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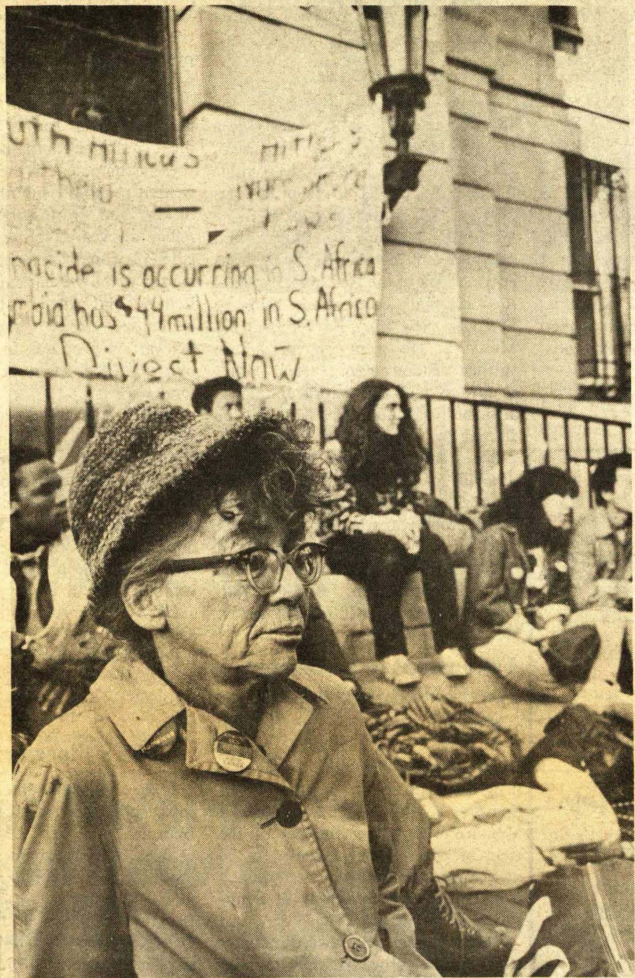
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THE JUSTINIAN

FOUNDED IN 1931 ▼ A FORUM FOR THE BROOKLYN LAW SCHOOL COMMUNITY

D I V E S T



U.S. Corps Profit As Racism Thrives In Troubled South Africa

By Robert Burke

"Black suffering is part of the economy from which the corporations are benefiting . . . They must know that they are investing to buttress one of the most vicious systems since Nazism."

This was how Bishop Desmond Tutu, the Anglican Bishop of Johannesburg and recipient of the 1984 Nobel Peace Prize, characterized U.S. corporate involvement in South Africa.

Between 1960 and 1980, U.S. involvement in South Africa tripled. U.S. investment constitutes 20 percent of that country's foreign investment; it is second to that of Britain. Under President Reagan's policy of "constructive engagement," U.S. investment rose from \$2 billion to \$2.6 billion.

In the hope of discrediting the growing divestment

Coverage of Divestment and Columbia University Protest on page 8

movement, U.S. corporations and the South African government have intensified their well-funded lobbying efforts and their pro-investment advertising campaign to suggest that U.S. corporate involvement constitutes a progressive, benevolent, democratic force for social change. Often mentioned are the Sullivan Principles, a voluntary system for U.S. corporations doing business in South Africa. The system measures desegregation of the work place, fair employment practices, equal pay for equal work,

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PHOTO BY GABRIEL KUPEMING / COURTESY OF COLUMBIA SPECTATOR

SBA ELECTIONS MAY 1st and 2nd

Candidates Square Off On the Issues

More on Pages 16, 17, 18

Presidential Candidate
Amelia Grygier



My name is Amelia Grygier and I would like your support for S.B.A. president. In order for Brooklyn Law School to achieve status as a major regional law school, the S.B.A. must push for increased and effective student services.

As President, I will arrange for informal coffee hours where students can meet with S.B.A. officials to express their concerns and opinions

regarding our school. This would help make the S.B.A. a "live" organization and its officers more accountable to the students. The S.B.A. cannot sit back and wait for students to come forth with their ideas—we must actively seek out student input. One way of doing this is to conduct frequent student surveys.

Our school's curriculum must be examined and compared with those of other law schools. Once this examination is completed, recommendations for improvements should be made to a joint student faculty curriculum committee. Steps must be taken to further expand our already successful clinical program.

In order for all students to receive a well-rounded legal education, day and evening students should have equal access to classes. For example, if a particular course is only offered to day students in the first semester, that course should be offered at night the second semester.

As for the merit scholarship program,

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Presidential Candidate
Orren Weisberg



I am running for President because I want student concerns to make a difference to the Administration. The most effective way for students to voice their beliefs is through the S.B.A. In order for student issues to be taken seriously by the Administration, the S.B.A. must act more responsibly and be more organized.

Next year, the three areas I will give

the most attention to are the Placement Office, faculty hiring/review, and scheduling/curriculum. The Placement Office must work to create more quality jobs for all students, regardless of their class standing. The job symposium proposed by my running mate, Phil Reizenstein, is a good step in this direction.

I believe student input is vital in both faculty hiring and review. I have long supported the proposition that those seeking positions as professors at B.L.S. should be scrutinized by students through interviews and mock lectures. Furthermore, the result of the S.B.A. student/faculty evaluations should receive more attention because they are an effective way for students to express their opinions regarding the professors' abilities as teachers. I've worked on the evaluations in the past, and have seen how very few people know about them. In the future, I will work for a comprehensive computerized faculty comparison based on the evaluations,

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NEWS UPDATE

Law Review, Journal Fill Editorial Positions

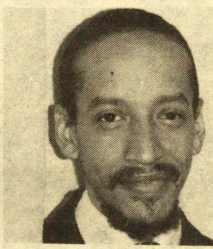
The Law Review is pleased to announce the editorial board and senior staff for Volume 52 (1985-1986):

Editor-in-Chief, Rosanne Pisem; *Managing Editor*, Kenneth Koprowicz; *Executive Articles & Commentaries Editor*, Susan Merrill; *Executive Second Circuit Review Editor*, William Cuozzi; *Executive Notes and Topics Editor*, Joe Heppt; *Associate Managing Editor*, William Schneider; *Research & Book Review Editor*, Jonathan Glasser; *Articles Editors*, David Boden, Cathy Trainor, Emily Wheeler, Joe Zirkman; *Second Circuit Review Editors*, Eric Altman, Linda Himmelfarb, Susan Jennison, Ann Ruben, Ellen Tannenbaum, Jan Uzzo; *Notes Editors*, Warren Lazarow, Kevin McLean, Sandra Murphy, Lee Sporn; *Senior Editor*, Betsey Nathan; *Senior Staff*, Robert Brownstone, Jonathan Goidel, Linda Horn,

Jonathan Murphy, Jeanie Weinberg.

The *Brooklyn Journal of International Law* is pleased to announce the 1985-86 Editorial Board:

Editor-in-Chief, Cynthia Dachowitz; *Managing Editor*, Kevin Mallory; *Symposium Editor*, Joseph Giamboi; *Executive Articles Editor*, Marla Bloch; *Executive Notes Editor*, Leslie Lewis; *Executive Comments Editor*, Sherry Jetter; *Comments Editors*, Katherine Gal, Gregory Skolodz, Marcel Sager; *Notes Editors*, Donna Chaiet, Laurence Friedman; *Articles Editors*, David Niebauer, Marc Seidenberg; *Research Editor*, Philip Reizenstein; *Business Editor*, Barry Silberzweig; *Book Review and Technical Editor*, Darryl Korotkin; *Senior Staff*, Angela Blassman, Robert Burke, Peri Hoffer, Diane Prebluda, Paul Verner, David Yucht.



Cordero Elected To Top BLSA Spot

At the national convention of the Black Law Students' Association (BLSA) held in San Francisco, California on March 20-24, Johnnie Cordero was elected to the prestigious position of National Chair in a stunning victory. Johnnie had previously received the unanimous endorsement of the Northeast region at the regional convention held in Syracuse, New York on February 28-March 2. He went on to capture further endorsement from other regions to claim the victory. Johnnie is also the first student from BLS to be elected to the position of National Chair. He is currently associate director of the Northeast region, chairperson of BLS' BLSA chapter and a second year student.

Robert Washington represented BLS' chapter as delegate to the national convention. BLSA's 18th annual convention will be held here in New York next year.

Fellowships to be Offered For Public Interest Law

Brooklyn Law School is beginning to raise funds for the Edward V. Sparer Public Interest Law Fellowship program, named in honor of Ed Sparer, a Brooklyn Law School alumnus who was a founder of the field of poverty law, a leader in the movement for public interest law and a professor at the University of Pennsylvania Law School.

This program will award summer stipends for Brooklyn Law School students to do work in public interest law. Those involved hope to be able to raise enough money to award fellowships for the summer of 1986. Contact Professor Schneider for details.

SBA Constitution

In the general election on May 1st and 2nd, students will be voting on the proposed amendments to the Student Bar Association constitution.

The S.B.A. house of delegates have been revising the constitution over the past year. Generally, the amendments serve to put in writing, the actual practices of the S.B.A. As changes were made to the constitution, other areas were revised to accord with the new sections.

Any student that wishes to have a copy of the constitution and the proposed amendments should stop by the S.B.A. office. If there are any questions, ask any of the S.B.A. delegates or come by the S.B.A. office during office hours (1-2; 5-6).

Copies of the constitution and the proposed amendments additionally will be available at the voting table during elections.

Food Concepts Scrapped

Food Concepts, Brooklyn Law School's food service, has been given notice by the Administration that its contract will not be renewed for the upcoming school year.

David E. Schwartz, of D.E.S., has been selected to provide the food service in the fall, however, a contract has not been signed. If Schwartz can fulfill the projections he presented to the Cafeteria Committee, an improvement in the quality of the food is possible.

One problem is that Schwartz has not written a formal proposal indicating that he could operate using the present equipment in the cafeteria. His written proposal, submitted to Robin Siskin, and Professors Leitner and Allen, was geared to the proposed new cafeteria with different equipment than is used in the present cafeteria. Siskin, Leitner, and Allen, members of the committee, were impressed with Schwartz's proposal and chose him over the other eight groups they interviewed.

During a meeting with Joe Ranni, Alan Levin, and Orren Weisberg, the students on the committee, Schwartz outlined a number of promising things, including a coffee cart for the hallways to be used during class breaks, longer hours, better food, and cheaper prices. However, none of these promises has yet to be made on paper.

Dean Trager is now negotiating to lease space in 111 Livingston Street (the building directly behind 250 Joralemon). Plans for a new cafeteria there are being geared for the spring of 1986.

BLS Placement

If the thought of interviewing for a job troubles you, Linda Stephens Benedict, the new Director of the Office of Placement and Career Planning, invites you to sign up for her new Videotape Mock Interview Program. Sign up at the Placement Office, in person or by phone, a few days in advance. (780-7963)



THE JUSTINIAN

A FORUM FOR THE BROOKLYN LAW SCHOOL COMMUNITY

MAY 1985

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DIVESTMENT

U.S. corporate investment in South Africa helps perpetuate the apartheid system and some students are coordinating efforts to oppose their schools' stock holdings in companies doing business there.

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SBA ELECTIONS

The new Executive Board will be elected on May 1st and 2nd. To help students choose thoughtful and effective leaders, the *Justinian* invited candidates to speak out on the issues.

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TAX REFORMS

A tax simplification plan has been introduced at Capitol Hill but tax lawyers and accountants aren't worried and some assert they'll be able to pluck their grandchildren through college just on the work needed to interpret the reforms.

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ABORTION CLINIC BOMBINGS

Some pro-life extremists have resorted to violent terrorist attacks on women's clinics and routinely use harassment techniques which violate the civil liberties of clinic members.

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STAR WARS DEBATE

Is the Reagan Administration's SDI "Star Wars" defense program an effective deterrent that will bring lasting peace or a new and frightening form of escalation in the arms race? Two BLS students present the pros and cons.

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QUOTE OF THE MONTH: *Without comparing apartheid to Nazism and to its Final Solution—the latter defies all comparisons—one cannot but assign the two systems, supposedly legal, to the same camp.*

Elie Weisel

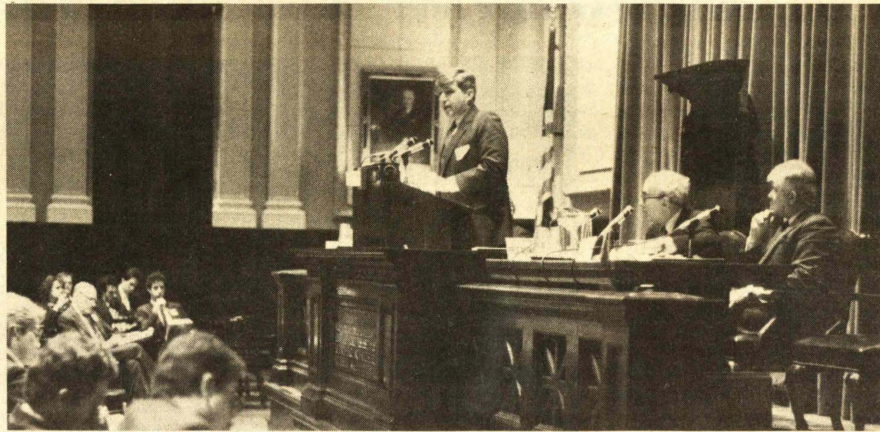
BLS Symposium Explores Serious Securities—Ethics Problem

By Jeffrey C. Block

More than 150 attorneys from 22 states were on hand for the March 15, BLS sponsored securities regulation symposium on stock broker churning. The event was held at the New York City Bar Association building on West 44th Street.

A panel of attorneys representing various elements of the securities law field presented the problems and causes of churning. The panel, moderated by Professor Norman S. Poser of BLS, included Patricia M. Hynes, Esq., of Milberg, Weiss, Bershad, Specthrie & Lerach; John F. X. Peloso, Esq. of Sage, Gray, Todd & Sims; A. George Saks, Esq. General Counsel and Senior Vice-President of Smith Barney, Harris Upham & Co., Inc.; and Ira Lee Sorkin, Regional Administrator of the New York Regional Office of the Securities and Exchange Commission.

After a welcome by Dean Trager, Professor Poser began the symposium with a few introductory remarks. "Churning," he said, "is when a broker makes trades in an account solely to generate a fee." Thus, the broker churns the account to make butter, or profits. Professor Poser stated that the root of the problem is the pressure placed upon sales people to generate fees for the brokerage firms. "A brokerage house only receives a fee on a completed transaction." There is an inherent pressure on the broker to generate commissions for his firm. The touchstone of the symposium was a recent second circuit



S.E.C.'s Ira L. Sorkin tells Symposium, there is "greed and problems on both sides." Seated, left to right are Professor Norman Poser and Smith Barney's A. George Saks.

case—*Aldridge v. Thompson-McKinnon Securities*—a case that presents a classic example of the churning problem.

Patricia Hynes, the attorney for Mrs. Aldridge in her case against Thompson-McKinnon, spoke first and explained how she proved churning in the *Aldridge* case in which Mrs. Aldridge received 1.5 million dollars in punitive damages. "Know everything about the prior investment history of your client," she said. "Show the changes in the handling of the investments and that the account was handled very differently." Speaking about rule 10b-5, the law protecting against churning, Hynes concluded, "The law is fairly straightforward so

you must develop your facts in order to be successful."

John Peloso, the second speaker, commented that "most plaintiffs in churning cases tend to be women who become 'littler' and 'older' as the case goes on." Peloso focused on the problem of churning in options and commodities accounts. He believes the elements necessary to prove a churning violation are, control by the broker; excessive activity in the account; and an intent to earn commissions. The latter element—that of scienter—is still in dispute.

A. George Saks presented the views of the brokerage industry. According to Saks, "When a broker burns a client he's got nothing left. And most

brokers try to get referrals." Saks indicated that "the odds for another *Aldridge* are 400-1." He concluded by noting that clients may help create the problem: each time a trade is made in an account, the client receives a confirmation, thus making the client well aware of the churning in their account.

Finally, Ira Lee Sorkin presented a neutral view. Sorkin believes there are "greed and problems on both sides" and that the SEC will be "reluctant" to pursue churning cases because, "securities law is designed to insure full disclosure and not to regulate how brokers invest their accounts and how the brokerage firms oversee their employees."

Meese Defends Reagan Record

BLS Students Attend Program on Presidency

By Jim Diamond

According to recently confirmed Attorney General of the United States, Edwin Meese III, "the Reagan administration's record on civil rights is the strongest of any recent president." This was the message Meese delivered to the six hundred participants of the Sixteenth Annual Student Symposium of the Center for the Study of the American Presidency.

Meese's assessment of Reagan's civil rights record was called "misleading" by one BLS student in attendance. According to second year student David M. Murphy, "While there are large numbers of civil rights cases being prosecuted by the Attorney General's office, many of them seek to overturn the 'norms' of civil rights which have been achieved since the passage of the 1964 Civil Rights Act."

The symposium on the presidency drew students, professors, government experts and representatives of the news media to Washington, D.C. for a three day program designed to review "priorities and strategies" of the second Reagan term. Brooklyn Law School was well represented, with a four member delegation in attendance,



Attorney General Edwin Meese

led by SBA President, Bernard Graham; and also including SBA Delegates, Andrew Perel and Jim Diamond and second year student David M. Murphy.

The keynote address by Meese was clearly the highlight, as he outlined the administration's goals and objectives during its first term as well as what they hope to accomplish during the second term. The Attorney General stated that the President's three major policy objectives are for sustained economic growth, a world at peace through a secure nation and "a long term commitment to individual freedom."

