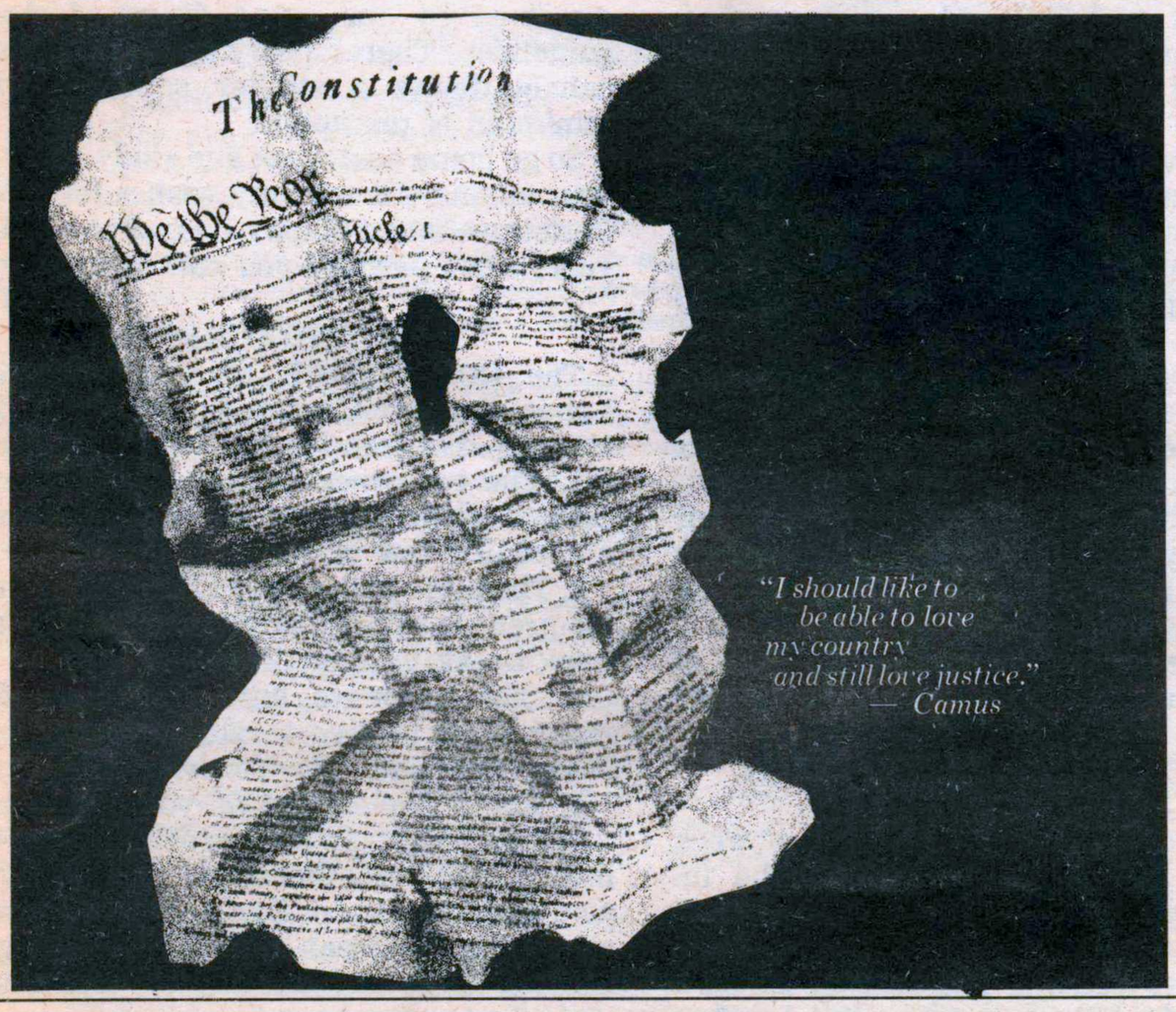
HOFSTRA UNIVERSITY SCHOOL OF LAW

CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 1, Number 3 | "Asking you to ask yourselves . . ." | December 14, 1973



Spring Enrollment Closes With Many Registration Surprises

by Norman Kent

Course registration for the spring closed last Friday with enrollment figures that ought to surprise many second and third year students.

Dr. King's Advanced Procedure course was one of the first courses closed with well over 100 students enrolled. On the other hand, a Professor Schmertz seminar in Dispute Settlement was left without a single student registered. Another odd disparity saw only 19 enroll in Sybil Landau's Criminal Procedure II as compared to the 114 who enlisted for the same course with guest professor Leon Friedman.

The seminars were basically filled; Agata's Criminal Legislation, Younger's Legal Expressions, Wypyski's Legal Research, and Rabinowitz's Civil Rights sections were actually overenrolled. Appellate Moot Court, however, only attracted 6 people, and International Business Transactions 4. Tax policy, the course being taught by Professor Filler with Dr. Leonard of the undergraduate department enrolled 5 students, and Garcia-Rivera's Business Drafting enticed 10 students. Environmental Law, which could have held 35 persons, attracted only 16.

