, popularly known as the Simpson-Mazzoli bill, currently being acted on in the House and Senate. If this legislation passes, it will effectively disqualify thousands of aliens from obtaining residence status and political asylum, and will provide a mechanism for immediate deportation to countries from which they have escaped persecution or lives of economic hardship.

MOOT COURT

Continued from page 1

One week later, Brooklyn also achieved success in the Eastern Regional of the Philip C. Jessup International Law Moot Court Competition. Brooklyn was represented by James Bertini and Helen Ostenberg, for applicants, and Jyotsna Gorti and Marilyn Trautfield for respondents. The case concerned two hypothetical countries which entered into a treaty to provide one

On its face the bill appears to be aimed at opening up jobs for American citizens which are currently filled by undocumented workers. It does not address issues of human or civil rights. For example, one provision of the bill would provide for the issuance of a national identification card, the effect of which could hasten the approach of George Orwell's 1984 and which could be used to discriminate against those who don't appear to be "American."

The Guild has also taken the stand that U.S. actions in Central America are illegal as well as immoral. An analysis of the Reagan Administration's activities indicate violations of domestic and customary international and human rights law with respect to El Salvador and Guatemala. The U.S. sponsored covert action and economic pressure aimed at destabilizing the government of Nicaragua is likewise violative of the law.

These illegal actions are currently the subject of litigation in the Federal Courts. Michael Ratner, President of the National Lawyer's Guild, said, "We have had to resort to the Courts because Congress either can not or will not stop this unlawful and immoral intervention. The people of the United States must recognize that they are paying for the terror occurring in Nicaragua with access to the sea; and the subsequent acts of economic coercion and reprisal following the suspension of the treaty, due to an alleged infestation of the 'dreadfly.'"

The team won all four rounds but lost in the final run-off round as applicant to New York Law School respondent in a very close decision.

The team came in second place for Best Brief and second place overall. New York Law School won first place.

ragua. We must do all we can to stop it."

Two interesting workshops at the conference focused on mental health and remedies for victims of rape. Participants at the mental health workshop included several ex-mental patients who described some of the abuses in mental institutions, including the systematic denial of basic freedoms many of us take for granted, that is experienced by patients. The need to de-institutionalize treatment of mental patients was a major theme of the workshop. One former patient spoke of the need to empower mental patients by providing them with the opportunity to develop themselves as human beings. The speaker himself did not learn to read or write until his late twenties, and now he is a paralegal assisting other patients.

The workshop focusing on remedies for victims of rape emphasized the therapeutic value to rape victims of bringing tort actions against rapists. Many women are more interested in vindication than revenge, which makes a civil lawsuit superior in many respects to a criminal proceeding. Because the burden of proof is less in a civil suit, it is easier to secure a judgment against a rapist in a tort action than it is to secure a conviction in a criminal trial. In addition,

the rape victim cannot be victimized a second time on the witness stand by defense lawyers in a civil lawsuit, in contrast to criminal proceedings in which rape victims are often battered a second time. Although a judgment can't be collected from a defendant, the judgment will hang over the rapist's head until it is paid, firmly placing the blame and guilt where it belongs—on the attacker.

One of the high points of the weekend was the plenary session on Saturday, during which a vote was taken for a new regional vice-president. Geoff Smith, a lawyer from the New York City Chapter, was elected in a tight race with a candidate from the Washington, D.C. Chapter. The Brooklyn Law School Chapter cast its four votes for Smith. Smith, in his speech at the plenary session, acknowledged the important contributions that law students can make by working on Guild projects. He stated that Guild lawyers should be responsive to law students' needs by including them in their practice. Other important issues to which he intends to devote energy are the need for the Guild to develop its political identity and to stand firm in the face of conservative backlash, and to achieve an efficient network among the chapters of the region.



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A Harmonic Equinox

By Warren Shaw

In the cavernous nave of a huge cathedral five men and women sit in a circle. In the flickering light of scores of candles, soft, wordless singing emanates from the little group. The sound is pure and clean, and so quiet that your own heartbeat lends punctuation to the music. Hundreds of notes seem to float in the air; harmonies drift leisurely from phrase to phrase. Tones swell and fall, and you realize that this small band of singers have somehow created a more complex texture than even the largest choruses. It is unbelievable that such richly layered sound could issue from a mere five voices—or that human throats could make these sounds at all. Their ethereal music mesmerizes, and takes your perception into unknown realms.

Such was the scene on March 20, at the Cathedral of St. John the Divine in Manhattan. It was a celebration of the spring equinox, and the little group of performers is a New York based aggregation known as the Harmonic Choir. Under the guidance of leader David Hykes, this group has studied ancient musical traditions of several Asian cultures, synthesized and extended them, and developed a repertoire that surely ranks among the most sophisticated and unusual in the world.