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Students Say Teaching Ability Is Key to Faculty Hiring

By Joni Greenberg

An SBA resolution providing for greater student involvement in the faculty hiring process is at the heart of a heated debate between faculty and students over the quality of legal education at Brooklyn Law School. The resolution, introduced by first year delegate Jim Diamond, and passed by acclamation, would require prospective faculty members to give a simulated lecture before students as well as providing student representation on the Faculty Appointments Committee.

According to SBA officials, the resolution is rooted in a desire by students to make teaching ability a greater consideration in the hiring process, a proposal which has been met by faculty and administrative opposition. In reference to the simulated lecture, Dean Trager said, "Such a requirement would severely prejudice inexperienced but promising applicants" and would "insult" experienced instructors. Professor Brian Comerford, who chairs the Faculty Appointments Committee which reviews applicants' credentials is against conducting simulated lectures because he believes it

places the applicant in a situation which is "too artificial" and accordingly is a poor indicator of teaching ability.

Members of the Student Hiring Committee feel that too great an emphasis is currently placed on academic credentials and impressive resumes and that a simulated lecture is one way to determine, beforehand, whether a potential professor has the talents necessary to effectively teach law. According to Orli Spanier, a former teacher and first year student on the Student Hiring Committee, "the process of learning is a communication between teacher and student, and the student has a vital interest in ensuring that people who are teaching can communicate." Students want, as one student said, "a quality product for the price we're paying." Michael S. Schreiber, former vice-president of the SBA, explained, "The faculty has to come to grips with the fact that students who enter Brooklyn Law School are enrolling here to obtain a first rate legal education and when a student discovers at some point in the middle of the semester that the only way to learn

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IN FOCUS

Abortion Clinics Targeted

Right-Wing Fanatics Get Down to Business

By Robert Burke

In the last few years the dispute between pro-lifers and pro-choice advocates has become marked by violence.

Thirty-five abortion clinics in the United States have been put to the torch in the last two years. Twenty-five of these incidents remain unsolved. Other activities thought to be associated with the pro-lifers include the shots fired into the home earlier this year of Supreme Court Justice Harry Blackmun.

On March 6, 1985, the House Judiciary Subcommittee on Civil and Constitutional Rights, chaired by Representative Donald Edwards, began hearings on violence against abortion clinics. On that first day of hearings, victims of clinic violence testified.

Official statistics from the National Abortion Federation, which only represents about one-third of the total number of abortion providers, show 125 major incidents of harassment. In New York anti-abortion protesters surround patients' cars and shove literature in through open windows. To get into some New York area clinics, patients are forced to "run a gauntlet" between lines of protesters who yell and scream, calling patients "whores and murderers." In Florida, as many as two thousand screaming picketers have been known to swarm individual clinics.



At a recent National Right to Life convention, it was noted with pride that a Queens woman had developed a technique in which protesters dress as nurses and pose as "sidewalk counselors." They ask the patient if she would like coffee or a Coke knowing that if she takes food or drink, she cannot have her abortion safely performed that day without risking choking while anesthetized. When the patient enters the clinic and is asked whether she has eaten in the last five hours, she may lie, not realizing that she is risking her own life.

Several studies have shown that the incidence of complication is much

higher where there are demonstrators outside of a clinic.

Protesters do not always remain outside. Some quietly infiltrate waiting rooms. If there are large numbers, they crash into the clinic. Others vandalize the clinic and the property of clinic personnel. In some communities the children of clinic personnel are harassed and threatened. They are ostracized by playmates who tell them that their parents "murder babies."

Right to Life activists have taken to photographing, pretending to photograph, and videotaping patients. They record and, in some cases, trace patients' license plates. They have

called patients afterwards to say "that was a baby girl you murdered." In the case of young patients, they call the parents to say "your daughter just murdered your grandson."

On March 16 outside of the Obgyn Pavilion, a Brooklyn abortion clinic, an off-duty police officer, Russel Bjune, was reportedly engaged in an anti-abortion picket when he became involved in a dispute with a woman as she left the clinic with a friend who had inquired about an abortion. She charges that the officer said to her "In the name of Jesus, do you know what they are doing inside there?" She charges that the man threw her against a wall, injuring her head. She said that the man identified himself as a police officer and arrested her after she returned to the clinic and called the police.

The Brooklyn District Attorney has dropped charges of harassment and resisting arrest against the woman. The case against Officer Bjune is still being investigated.

The anti-abortion movement has not stopped at harassment. There have been nearly 40 terrorist attacks against abortion clinics, including firebombings. Twenty-five of the arsons remain unsolved.

Last fall in Alabama, an abortion counselor returned home to find her pet cat decapitated. At a pro-choice march some months later, anti-abortion hecklers told her, "Last time it was

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Foreign Attorneys Study at BLS

Lawyer in the U.S.A.

By Michelle Hauser

When Aneelchandra Korde came to the United States a year ago he expected to get a job as an attorney. After all, he had 12 years' experience as a litigator in Uganda, first as a public prosecutor and then as a private practitioner. But when he arrived here he discovered that despite his training in Great Britain and his experience practicing law in a common-law jurisdiction, he was unqualified to take the bar exam.

Rule 520.5 of the Rules of the New York Court of Appeals for Admission of Attorneys at Counselors at Law allows foreign-trained lawyers to take the bar exam after completing a minimum of 24 credits at an accredited US law school. "New York's rule is probably less restrictive than that of other states and certainly Canada," notes Korde, who went first to Canada after he left Uganda in 1972, before coming to New York. "There are provisions to waive the requirement and I might have gotten permission to sit for the exam if I had petitioned the Court," he adds, "but I didn't think it was worthwhile."

Instead he enrolled in a program BLS initiated last fall to prepare foreign-trained lawyers for the bar exam. A

ministration, the program itself is new but the practice of admitting foreign-trained lawyers to BLS is not. From 1980 through 1983, the school admitted a few students each year but lacked a formal program. It was Associate Dean Henry Holzer who broached the idea of creating a formal system to admit and educate the foreign students. Dean David Trager's enthusiastic response helped translate the idea into a reality less than a year later.

The new program's admissions standards are rigorous. Applicants must first demonstrate proficiency in English by performing adequately on two separate standardized exams. Next they are screened by faculty members and administrators. Finally, they must be prepared to study the 26 credits BLS requires and to participate in an exacting legal writing program, which is twice as long in terms of hours as the regular first-year course and requires a memorandum of law instead of participation in moot court.

Kiem Sy Do thinks the writing program is a valuable one. Trained in Vietnam, Do came to the US in 1969 when the South Vietnamese Ministry of Justice sent him to work in that country's mission to the UN. He had

just gotten out of law school. Originally he expected to retain his post until 1975 and then return to Vietnam, but by that time Saigon had fallen. Ultimately he too entered BLS, where he finds the method of education very different from what he was exposed to in Vietnam, where lectures take the place of the Socratic method and questions are only squeezed in where possible. "This [US] method is more direct," says Do, who finds the case method useful because it teaches students "the living law."

Because the students in the program are all trained lawyers, the requirements are geared to teaching the fundamentals of US law. In addition to Dean Holzer's 18-hour legal process course, which serves as an introduction to the US legal system and embraces methodological considerations and an overview of the constitution, students are required to take Contracts, Torts, Property, Civil Procedure, Legal Profession and, Legal Research and Writing. Other courses are selected at the option of the individual.

What is interesting about the optional component is the students' unusual mixture of sophisticated upper-level courses and the more basic first-year ones. While Victor Nalundasan, who came to the US from the Philippines in 1982, wondered why criminal law isn't required, Aneelchandra Korde took New York Civil Practice his first semester. "These concepts—Civil Practice, Civil

Procedure—weren't foreign," said Korde. "All I had to do was notice the differences from what I already studied." Still, his experience hasn't been all that different from that of the average student: He found Federal Income Tax very time-consuming.

When Nalundasan first arrived in the United States he applied to all the big law firms in New York without any luck. He spent eight months looking for a job as a legal assistant, although he had had a general practice at home and considered his experience transferable. "The only difference is the jury system," he said, echoing the opinions of several of his colleagues. "We don't have that in the Philippines. The rules of evidence, though, are the same." However, like his fellows, he said he values his tenure at BLS. "Foreign lawyers couldn't compete with American attorneys otherwise."

None of the students interviewed expressed an interest in international law, although Nalundasan indicated an interest in immigration and Do said he would like to help Vietnamese immigrants with their legal problems. The reason given for this indifference was a perceived lack of interest toward their country in the US legal community. But considering the obstacles the attorneys faced in entering their profession here, Nalundasan would have spoken for the group. "Perhaps I've just had enough of everything international," he said.

BLS Student Wins ABA Governor's Spot

At the March 16, 1985 ABA Law Student Division's Second Circuit Meeting BLS representative John W. Folcarelli was elected Circuit Governor, defeating the LDS Representative from Fordham. Folcarelli succeeds outgoing Governor Steven Weinberg from Albany Law School and now becomes one of fifteen Governors from around the nation who constitute the Board of Governors for the Law Student Division. This board is one house of the LDS's bicameral legislature.

The meeting focused on the growing membership in the Second Circuit. In fact, BLS increased its membership by forty new members in November, entitling the LSD Representative to a free publication. Folcarelli will donate the free publication to the Brooklyn Law School in appreciation of the support and help of Brooklyn students in making this award possible.

There was discussion of the various programs which the ABA/LSD

sponsors. These include the National Appellate Advocacy Competition and the Client Counseling Competition.

The *Guardian Ad Litem* program is another new program which allows law students to gain experience as advocates on behalf of children under the Federal Child Abuse and Treatment Act of 1974.

Folcarelli was awarded the ABA/LSD's Bronze Key Award for increasing membership at Brooklyn Law School during the Awards Ceremony. In attendance from Brooklyn Law School were SBA President Bernard Graham, ABA/LSD Representative John W. Folcarelli, Second Circuit Women's Law Caucus Coordinator Peri Hoffer, and SBA Treasurer Orren Weisberg.

The most effective voice for students in Law School can be found in the resolution process of the ABA/LSD. Resolutions can be submitted on any matter of concern to students in matters of legal education, politics, or any matter. It is a particularly good vehicle for school organizations to further their agenda and ideas. Resolutions accepted by the Law Student Division are introduced to the Senior Bar at one of their meetings and if adopted become official ABA policy. Anyone interested in drafting a resolution should contact John Folcarelli as soon as possible by leaving a note in the SBA office.

Law School Applications On The Decline

All of the news of the last several years about the glut of lawyers has finally had an impact on the number of law school applicants. In fact, according to the Law School Admissions Council, applications are already down 9 percent and may reach a 12 percent decline by the end of this year.

Although it is too early to predict what this decline will mean on next year's entering BLS class, Henry Haverstick, Dean of Admissions, reports that the number of applications to BLS were down by almost 2 percent through the end of last month. The Admissions Committee, chaired by Professor John Meehan and comprised of several senior faculty members, would naturally like to maintain the standards that have been required of applicants in prior years. The 1984 entering class had a median GPA of 3.14 and a median LSAT score of 35.

Since all schools will be affected by a decline in applications, the premiere schools may have to dig deeper into their applicant pools which would have a domino effect on the kind of applicant BLS can hope to recruit.

According to Haverstick, "whether the 1985 entering class will maintain the 35 LSAT standard in light of a

national decline in scores is too early to determine. There has been a small drop-off in applicants' LSAT scores, but this has been counterbalanced by a more than equal increase in applicants' undergraduate grade point average."

Since applications soared to heightened levels during the late seventies and early eighties, the recent decline does not yet signal a time to rejoice about improved job prospects. It does mean, however, that if BLS wants to improve its standing among metropolitan area law schools, as both Deans Trager and Haverstick admit are their objectives, it will have to work harder to edge out other schools in the selective recruitment of the most qualified applicants.

Advice To Law Students On Eye Care

Many law students end their school year with difficulty seeing distant objects. While studying, they may find it hard to maintain concentration, experience dull or throbbing headaches or eyeaches, and see the small print in legal textbooks in a blur. This condition, which imitates myopia, may come and go and even disappear over the course of vacation. Students who already wear glasses or contact lenses may find these no longer sufficient and seek a stronger prescription.

Most people who suffer this "false myopia" spend considerable time studying every day. The symptoms signal a common visual adaptation that appears at first to allow the person to do unavoidable, close visual work more easily.

Yet the symptoms are a clear warning that the person having trouble is probably a high risk candidate for permanent visual maladaptations, especially nearsightedness, in the future.

There is a serious risk when false myopia is treated with the conventional lenses used to make distance vision clear. Once these lenses are prescribed, most people begin a long-term progression of the condition, ultimately becoming dependent on lenses.

The behavioral optometrist may take another approach. Since near-vision difficulties underlie this false nearsightedness, both visual therapy and lenses that make close work easier are usually in order. Both build the individual's ability to do close work without visual stress and thus help prevent the development of myopia while improving visual efficiency.

The following symptoms are typical of false myopia:

- Desire to read and understand faster and more efficiently
- A tendency to skip words or lines of print
- A feeling that your eyes are tired at the end of the day
- Momentary blurring of distant objects after reading

For more information and a detailed self-assessment pamphlet you can contact Dr. Lisa Cogen, Behavioral Optometrist, 142 Joralemon St. Suite 4C, 718-852-1149.

NIGHT OWLS

By Estajo Koslow

Services Expand For Night Students

Now, I realize we all know (all too well) that the library stays open late (M-F 8-12 Sat. 9-6 and Sun. 9-11), but what about the rest of the school? Suppose you desperately need a Corporations Nutshell by 6:30 P.M., or you want to pay the overdue tuition bill, or even consult the Placement Office to see if there really is employment after law school. What do you do?

Well, evening students, you are in luck. Many offices that serve our day colleagues during business hours have designated evening hours to accommodate the needs of our late night schedules. (A caveat to the rushed: Call first, just to make sure and remember to call by 5 P.M.!)

The Bookstore is trying to serve evening students by expanding their late night hours to two nights a week. It is currently open until 7 P.M. on Monday and Wednesday evenings.

The Bursar's Office, now located at One Boerum Place, stays open till 6 P.M. on Tuesdays. So, leave work promptly and run to the subway . . . good luck!

The Placement Office is working very hard to serve all BLS students, day and night. The office (also at One Boerum Place) is open until 6 P.M. on Tuesdays (sometimes 6:30 P.M.) and 6:30-7 P.M. on Thursdays. Call ahead and make an appointment and someone will be there. Other



evening appointments can be arranged. You can also get job description information over the phone if you have the job code number. Better yet, the Placement Office has placed copies of the job books (full-time, part-time, summer, post-grad) on reserve in the library for use by all students and alumni. The staff at the Placement Office are very helpful and are more than willing to arrange convenient times to serve evening students. Take them up on this offer.

For any part-time students considering clinics—here's the dirt:

Several clinics are being offered during the summer.

Each credit translates into four hours of on site work, plus a

weekly two hour seminar. For evening and part-time students this may be a problem. Professor Marc Finkelstein, who heads the Elderly Clinic, expressed willingness to arrange flexible hours for part-time students who have at least one day to give to a clinic. Professor Gerber also noted that several of the external agencies that participate in the Civil Clinic may be agreeable to accepting part-time students. Bear in mind that a summer clinic requires double time since the experience is condensed into seven weeks. (For a 2 credit clinic you would be required to work sixteen hours per week.) Other fall clinic sponsors may also be able to accommodate the schedule needs of part-time students.

SPACE: THE FINAL FRONTIER

Is Star Wars An Inspired Arms Control Move ..

"SDI is our only hope"

By PHILIP REIZENSTEIN

What if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack; that we could intercept and destroy strategic ballistic missiles before they reached our soil or that of our allies?

With that statement Ronald Reagan introduced the Strategic Defense Initiative (SDI), commonly known as Star Wars. The SDI represents not merely another weapons system, but a new theory of deterrence. Rarely, if ever, has a new deterrence theory received as much public debate as the SDI has. However, before the SDI and the impact any weapons system it produces can be understood, one must understand the factors on which the United States has based its security decisions over the last 40 years.

On August 6, 1945, the United States unleashed the fury of nuclear weapons for all the world to see. With the surrender of Japan on September 2, 1945, the United States reached its zenith in terms of power and security. America had emerged from World War II with not only an enormous industrial base and a strong armed forces, but also—due to the atomic bomb—the power to destroy any nation. The United States has never since been as secure. Over the forty years following Hiroshima, the United States would spend well over \$1 trillion in expanding and refining its nuclear weapons capability. Yet the more the United States spent, the less secure it became. This phenomenon, which I call the paradox of nuclear weapons, has continued to drain our nation's resources and diminish our security, and neither "cold-war" induced paranoia nor two Strategic Arms Limitation Treaties (SALT) could break the paradox.

The United States' approach to nuclear deterrence has been Risk Increase Deterrence (RID), sometimes called mutual assured destruction—or MAD. The theory of RID is that by the United States' maintenance of a sufficient retaliatory capability, an aggressor nation would risk unacceptable damage by launching a first strike, and thus be deterred from doing so. It is crucial to understand that by adopting RID, the decision makers committed this nation to a spiraling arms race, the resolution of which can never be achieved by RID. Definitionally, RID commits the United States to maintaining a threatening nuclear force, which thus presents the Soviet Union with the challenge of overwhelming our retaliatory capability. Thus when the United States decided to place its missiles in hardened silos and bombers, the Soviet Union was forced to develop warheads capable of penetrating the silos, and an air defense system capable of stopping the bombers. When the Soviets attained this capability, the U.S. felt forced to respond, as it has recently done by beginning to deploy the MX missile and B-1 bomber. Of course now the ball is in the Soviet's court. In anticipation of their response, the United States already has begun planning to place missiles in space, and use stealth technology on the B-1. Thus observe how the United States and the Soviet Union appear as worshippers of a warped religion—RID—each praying that fervent observance will deliver to them what their religion definitionally prevents—security.