Last semester, 51 students registered for NLO I, but only 26 were accepted. The remaining 25 enrolled for this Spring. A dozen students registered for NLO II.

New courses were mildly received by Hofstra Law students. Eighteen have enrolled for Simon's Legal Realism, eleven for Offner's Trademarks, and twenty-two for Kurland's Patent Law. The Constitutional Litigation course, to be taught by six ACLU attorneys, was the most heavily enrolled, with thirty-nine students signing up.

Professor Kadane will be teaching two sections of Wills and Trusts, but Section A will have 109, and B only 38. Dean Younger attributes the disparity to conflicting schedules.

The chart below reflects enrollment lists when they were closed last Friday. Schedule changes will be permitted, however, during the first two weeks of the Spring semester.

Course	2nd yr.	3rd yr.	Total
Advanced Procedure	Totals unavailable, but overenrolled		
App. Moot Court (s)	1	5	6
Business Drafting (s)	4	6	10
Civil Rights (s)	17	8	25
Coll. Bargaining A	21	9	30
Coll. Bargaining B	24	7	31
Conflicts	41	41	82
Const. Lit.	17	22	39
Consumer Credit	13	12	25
Corp. Fin.	12	22	34
Crim. Leg. (s)	12	13	25
Crim. Pro A	12	7	19
Crim. Pro B	74	40	114
Env. Law (s)	10	6	16
Federal Courts	44	48	92
Income Tax A	37	7	44
Income Tax B	86	1	87
Ind. Study	—	—	9
Int. Bus. Trans.	1	3	4
Jurisprudence	5	7	12
Land Use	19	8	27
Law & Ed.	4	9	13
Law Review	6	—	6
Legal Realism	9	9	18
N.L.O. I	25	—	25
N.L.O. II	—	12	12
Patent Law	6	16	22
Remedies	36	26	62
Tax Policy	1	4	5
Trademarks	5	6	11
Trial Practice	34	10	44
Wills and Trusts A	104	5	109
Wills and Trusts B	34	4	38

Moot Court Team Beaten in 1st Fray

by Chad Russell

The unsung heroes of the Law School's first student foray into the intercollegiate lists at the Association of the Bar of City of New York have returned to their regular course work—defeated but nonetheless, undaunted, wiser and more experienced.

On November 1, third-year students Maryanne Desmond, Mitchell Gans, and Terry Myers took on the well-oiled machines of NYU and Fordham in the New York City Regional Moot Court Competition. Each team had a chance to handle both sides of the appellate arguments. The first round was won narrowly by NYU. Observers believe the NYU margin came from the exceptional speaking skills of one of its team members. In the ensuing session against Fordham, Hofstra had the alternate position, and again the judges indicated a close, but losing contest for Hofstra.

Prof. Ordover, a faculty advisor to the team, felt "justly proud of their performance." Elaborating, he said, "They did a good job at the disadvantage of having no prior background. Their presentation was a credit to the school, since this competition is one of the few bases for comparison to other schools."

Columbia and NYU, representing the ten New York area law schools, eventually fell in the National Moot Court Competition, won by the Boston College team.

The oral arguments were the culmination of several months of intense work for the trio, which was selected last June by professors Ordover and Landau from their trial practice and appellate court classes. Beginning in July, when the competition case was announced, the three "lived, breathed, and slept with the case," according to Myers.

Using the actual court records of the case—Amalgamated Office Workers Union v. Incorporated Village of Bucalia—the team had to prepare a 42-page brief. The team chose to brief the side of thepetitioner. It was a complex case dealing with exclusionary zoning, alleging violations of the Civil Rights Acts and the 14th Amendment.

Weighted as one-third of the team's score, the brief helped the judges familiarize themselves with the case prior to the hearing. The three-person panels which heard the Hofstra team consisted of Judges Gelinoff (against NYU) and Fraiman (against Fordham) along with two attorneys.

In the manner of moot court judges, they did their best to disconcert the teams. And, as is customary, after this apparent devastation, both teams were told they had performed better than 90 percent of the lawyers facing judges daily. A few specific, helpful criticisms directed at individual presentations finished the ritual.

Max Sayah, one of the "two or three" Hofstra students who saw the competition feels that the team did a "tremendous job for the school, performing credibly under the adverse circumstance of being Hofstra's first entry."

Team member Maryanne Desmond stated that "the team was out to make a good show for Hofstra," although they had little opportunity to know precisely what sort of verbal gauntlet was in store for them. The questions fired by the judges were "tough, sometimes off the wall" and intended to divert the flow of carefully prepared arguments.

Amidst this judicially created frustration and pressure, Mitchell Gans found solace in having "anticipated the exact question in two or three instances." The team finished the ordeal with an embryonic notion of having gone through a valuable learning process.