The uniqueness of the Harmonic Choir stems from its exploitation of a singing technique known variously as "harmonic singing," "overtone chanting," and "one-voice chording." This technique enables a single voice to produce two or more notes *simultaneously*, a seemingly impossible feat which is accomplished by means of highly skilled physical exertions and a very complex theoretical underpinning based on mathematics and on the physics of sound.

Harmonic singing begins with the "fundamental," the basic pitch that defines the "key" or tonal center of a given piece of music. Above this fundamental is a theo-

retically infinite series of harmonics or overtones—multiples of the fundamental pitch that are related to the fundamental in fixed ratios. For example, the first harmonic is twice the frequency of the fundamental. This 2-to-1 ratio is an interval or distance called an octave. The octave occupies the same position in the scale as the original fundamental, transposed upwards one octave. Thus the second harmonic—three times the frequency of the fundamental—is related to the fundamental (transposed upwards one octave) in a 3-to-2 ratio known as a perfect fifth. E.g., the distance between the notes C-G is called a perfect fifth because it spans five notes—C, D, E, F, G. The ratio between the frequencies denoted by "G" and "C" is 3:2. As the numbers of the ratios increase and move up the harmonic series, i.e., 3:4, 4:5, 5:6, etc., all the intervals in the scale appear and extremely high frequencies are reached. (For a more thorough discussion of this subject, see Harmonic Arts Society literature.)

The secret of harmonic singing lies in the ability of the harmonic singers to control the number and relative volume of the harmonics that overlie a fundamental, and to transpose these harmonics downward into the bottom octave between the fundamental and the first harmonic. By extremely subtle manipulations of lips, throat, tongue, and abdomen, the harmonic singer produces a fundamental with his/her vocal cords, and at the same time coaxes overtones from the resonant cavities in the chest, vocal box, and sinuses, with the result that between two and seven notes can be heard at once. The technique also tremendously enlarges the range of the voice. Instead of the normal human upper limit of about 1100 cycles, the harmonic singer can project frequencies of at least 10,000 cycles! Further, each singer can independently move her fundamentals and harmonics, and thereby create two distinct melody lines. The Choir

weaves multiple fundamentals and harmonics together to form marvelously intricate polyphonic phrases, and harmonies with an unearthly, ringing sound akin to a synthesizer.

The total effect is abstract, strongly hypnotic—and quite compelling. The overall volume never rises above moderately soft, while the element of rhythm is almost totally absent. Yet, from this deliberately restricted range of colors, the Harmonic Choir creates rainbows.

Not surprisingly, perhaps, David Hykes' conception of his choir's music has a decidedly mystic cast. He gives the natural orderliness of the harmonic series a broader, extramusical dimension:

Our aim in Harmonic Music—which I hope expresses our search to be in touch with what we've called harmonic order—is certainly not to present technique for its own sake, even if ancient . . .

The aim is to search in an atmosphere of careful listening for the coming of life of a body of sound, harmonizing inside and out . . . We can find a silence in ourselves in which we are more sensitive to the signals pouring in from everywhere . . .

Interestingly, the principal sources of Hykes' system of harmonic singing—i.e., the Tuvan of western Mongolia and the USSR, with their *Hoomi* ("throat") singing, and the Buddhist monks of Tibet, who use overtone chanting in their sacred Tantric services—also attribute mystic significance to their music. The Tibetan monks, in fact, maintain that their music is so powerful that one who hears it will complete his reincarnation cycle—usually presumed to be infinite—in but a single lifetime.³ These broad cross-cultural similarities of response to harmonic-type singing suggest that the trance which the Harmonic Choir induces in its listeners may not be simply the enculturated reaction of Western listeners, but a "natural" effect of such

music on human beings. Harmonic singing seems at times as much as art form as a tool for altering the perceptions of the audience.

The March 20 concert was a truly extraordinary experience. The Harmonic Choir's music is incredibly concentrated. Their ninety-minute performance had the impact of a three-day rock festival. When it was over, the applause was enthusiastic and sustained, but no one in the audience whistled or shouted their appreciation. The voice was the province of the Harmonic Choir, and none challenged their mastery of their domain. Entranced and deeply moved, we wandered out into the city night with the exquisite sounds of the concert ringing in our ears.

David Hykes hosts a weekly radio program, "The World of Harmonic Music," on Mondays, 9:30-noon, on WKCR-fm 89.9. Cassette tapes of the Harmonic Choir's music are available from the Harmonic Arts Society. They also maintain a mailing list to publicize their performances. Workshops in the technique of harmonic singing are held periodically. Interested persons should write the Harmonic Arts Society, 25 Claremont Ave. 4C, New York, New York 10027.