The SDI represents a radical change in deterrence theory. Rather than increasing the risk involved in a preemptive strike, the SDI decreases the gain or utility of developing and using nuclear weapons, thus I have labeled the SDI as a form of Gain Decrease Deterrence (GDD). Since the SDI decreases the gain a nation perceives from having a nuclear weapon—by destroying the weapon before it can achieve its goal, SDI provides the first real escape from the paradox of nuclear weapons.

While the SDI represents a new concept in

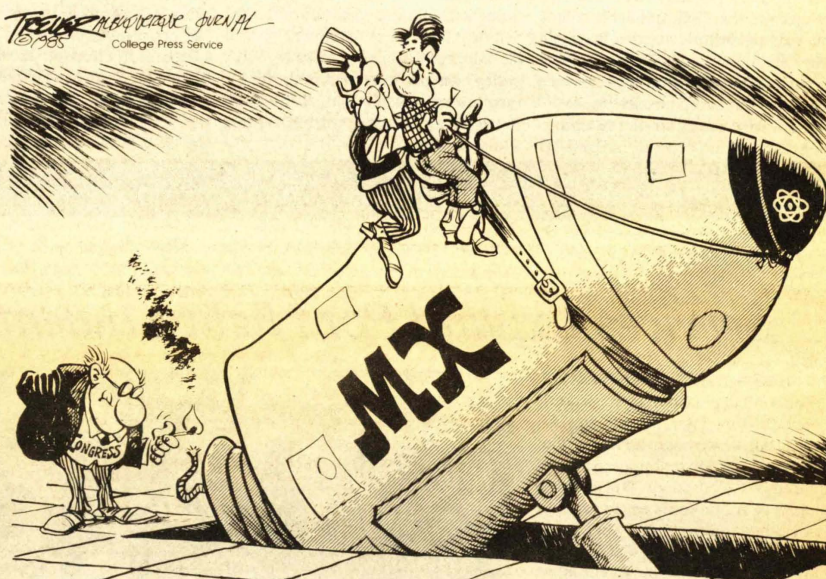
deterrence, the ability to develop the Anti-Ballistic Missile (ABM) system proposed by the SDI has existed since the 1960's. In the late 1960's both the United States and the Soviet Union began to deploy ABM systems, called SAFEGUARD and GALLOSH respectively. As both nations began preparing for the first SALT talks, it was agreed that a limitation on ABM systems would, in the words of the ABM treaty, "[E]nhance the prospects of achieving limitations on strategic arms." Thus in conjunction with SALT I, the Treaty on the Limitation of Anti-Ballistic Missile Systems was signed in 1972. The treaty allows both sides to maintain two ABM sites, with limitations on missiles and launchers. While the United States never exercised its right to maintain an ABM system, the Soviet Union continues to maintain two operational ABM sites.

While it is conceded that the promise of SALT justifiably rendered ABMs negotiable, it must be recognized that SALT and the philosophy it was based on—RID—have failed. Since the arms control process began in 1969, the Soviets have deployed over 8,000 new warheads, over 4,000 since SALT II was signed in 1979. The purpose of this is not to lay blame at either nation's doorstep, rather to place the blame where it belongs—on RID and the futile

successfully tested by the Air Force in January of 1983.

Assuming a full scale Soviet preemptive strike, the President would have only eight minutes before the first SLBMs began to detonate, and up to thirty minutes before the main load of ICBMs began to arrive. What an ABM system does, as a practical matter, is lengthen the time within which a launch decision would have to be made, by destroying a percentage of incoming missiles. An ABM system also greatly enhances the security of the United States bases, the White House, etc. An ABM system also greatly enhances the security of the United States against launching of a nuclear missile by a terrorist organization.

On a theoretical side, an ABM system presents the Soviet Union with a whole new set of problems and provides what RID does not—a disincentive to develop and deploy nuclear weapons. Assume that a deployed ABM system has a 50% effectiveness rate against incoming missiles. An ABM system provides a disincentive because it decreases the expected gain in security each missile theoretically provides because that missile now only has a 50% chance in achieving its mission. The Soviets would then be faced with a series of alternatives: (1) Keep the same strategic



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"arms control" policies it has spawned. For it must be recognized that the above-described orgy of armament took place without violating either of the SALT treaties. Since neither one of those treaties called for a reduction in the actual number of warheads, and in fact actually allowed the introduction of newer and more lethal weapons, how can we rationally expect security to emerge from them or their progeny?

The SDI calls for spending \$26 billion over fiscal year (FY) 1985 to FY 1990, for research and development. The money would be spent on three types of proposed systems; a laser system, a particle beam system, and a kinetic energy system. The laser system would consist of an excimer laser which generates a high powered beam through the reaction of gases like hydrogen. The system would be based on earth and then would be "popped up" into space when a Soviet launch is detected. The particle beam system would consist of a land based particle accelerator which would bounce a beam of subatomic particles off mirrors in space and into missiles entering their post boost stage.

The final system being considered—the kinetic energy system, is the system which is most feasible now, based on available technology. This system intercepts the incoming warhead with a missile, destroying both in mid-flight. This system, which is similar to the one now employed by the Soviets, was

goals they now have—which would require them to double the number of warheads they now have—an alternative so costly as to be impracticable, regardless of current Soviet posturing; (2) Reduce their strategic goals such that the number of warheads they now have would be sufficient to achieve them, considering the 50% attrition rate due to the ABM system. This would have the effect of immediately doubling the security of the United States.

As the United States began to deploy the ABM system, the need for a retaliatory capability would decrease, so it would be logical for the United States to decrease the number of missiles it has. As the United States retaliatory capability lessened, the incentive to the Soviets to decrease their strategic goals would increase. Thus the vicious cycle of nuclear weapons would be broken!

It is conceded that in theory, there are other, less expensive ways in which the arms race could be halted. However, none of those methods provides both security to the United States and a disincentive to the Soviets to build more weapons. The author Arthur C. Clarke once said that every revolutionary idea provokes three reactions: (1) "It's completely impossible," (2) "It's possible but it's not worth doing it," (3) "I said it was a good idea all along."

The SDI is a revolutionary idea, and it provides the only feasible hope of escaping the paradox of nuclear weapons.

SPACE: THE FINAL FRONTIER

... Or More Fuel For The Fire?

By PETER CAHILL

The Strategic Defense Initiative (SDI), referred to colloquially as Star Wars, is President Reagan's proposal for harnessing high technology to provide the United States with a protective shield capable of destroying incoming nuclear warheads. This would be achieved by using a complex system of orbiting battle stations armed with lasers of incredible power and range, along with particle beam accelerators of somewhat shorter range. The object would be to sight a Soviet nuclear attack as the missiles are launched. The sighting satellites would relay the launch information to computers that would determine the path of the missiles, as well as whether they represented an attack. The next step in the case of an actual attack would be to transmit the velocity and path of the incoming missiles to the armed platforms, which would then be faced with the task of destroying thousands of missiles and decoys within a short span of time. If the missiles are not incapacitated promptly, the so called "buses" containing multiple, independently targeted warheads are released into the middle and lower atmosphere, where they must be destroyed as they hurtle earthward. Plainly, this is the military equivalent of a highwire act on a greased tightrope in a tornado.

This concept has a rather seductive appeal to the average American, however. Its attractiveness stems mainly from the realization that one needn't worry about the control of nuclear weapons if those weapons are rendered obsolete. To the military industrial complex this plan promises billions of dollars in contracts and research funding. What then is wrong with a plan that promises peace, jobs and a future without the threat of nuclear war? To start, the SDI presents us with a child's conception of nuclear weapons, and to even begin to build such a system would be prohibitively expensive. Lastly, it would provide little if any real security to the United States, and would indeed be so destabilizing that the world would be a great deal more dangerous.

In a perverse way, the key to safety in the nuclear era is the firm conviction that an attack with nuclear weapons would invite certain destruction in retaliation. It is for this reason that the United States and the Soviet Union have signed a treaty severely limiting anti-ballistic missile systems. The presence of defensive weapons serves to exacerbate the arms race because the defensive systems are imperfect, thus providing an impetus to construct more weapons to overwhelm the defense. The SDI is no exception to this. The system as presently envisioned would strain technological capabilities to the breaking point and beyond. There are massive problems involved in hitting and destroying thousands of fast moving targets, over great distances in the outer atmosphere. The time available to shoot down the missiles is quite brief, since the closer the warheads get to the earth

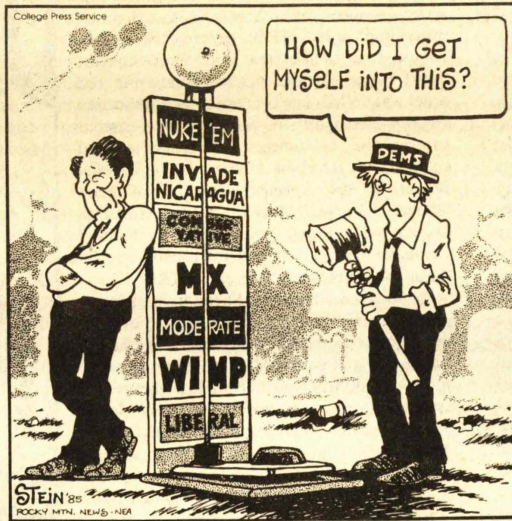
the likelihood of stopping them decreases dramatically. Even a system that is 95% effective would permit several hundred nuclear warheads to reach their targets, and this country would cease to exist in any form recognizable to us after such an attack.

Additionally, the SDI ignores the fact that such a space based system is feasible only for intercepting intercontinental ballistic missiles. The hundreds of warheads that the Soviets have mounted on submarine launched cruise missiles would never enter the high orbit of the ICBM's. Cruise missiles launched from submarines stationed near the coast of the United States would have a flight time ranging from several seconds to several minutes, on a trajectory in the lowest, densest part of the atmosphere, precisely the area where lasers and particle beams mounted in space would be least effective due to the dispersal of the beam's power as it passes through the dense lower air. With an extremely brief flight time, it is unlikely that any defensive system land or space based would be able to track and destroy a cruise missile before it reached its target.

A ground based system such as the ABM (which the United States has declined to build even though it is permitted to, by treaty) has several drawbacks. First, it is ineffective because it is difficult to hit a missile from earth while the warhead is accelerating through the lower atmosphere; secondly, destroying warheads in the lower atmosphere results in radioactive fallout being released over the target area. Thus, while buildings might remain standing, human life is destroyed. There is little sense in preserving property if there is nobody left to occupy it.

The cost of researching and building the SDI is mind boggling. Conservative estimates of building a comprehensive system run into the hundreds of billions. Unless taxes are to be raised drastically, the cost of building such a system will produce a budget deficit that will make the current deficit seem tiny by comparison. Borrowing on

"SDI is a child's conception of nukes."



such an enormous scale would be inflationary, besides draining research money and talent from other more worthy projects. If the Soviets are capable of thinking rationally about this project, they will realize that it has the capacity to ruin the American economy without providing any tangible benefits.

The SDI's proponents naively assume that the Soviets will not react to the creation of a system that could provide even partial security from an attack on their part. In order to maintain the delicate balance of terror that is mutual deterrence, both sides must feel assured that they have an unimpaired capacity to destroy the other. To compensate for any system that America can produce to shoot down any of their warheads, the Soviets will simply produce more warheads, decoys, and more importantly, the hard to track cruise missiles. Assuredly this will elicit a similar response on our behalf, resulting in a new, increased arms race, combined with an expensive space

based system which can never be any more than partially effective.

The contention that the SDI represents a new theory of strategic deterrence is utter rubbish. The strategic concept of the SDI is as old as it is discredited. Those who support the SDI maintain that it will provide an effective shield behind which America can exist in safety. History has shown that dependence on an expensive, elaborate system of fixed defenses is disastrous. The SDI is the modern day equivalent of the Maginot line of the French in the 1930s. The French, faced with the threat of renewed German militarism, sunk the majority of their defense resources in constructing the Maginot line. The Germans quickly realized that it is easier and less expensive to circumvent fixed defenses than it is to construct them. In that sense, we are like the Post-World War I French; America's over-dependence on technological defenses, nuclear weapons and now the SDI, threaten to turn the United States into a paper tiger, capable of destroying the world but not able to defend against a conventional land attack in Western Europe. Building the SDI will weaken the overall defense of the United States because more important projects will go unfunded. Policy makers must come to the realization that a failure to strengthen the quality and quantity of conventional forces will result in a future President having to make a Hobbesian choice, acquiesce to Soviet domination of part of Western Europe or push the nuclear button.

The problems inherent in the SDI surely warrant more discussion than the brief outline accorded them here. The conclusion that the SDI is a childish response to a complicated situation is inescapable, however. Nuclear weapons cannot be wished away, or struck from the sky by an omnipotent, ever vigilant protector. We must face the realization that nuclear weapons are here to stay, and proposals that will reduce their number are needed, not Rube Goldberg schemes that will provide reasons for adding to the arsenals. Hopefully, the Reagan administration will come to its senses on this and use the SDI for its only suitable purpose, as an arms control "bargaining chip."

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PROTEST

Columbia Students Hold Three Week Anti-Apartheid Sit-In

Efforts to Force Divestment Fail, Students Claim Moral Victory

The sit-in by hundreds of students at the front doors of a Columbia University building, which has gained nationwide attention over the past several weeks, was undertaken to protest that school's \$32 million worth of investments in corporations doing business in South Africa. The sight of college students engaging in protests such as the one at Columbia has become increasingly rare during the decade since the end of the Vietnam War. However, the look and dress of the students, as well as the type of issues they have embraced, capture the feeling of that era.

Yet, the protest at Columbia University in many ways is not a throwback to the 1960s, but rather, exemplifies the relative sophistication of the 1980s. The content of many speeches discusses the economic feasibility of divestment. And instead of attempting to shut down the school, many of the students continue to attend classes when not protesting.

The sit-in itself, though, has all the traits of any other peaceful protest. Its focus is on gaining media attention for the cause, and the actions taken by the protesters have been largely symbolic.

The blockaded building, Hamilton Hall, was dubbed Mandela Hall by the protesters. Nelson Mandela is an imprisoned South African leader of the struggle for black rights. The protest began April 4, the seventeenth anniversary of the assassination of Martin Luther King Jr. and lasted for 3 weeks until the students voluntarily disbanded on April 25th.

Columbia University, through its president and board of trustees, has responded to the protest by instituting formal disciplinary charges against some of the students which may ultimately result in probation, suspension or expulsion from the university.

The University has also retained first amendment specialist Floyd Abrams to pursue legal action against the protesters. A temporary restraining order (TRO) granted by Justice Harold Baer of the New York State Supreme Court forced the students to disband but this order was defied. The University then authorized security personnel to videotape the demonstrators and 14 students were identified and charged with contempt. Meanwhile, Justice Max Bloom of the Appellate Division of State Supreme Court in Manhattan, has refused to overturn a previous court order prohibiting Columbia from "enforcing improperly . . . by the use of police action" the earlier TRO.

Acting Justice Burton S. Sherman of State Supreme Court in Manhattan subsequently ordered the students to remove the chains from the entranceway to Hamilton Hall and allow access to students and faculty members. He designated an adjoining area as a permissible place for a peaceful protest. The court order took effect on April 22. Although student demonstrators defied the court order, they decided to end the sit-in on April 25th and continue their opposition using other tactics.

Prior to the blockade six students fasted for 15 days until their demands to discuss divestment with University President Michael Sovern were met. The meeting was held after one student was hospitalized and a faculty petition of more than 170 signatures called on Sovern to meet with the strikers in an effort to end their fast. The petition stated, "We deplore the university's recourse to legal and disciplinary procedures against students protesting Columbia's South African investment policies." No agreement was reached at the meeting.

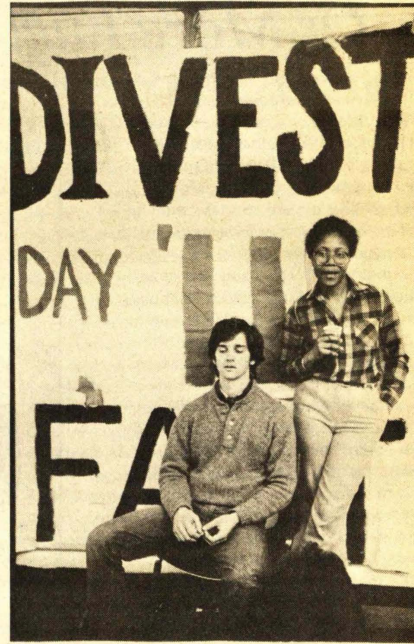


PHOTO BY SAMANTHA MCCORMICK/COURTESY OF COLUMBIA SPECTATOR

The blockade was coordinated after the 102 member university senate submitted a unanimous proposal for full divestment which was rejected by the Board of Trustees. Many of Columbia's trustees have powerful ties with companies doing business in South Africa, including Rolls-Royce, Upjohn, Arthur Young & Company, Sterling Drugs, CBS, Citibank, McGraw-Hill and IBM.



PHOTO BY GEN GALLISON/COURTESY OF COLUMBIA SPECTATOR

Students camped out from April 4th to 25th to protest Columbia's continued investment in South Africa.

Divestment

continued from page 1

job training and advancement, and improvement of the quality of workers lives.

Most devastating to the pro-investment campaign is the conclusion recently reached by Reverend Sullivan, drafter of the code, that the principles have actually bolstered the apartheid system by lending it a progressive image; he now calls for divestment.

Even at the height of its popularity, only 126 of the 350 U.S. corporations doing business in South Africa endorsed the principles. These 126 companies employ a mere 0.4 percent of the black

workforce in South Africa. Of these Sullivan signatories, half did not bother to report or received a failing rating.