Having taken the initial steps to break Hofstra into the competition, the team has made a number of suggestions based on its weaknesses to Profs. Ordover and Rabinowitz on the faculty's Moot Court Committee. The consensus calls for greater ongoing participation by the school as a whole. Since rules of the competition limit the extent of faculty assistance, Gans hopes wider student involvement will enlarge the pool for creative and imaginative treatment of the case through exchange of ideas and opinions.

One proposed program would include moot court as part of the regular curriculum for all first-year students. The best would go on in their second year to serve on the Moot Court Board, from which competition teams would be selected. As in most law schools, the program would be self-operating after a few years.

Although Prof. Ordover expects that the Curriculum Committee will be acting on some form of moot court program this spring, he anticipates a school-wide competition to assure next year's team of maximum preparation time as well as prior competitive experience.

WEBSTER ON LAWYERS:

"An eminent lawyer cannot be a dishonest man. Tell me a man is dishonest, and I will answer he is no lawyer. He cannot be, because he is careless and reckless of justice; the law is not in his heart, is not the standard and rule of his conduct."

—Daniel Webster before the Charleston, South Carolina Bar in May of 1847.

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Volume 1, Number 3
December 14, 1973
"Asking You to Ask Yourselves"

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Editor's Oriel

TUITION

There are many ways to look at the anticipated tuition increase. Probably the best way is with your eyes closed.

A first rank law school should have quality, and a necessary commodity is dollars to back your decisions. Dean Freedman has indicated that some of the increase will be used to recruit more faculty; increase the salaries of student aids; increase scholarship aid; and to pay students to do research assistance for faculty members. All these are laudable promises, but Professor Garcia-Rivera's admonition at a recent faculty meeting comes to mind: just where are we going, and how can the school best use a quarter of a million dollars in new revenues?

This is the critical issue that invites community-wide attention, much of the Dean's direction evolving out of our suggestions. The success of NLO in Hempstead, for example, silently proposes consideration for a second office to service the all but abandoned Suffolk community. The entire concept of NLO openly asks what the law school's role in the community will be.

In the meantime, Dean Freedman's additional promise that tuition will not rise again as long as students currently enrolled are present is a more comforting compromise than the ones institutions we have recently graduated gave us.

We neither commend nor condemn a tuition increase. Instead, we take notice of its unfortunate necessity, and ask you to ask yourselves how the money could best be spent.

THE ENVIRONMENT

The new law school environment must be a living environment, and components such as furniture, rugs, paintings, lighting, and gardens should not be seen as frivolous amenities but as an integral part of the humanizing experience. Concrete walls, wooden library carrels, and a sandwich dispensing machine do not a law school make.

A relaxed and cultured environment is conducive to communal advancement. The need cannot go unnoticed. The Levy Law Library has too often become a nighttime menagerie with more mouths open than books. The noise in the library must cease. It is embarrassing and disruptive—not only to ourselves but to the many members of the Nassau County Bar that regularly use our facilities.

Cross-conversations and group discussions have no place in the library. The absence of a facility for leisure speaks powerfully for the new one in the annex whose construction is underway, but it does not mitigate our responsibility to lend a dignified and studious atmosphere to the excellent library we now have.

(This is the most polite way I could think of saying: "Shut up when you are in the library.")

—N.E.K.

VACATION?

With the Christmas recess just a week away, it is appropriate to discuss the institution of a "finals before Christmas" policy. Last year we eliminated that unproductive two weeks of classes after the New Year by beginning finals immediately after the recess. It is now time to take that next logical step, and have finals before the holiday break. The obvious reason is so that we may all benefit from a vacation, free from the vigors of study. Instead, we now spend our "vacation" preparing for exams—feeling guilty when we are not—and seeing our family and friends only during study breaks. There is merit to the principle that it is wiser to let the momentum of the semester carry right through to exams, without the long and intimidating break.

Schools in increasing numbers are opting for this alternative. Columbia, for instance, commenced this term just one week earlier than Hofstra—the day after Labor Day. Instruction ended on December 7th; they had a five day reading period, have nine days for finals, and finish on December 22nd. We are governed by the same Court of Appeals guidelines. There is no reason why Hofstra cannot devise a similar schedule with a minimum of disruption.

So go home next week and study; do well on your exams. I'll save my wishes for a Merry Christmas and a Happy Chanukah until next year, when perhaps you can enjoy them.

—L.P.

EDITORIAL REPLY

The **CONSCIENCE** editorial endorses a Labor Day-pre-Christmas school term. I strongly disagree for the following reasons:

1. The two week holiday break is an excellent opportunity to put together courses and read a few textbooks.
2. The noise in the Levy Library is normally too great to concentrate, necessitating a two week break to study in peace.
3. The immense tuition increase forces many of us to divert valuable regular-term study hours into time for honest labor.
4. Early September (if you are not in a Southern hurricane belt) provides some of the most splendid weather of the year. Many of us who work until Labor Day greatly enjoy a bike ride along the ocean, watching waves gently eroding the sands, listening to birds chirping their September song.