NOTES

1. David Hykes has informed this author that this phenomenon was scientifically substantiated by Bell Laboratories.
2. Concert program, 1983 Spring Equinox, page 4.
3. See generally, D. Reck, MUSIC OF THE WHOLE EARTH, 266 (1977).
4. *Ibid.*, at 262-266.
5. Smith, *Religious Meaning, from TIBET: TANTRIC BUDDHIST CHANTS*, Anthology Record and Tape Corporation, AST-4005, page 3 of accompanying booklet (1970).

P.S. This is the last in a rather sporadic series of articles. My aim throughout has been to give whatever exposure these pages provide to little-known New York based musical organizations of unusual merit. Hopefully, I have succeeded in stirring the interest of Justinian's readers.

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—E.D.S.

Food Fare: SUMMER SUGGESTION

By Joan Gottesman

The wonderful, wonderful summer is coming, when we are no longer enslaved to classes and textbooks, and the weather is fine for partying and entertaining. For picnics, barbecues, or at home gatherings, it is nice to have some special dishes that will make your friends appreciate you, without your having to spend the whole time in the kitchen like Mama used to do. I am therefore offering in the next few columns, a mini-series of favorite dishes, in no special order, commencing with the following selection.

Three Bean Salad

This is truly the best you've ever had. This recipe makes a lot, for a real party. If you want, you can reduce the quantities. But don't ask me to, I almost failed math. And what are you going to do with the left-over half cans of chickpeas and stuff? So you may as well make the whole thing, get some sandwich fixings, and call a dozen people over for lunch.

15 oz. can garbanzos
(chick peas), drained
15 oz. can pinto beans, drained
1 lb. can cut green beans, drained
half cup thinly sliced onion
half cup chopped green pepper
third cup sugar
two-thirds cup cider vinegar
third cup salad oil
1 tsp. salt, 1 tsp. pepper
Combine all ingredients in 3 quart bowl.
Toss lightly. Chill overnight. Drain before serving.

Buttered Rum Cake

Got anything celebrational like a birthday party happening? This cake will really make it fancy with only ten minutes of effort from you.

Preheat oven to 350°.
1 package Duncan Hines Deluxe II yellow cake mix
1 package vanilla instant pudding
4 eggs
half cup oil
half cup rum
half cup water
1 cup chopped nuts

By Anthony Paonita

So, finally, it's near the end of another academic year, and the end of my little series of necessary and unnecessary movies, records, cabaret nights, etc. I'm getting out of this joint come next month, so you'll have to fend for yourselves from now on. I've seen and listened to a few things the past couple of weeks, and I thought that I'd kinda like, share the experience. It's been real, y'know?

DIVA (a movie): I love strange French mysteries. This one is so hip it's almost disgusting. An opera singer never records, so that her art can be more meaningful (or something like that), a fan surreptitiously records a performance, a white slave gets murdered, and we're treated to a bunch of interesting characters, such as Vietnamese nymphets, punks who hate garages, postmen on the run and a boyfriend who wants to stop the waves. Un bon divertissement.

Grade: 90

PRIVATE LESSONS (seen on video): Sylvie Kristel is at it again, and gets to keep her clothes on most of the time. She's trying to seduce the boss' 15-year old son for rea-

sons which will become apparent if you happen to be in the right living room. Otherwise, don't go too far to see it. It's pleasant enough, though.

Grade: 79

MARRIAGE OF A PRESENT AND A FORMER ED. COLLECTIVIST (For real): Intimate civil ceremony, good liquor, lively band, and lively guests, some of whom almost missed the toast. The former EC was positively radiant, the incumbent wore a bright yellow tie.

Grade: 97

EDDY GRANT: Killer on the Rampage—Maybe you've heard the song "Electric Avenue." If not, tune in to either WBL, WLIR, WRKS, or 'KTU. Eddy Grant is enormously popular in England, and could be here, too. He plays every instrument, and favors reggae-inflected rock and roll. Good stuff.

Grade: 90

FALCO: Der Kommissar—This is for real, folks—German rap music, about W. Germany's favorite TV show. For some reason the song sticks in your head until you can't stand it. I don't really mind, though.

Grade: 89

SWEET PEA ATKINSON: Don't Walk Away—Includes the crowd pleaser

"Dance or Die." He sings for Was (Not Was) (a real name), and here "Los Was" back their guy up and wrote songs for him. I'm surprised this isn't all over the airwaves. If you can find it, buy it!

Grade: 93
RITA MARLEY: Harambe—Widow Rita keeps the fire burning—it's a stately sort of reggae. I'd appreciate a little more feistiness, but all in all, a good, solid effort.

Grade: 86

GUARANTEE: Everything above is real and/or really happened.

Lefkowitz to Speak

Louis Lefkowitz, Attorney General for 21 years, retired from that post in 1978, now of counsel at Phillips, Nizer, Benjamin, Krim & Ballon, will be speaking at Brooklyn Law School, Monday, April 25, 1983, from 5 to 6 pm, in the Moot Court Room.

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