The achievements of so-called "model" companies are overstated and misleading. Regarding the so-called nonsegregated workplace, responses of signatory companies show that blacks and whites rarely share the same jobs, hence rarely occupy the same work areas. These model companies say they support black trade unions. However, the "unions" are established by management. They say blacks receive equal benefits, but these benefits are administered

separately. The resulting "separate but equal" health care, for example, is markedly inferior. They claim there is equal pay for equal work, without mentioning there are almost no blacks in the same job grade as whites. They ask for credit for supporting job advancement for blacks, when there is not one white worker supervised by a black or Asian worker.

Other assertions by U.S. companies about their progressive role can be misleading. For example, U.S. corporations, by participating in the "Adopt-A-School" program, claim they are improving the quality of education, when they are really advancing the "Bantu" school system of racially segregated public education with its racially differentiated curricula. Further, this program, to some degree, relieves the government of its responsibility to educate and allows it to direct resources to security and defense, an area which already consumes 40 percent of the South African budget. That budget is fueled by U.S. corporate taxes.

Under the National Key Points Act of 1980, U.S. corporations must cooperate with the South African Defense Forces in the event of "civil" (i.e. black) unrest. Thus, a General Motors plant in South Africa would be required to produce tanks and other military vehicles to crush protest. The Act provides incentives for these "key" industries to buy weapons and security equipment and to form commando units among the

companies' white workers.

U.S. corporations supply the country with 33 percent of its motor vehicles, 44 percent of its petroleum and 70 percent of its computer technology. Mobil and Caltex supply the South African military with 40-70 percent of its needs. Ford and General Motors supply the South African military and security forces with motor vehicles which are used, among other ways, to forcibly transport blacks to the bantustans. Firestone and Goodyear supply the tires.

Seventy percent of South Africa's computers come from Burroughs, Control Data Corporations, Hewlett-Packard, Honeywell, IBM and Sperry. These companies produce the equipment that helps run the "Bantu" administration boards, the prison systems, implement pass laws and control the flow of black labor.

Finally, over 125 U.S. banks, including Bankers Trust, Chase Manhattan, Chemical Bank, Citibank, First Boston, Manufacturers Hanover and Morgan Guaranty, have made \$3.88 billion in loans to the South African government and private investors.

Pressure on U.S. corporations continues to mount as five states and 15 cities, including NY, have barred investment of public funds in corporations and banks doing business in South Africa. Twenty-six states will consider similar legislation this year, while unions, students and religious leaders continue to press for divestment. ■

Hired Lawyers, Guns and Money

By Deborah Baldwin

It's been called one of the most radical tax reform plans ever to hit Washington, a giant step forward in the effort to rebuild the mammoth tax code along fairer, simpler lines.

But if the Treasury Department's tax reform plan brings hope to millions of frustrated taxpayers, it means something else again for the tribe of expert tax lobbyists, tax attorneys and tax accountants who labor in the federal capital.

Full employment.

Sweeping Reforms

A sweeping set of initiatives that straddles three volumes, the plan proposes to strip away many tax breaks, close many loopholes and even out the tax burden by forcing more well-to-do corporations and individuals to pay a bigger share.

A close relative of the Bradley-Gephardt tax reform bill, which is already pending in Congress, the plan clearly creates new categories of winners and losers—attacking along the way such treasured tax breaks as the three-martini lunch. So it's hardly surprising that a multitude of special interests across the nation hopes to derail it before Congress enacts it into law.

Meanwhile, of course, somebody in Washington has to do the dirty work. You've heard of the military-industrial complex. Welcome to the curious world of the professional Tax Establishment, where some of Washington's best and brightest minds are consumed by the challenge of protecting their clients' pocketbooks come April 15.

Info Hot Commodity

No sooner had Treasury launched its bold plan last November when the Tax Establishment swung into action, secure in the knowledge that no matter who wins or loses come tax time, they will always be paid.

All told, according to the BNA's *Weekly Tax Report*, a Washington insiders newsletter that goes for \$476 a year, there were some 26 tax groups and tax coalitions—"along with a few hybrids"—clustered along the Potomac River when surveyed last fall. Current estimates come closer to 30.

Information is always a hot commodity in Washington, but it is particularly critical in the tax field, where specific provisions and proposals are often so complex some congressional aides privately concede they don't always understand the laws they help write. (A congressional guide to the 1984 tax law alone runs 1,257 pages.) As the demand for the latest in-

terpretations of Treasury's tax plan ripples across the city, an almost invisible army has risen up to help carry the burden of figuring out who would get hurt where.

The investment firm of Merrill Lynch, which has helped popularize such Treasury targets as "sheltered" real estate investments, has created a top level study committee to look into tax reform, no doubt with an eye on how it would "negatively impact" the investment strategies of its chief clients.

Meanwhile, H&R Block had its chief PR man, Al J. Golato, crisscross the country during January and February, lambasting the Treasury plan on radio and TV talk shows because it's "unfair" to average Americans, some nine million of whom turned to the poor man's tax services provider in 1983 for hand holding during tax preparation time.

Tax reformers may applaud Treasury for proposing to lower middle income tax rates, but

of the Tax Establishment contacted in connection with this story, Abbin dives into the issue of tax reform with a variation on the common refrain of God knows we need to reform the tax code—but. As he puts it, "at times the solutions are onerous and impractical" and bear closer scrutiny by the experts in the accounting industry. "We don't come out publicly" with political positions, he adds, describing the AICPA and its member-firms as basically apolitical.

His characterization of the industry may be a bit misleading. An aide to the Senate Finance Committee describes public accountants, both certified and uncertified, as "very effective" on Capitol Hill, partly because anyone who can speak in the unique language of tax-ese is automatically going to have an advantage during debate over tax policy. An aide to a member of the House Ways and Means Committee similarly remarks that "it is exceedingly helpful to have a study

individuals and corporations from tapping the professional tax mavens for advice on tax avoidance strategy.

Asked if a shorter tax code might mean less business, Lawrence Axelrod, a Washington tax analyst with the Big Eight firm of Touche Ross who has been burning the midnight oil lately to assist clients in their lobbying efforts, responds, "not even close." Referring to the inevitably intricate IRS guidelines that would carry taxpayers from the old system to the new, he chuckles, "we'll put our grandchildren through college on the transition rules."

The nature of taxes being what it is, suggest Axelrod and others who do similar work, any proposed change is automatically good for their business. And it goes far beyond lobbying. The 1981, 1982 and 1984 tax bills, for example, proved a gold mine for the Tax Establishment. The laws were extremely complicated, and the IRS is so back-logged, that many of the rules the laws call for have yet to be written, creating new uncertainties for the corporate world—along with fresh stimulus to hire professional interpreters.

With backgrounds on the Hill and at Treasury, many members of the permanent Tax Establishment have gravitated into this world because it offers them constant intellectual stimulation, if you can call it that, and, of course, the impressive incomes many tax experts earn in the private sector. But as loyal American taxpayers, aren't they sometimes bothered that the umpteen "billable hours" they accumulate are purely a product of a tax system gone amuck?

Some say yes, although—apparently out of deference to their clients—they don't want to be quoted.

New Tax Breaks

Members of the Tax Establishment have other reasons for being able to sleep well at night.

Treasury may be talking tough about some of the tax breaks that enrich attorneys and accountants, including provisions that enable wealthy individuals to write off such tax preparation costs as hiring accountants (not to mention buying the latest in bookkeeping software for their home computers). But some similar tax breaks apparently remain sacrosanct.

Nowhere in Treasury's sweeping plan, for example, will you find an attack on the provisions that allow corporations to deduct the costs of hiring fancy Washington number crunchers, attorneys and power brokers—defend their interests before Congress and the IRS.

Says a spokesperson for the IRS, "why, that's just a normal cost of doing business."

Justinian • Page Nine

"We'll put our grandchildren through college on the transition rules."

Lawrence Axelrod

Golato doesn't buy that argument. He's already burned up because last year Congress rejected a proposal giving taxpayers who aren't rich enough to itemize a modest tax credit to offset the cost of getting help with their tax returns from companies like his. But during a recent impassioned delineation of all that Treasury has done wrong, Golato failed to mention the one provision in the tax reform plan that probably galls him most: the proposal to put government computers to work preparing unitemized returns automatically, so even the most intimidated individuals don't have to hire someone like H&R Block to help them out.

Also working overtime are such trade associations as the American Bar Association (ABA), the American Institute of CPAs (AICPA) and AICPA's smaller cousin, the National Society of Public Accountants (NSPA). Roughly 900 tax attorneys gathered in Scottsdale, Ariz. this past February for a confab on the Treasury plan sponsored by the ABA, which is expected to endorse some type of tax reform legislation this year.

"It is taking an awful lot of attention," says Byrle Abbin, managing director of tax services at the Big Eight firm of Arthur Andersen & Co. and a member of AICPA's tax policy committee. Like virtually every other member

by a reputable accounting firm."

Because the Big Eight firms represent some of the largest and wealthiest corporations in the United States, they traditionally wield disproportionate influence on the Hill during those times when they do carry water for their chief clients, according to a 1976 Senate subcommittee report that was critical of the accounting industry's political activities.

Rejecting the notion that accountants take anything but the most high-minded, scholarly interest in tax reform, Arthur Andersen's Abbin says people "think we're complaining because it takes business away." And indeed, an innocent bystander might assume that one of the real reasons the Tax Establishment is up in arms is that tax reform could reduce job opportunities for its members in the long run.

But if the Tax Establishment is worried, it isn't letting it show.

"I don't know of any tax attorney who feels threatened," says a partner in the Washington offices of one prosperous Philadelphia law firm. In the first place, as he explains, some of the provisions of Treasury's "simplification" plan actually would make the business of filling out returns more complicated for companies and upper income individuals, not simpler. Anyway, the simplest life on earth wouldn't discourage wealthy

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Common Cause Magazine.

Feds OK Testing, But State and County Say It's Still Not Safe

By Robert Burke

Suffolk County along with New York State is appealing an order of the Nuclear Regulatory Commission which by a 4-1 vote granted permission for a low power testing license at the 809 megawatt, \$4.2 billion Shoreham Nuclear Power Station. The license would permit the Long Island Lighting Company to activate the plant's fuel rods and generate power and radiation at 5 percent of capacity.

The county and the State contend that low power testing should not begin until the NRC resolves the current impasse regarding the lack of emergency evacuation plans. According to NRC regulations, the utility must submit an evacuation plan for an area at least 10 miles around the plant. In order to do this, LILCO needs state and local cooperation, but Suffolk County executives and Governor Cuomo refuse to participate, basing their decision upon a Suffolk County study that showed it would be impossible to evacuate the area in the event of a major nuclear accident.

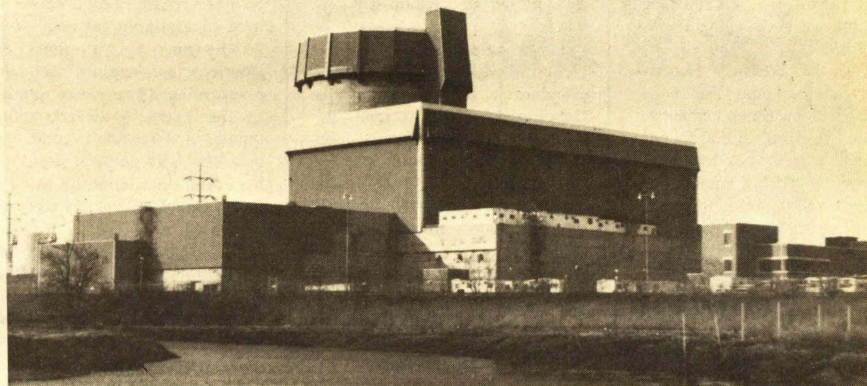
The NRC, however, does not consider the feasibility of evacuation when determining whether to issue the license for low power testing. Thus, due to what some are calling "tunnel vision," LILCO may commence low power operation—without the Federal government addressing a critical public safety issue.

In their appeal, the state and county argue that low power operation will radioactively contaminate the reactor. Thus, if the plant is never permitted to operate at full power due to the lack of an evacuation plan, it will cost rate-payers an estimated \$300 million to cover the cost of decontamination. For this reason, they are asking that the NRC consider the evacuation issue at this early stage in order to avoid the expense involved in having to decontaminate.

According to the *New York Times*, the Department of Energy is attempting to provide a "federal fix," i.e., a way for LILCO to circumvent the NRC regulation requiring state and local participation in emergency evacuation planning. So far the department has not been successful.

Construction on LILCO's Shoreham plant began 15 years ago. It was originally scheduled to begin generating in 1973. Cost of construction was estimated at \$67 million. The current estimate is \$4.2 billion. The final price is not known. The New York Public Service Commission estimates that \$1.5 billion in extra costs is attributable to errors in construction.

From its inception the Shoreham plant has been at the center of intense controversy. Proponents of Shoreham such as *Newsday* and the Committee to Open Shoreham, led by Adelphi University President Timothy Costello, see the plant as an integral part of their vision of industrial development of Long Island and have urged Suffolk County Executives and Governor



The Shoreham Nuclear Power Station may begin low power testing soon.

Cuomo to change their position and allow the plant to be licensed.

Opponents of the plant quote LILCO's own expert who testified at a state hearing that, in the vent of a major nuclear accident, damage to property would be in excess of \$17 billion and that Long Island's water supply would be permanently contaminated. According to Dick Webb, author of *Accident Hazards of Nuclear Power Plants*, a core melt down accident on Long Island would leave more than a million people dead with the land radioactive and hence uninhabitable for 250 thousand years.

"Even if an evacuation would be successful," states Irving Leit, a Long Island attorney and long-time Shoreham opponent, "you would have

a permanent refugee population that could never return to Long Island. How would you care for a homeless population of that size, especially given the current problems in dealing with homelessness?"

Corruption at Shoreham would not be new in the nuclear power industry, according to the plant's opponents. They state that neither the NRC nor its predecessor organization, the Atomic Energy Commission have ever denied a license "to anyone, anytime." They point to interlocking directorships and apparent conflicts of interest. While 90% of nuclear reactors are produced by Westinghouse or General Electric, it is not surprising to find NRC commissioners with ties to either company. The current Commissioner Roberts

was a president of Southern Boiler Works, a company that manufactures boilers for nuclear power plants.

Opponents of Shoreham, like Dan Gluck of the New York Community Action Network, see the closing of Shoreham as only part of a total strategy. Last year, Mr. Gluck's organization helped to defeat LILCO's request for a 56% rate hike. Gluck says that public power is the solution. It is, he says, the only way to get relief for rate payers and make the utility accountable. Nora Braden of the Shoreham Opponents Coalition agrees, "We don't expect the water authorities to profit by supplying us with water. Why should the utility profit by supplying a necessity like electricity?"

'Comparable Worth' Theory May Promote Title VII Compliance

State and local governments are keeping a watchful eye on a lawsuit in Washington State which threatens to have long-term ramifications; on the method of setting up equitable wage scales, the suit marks the emergence of a theory called "comparable worth."

The theory of comparable worth seeks to identify that part of the disparity between men's and women's wages which is fairly traceable to historic sex discrimination in the way that salaries are established. Advocates of comparable worth maintain that working people should be compensated on the basis of skill, training, and worth to employers, rather than on the basis of gender. They seek to eliminate unequal pay rates which have resulted from gender bias, prejudice and stereotyping.

In answer to critics who charge that comparable pay is disruptive of the pure forces of supply and demand, supporters of comparable work note that the forces of supply and demand are not pure, but may instead reflect long standing societal prejudices that undervalue work which is performed by women.

Critics of comparable worth include the United States Civil Rights Commission, which formally rejected the theory by a 5-2 vote, one member abstaining. The dissenters were the

only members not appointed by President Reagan.

Market forces aside, Judge Jack Tanner of the U.S. District Court in Seattle held that the relevant inquiry is whether a pay scale and job classification system betrays gender based discrimination, intentional or otherwise. Judge Tanner concluded that the State of Washington violated

Title VII of the 1964 Civil Rights Act by segregating differently paid jobs by gender. In short, salaries of Washington's female public employees were invariably lower than those of male public employees having comparable responsibilities, skills and training. On April 15, both the state and the U.S. Department of Justice will argue for a reversal of the District Court decision.

Ted Rothstein, D.D.S., Ph.D.



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Dr. Rothstein is Associated with Long Island College Hospital and Woodhull Hospital.

ISSUES

THE DRAFT

National Youth Service Favored By Public, Considered By Lawmakers

WASHINGTON, D.C. (CPS)—Students and other youths could be a step closer to being required to devote two years of their lives to military or civilian national service.

The sporadic debate over a national youth service flared anew with Sen. Gary Hart's recent proposal to establish a system requiring all youths to perform some kind of service for the nation.

Hart's proposal would give \$3 million to a commission to design a workable youth service system.

Although advocates disagree about the best kind of program, and although Congress rejected a similar plan last year, most national youth service proponents welcomed Hart's initiative.

"There is a great deal of debate that needs to occur before any consensus is reached, and Sen. Hart has stirred up some discussion," says Michael Sherriden of Washington University, co-author of a book outlining one version of a national youth service.

"If Hart continues to be viewed as the likely Democrat (1988 presidential) nominee, this idea will go with him," Sherriden predicts.

But Hart's initiative won't be enough to get the idea through Congress, says Meryl Maneker, co-author of a 1984 report on national youth service prepared for the Youth Policy Institute.

"All the (1984) Democratic presidential candidates at one time or another proposed some kind of youth service," Maneker notes. "It's very Kennedyesque."

Maneker says youth service is less politically appealing now than last year because of the focus on reducing the federal budget deficit.