For the above reasons I hereby dissent from the **CONSCIENCE** editorial.

Joel Scheer

Language and Liberation: Is Pronoun - envy a Sexist Tool?

Wit and Wisdom, or Foolish Follies?

THE ANECDOTE THAT BEGAN IT ALL:

Anecdote 3, and by and far the best of the semester thus far: A young feminist objected to DKK's referring to law firms as "three man law firms." "Why don't you call it a three person law firm?" the damsel insisted. Swiftly, DKK: "You can't teach an old man new language—I'd have as much trouble saying that as I would shouting, Person the Lifeboats."

LETTER TO THE EDITOR

Dear Mr. Kent,

I know Professor Kadane as a man of sensitivity and humanity as well as of wit. The sexist comment you quoted was therefore uncharacteristic of the person I know and respect.

In its short existence, Conscience has established itself as a newspaper of considerable quality. It is a source of pride for all of us that you have done so well so quickly. It is regrettable, therefore, that you slipped momentarily from your own high standards in publishing the remark in question as a sample of "wit and wisdom."

Sincerely,
Monroe H. Freedman
Dean

DEAN JUDITH YOUNGER

I see from the last issue of Conscience that my colleague DKK has taken on a "young feminist." I see from this issue that the Dean has taken on Conscience for reporting DKK's remarks as "wisdom." If I had any—wisdom, that is—I'd stay out of both controversies. However, grammar is involved and I must therefore intervene. When two other feminists raised the same point with Professor of Divinity Harvey G. Cox in Church 174 at Harvard last year, the Crimson, Newsweek and the Linguistics Department all jumped into the fray. Discussions about pronoun-envy, after all, are more fun than work. I am with the Linguistics Department which wrote the following letter to the Crimson:

"A recent article . . . mentions a proposal by some members of our community calling for a ban on the use of man, men and masculine pronouns 'to refer to all people.' This proposal to recast part of the grammar of the English language reflects a concern which we as linguists would like to try to alleviate. Many of the grammatical and lexical oppositions in language are not between equal members of a pair but between two entities, one of which is more "marked" than the other (to use the technical term). The more marked member carries more information, tends to be less frequent and always means exactly what it says. The less marked member carries less information, since it can be used ambiguously or as a cover term for both, tends to be more frequent and can be substituted for the marked member. Thus the plural is more marked than the singular, since, for example, the singular can be used for plural reference (many a horse, horse-thief), but not the other way around. Markedness is one of the fundamental principles

which govern the organization of the internal economics of all human languages.

In the matter of gender, in some cases the feminine is unmarked, in other cases the masculine. The feminine goose is unmarked—geese can be all male, all female, or of mixed sex, but ganders are all male. On the other hand, the masculine lion is unmarked—contrast the possible ranges of meaning of lions and lionesses.

For people and pronouns in English the masculine is the unmarked and hence is used as a neutral or unspecified term. This reflects the ancient pattern of the Indo-European languages, seen also, for example, in French: hommes et femmes heureux "happy men and women" (with the masculine form of the adjective). Thus we say: All men are created equal. Each student shall discuss his paper topic with his section man. Madam Chairman, I object. The fact that the masculine is the unmarked gender in English (or that the feminine is unmarked in the language of the Tunica Indians) is simply a feature of grammar. It is unlikely to be an impediment to any change in the patterns of the sexual division of labor toward which our society may wish to evolve. There is really no cause for anxiety or pronoun-envy on the part of those seeking such changes."

DAVID K. KADANE: HIS VIEW

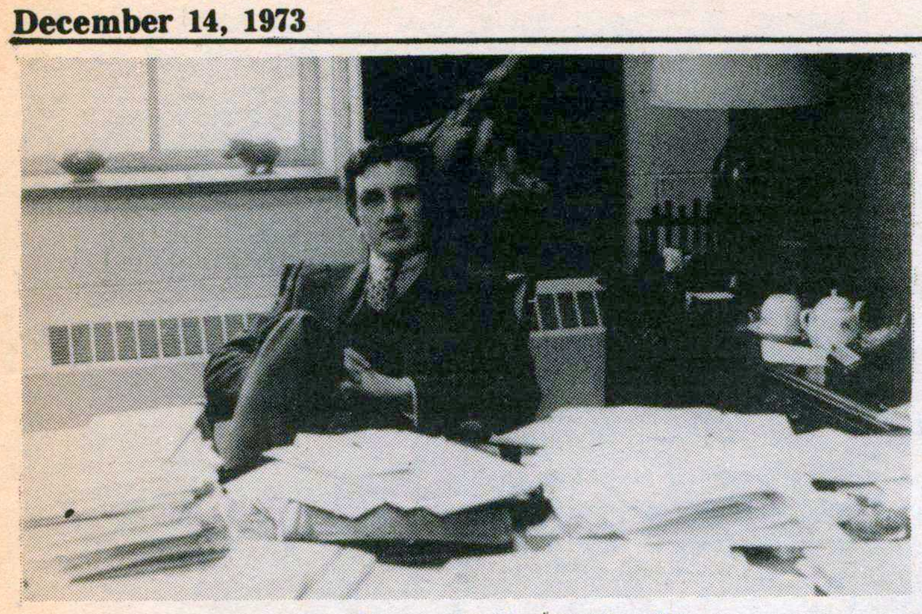
What's in a name?