And as long as the Reagan administration ignores it, Hart's proposal will go nowhere, she predicts.

"Hart is not that great a political god that what he proposes will get acclaim just because he proposes it," she says.

That pleases Young Americans for Freedom Vice Chairman Jay Young, who says national youth service, whether voluntary or mandatory, is unnecessary.

"The volunteer spirit in this country is strong," Young says. "There is no need for the government to get involved in volunteer programs."

Young blasts Hart's call for a \$3 million study as "a foolish waste of taxpayers' money."

Polls, however, do suggest a majority of Americans favors some kind of national youth service.

A 1981 Gallup Poll found 71 percent of the public favors a compulsory program for men, while 54 percent endorsed a compulsory program for women.

An earlier Gallup Poll discovered a large majority of high school and college students also favor a voluntary youth service program.

In unveiling his proposed legislation Feb. 27th, Hart said he prefers a mandatory youth service program.

Hart's bill calls for the program to involve 12 to 24

months of service, with penalties for noncompliance if a mandatory plan is used.

"A genuine sense of community and citizenship should include specific challenges and obligations, beginning with service to the nation," Hart said in a February 4th speech.

"A new system of national service—including both military and non-military opportunities—will ask young Americans to return some of the advantages and investments they have received from our society."

Hart himself escaped military service by winning education deferments while studying at Bethany Nazarene College, Yale Divinity School and Yale Law School.

By the time he finished all three in 1964, at age 27, he was beyond draft age.

Sherriden says he opposes a mandatory youth service program, believing it would be divisive and too difficult to enforce.

He advocates a voluntary program offering education tuition credits and paying participants minimum wage salaries.

About one million people between 18 and 24 would participate each year, he estimates, at a cost of \$8 billion to \$10 billion.

"The value of the services rendered will more than compensate for the cost of the program," Sherriden says.

Maneker believes any new youth service programs will be confined to local and state governments.

New York City has a youth service program, as do New Jersey and California.

Rep. Robert Torricelli (D-NJ) submitted a House bill similar to Hart's Senate bill.

In past years, the full House has defeated youth service bills after they've cleared the Senate and a House committee.

By Jamie Delio

An Invasion of Privacy?

Scrutinizing Mom's & Dad's Taxes

Brooklyn Law School recently implemented a policy requiring all students to file their parents' 1983 and 1984 tax returns with their GAPFAS applications. This policy applies to both dependent and independent students. Failure to comply with this procedure can result in the denial of a student's financial aid.

According to Thomas Curtin, the new BLS Financial Aid Administrator, this information will be used by the scholarship committee to make an independent determination of whether a student is entitled to a grant or other aid from BLS. This determination, while made by GAPFAS for dependent students, is made by the scholarship committee for independent students. "BLS has a policy of considering what a parent should contribute to a student's education, regardless of what students state they receive," said Mr. Curtin. "It is not only a school policy, but also that of the Federal government, which believes a parent is responsible for a student's education, regardless of the student's age or status."

Mr. Curtin also stated that Federal legislation is pending that would require parents to disclose the contents of their tax returns on GAPFAS forms, in order to discourage parents who might mislead the school and

government as to their financial position. How this would work for independent students is a matter of speculation. If congress was to pass the law it would have to address the issue of whether independent students have a legal right to ask for the information and if parents are under an obligation to release such information to children for whom they are not legally responsible.

At this time, parents of independents who do not wish to disclose these tax returns, can send a letter to BLS stating such. However, Mr. Curtin stated that the failure to comply will be considered by the scholarship committee.

How the proposed legislation will affect a student's standing when applying for aid in the future is still not known. At the present time, students should alert the committee to any special circumstances that they believe are important.

At present, there are more than three hundred and fifty students in the part-time division who are mostly independent, many with families of their own. How these students, and the many independent full-time students, will comply with this new procedure is still unknown.

"It seems quite unfair," stated Valerie Corder, a second year student. "I have been an independent person

for the past ten years, and was quite embarrassed to ask my father for his tax return. The hardship it caused leaves me doubtful of whether I would do it again."

David M. Murphy, another second year student, also feels strongly about the new policy. "To require an independent student to obtain and divulge confidential information not in their possession is not only absurd but shows the school administration's lack of comprehension of reality. It seems they fail to recognize that a student who has been independent for several years has no right to ask for the parents' information. As an independent self-supporting student, I am not only faced with financing my education, but the numerous road blocks erected by

the administration."

What the future holds for independent students at BLS may depend on what congress does concerning educational finance and disclosure. For the present, concerned students will continue to face the dilemma of being independent for all practical legal purposes, *except* when requesting aid from the law school scholarship committee.

The problem the new policy has created is best summarized by Leslie Lewis, a second year part-time student. She is 35 years old and has been supporting two children on her own for the last seven years. When asked how she felt about being asked by the school for her 72 year old mother's tax return, she just said, "Ridiculous."



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EDITORIALS

STUDENT BAR ASSOCIATION ELECTION

We Get the SBA We Deserve

It's SBA election time—time to review the information we have assembled about the candidates and give some thought to the way things shaped up this year.

The Student Bar Association got off to a promising start, headed by five energetic and dedicated individuals and a good group of delegates. Everyone thought this would be the year SBA would get its act together. There were significant improvements and achievements: student-faculty committees were re-assembled and coordinated, computer facilities were made accessible to a large number of students, a successful book co-op was established, finances were handled smoothly and professionally and an open line of communication was established with the dean and faculty.

Somewhere along the way, however, the SBA engine ran out of steam—never fulfilling its early promise. The five officers, President, Day and Evening Vice Presidents, Treasurer and Secretary, seemed to completely cease working together, and one, in fact, resigned. Too little effort was made to establish two-way communications with students; to listen to and focus their concerns, to take proposals to the faculty and report back the results.

Aside from the *Justinian*, the SBA House of Delegates meetings are the only forum for student issues, yet these meetings became ill-prepared and trivial in substance. When a rare resolution of importance was debated and passed there was no follow-up. Only a handful of elected delegates regularly appeared at these meetings, and often not enough for a

quorum. Those mysterious delegates who never showed up cannot be blamed if they felt the meetings were a waste of time. They were. Perhaps if they had come fully prepared to discuss any number of important law school issues and placed these issues on the agenda the SBA might have accomplished more this year.

The SBA, its officers and delegates do not alone shoulder the blame for the way things turned out. They learned early on that their attempts to have an impact on faculty decisions regarding exam scheduling, grading policies or use of school resources, for example, would be severely limited and frustrated. They also learned that the great majority of students do not care enough about these issues to get involved and that whatever they did accomplish would go virtually unnoticed. Frustrated by an apathetic student body and an administration that doesn't encourage real student input, they resigned themselves to doing what they are known to do best: distributing money to student groups and, yes, throwing parties.

We're convinced next year can be different.

Since it is election time, the first priority for the student body is to elect thoughtful individuals who have the ability to lead and who can demonstrate an ability to press for a more significant student role in deciding how to provide a quality legal education. If students fail to take an interest now and refuse to apply pressure during the next school year, the SBA they get will be the one they deserve.

Don't Honor the Nazi SS

The announcement by the White House that President Reagan will visit West Germany's Bitberg Military Cemetery, a place where SS troops are buried, is more than a major political blunder. It is a desecration to the memory of both the Allied troops who died in World War Two and the millions of people who died in the Nazi death camps. The fact that the President later decided to also visit the Bergen-Belsen concentration camp does not remedy the damage done.

The victims of Hitler's SS are not merely the six million Jews and millions of others who perished at the hands of these war criminals. Rather, the victims are all

around us. Every survivor who still has nightmares; the young children who will never know their grandparents; the Allied soldiers who died so that the genocide would end; the American citizens whose fathers, brothers and husbands died at the hands of those who you will honor; and the generations of Germans who through their shame ask the questions: "How?" and "Why?"

We say to you, President Reagan: These are the people who you will hurt by your visit. We can do no more than echo the words of Elie Weisel. Your place, Mr. Reagan, is with the victims of the Holocaust, not with its perpetrators.



"I had no choice. He threatened me with this dangerous weapon."

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OP EDs

JUSTICE

JEFFREY HART

Bernhard Goetz: The Meaning

By Jeffrey Hart

When District Attorney Robert Morgenthau originally sent the Bernhard Goetz case to a grand jury, the only indictment returned was for the illegal possession of an unlicensed gun. The transcript account of the subway shooting Goetz had given to Concord, New Hampshire, police was available to the grand jury. So was a videotape of Goetz making the statement.

The original jury refused to indict Goetz for attempted murder, no doubt judging that he had acted in self-defense. Common sense tells us that when four young men come up to you on a subway car and "ask" for five dollars, this is inherently a menacing situation. It was not necessary for Goetz to know that they had sharpened screwdrivers and police records. Four against one is menace enough.

The grand jury verdict was a profound affront to the New York liberal establishment. When asked why the four punks had not been indicted for attempted robbery, District Attorney Morgenthau affronted our intelligence by replying that it's not a crime to ask for five dollars. Governor Mario Cuomo said, among other things, that you don't shoot someone because you don't like the way he looks at you. Goetz was called a "vigilante" and a "racist." But officialdom was taken aback by the virtually unanimous public support for Goetz. One in every four New Yorkers has been or will be the victim of a "mugging," really an "armed robbery." The New York subway system is a Casbah on wheels.

The grand jury refusal to indict Goetz for the shooting, and the support it received, represented a serious counter-revolution against the liberal establishment.

In the first place, and obviously, the public was shouting back at the liberal establishment, which runs New York City and is responsible for law en-

FOREIGN AFFAIRS

By Marianne Means

Reaganaut 'Wallops' Reagan

WASHINGTON—President Reagan's undisguised eagerness to meet new Soviet leader Mikhail Gorbachev and his reluctance to use every diplomatic and economic tool available to isolate the

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ement, that it has utterly failed to keep the streets and the subways safe for ordinary citizens. Day-to-day physical safety for citizens is a basic responsibility of government. But the New York politicians have utterly flunked this basic requirement, and the citizens were telling them so in no uncertain terms.

The fact is that the New York police do not have the resources to pursue "petty" crime. If you report a rape or a mugging to the police, they will record the report but they will do nothing about it. It is only the major, even spectacular crime that receives serious attention. But "petty" crime can kill you. When a friend of mine surrendered his wallet on a subway platform to a bunch of thugs, he reported the matter within minutes to two policemen nearby. They did not move a muscle. They merely told him that he was lucky to be alive.

When another friend of mine had his midtown apartment burglarized, the police offered congratulations over the phone. Were they not going to get a description of the stolen property? he asked. "No," he was told. The police do not have the resources to pursue the matter through the pawnshops, etc.

The truth is that much of New York life is actually outside the law, utterly devoid of law-enforcement protection. And the people know it.

But the first grand jury, and the public that supported it and Goetz, were sending the liberal establishment another message. Those five shots from Goetz's gun were also directed at the pro-crime ideology that has prevailed over the last 20 years. Crime is blamed on the slums, on racism, on the breakdown of the family—on everything but the individual criminal—and billions have been spent on "programs" to correct the so-called "causes" of crime. The laws and the court system have been twisted in a way that it is almost impossible to put a criminal in jail and keep him there. The grand jury and the public support it received were saying the hell with all that. They may even have been saying, with Abraham Lincoln's Mr. Kurtz, "Exterminate the brutes."

All of which was, of course, a tremendous affront to the liberal establishment. No establishment caves without a fight, and District Attorney Morgenthau accordingly set about to nail Goetz.

Mr. Morgenthau is a respected and able man, but



"GO AHEAD—MAKE MY DAY!"

also a thoroughly political one. He has a network of powerful allies in the public sector and vast informal appointment powers where city positions are concerned. Even though he is an elected official, this establishment network is much more important to him than any pro-Goetz surge of public opinion.

Morgenthau and his office set in motion a public relations campaign to undermine Goetz. Morgenthau himself called media attention to the "fifth bullet," fired at Darrel Cabey, when Goetz said, "You don't look so bad; here's another."

That had all been in the transcript used by the original grand jury, but no matter. So had the fact that two of the punks had been shot in the back, of which Morgenthau's office made much.

And so the Goetz case was brought before a second grand jury. Acting Supreme Court Justice Stephen Crane deciding that Morgenthau had enough "new

evidence" to empanel a second grand jury—which indicted Goetz for attempted murder.

Judge Crane, remarkably, announced that he would also be the trial judge, and assigned the case to his own jurisdiction. Thus, if Goetz's lawyers move for the dismissal of the latter indictments, Judge Crane will be ruling on his own decision to empanel the second grand jury.

Bernhard Goetz has enemies in high places, but so do the people of New York, and they know it.

Two of those who attempted to rob Goetz in the subway have been granted immunity, and will testify for the prosecution. In a case that will pit the liberal establishment against the ordinary law-abiding citizen, the liberal establishment now has its usual natural ally: the criminal classes. Goetz—and we—are lucky that a jury of citizens will decide this case. ■
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Caraguan government are making his right-wing supporters wonder if he's going soft on communism. Those of us who think the president is merely playing some common sense, this is extremist ideology gone berserk.

The new mood is also ironic, since Reagan has in more militaristic and bellicose in foreign policy than in his relations with the Soviet Union than any president since World War II. But some ultraconservatives are even expressing their doubts publicly. And this concern is bound to be heightened by Reagan's new proposal calling for a cease-fire between the Sandinistas and the CIA-backed contras, church-mediated peace talks and a shift from military to humanitarian aid to the rebels. Never mind that he had to give up the idea of continuing to fund the contras for a practical rather than philosophical reason. Congress had signalled unmistakably that a request for more covert military money would be defeated. "Dead in the water," House Minority Leader Bob Michel of Illinois had led it.

Conservative concerns about their hero's highness in his second term were reflected in a speech given recently by Republican Sen. Malcolm Wallop of Wyoming, a bonafide Reaganaut, before a group of conservative activists called the Monday Club. Wallop delicately addressed his complaints to the administration and Secretary of State George Shultz, but even a second-grader knows that it's the president who sets and is responsible for the policies in question.

Wallop objects to the fact that the president's words have been more forceful than his actions. "Our words earn us the reputation of a bully and our actions earn us the reputation of a loser," Wallop said. He feels the administration is not giving enough military and economic support to guerrillas fighting Marxist or communist-dominated governments in Afghanistan, Angola, Mozambique, Ethiopia, Southeast Asia and Nicaragua.

"Although the president calls the Nicaraguan rebels freedom fighters and wants the Sandinistas to cry uncle, our government continues to have diplomatic relations with Nicaragua, maintains an embassy in Managua, and remains that country's largest trading partner, accounting for 18 percent of its exports and 49 percent of its imports in 1983. Furthermore, we still help the economy of Afghanistan by permitting most favored nation treatment and Angola by allowing U.S. oil companies to operate there. The contrast between words and deeds could not be more stark," Wallop said.

He also protested State Department "bombast" following the Soviet Union's murder of 269 innocent civilians on an airliner (the Korean plane shot down over Soviet air space in 1983) "coupled with an undiminished eagerness for detente." He conceded that he did not know whether Congress would approve serious requests for substantial aid to anti-communist guerrillas in an array of countries under Soviet influence. But he suggested that the only way to test public and congressional reaction is to have the administration propose actions reasonably

calculated to match the President's "splendid words."

"If the White House were to become sincere about anti-communist liberation movements," Wallop said, a high-level official should be appointed to recommend the maximum that could be done to help them. "Will this lead us into wars like Vietnam?" Wallop asked rhetorically. "Quite the contrary," he answered himself. "Neither Nicaraguans, Angolans, Mozambicans or Afghans want or need our troops. They are willing and able to fight and win for themselves."

The Wallop view of the world is based on simplistic assumptions—one, in fact, once held in some degree by Reagan himself—that this country can intervene with impunity against other countries whose governments we don't like, without generating adverse reaction. The Soviets and other adversaries wouldn't step up their own terrorist activities. The rest of the world wouldn't be appalled by our new brand of imperialism. The public would approve of giving away millions to far-away obscure groups over which we would have little or no control at a time when the government, threatened by a huge deficit, is cutting back services here at home. It would be easy to back away once entangled in another country's war if our side lost or we became too involved.

Nonsense. We do not live in an international vacuum. The expansion of military adventurism that Wallop's position would entail would surely provoke consequences that we would regret.

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Justinian • Page Thirteen

LETTERS

Schreiber Resigns Position of Vice President Student Bar Ass'n.

To the Brooklyn Law School
Community:

It is with regret that I must announce that I have resigned my position as Day Vice President of the Student Bar Association of Brooklyn Law School effective as of April 3, 1985.

Over the past year I have become increasingly disillusioned with the nature of student government here at BLS. This extends to the role of the SBA in student affairs, the disrespect we receive from a large segment of the faculty, the administration and the student body, the apathy of the student body, the unreliability of the elected SBA Delegates and a member of the Executive Board, and the lack of recognition and appreciation.

Despite the best intentions of the Executive Board, the SBA's downward inertia of previous years has been slowed at best. Although we put in substantial effort, the students we are working for, and hoped to work with, rarely did more than complain that we were not doing enough. Few offered to help, or even to provide constructive input. This fault lies not only with the

student body, but with the Delegates who never showed for office hours, and rarely showed for meetings, and even with a member of the Executive Board.

In short, the SBA is a farce. In addition to our schoolwork and part time jobs, Executive Board members are expected to take on more than we can do effectively on our own. We often have to beg for even grudging assistance. We work too much, for too little, for too many who do not really give a damn.

I am not trying to lay all of the blame on others. I share the blame equally with my companions within and without the SBA. I regret that we were not able to accomplish more, or even what we had set out to do. Projects which we have begun, which I have had a hand in, are being passed, unfortunately, to a new Board which will encounter the difficulties of the old one. I hope they are more successful than we were.