Some names are used with pejorative intent—the speaker wishes to put the group down: Kike, nigger, or wop. Some names are offensive because it is a fair assumption that the speaker is attributing undesirable characteristics to a group, e.g., calling a grown man "boy." Some are offensive because—even though that assumption is not warranted—due to the generality of usage of the term. Without intending a put-down, the negative implications are nevertheless present, e.g., calling a grown woman a "girl."

But boy-oh-boy, just between us, girls boggling at the word "man" when it is used in the sense of person, and not confined to male person, strikes me as a waste of the energy which lawyers could better use in such activities as working to change the system under which women have the right to opt out of jury duty. Man alive, that is wrong.

"What is person, that Thou are mindful of him or her as the case may be . . ."

Since a picture of David Kadane was unavailable at presstime . . .



Monroe Freedman relaxing in his office.

The Dean's Column

LANGUAGE AND LIBERATION

"At the end of the room a loudspeaker projected from the wall. The Director walked up to it and pressed a switch.

" '. . . all wear green' said a soft but very distant voice, beginning in the middle of a sentence, 'and Delta children wear khaki. Oh no, I don't want to play with Delta children. And Epsilons are still worse. They're too stupid to be able to read or write. Besides they wear black, which is such a beastly colour. I'm so glad I'm a Beta.' There was a pause; then the voice began again.

" 'Alpha children wear grey, they work much harder than we do, because they're so frightfully clever. I'm really awfully glad I'm a Beta, because I don't work so hard. And then we are much better than the Gammas and Deltas. Gammas are stupid. They all wear green, and Delta children wear khaki. Oh no, I **don't** want to play with Delta children. And Epsilons are still worse. They're too stupid to be able . . .'

"The Director pushed back the switch. The voice was silent. Only its thin ghost continued to mutter from beneath the eighty pillows."

BRAINWASHING

Attitudes of boys and girls in our society are conditioned less obviously though just as effectively as are those of Huxley's Betas and Gammas in **Brave New World.** Secondary sexual characteristics and distinguishing modes of dress serve instead of colored uniforms, and in place of sleep-teaching we use wide-awake linguistic brainwashing ranging from nursery rhymes and homilies to our everyday language itself.

The conditioning of little girls ("sugar and spice and everything nice") to be submissive and dependent has been discussed often in the popular literature of women's liberation. We are becoming sensitive to the fact that little girls seldom are able to grow into the women they freely and naturally choose to be. We are less sensitive to the facts about little boys.

What are little boys made of? Frogs and snails and puppy-dog's tails, that's what little boys are made of. Now that sounds rather unpleasant until we realize that, after all, "boys will be boys"—by which we convey the idea that we will tolerate conduct that is other than "sweet" and "nice"—indeed that, in our boys, we will actually encourage such qualities as excessive independence and aggressiveness.

Nor will a boy be raised to be a "weak sister" or "sissy." On the contrary, he will "face it like a man," and he will "take it like a man." And when he grow up, the boy grown man will "wear the pants," and the man who does not (like the woman who, "unnaturally," seeks to do so in her relationship with a man) will be the object of ridicule and scorn. (We know, of course, that if the boy grown man should achieve success, there will be a place for the "nice" girl who will have grown into a "good woman." Her place, of course, is "behind" him, for "behind every successful man is a good woman." Her place also, of course, is "in the home.")

CASTE SYSTEM

Some years ago at Oxford a major philosophical school developed, premised on the idea that significant philosophical insights can be derived from our everyday language and from its connotations. Following this line of thought, we can find telling illustrations, in our ordinary language, of the manner in which a sexual caste system is subtly and pervasively reinforced in our society.

For example, Webster's Third International Dictionary, under the entry "female," indicates the following "qualities that distinguish" the female from the male. "Female" connotes, among other things, **passiveness, delicateness, weakness, lack of strength of character,** and **jealousy.** "Male," on the other hand, connotes such distinguishing characteristics as **independence, courage, forcefulness, forthrightness, sturdiness, resoluteness, dynamism,** and **masterfulness.** Is it any wonder, then, that males are, as they obviously should be, supreme?

"Once more the Director touched the switch. '. . . so frightfully clever,' the soft, insinuating, indefatigable voice was saying. 'I'm really awfully glad I'm a Beta, because . . ."

"Not so much like drops of water, though water, it is true, can wear holes in the hardest granite; rather, drops of liquid sealing-wax, drops that adhere, incrust, incorporate themselves with what they fall on, till finally the rock is all one scarlet blob.

" 'Til at last the child's mind is these suggestions, and the sum of the suggestions is the child's mind. And not the child's mind only. The adult's mind too—all his life long. The mind that judges and desires and decides—made up these suggestions. But all these suggestions are **our** suggestions!' The Director almost shouted in his triumph."

ALL ARE HARMED

The point, of course, is that the high caste Alphas are programmed just as thoroughly, and in a manner just as destructive of their personalities, as are the low caste Gammas. Thus, analyses of the system of slavery in the American South have pointed to the adverse influence of that institution on the attitudes and character of Southern whites. Specifically, slavery produced the attitude that physical labor is

(Continued on Page 4)

Law in the New Republic

Ralph M. Stein

With an exuberant but well-trained eye, Washington Irving surveyed early post-colonial America and liked what he saw. A bitter war had receded somewhat from memory while the inhabitants of the new and still largely homogeneous nation contemplated new challenges, explored new territory, and attempted, sometimes consciously, sometimes not, to fashion a national identity. Irving probably expressed the mood of most when, in 1809, he wrote:

> I have sundry doubts to clear away, questions to resolve, and paradoxes to explain before I permit you to range at random; but these difficulties once overcome, we shall be enabled to jog on right merrily through the rest of our history.

It was not to be a merry jog for all. Despite De Tocqueville's burst of literate enthusiasm for the fledgling republic, a darker side was soon to sere the national conscience. Like hydra-headed monsters immune to rhetoric, thriving on violence, and defying "merry" solutions, issues of race, expansionism, xenophobia, and similar matters made a mockery of Irving's prophecy.

The legal profession also had its questions to resolve and difficulties to overcome in the 1800s. Struggling to free itself from the twin odiums of indebtedness, some might say enslavement, to English common-law, and public repute for rapacious practice, the lawyers sought to forge a new, native identity. The task sorely tried the best members of the bench and bar.

In the early years of the nation, there were no law schools as such. Harvard, the first college-sponsored law school, opened its doors in 1817 (there were, however, chairs in legal studies in different universities. William and Mary had such a professorship as far back as 1779 and a private law school in Litchfield, Connecticut predated Harvard by 33 years.)

The leaders of the colonial bar were either English-trained or they had "read" law under older practitioners who of an evening reminisced about Lincoln's Inn and Middle Temple. After the break with England, however, it was socially unfashionable and politically and professionally dangerous for a young man to study law in England. A gap in learning and a decline in the sophistication of legal practice followed in some areas.

Fortunately for the course of American legal history, the more discerning jurists and lawyers did not embrace the nativist rejection of all that was English. While some jurisdictions hastily, and foolishly, passed statutes prohibiting lawyers from citing English cases, others acknowledged the indelible debt owed the older legal system. The inclusion in 1 Dallas (1 U.S.) of a warm congratulatory message by the old and ailing Lord Mansfield, once an architect of British colonial policy, probably acted as a balance and a brake on the more radical.

As Washington Irving surveyed his world in **Knickerbocker's History of New York,** the legal profession in the state's largest city dealt with increasingly complex issues of both law and fact. To the Battery and past South Street, across the river from rustic Brooklyn, came ships bearing trade, heralding a new era in international commerce. Yet not far away, lawyers often continued to practice as they had before the Revolution. Riding circuit on horseback with saddlebags protecting his law library, often just **Blackstone's Commentaries** and a well-thumbed copy of **Coke on Littleton,** the early American attorney served a vast but sparsely populated land. Bar associations, state licensing and formal peer disciplinary review were concepts for the future.

Early American legal history, to most law students, is largely represented by a plethora of Supreme Court decisions defining national and separation of powers questions and establishing the role of the High Court. Too little attention has been paid to the development of state and local law and, concomitantly, to the growth of the non-Federal bar.

Probably unknowingly, the average practitioner contributed to the slow creation of what some historians, most recently and notably Michael Kammen, term a biformal societal and legal structure, biformal referring to the combination of distinctive and sometimes antagonistic contributory elements. The law, like other institutions, owed part of its existence to direct and indirect European as well as English influences. Seventeenth century Dutch rationalism tempered the severities of common law proscriptions in New York while harsh Puritan theocracy had the opposite effect in Massachusetts.

A question that must be further explored is the relative effect of native American conditions, physical as well as intellectural, economic and social, on the development of law and its practice. Today, the Jackson frontier thesis can no more be completely accepted than its polar counterpart—that American institutions are essentially transplanted from the Old World.

While historians are now paying greater attention to the biformal concept of American history and are attempting to understand and analyze the paradoxes and dualisms which appear in many areas of study, the legal profession, as a whole, still largely ignores its history or, at best, continues to slavishly concentrate on the Federal and Constitutional aspects of its heritage. Aside from specialized law reviews, such as the **American Journal of Legal History,** there have been precious few studies of the scope and caliber of Professor Leonard Levy's **The Law of the Commonwealth and Chief Justice Shaw.** Stanford Law Professor Lawrence M. Friedman recently made an attempt to explore the non-Federal bar in his **A History of American Law,** but his general avoidance of an interdisciplinary, holistic examination yields somewhat disappointing results, in a book that is nevertheless very comprehensive.