I would like to stress that my decision was my own. Members of the Executive Board, the House of Delegates and even the student body have tried to change my decision. I resigned because I felt that the time had come to make a statement in the strongest possible terms. I regret that this decision was not reached sooner.

Sincerely,

Michael S. Schreiber

S.B.A. President Graham Prepares to Hand Over Reins

To the Editors:

The year is coming to a close and the S.B.A. is finishing its business. As S.B.A. President, I would like to let students know of some of the things we have been engaged in through the year. I would also like to comment on the student government in general because it might help students understand their S.B.A.

The Executive Board began the year with energy and ideas and worked at putting them together. We initiated the student printing service, in an effort to help those students who use computers for their school work, and we ran a lecture series featuring distinguished alumni. When other groups needed help on a project we tried to accommodate them. Parties were held on a regular basis and we helped to plan the graduation party.

The S.B.A. sought to actively represent student concerns with the faculty and administration. We pushed for a fair grading policy and tried to play a role in the hiring process. We expressed our concern to the Dean about the Placement Office and he allowed us to participate in the hiring of the Placement Director and the Assistant to the Dean for Placement. When we found that the cafeteria concession was up for new negotiation Robin Siskin let us interview the potential contractors.

A student presence was felt in many of the dealings within the school because the S.B.A. spent time coordinating committees and pressing for some changes. I have found the Administration, and the Dean in particular, receptive of our ideas and it has been enjoyable to see some of the

developments taking place here. It appears that Brooklyn Law School is moving in the right direction and that is encouraging.

My experience has been very rewarding in running the organization. I have developed skills in dealing with people and organizing events. When things went well I felt a sense of satisfaction, and the effort became worthwhile. The job does not pay anything and the grades suffer but I feel like I have improved myself. Being in charge of an organization is a unique opportunity and I am glad I availed myself of it.

However, there are serious problems with our student government. Most of the problems stem from a lack of participation by the student delegates. The S.B.A. continues to operate as a representative organization but the concept is flawed. Many delegates find the commitment of attending one meeting a month to be too burdensome. If the S.B.A. wants to be productive it must get more student input or abandon the charade of being a representative government. This issue should be addressed next year, otherwise the S.B.A. will suffer.

Next year's S.B.A. can be effective if they want to. This year's group made some significant improvements and progress could continue. I would like to see the S.B.A. remain active and I would like to see students vote for the ticket headed by Orren Weisberg and Phil Reizenstein. They have been very active this year and would be an effective team.

Sincerely,

BERNARD J. GRAHAM

Oscar Madison Would Be Proud To Eat Here

To the Editors:

My analysis is grounded in a basic presumption. The presumption is that the students who attend Brooklyn Law School are selfish pigs. Rebutting this presumption is not very difficult and takes a minimum amount of effort. Such a rebuttal merely requires students to have some consideration for others. Perhaps I can demonstrate this through an example.

Albert Victor DeMeo was my evidence professor during the fall semester. Professor DeMeo always advised his class to read the Dean's text. I took this suggestion to heart and read Dean Prince's text. There is nothing peculiar about a law student reading a textbook authored by such a renowned individual. What is unusual, however, is when that student is studying the Dean's text in the cafeteria and a cockroach decides to join him. I never invited that cockroach; somebody else did. The persons who invited Mr. Cockroach are those selfish pigs who did not (and generally do not) properly dispose of their trash. These people leave their refuse on the tables and say to themselves, "Oh, Rita will clean this mess." But Rita is not always around, and even when she is available the responsibility of getting rid of the garbage should not be placed in her hands. The responsibility lies in the creator of the problem.

The cafeteria serves many functions. This room is made available to all those who wish to eat, smoke, study, and "schmooze." No one is denying the students of Brooklyn Law School the privilege of doing these things. But it is not necessary to take advantage of these privileges to the detriment of others.

A critic of my analysis would argue that leaving garbage around is analogous to the annoying effects caused by people who smoke and people who talk loud. This critique is faulty because these are different animals. It is a given that people will eat, smoke, and talk in the cafeteria. The stench of a Cozzoli hero, the smoke from a cigarette, and the disturbing effects of loud voices are unavoidable and incidental. *Leaving waste on the tables is avoidable and unnecessary.*

Come on people. Get on the ball. Cockroaches are unwelcome guests. Let's have some consideration for each other and rebut the presumption of selfishness.

Next issue's letter: "To reshelve or not to reshelve?" It is unfortunate that I must ask this question.

Sincerely,

RICHARD LEE GARELICK

Prisoners Seek Pen Pals

To Whom It May Be Interested!

We are a group of inmates desiring to correspond with Law students and/or Professors in order to enlighten us on the procedures of Law, and to possibly assist us in writing Motions, Briefs, Writs of Habeas Corpus, and Appeals.

Hopefully this missive will have an

impact on those of you who are truly interested in Law and the application thereof.

Please contact the following:

Gregory E. Dixon 047092
Cross City Correctional Institution
P.O. Box 1500, 723
Cross City, FL 32628

A Solution To Grading Issue

I have never seen students get more excited about any issue at Brooklyn Law School than the grading policy. There are numerous horror stories floating about to frighten unwary first year students. One is about evils professors who brew up low grades in their dungeons on the eighth floor. Students start to pick classes on the basis of a professor's "white knight" reputation. All because they know the school is about to make an amazing analysis of human worth to hundredths of a decimal place.

As a result of students' discomfort in trying to gain a higher position on the ladder of rankings, they lash out at what they see as the nemesis of their plight. Students demand that professors get in line on their grading and become more precise clones of each others' standards. The battle rages on in the stairways and cafeteria at BLS. Yet, there is a solution that would make it possible for students not to care if a professor grades high or low. It is a solution that would not require professors to change their grading practices. The solution is statistics.

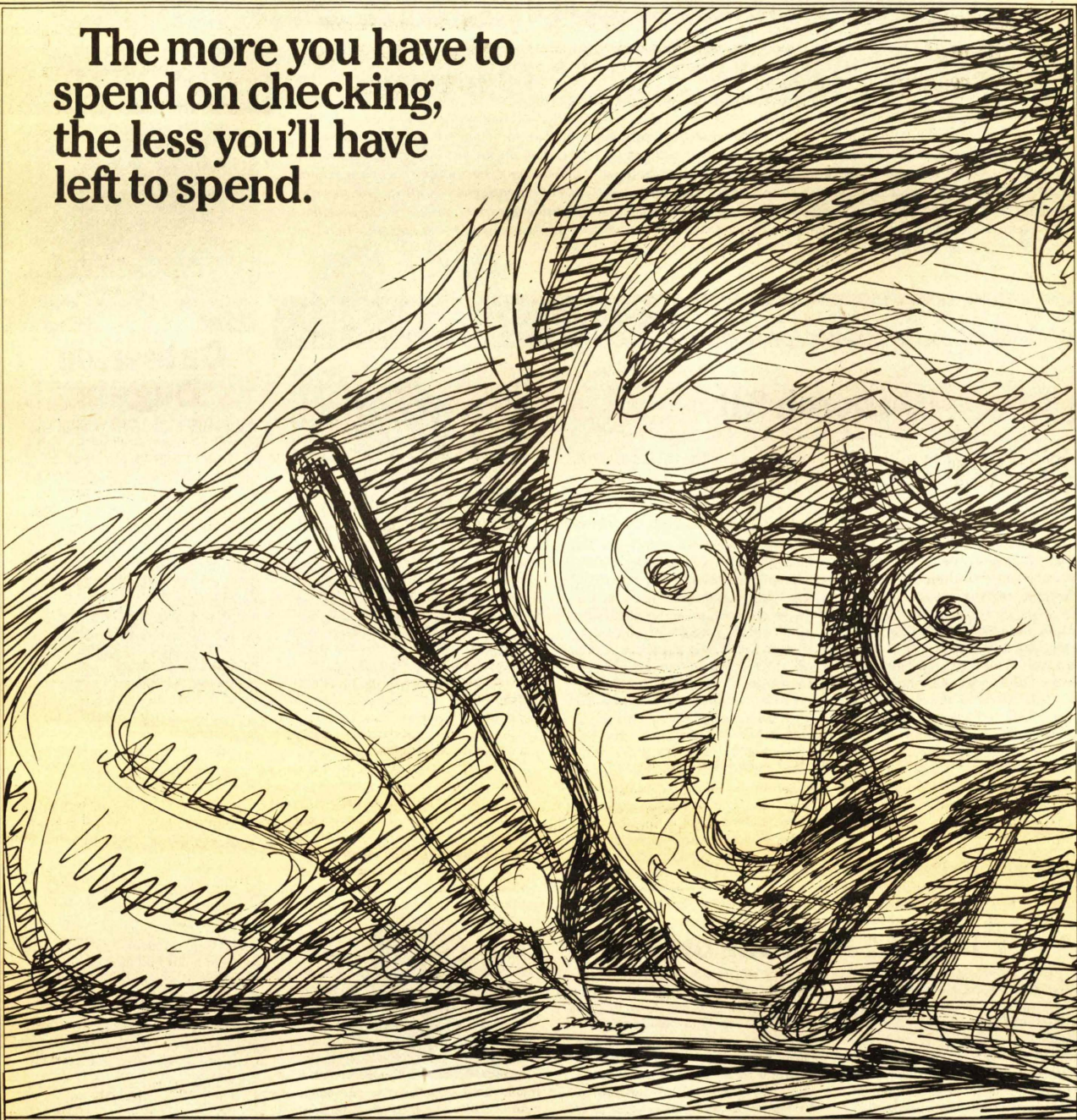
Now, I'm no genius in statistics, but I do have a basic understanding of how it works. Currently, grades measure a relatively without saying what they are related to. As we all can attest, one professor's 85 could be far more exemplary of student worth than another professor's 90 since the average of the classes could be very different. Statistics would measure a student's position in relation to his or her classmates who took the same test. This scoring technique is used on the LSAT. That way a student who had a 75 in one class and a student with an 85 in another class may be assigned the same standard deviation score if they both placed in the same relative position of the rest of the students who took the same test. The ranked status upon graduation would be a measure of the student's average of these standard deviation scores and not the raw score ranking we do now.

Students don't even have to see the statistical analysis scores. Professors can go on putting up the same grades they do now. The only difference would be the placing of a statistical analysis program in the computer that does our grading. In those ranking envelopes, all a student would receive is a position on a Bell curve, which is a more realistic assessment than the one we currently use.

Sincerely,

JAMIE DELIO

**The more you have to
spend on checking,
the less you'll have
left to spend.**



When you're starting out in New York, you can't live without a checking account. But it hasn't been easy to find a checking account you can live with, either. Banks can tie up most of your money with hefty minimum balances, then whittle away at the rest with considerable monthly charges.

But Manufacturers Hanover Trust's new Basic CheckingSM is changing all that. It's everything you ever wanted in a checking account, for less.

There's no minimum opening deposit. No minimum balance. And no charge on the first eight checks you write each month.* You get unlimited free use of all Manufacturers Hanover automatic teller machines, with access to the NYCESM and CIRRUSSM systems. That means you can use over 800 cash machines at banks all over the New York area, and thousands more across the country.

To open your Manufacturers Hanover Basic Checking account, call 1-800-645-6400.

We'll even help you close your old account and make a smooth transition.

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**We realize
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SBA ELECTIONS ARE HERE:

On May 1st and 2nd the student body will elect the five Student Bar Association executive positions and a representative to the American Bar Association. To help students make an educated decision. The Justinian invited all of the candidates to submit a personal statement, according to our guidelines, highlighting their positions on a number of law school issues. We asked candidates for president and vice-president to tell us, in no more than two typed pages, whether they saw a need for changes, or to suggest improvements in the curriculum, the academic and exam calendar, in-school student services, communications and accountability on the part of SBA, and the student role in law school governance. They were also asked whether they agreed with certain methods of recruiting law students and faculty. We asked all other candidates to submit a statement up to one page in length using our questions as only a guideline. Three candidates did not submit statements, however, we have included their photos and urge students to find out more about them on their own.

DAY VICE PRESIDENT

Deborah Sit

My name is Debbie Sit and I would like your support for SBA Day Vice-President.

As a student of BLS I envision SBA as an association which will encourage a greater unity amongst us all. Law school is intensive and alienating and the SBA must work to alleviate these frustrating conditions. I wish to pursue the office of the Day Vice-President because I would like to substantiate this vision and make it a reality for all students. As a first year student, I perceive the need for more communication between the SBA and the student body. The avenues I will take to facilitate this relationship are to maintain suggestion boxes and among other things, to create informal meetings between the SBA delegates and students. There should be students in the SBA office during set hours so that other students will know that they can come and talk to a willing listener.

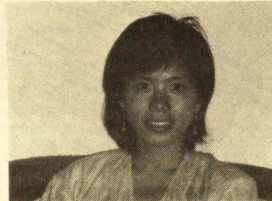
There should be more student ac-

tivities which will develop an awareness of the law and its pervasive facets, not only in torts and contracts but also in the environment and the effect of corporate law on the economy.

I will work toward a more extensive library facility since the current one is lacking in many ways. More computers (e.g. word processors and Westlaw machines) need to be installed along with good photocopy equipment. Students will have a chance to learn to use these computers to expand their knowledge.

To further improve the reputation of our school, recruitment programs are imperative! A law school day care center should be established to ease the undue hardship faced by both students and professors. A day care center would encourage student-parents possessing academic abilities to enroll at BLS.

Our school should be open to more minority students who have been denied a chance to compete. We must allow



them to grow within an academic system which is geared toward encouraging their development. Many minority students are filled with a body of knowledge which would contribute not only to BLS but to the whole legal community.

Along with these improvements, I will continue with the long-standing traditions of the SBA: PARTIES! PARTIES! PARTIES! And then some more parties. Parties serve two main functions: 1) they stimulate sociological development; and 2) they provide a lot of fun.

I hope that the goals I have enumerated are shared by you. If they are, please show your support for me, Debbie Sit, on election day, May 1st and 2nd.

Philip L. Reizenstein

I seek the office of Vice President of the SBA fully prepared to shoulder the responsibilities and devote the time demanded. As an SBA delegate this year, my primary concern was in making the SBA accountable to the students. I fought for the right of students to attend budget meetings that were previously conducted in secret, I steadfastly opposed the attempts to raise the student activity fee without having the student body vote on it, and I successfully opposed an amendment to the SBA Constitution which would have denied students the right to attend executive board meetings. In short, I did, and I will continue to make the SBA an open and accessible forum to the BLS community. Unfortunately, many of the SBA's best intentions were thwarted by indifference and absenteeism on the part of some delegates. Therefore, I urge all students to support an amendment to the SBA Constitution which will allow for removal of any SBA member who misses more than two meetings without a valid excuse.

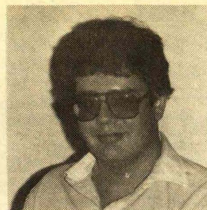
There are three main issues which I believe the SBA should be concerned with next year: faculty, curriculum, and jobs. Concerning the faculty, this year I was responsible for achieving a unanimous resolution urging the administration to require prospective faculty members to conduct a mock lecture. As law students, we are paying a

premium price for a valuable product, and we have a right to a say in what we are purchasing. The administration's belief that an inadequate professor should be given a few years time in the hope that he or she will become better, shows a total disregard for the individual students who get less than what they paid for. BLS is not a training ground for future professors.

Getting a job is the major concern of law students. I am proposing a joint SBA-Placement Office jobs symposium to be held in the fall of next year, for I believe that this is a vital area in which the SBA belongs.

Concerning the curriculum, while the administration seems committed to the current first year curriculum, I do believe that the SBA could be effective in getting the legal process final returned to its earlier date, so as to provide first year students with an opportunity to become familiar with law school finals. I also believe that the exam schedule must be changed. I have yet to understand the logic of providing a month long study period for the first semester, and only a week long study period for the second semester.

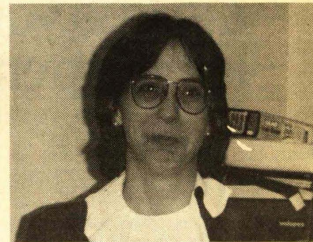
The Justinian has requested my opinion on the following subjects, because of space limitations my answers will be brief, but I will elaborate on them during the campaign. *Merit Scholarship*: The problem here is that



the administration has not adequately informed the students of its policy. Properly administered, this program can improve BLS. *Day Care*: The limited amount of students who would utilize it does not justify the expense. *Affirmative Action Quotas*: They are not the answer to the problem. One should never be preferred or discriminated against on the basis of race, sex, or religion. *Financial Resources*: I would encourage an expansion of student related services at BLS like the computer printing service. I am also proposing that the SBA take over the operation of the photo-copying machines. The service now is poor at best, and I know that we could do a better job.

The offices of President and Vice President require only one major qualification: the desire to devote the time necessary to do the job. During this year, both Orren and myself have demonstrated this quality. We don't agree on everything—which is as it should be—but we do agree that each member of our ticket will devote all the time and effort necessary to operating a successful, open, and responsive SBA.

EVENING VP



Catherine Duggan

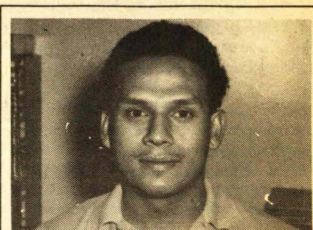
My name is Catherine Duggan and I am running for S.B.A. Evening Vice-President. I am currently an evening S.B.A. delegate. As delegate I have represented the interests of the evening students, especially in the areas of course scheduling and exam conflicts. I was instrumental in having the administration open the library on January 1, so evening students could study for finals.

As S.B.A. Evening Vice-President, I will actively acknowledge that the SBA has the primary responsibility for directing student communication to and from the faculty, administration, other law schools and outside organizations which affect student matters and legal issues.

The SBA should work toward achieving the following objectives:

- Introducing curriculum changes which afford evening students access to a greater variety of courses.
- Ensuring that the merit scholarship program does not jeopardize financial aid to those students who are truly in need. Nor should the merit scholarship program be subsidized by non-scholarship students. Alternative sources of funds must be explored.
- Establishing a day care center to ease the burden of students with family responsibilities.
- Recruiting students from various backgrounds to properly reflect the diversity of the New York community.
- Allocating resources toward library and faculty development. Forays into the residential real estate market should be discouraged.
- Maintaining the Distinguished Alumni Lecture Series. However, additional efforts need to be made to enable evening students to attend.
- Scheduling meetings of student organizations to allow greater participation by evening students.

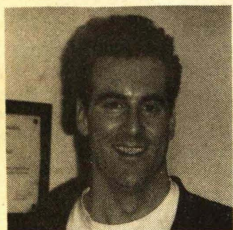
I hope that you share my concerns and will support me by voting for me, Catherine Duggan, on SBA Election Days, May 1st and 2nd.



Philip Goglas

Candidates Speak Out On The Issues

TREASURER



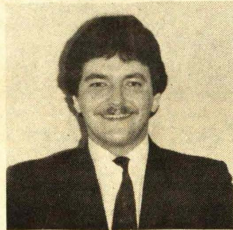
David Hyman

My name is David Hyman and I am asking you to vote for me for S.B.A. student treasurer. While being active in various student and community organizations, I obtained invaluable experience and feel comfortable with the responsibility of overseeing the expenditure of our S.B.A. funds.

The key to improving B.L.S.'s reputation as a respected law school is broadened student services and academic opportunities. During my first year at B.L.S., I have been the treasurer of the National Resources Law Society. This summer, I will be working with Professor Schneider in establishing the Edward V. Sparer Public Interest Fellowship. This fellowship will provide students with funds to pursue public interest internships during the summer of 1986. These various extracurricular experiences have provided me with the organizational, financial and public relations experience necessary to be a skillful S.B.A. Treasurer.

This experience will also make it possible for me to initiate some necessary changes at Brooklyn Law. For example, communication between the S.B.A. and the student body can be increased by employing democratic tools such as initiative and referendum and "town meetings." Curriculum changes should be considered to include a first year elective, thus making the first year more stimulating. Additionally, research and educational aids should be expanded by diverting more resources to library services and computer assisted education programs.

As your treasurer I would make it my priority to ensure that student funds are spent in an effective and useful manner. Our student funds should be used to present informative and educational programs such as intramurals, sports and the S.B.A. parties. Please vote for me, Dave Hyman, for S.B.A. treasurer.



Richard Lee Garelick

Commitment. Ability. Pragmatism. Trustworthiness. Accountability. Ingenuity. Noteworthiness. These are qualities which a student representative should possess. My name is Richard L. Garelick and I possess these valuable traits. I am a candidate for the office of Treasurer.

There are many important issues currently facing the BLS community. One problem involves the unaccountability of our SBA representatives. As an SBA officer, I will emphatically move that the attendance and voting records of all SBA officers and delegates be made a matter of public record by way of publication in the Justinian. Our SBA representatives will certainly be encouraged to take their jobs more seriously if they are subjected to such scrutiny.

Another important concern involves the rapport between the students and the administration. The decisions of the administration directly impact on our lives. We students should have a meaningful voice in these matters. As a member of the Executive Board, I will strongly urge the active involvement of student committees in the decision-making processes of, inter alia, hiring faculty members and establishing a curriculum.

Speaking to the office of Treasurer in particular, the person occupying this position is the captain of a financial ship. He or she must safely guide the vessel into port so as to preserve the students' precious cargo. As your captain, I will run an efficient and productive ship. Financial responsibility will be the hallmark of my office. So please vote for Richard L. Garelick for Treasurer—you'll get your money's worth.

PRESIDENT

Amelia Grygier, cont. from p. 1

It is very important that a thorough examination be made of its effectiveness. The administration has admitted that the program has not achieved its original goals. This admission now requires us to determine whether or not it should continue and, if so, to what extent. A more pressing concern is student retention. The school should do more to prevent those currently enrolled from dropping out in face of decreasing financial aid programs and increasing school costs.

The best use of the school's resources would be in the areas of library and research expansion, and day care services. The establishment of a day care center will prove to be an effective recruitment tool. Moneys for these services should be allocated, at least, in equal proportion to funds expended on acquiring new real estate.

Our school's affirmative action program must not only give the appearance of recruiting minority students, but must encourage actual enrollment at BLS.

During my college years, I acquired excellent skills in organizing group discussion, problem-solving, and policy implementation. These skills will be an asset when I am elected as SBA President. However, being an effective leader also requires listening to the ideas of others. As your SBA President, I will always be open to listening, discussing, and acting upon your suggestions. Kindly show your support for a more active and concerned SBA by voting for me, Amelia Grygier, as SBA President. Thank you.

Orren Weisberg cont. from p. 1

and will make sure they are widely distributed.

Changing the B.L.S. academic calendar so that exams fall before Christmas vacation and in early May is a move I support, but I believe a student referendum is necessary. This would be one of the first issues for the House of Delegates to address, and, hopefully, implement next year. The five-credit course curriculum for first year students should also be changed so that Contracts, Torts, and Property can be taught in two semesters. A good change, however, was making Civil Procedure a

three credit course for two semesters. One last schedule change I endorse strongly is to schedule the Legal Process exam around Thanksgiving. The Legal Process exam was given at this time when I was a first year student, and I know it was beneficial to take one exam as a "practice" for the big crunch in January.

The biggest problem the S.B.A. faced this past year was delegate apathy. This will be remedied if the amendments to the constitution are passed at the general election. In particular, I support the amendment allowing for removal of delegates who are habitually absent. There will be more student involvement if the amendments are passed because agendas will be posted one week prior to each meeting. Delegates and the student body will know, prior to the meetings, the issues that will be discussed, and will have more time to think about them. Throughout this past year, I've spent a great deal of time working on the constitution, making sure that these changes were made, and keeping the meetings open to the student body. If elected President, I will make sure these rules are strictly followed.

I am left with limited space to comment on the other issues suggested by the Justinian, yet I believe a full discussion of them is warranted. I would rather speak to anyone interested in such issues as merit scholarships, day care, affirmative action quotas, and the investment of school resources, than attempt to address any of these important issues in 500 words or less.

The bottom line is that change occurs only after hard work is put in. The S.B.A. is far from a perfect organization. I've been on the Executive Board for two years, and I've seen the mistakes that have been made. I will not repeat them. I already know what has proven successful. Last year I was elected Treasurer on a fiscal responsibility campaign. Because of my efforts, the S.B.A. accounts were certified by a C.P.A. for the first time, and the Administration increased the S.B.A. budget by five thousand dollars. I have chosen to run with Phil Reizenstein, Phil Goglas, Suzanne Corhan, and Maria Zanfini because they have shown that they will also follow through and work hard. I appreciate your support in the upcoming elections.

SECRETARY



**Suzanne Corhan,
Candidate for Secretary**



**Maria Zanfini,
Candidate for Secretary**



Mary Verderame

My name is Mary Verderame and I am running for S.B.A. Secretary. My organization and communication skills will be a great asset in improving contact between the S.B.A. and the student body. As secretary I would see to it that the students would be well

informed of the S.B.A.'s proceedings.

After each S.B.A. meeting I will make available to the students copies of the minutes of the meeting and any resolutions passed. I will provide regular articles on S.B.A. activities to the Justinian. Only by having an informed student body can the S.B.A. Officers be held accountable for their actions.

As secretary, I would hope to establish a regular S.B.A. Newsletter to inform students of the S.B.A.'s activities. This newsletter would also include surveys through which students will have another avenue for input into S.B.A. policies and programs.

On S.B.A. election day I hope that each student will vote and place their confidence in my abilities to be an effective S.B.A. Secretary. Please vote for Mary Verderame for S.B.A. Secretary.

Candidates For ABA/LSD Representative



Diane Conyers

Membership in the Law Student Division of the American Bar Association provides an opportunity for us to become acquainted with and involved in our professional organization right from the beginning of our legal careers. It is important to take advantage of this opportunity since the ABA sets the standards and guidelines for the profession and is an influential force in this country. Whether or not one agrees with the positions that the ABA takes in all areas, the best way to effect any change is to work from the inside as an informed member.

An important function of the ABA/LSD rep is to recruit membership in the law student division. Another, and maybe more important function is to sponsor or co-sponsor several programs throughout the year. These programs should be career oriented and may include topics on writing resumes, building interviewing skills, exploring

non-traditional legal careers, etc. One or two programs may be on a topic of current interest to the legal community.

In order to keep the student body informed, the ABA/LSD rep should contribute an article to the *Justinian* on a regular basis. In addition, before attending the ABA National Convention, the representative should inform the student body of the convention agenda and solicit comments, concerns and input so that a more informed representation can be made.

I have had several years experience in program planning as a Board Member of the Amherst League of Women Voters. I served in the capacity of Voter Service Chairperson and later as the State Legislative Chairperson. Among the programs I was responsible for planning and implementing were a Candidates Debate, an informational program for new Town Meeting Members, and a Voter Registration Drive. I also served as a committee member on a tax study. Most recently, as a member of the New York City League, I served on a committee which presented a program on nuclear disarmament.

I am currently a second year, evening division student. I work full-time for the Corporation Counsel (New York City Law Department) as a Student Legal Specialist. The combination of my work in the legal field and my experience with the League makes me a good candidate for the ABA/LSD position.



Peri Hoffer

I am running for the position of ABA-LSD Representative because I believe I am the best qualified to represent Brooklyn Law School in this important organization. I have been involved in the LSD since I had the opportunity to attend a meeting in the capacity of First Year SBA Rep. I attended all LSD meetings thereafter, and was appointed Second Circuit Coordinator of the Women's Law Caucus. In addition, I have worked closely with John Folcarelli, the outgoing LSD Rep., assisting him in executing his duties, as well as helping elect him as the new Circuit Governor of the LSD for New York.

Because the LSD offers an excellent opportunity for students to interact with the ABA, I will encourage active involvement in the organization and full utilization of opportunities to interact with members of the practicing bar. These include the Client Counseling and National Appellate Advocacy Com-

petitions; the Liaison Program, which provides the law student community with a direct link to, and a voice in, the ABA sections and committees; the Volunteer Income Tax Assistance program (VITA), which provides a public service to low income and elderly taxpayers while giving students the unusual opportunity of analyzing tax situation and preparing tax returns; and the Guardian Ad Litem Program, through which students are appointed to help protect the legal interests of abused children. In addition, I will encourage development and implementation of other projects that can receive funding through the Law School Services Fund; past projects have included minority recruitment programs and women in the law projects.

Although the LSD has no direct resume referral service at the present time, it does offer various publications that I will make available in the Placement Office. And, I will inform the law school community of all meetings and programs through a column in the *Justinian*, and through monthly informational meetings.



David M. Murphy

I am asking you to elect me to represent you in the ABA-LSD, however, the majority of students wonder what does the ABA-LSD do? Our role in the senior ABA is admittedly limited. The ABA-LSD represents student opinion and should advocate students viewpoint in the formation of the opinions expressed by the ABA. Beyond this function, the ABA-LSD works to grant funds to student groups and to provide programs to enhance the legal educational experience. The Concern for Dying program on April 22 is one such example. Among other things, the ABA-LSD runs a liaison program where students work with senior bar members in the various sections, the ABA publishes the Career Series materials and publications such as The Washington Want Ads provide access to information on career opportunities and career choices. I would work to establish, in conjunction with the SBA and student groups, a career seminar or lecture series to introduce members of the bar to BLS students. I would work toward having BLS take advantage of the ABA-LSD programs more than has been done in the past.

In the past, the SBA and ABA-LSD representatives have failed to effectively communicate with the student body. This issue is critical because the ABA-LSD representative should represent and advocate the totality of student opinion in ABA-LSD matters, as well as at the ABA convention. As ABA-LSD representative, I would write a regular letter to appear in the *Justinian* or newsletter in addition to regularly holding office hours and attending SBA meetings to be better able to get to know what is the students' opinion. I believe my past experience and commitment as a SBA delegate and member of the budget committee are representative of my commitment to fulfill the job to which I ask you to elect me.

Hoop De Jour

By Mitchel Sudel
and Howard Wynn

If only one word could be used to describe the '84-'85 intramural basketball season, it would have to be "parody." A mix of seasoned, veteran ballclubs and young, budding upstarts made for an interesting, competitive and demanding year. With the playoffs just around the corner, the championship is up for grabs.

Co-commissioners Howard Wynn and Mitchel Sundel, although juggling strenuous, stressfilled schedules of study and part-time work, managed to keep the league going. Never before have two people worked so closely together towards a common goal for the good of their fellow BLS brethren. Enough cannot be said about those two devoted, nutty and crazy workaholics. Watch out, David Stern.

Last year's champions, The Adjudicators, have disbanded with their "stars" Bill Dodge and Jim

O'Hallorin going their separate ways. Presently, Bill is a member of the much heralded Vanguard Squad. There he teams with league scoring leader Bill Peterman, forming a dynamic tandem which took the Vanguard on a meteoric rise to the top. When questioned about the off-season acquisition of Dodge, Vanguard Svengali David Silva responded, "It's like a dream come true. I honestly believe Bill Dodge is the missing link."

Last year's finalists, the intimidating Nomads, had to dip into the free agent market when their star center Rich "Chairman of the Boards" Cotton went down with a knee injury during the off-season. Thus added to the already potent arsenal of Sundel, Nunez, Walker, and Landy, were veterans Jim O'Hallorin and Conrad Pollack. The Nomads have been called the "best team on paper," but the question that remains is, "Can this team of superstars work together and gel into the formidable force that is expected of them?" To this query, team leader Ricky Nunez commented, "No

problem."

The always puzzling Aereola's befelled by injuries have been inconsistent at best this season. Team scoring leader Nick Panzini has run hot and cold, while big man Steve Bracey has been disciplined for missing games and flights. Furthermore, beleaguered backcourt ace Howie Wynn is still courageously battling to regain his former all-star status. Journeyman Seidman, Libson, Levit and Fagen have filled their roles admirably, but this team needs a little more scoring from them to reach the top.

A freshman squad, the Masons, were the surprise of the league, finishing in second. This excellent record can be attributed to a team concept and winning attitude. However, are they a mere flash in the pan or are they here to stay? Only time will tell.

The always reliable Better Than Nothing Bunch had their typical solid season, led by Mr. Outside Brian Isaac and Messrs. Inside Jeff Ginzberg and Lou Weinberg. The key to this team's success might be motivating the California mellow Mark Holzer. Perhaps then, the BTN Express can realize their true potential.

Other teams playing well and considered sleepers in the playoffs include Motley Crew, led by the streaky Lew Finkelman and basketball whiz Rick Schroeder. Watch out for this team—they can beat anyone when they are hitting their jumpers. A group of night students named the Honeybees and the Chinese Express, featuring scoring machine Dr. Yat and Sporting News Coach of the Year, Brad Regenbogen, are also promising.

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Calderon's Life is a Dream Is Revived on a Soho Stage

et al.: The Justinian

"La Vida es Sueno" is arguably the finest *commedia* of Pedro Calderon de la Barca (1600-1681). It is currently being performed at the Ark Theater, 131 Spring Street, in Soho. The translation, production and acting are compelling. Calderon's poetry and singular power of expression are unrivaled. Unfortunately, his work has been much neglected by theatre companies.

The main action involves a king who imprisons his son because the child was born under an inauspicious horoscope and the king wished to spare his country the rule of a tyrant. When a question of succession arises, the king doubts the truth of the prophecy and subjects his son to a test which the young man fails by his violent and cruel behavior. He is returned to prison where he meditates on the experience and agrees to suppress his impulses. Later he is set free by rebels. The prophecy is fulfilled when the king surrenders to his son, who in turn prostrates himself at his father's feet and wins his forgiveness.

In this work Calderon engaged in a demonstration, a proof of the virtue or order and mercy. The latter representing the sole force mitigating against the structures of the then autocratic and tyrannical code of honor. The impulsive, unchecked pursuit of pleasure and revenge are represented as libidinal and homicidal

forces. The prince's proto-Romantic first soliloquy yearning for liberation successfully evokes the horror of his oppression and is also proleptic of his inability to distinguish freedom from license, what Isaiah Berlin has termed the difference between positive and negative freedom. The audience will be shown the value of the former, the value of compassion and self-restraint.

The prince must choose a middle ground so that he is neither oppressed prisoner nor oppressive tyrant. He must choose to restrain himself, for if he were to ascend to the throne without learning this, he would rival the most monstrous of tyrants in sheer cruelty and blood-thirstiness. The prince bases his decision to discipline himself upon the realization that life is like a dream.

But if life is like a dream, then why doesn't the prince do as he pleases? It doesn't necessarily follow that he must choose renunciation. This lack of an intelligible motive must trouble audiences. However, Calderon is not as much concerned with verisimilitude as he is with demonstrating the virtue of restraint. It is evident that this demonstration is convincing, for the audience breathes an audible sigh of relief when it realizes that the prince has finally subdued his cruel impulses. This is the point of Calderon's art, not a complex psychology, but rather a demonstration of the virtue of order, renunciation and mercy.

PHOTO BY MARTHA SHOPE ASSOCIATES—CAROL ROSEGG



Rocco Sisto (Segismundo) and Laura Innes (Rosaura) in a scene from the classical Spanish play, "Life is a Dream."