A few years ago, a **Saturday Review** series of articles on American history teaching concluded that the subject was poorly taught and even more poorly received in our schools. That conclusion might serve as an explanation, but it can hardly be accepted as an excuse for a continuing gap in American legal history studies. The maxim, "What is past is prologue," is no less relevant to law than to other disciplines.

The Padded Resume'

Norman Himmelfarb

"Do you swear to tell the truth, the whole truth, and nothing but the truth?"

My evidence teacher told me that it is Unconstitutional to force one to swear; so you can just put the Bible down!"

"Are you interested in this job?"

"I swear to God Almighty, King of the Universe, Queen of the Prom, to tell the truth, the whole truth, and nothing but the truth."

"You may get off your knees now. And I do think curtsys are more appropriate. Now, I am a job interviewer. My name is Chadsworth Armstrong King III, a Junior Partner in the firm of King, Kelly and Kramer."

"Really. I mean you're really a Junior Partner. I dreamt of meeting a Junior Partner, but actually meeting one, actually seeing one right in front of my eyes. May I touch you?"

"Please do, but with great dignity."

"Oooooooh, you are scrawny. Just as bony as I hoped you'd be. And those glasses, and that pipe, and that pin-striped suit. You are a Junior Partner!"

"Please, a little more composure. Now, you know that I've been interviewing people for days now, for weeks, for eternities, just searching for truth."

"Truth?"

"You've heard the word before? Now, I want us to get to know one another not as interviewer-to-interviewee, but as two human beings, two souls floating in the universe of contracts and torts."

"Oh Mr. King III, I like you."

"Good, now let's stand naked in front of each other. Let the truth pierce the shields and lies which we cover our real selves with."

"Your pipe . . . its disappeared. This is exciting."

"Cool your buns honey, now, how about you? Take off that padded resume."

"Oh, I couldn't."

"Take it off! You'll feel better, freer."

"Oh alright. Listen, how did you know it was padded anyway?"

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Hofstra Represented in the ABA Law Student Division

by Lester Paverman

The Hofstra University School of Law participates in the nationally organized Law Student Division of the American Bar Association. Chartered as a section within the ABA, the Law Student Division (LSD) serves to coordinate law student interests in the parent organization. Hofstra's representation in the Division is provided by this reporter.

The objectives of the LSD, as outlined by Howard Kane, president of the Division, are to further the quality of legal education, provide a forum for law student involvement in the solutions of problems confronting today's changing society, introduce students to the organized bar, and promote professional responsibility. To this end, the House of Delegates, comprising one delegate from each member law school, meets once each year in conjunction with the ABA's Annual Meeting. Law schools of the Division are grouped according to their Federal Circuit jurisdiction (Hofstra is in the Second Circuit.) Each circuit meets twice during the academic year. And in between, the LSD functions through its executive branch—the Board of Governors.

Individual Law students are encouraged to apply for membership in the Division. Al Togut, the Second Circuit Governor from St. John's, indicates that a major benefit of membership is automatic transfer to regular American Bar Association membership upon graduation. Additionally, membership includes a subscription to the **Student Lawyer**, the opportunity to join any three Sections of the ABA pertaining to specific interests in the Law, low cost health and life insurance, national placement services, and LSD support for student projects.

Information and applications are available in the placement office. Be advised that current membership dues of $3.00 are scheduled to increase to $5.00 in January. I encourage you to join, take advantage of the services offered, and maintain a voice in the stream of current legal thought on a national level.

BOOK REVIEW

THE WASHINGTON, D.C. METROPOLITAN TELEPHONE DIRECTORY

The American novel is dead. If critics wish to stay current, they must review what people are reading.

Paul Eugene Smith

Alexander Graham Bell's latest work, a 3132 page masterpiece of deception, mystery and intrigue, stands as a powerful literary epitome of our times. Although essentially a rewrite of his best-seller from last year, Bell has compounded the confusion by adding to the already overcrowded character list. However, the vast majority of new characters prove to be extraneous when the work is viewed as a whole. Anyway, to paraphrase W.C. Fields, he must be forgiven for his redundancy. He is such an incredibly talented individual that it doesn't even matter if everything he does is the same.

Another aspect has also manifested itself in recent years, the dehumanization of his characters. No longer are the pages of his work graced with the STerlings, the EMpires, the DIamonds or even the Ridgeways; but, by a hideous array of cold digits designed for efficient classification—454, 593, 422 and the like.

Rewrites are seldom as good as the original work and Bell's creation is no exception. Though it is now published in two volumes the ending is still the same. He has stretched the plot to the point of nonexistence and left us hanging with Z. The first volume is divided into two chapters, which also serves as a geographical breakdown, with each being no more than character lists. It is only in the second volume that the theme comes to light with the yellow journalism of the classified directory.

For those of you that belong to the "if-you-have-nothing-nice-to-say, say-nothing-at-all" school of thought, I will concede that the cover is nice.

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The Dean's Column

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demeaning, and produced also a perversion of the slave-owner's own humanity. Lincoln expressed this in the observation, "As I would not be a slave, so would I not be a slave-holder."

There is a close parallel, it seems to me, with respect to man's inhumanity to woman. Returning to the dictionary as an authoritative source of meaning and attitudes, we find that "male" also connotes **aggressiveness, brutality,** and **force,** with specific reference to the use of guns (N.B., boys are given guns to play with; only girls or a sissy would play with dolls). And to avoid being considered feminine, or effeminate, no "real man" would say or do anything that might mark him with female characteristics of **tenderness, sensitiveness** or **gentleness.**

The point is that our children, both boys and girls, all have the right to a healthy personhood. Just as our daughters as well as our sons should have **strength, courage** and **independence,** so should our sons as well as our daughters have **sensitiveness, tenderness** and **gentleness.** Thus, in seeking to end the sexist programming of children, the psychological liberation of women is a valid and increasingly recognized goal. But the fundamental civil liberties issue is the equal right of every individual, male as well as female, to become a completely human being—the most basic of all libertarian concerns.

The Padded Resume

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"It was just so pointed. I wouldn't be a very good advocate if I couldn't spot a resume as pointed and padded as that. Besides, it smelled funny, and was way too big for your size."

"You know, it does feel better. Here I am, a Hofstra Law School graduating student . . . I mean a human being. Standing naked in front of you, a real Junior Partner . . . Hey, what the hell are you laughing at?"

"I did it! I finally found a cookie who would crumble under such a vicious cross! Oh, I feel like I'M on my way up."

"You see the real me, and you laugh. How shrewd, cold, cruel, and tricky. You really are a Junior Partner."

"Listen, don't feel too bad. We may still hire you; provided of course, you tell my father about how you melted under my attack. And don't forget to tell him that you said I was shrewd, cold, cruel and tricky. And please, could you throw in a word like evil; he's a real evil freak. He just really likes the word evil, and also unscrupulous. Between evil and unscrupulous I may be a Senior Partner mighty soon."

"Goodbye."

"Thanks for your time. And I think you may be hearing from us."

"Goodbye again. Well, these junior partners are getting easier and easier to get by."

Man Bites Dog

EDITOR'S NOTE: This excerpt is taken from Mannix, The History of Torture (1964), p.88-90.

Among the more interesting facets of medieval legal processes were the frequent criminal prosecutions of animals. The courts had Biblical authority for these remarkable trials: according to the Mosaic code, if an ox killed a man, it was to be stoned to death. If a man committed bestiality, both man and beast were to be executed; and God cursed the serpent in the Garden of Eden.

In 1456, a pig was sentenced to be burned in the Rhineland for having killed and eaten a small child. Another pig died for the same offense in Amsens in 1463—also at the stake. Sometimes the animals were first put to torture; according to one theory, so that their grunts and squeals could be interpreted as confessions, but according to another because torture had become an integral part of any legal proceeding. The lex **talionis** was usually observed: if a dog bit a man, the dog was held down and the man allowed to bite him back, and so on.

Animals were allowed to have lawyers—even insects. The insects (usually fleas, lice, or locusts) had to be given three days' notice before trial and some representatives brought into court, duly notified, and then freed to effect service upon others. The main issue during the trial was whether the creatures were simply obeying the will of God ("I will send wild beasts among you which shall destroy you and your cattle and make you few in number.") or whether they had criminal intent. This was a difficult matter to prove and was a source of much judicial consternation.

To emphasize the antropomorphic nature of the offense, the animal was sometimes dressed in clothes and tied in a sitting position during the trial. In 1386, a pig in Falaise, Normandy, that tore the face and arm of a small child was dressed in clothes and sentenced to be maimed in the same manner as the child.

If a man committed beastiality, true to Biblical precedent, both he and the creature were killed. Cotton Mather describes the death of a Mr. Potter in New Salem, Connecticut, who in 1662 kept a harem of a cow, two heifers, three sheep, and two sows. His harem were first hanged before his eyes, a sight that reduced Potter to tears, and then Potter suffered the same fate.

The courts, as time passed, gradually grew more reasonable in their treatment of accused animals. An Austrian dog that bit a man was sentenced to only a year in jail in 1712. In 1750, Jacques Ferron of Vanres, France, and his she-donkey were arrested for beastiality. The court reluctantly agreed to hear the testimony of character witnesses, and the she-donkey was lucky enough to have a good one. The prior of a convent pointed out the donkey had "always been virtuous and well-behaved and had never given occasion for scandal. This is clearly a case of rape." The court agreed and only the unfortunate Ferron was hanged.