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The live performance of the Summer 1985 Pieper Multistate Bar Review in New York City is completely subscribed. No further registrations are being accepted for this location.

Limited Seating is still available for the tape location in New York City at the Madison Square Garden Theatre on 31st St., between 7th and 8th Avenues for the A.M. session given 9-1 pm and the P.M. session given 6-10 pm.

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Diaz, Jeanette
Kramer, Karen
Mostel, Jon
Ortiz, Carlos
Phillips, Bill

Rosenberg, Candice
Scire, Grace
Wilde, David
Williams, Jacqueline

1986 Brooklyn Reps

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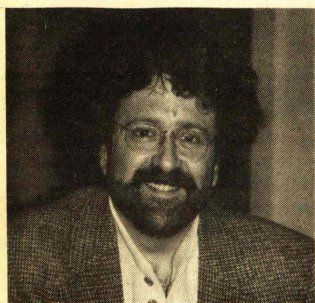
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By Steven J. Chaikin & Luigi

The popular resurgence of the death penalty on the American scene gives pause for legal scholars to consider the desirability of resorting to this ancient remedy in civil actions. No longer must our secret propensity for retribution of the highest order go unspoken and unpracticed. Imagine if you will the clear-cut advantages that would accrue to various civil litigants in a variety of actions.

First, consider the simple contract action. If the party held liable for breach were summarily executed, there is a fair likelihood that the breach would not be repeated. Moreover, if we could execute plaintiffs who fail to establish a prima facie case, there would undoubtedly be a drop in the currently overwhelming number of frivolous lawsuits.

Much of the same can be said of negligence actions, with an added bonus in New York. Not only might a losing party be dispatched prior to a costly trial on the issue of damages, but both parties would go to their ultimate

reward upon a finding of comparative negligence.

Although our nationwide survey of seven hospitalized veterans of the 100 years' war drew an overwhelmingly favorable response, the vets, still on their toes, suggested several constitutional roadblocks to implementation of our scheme. Before we explore these anticipated arguments, it would be worthy to note that mail we received from industrial leaders once held liable in products liability cases indicated a curious preference for the death sentence over money damages. The same response has been noted from the professional community generally. We shall not, however, consider estate law implications of our proposal.

Generally, the constitutional rebuttal, if one exists, springs from the vague and overbroad "cruel and unusual" clause. Note please that this clause is contained in an AMENDMENT and not in the body of the Constitution. We all know what that means. To wit: It was an AFTERTHOUGHT. How much credence one gives to afterthoughts drafted by people not necessarily members of the elite—the farmers—is a matter of personal preference. We would suggest, however, that only liberals and other misanthropes read those things anyway. If you need proof, simply read the most recent volume of the Supreme Court Reporter from cover to cover.

Let's assume, *arguendo*, that these "amendments" mean something to someone, and proceed accordingly.

Doubtless every word in the Constitution has profound significance, and we should therefore look at the text of the clause in question for its underlying truth.

First, the word cruel. The cases we looked at had little to say of this word "cruel." If memory serves me well, cruel is a handicraft, much like knitting or crocheting. Certainly it cannot be posited in good faith that the death penalty is a handicraft akin to knitting. However, there's always someone who can draw an analogy to prove anything. So, assume the death penalty, at least in civil cases, is cruel. Next the word AND comes into play. It informs even the casual reader that a punishment must be both cruel "and" UNUSUAL to run up against constitutional safeguards. Who could seriously contend that the death penalty is unusual, even in civil cases? On the criminal side, it's becoming an everyday occurrence. What's more, such inventions as electricity and cyanide have been around for ages (see *People v. Molineux*, citation omitted). In civil cases, the death penalty has been administered for years—by the parties themselves. Besides the typical wrongful death action, such self-help is inherent to actions in medical malpractice, products liability, breach of warranty, certain contract actions and will probate contests.

Even if we ignore the obvious, we are faced with the word PUNISHMENT. As the Supreme Court has repeatedly held, we intend not to punish, but to deter. Need we say more.

A quick synthesis of our textual research renders the following results. In order for a remedy to fail Constitutional muster under the Cruel and Unusual clause, it must be a somewhat unique handicraft intended to punish rather than to deter. It is clear that the death penalty, at least in civil cases, presents no problem of constitutional significance.

Before embarking on our final research project, we would like to list several advantages to our scheme that would constitute factors in any cost-benefit analysis likely to be the underlying bases of judicial analysis:

1. Advertising revenues may be derived from prime time broadcasts of selected executions, say, on a weekly basis. Overkill (ho-ho—ed.) is to be avoided.
2. New jobs will be created for executioners and paraexecutioners.
3. Both the cyanide industry and the public utilities will derive direct benefit. Depending on timing, the recently localized telephone companies may see an added bonus in high-rate, long-distance calls to and from various governors' residences.
4. The surface population of the earth will be decreased considerably, thereby fulfilling Charles Dickens' long maligned prophesy, increasing the value of the dollar, filling every pot with two chickens, every garage with two cars, and every civil litigant with second thoughts.

Congratulations are in order for Mr. Luigi, the recent recipient of the Learned Hand Award for excellence in everything he does. On a more somber note, Mr. Chaikin has once again been denied parole. Better luck in five years.

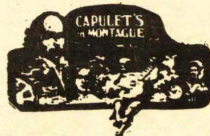
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Meese

continued from page 3

Meese argued that the way to continue sustained economic growth was through tax simplification, regulatory reform, a stable monetary policy, a competitive trade policy and a reduced deficit that would lead to increased employment. He followed this argument with a call for improved national security, which, according to Bernard Graham, was curious, since President Reagan's record deficits are often attributed to his refusal to trim the military budget. Graham said, "The Attorney General said we must achieve national security through economic strength, but he failed to realize that economic strength will be short-lived if the deficit, and the military budget that causes it, are not jointly reduced."

One student who came from a large farm in Wisconsin asked why the President refused to adopt a policy that would extend the current period of economic growth to rural America, where farmers are having an increasingly difficult time staying in business. Meese, appearing somewhat uncomfortable with the question, claimed that "enterprise zone" legislation was needed to help rural America prosper. This type of legislation is normally proposed to allow businesses to start up in depressed urban areas by operating with such things as tax incentives and sub-minimum wages. The Attorney General's response left many in the

audience wondering how *The Justiniarian*, Vol. 1985 (1985), Iss. 3, Art. 1

possibly suggested enterprise zones as a realistic approach to dealing with the problems of the farmers, and left those participants from the farm states rather disappointed.

One student's question drew an outburst of applause from an audience which seemed otherwise supportive of the President. Meese was asked to defend the administration's attempts at cutting aid to education and student loans. The Attorney General thoughtfully responded, "The responsibility for education is not at the federal level. It is the function of the state and local levels of government, that is where the resources have to come from. It's not fair to ask a person whose children can't go to college to pay for someone's education who can afford it."

Many of the students at the symposium agreed with Bernard Graham's overall impression of the speech. "It's always an educational experience listening to our Attorney General," said Graham. "However, his defense of the Reagan administration's civil rights and economic policies were weak and his response to the farmers was mysterious."

Although the symposium included several panels with well-informed academicians and administration representatives who addressed important policy areas, the program format did not allow a great deal of participation or discussion among student attendees, nor did it provide a level of analysis much higher than that of a lower level undergraduate political science class.

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Hiring Faculty

continued from page 3

the material is by teaching it to oneself, that is to say the lectures are incomprehensible or disorganized or overly-simplified, then that student is not getting what he or she paid for."

A simulated lecture, students feel, would afford at least one opportunity to assess the applicant's ability to communicate complicated legal principles, something that is only presently possible after the instructor has begun teaching.

At present the students' ability to affect the hiring process is severely limited. The Student Hiring Committee, comprised of members selected by the SBA, interviews prospective faculty members at the end of a long process and submits written evaluations to the Faculty Appointments Committee. The evaluation, according to one student committee member, "may or may not be considered by the faculty." There is really no way of knowing what role, if any, it plays in the faculty's decision. Kathleen Lewis, chairperson of the Student Hiring Committee, admits that interviewing candidates and evaluating them is a step toward having greater student involvement but feels that it alone is inadequate. "If student participation stops here," according to Lewis, "it will be a dead end,

because such limited participation does not introduce itself to making changes in the hiring process." Lewis is in favor of having a student as an equal member of the Faculty Appointments Committee. Student representation on this committee is important, she feels, because without it, students are not assured that their concerns about teaching ability will be given sufficient weight.

Most students agree that the SBA resolution is not the final answer to how best to improve the quality of the legal education at Brooklyn Law School, or the only way of increasing student participation in the faculty hiring process. It is clear, however, that the issue is one of great importance to students and that it will not go away.

Abortion Clinic Bombings

continued from page 4

your cat. You don't know what it'll be next time." Later she found that someone dug up the cat which she had buried in her backyard.

A Pensacola Florida clinic was firebombed on Christmas day. The party responsible claimed it was done "as a present for the baby Jesus."

At Cleveland's Concerned Woman's

Clinic, an anti-abortion terrorist dressed as a messenger entered the clinic, doused the floors with gasoline and ignited them using a flare pistol.

Several days ago, a Mesquite, Texas clinic was also burned to the ground.

On February 15, 1985, the Bill Baird Parent Aid Society in Hempstead, Long Island was destroyed by firebombing. One person was seriously burned. Because the staff had taken the precaution of drilling for the event of a politically motivated attack, all 35 patients were successfully evacuated. At the last minute, two patients were retrieved from a closet, where they might have burned to death. The clinic sustained over \$100 thousand in damage. Their insurance coverage, like that of other clinics, was dropped and later reinstated.

Earlier this year, anti-abortion terrorists attempted to assassinate U.S. Supreme Court Justice Blackmun, author of a landmark judicial decision respecting abortion, *Roe v. Wade*.

This outbreak of violence has led clinics to ask for legislation that would create a 50 foot "demilitarized zone" around abortion centers. Proponents of the measure note that "If you blow your car horn outside of a hospital, you're subject to a fine. Yet if you almost assault a patient on her way into an abortion facility, there is no protection for the patient." Should a person going for a legally sanctioned medical procedure be subject to that kind of abuse?"

Currently, the Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms has jurisdiction over firebombings, because by making a "Molotov Cocktail," one has

manufactured a firearm without paying the appropriate licensing fee to manufacture firearms.

Some say that the Federal Bureau of Investigation should have jurisdiction on the grounds that clinic bombings are terrorism and that the FBI is the sole federal law enforcement agency with jurisdiction of acts of terrorism. The FBI defines terrorism as "violence against civilians, in pursuit of political or social objectives."

The American Civil Liberties Union opposes giving "terrorism jurisdiction" to the FBI on the grounds that that would then empower the FBI to conduct widespread surveillance of domestic groups.

Others contend that clinic violence constitutes a violation of civil rights and is a form of discrimination against women. In this case both the FBI and the Justice Department would have jurisdiction to investigate violations of civil rights. Proponents say "If it is a civil rights violation not to allow a person to sit at a lunch counter, why isn't it a violation of civil rights when a class of people are not permitted to receive legally sanctioned health care?"

Some are not used to thinking of abortion as a civil right. FBI director William Webster has stated that "the right to have an abortion was not protected under the provisions of the statute concerning conspiracy against rights of citizens."

Pro-choice spokespersons are advising people to "wake up," and make their voices heard. They advise contacting organizations like the National Organization for Women or the ACLU to find out how one can help.

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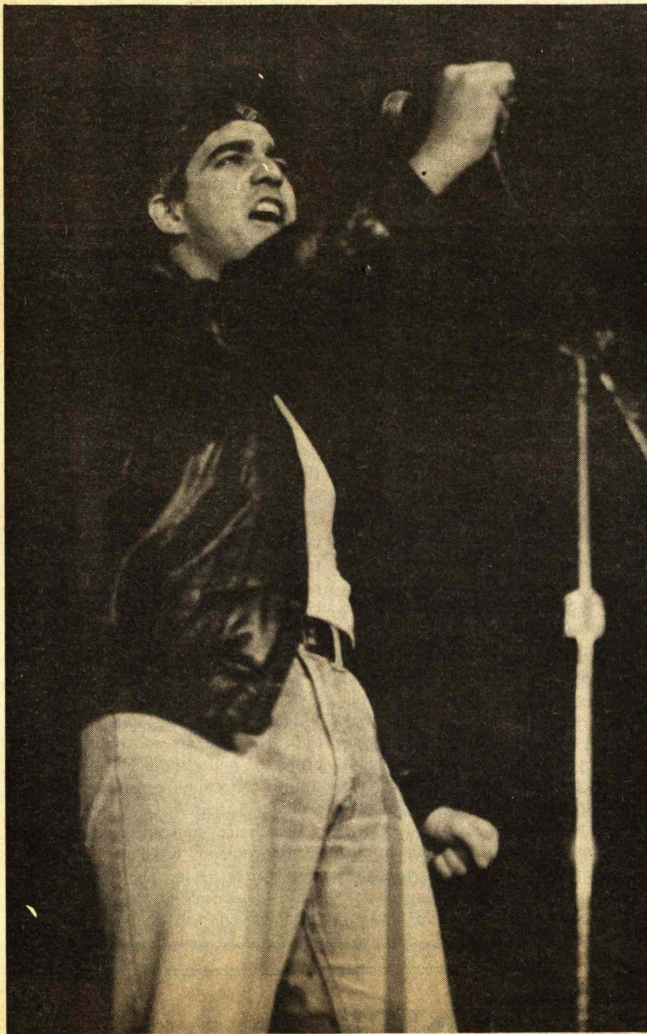
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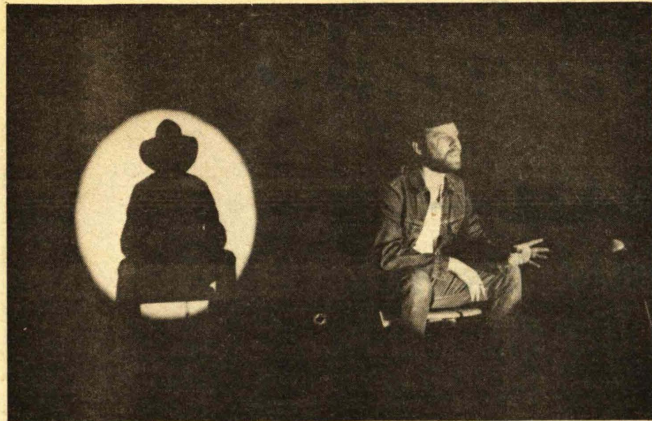
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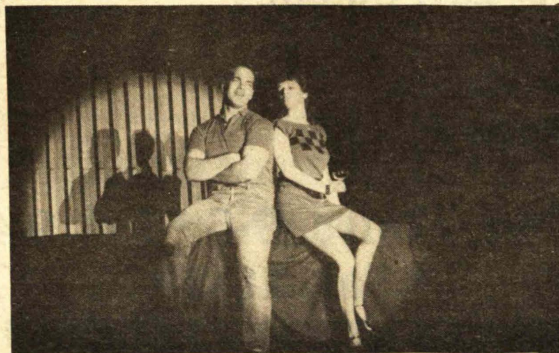


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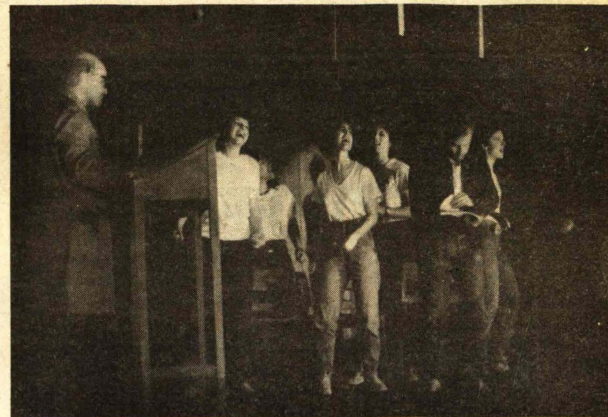


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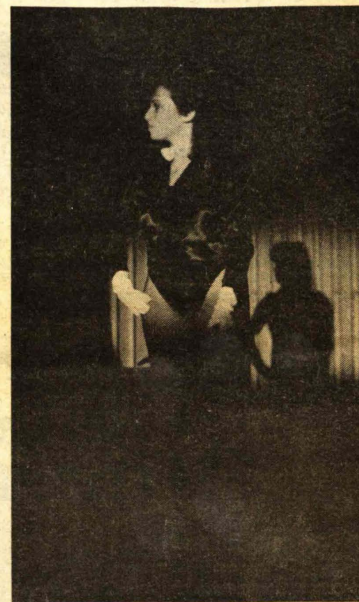
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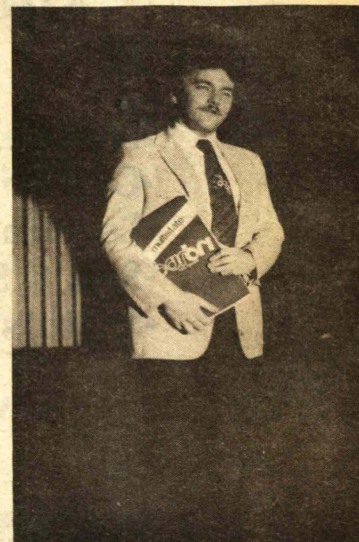
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PHOTOS BY JOHN A. KRIEGER

The 10th Anniversary of the Second Circus Review, which was performed last Thursday, Friday and Saturday in the BLS Moot Court Room, was a giant success. Pictured here are some of the multi-talented actors and actresses who captured the hearts of their audience by spoofing such greats as Bruce Springsteen, Bob Dylan and Dean Trager.



Cari Collins



**Rich
Garelick**