HOFSTRA UNIVERSITY SCHOOL OF LAW

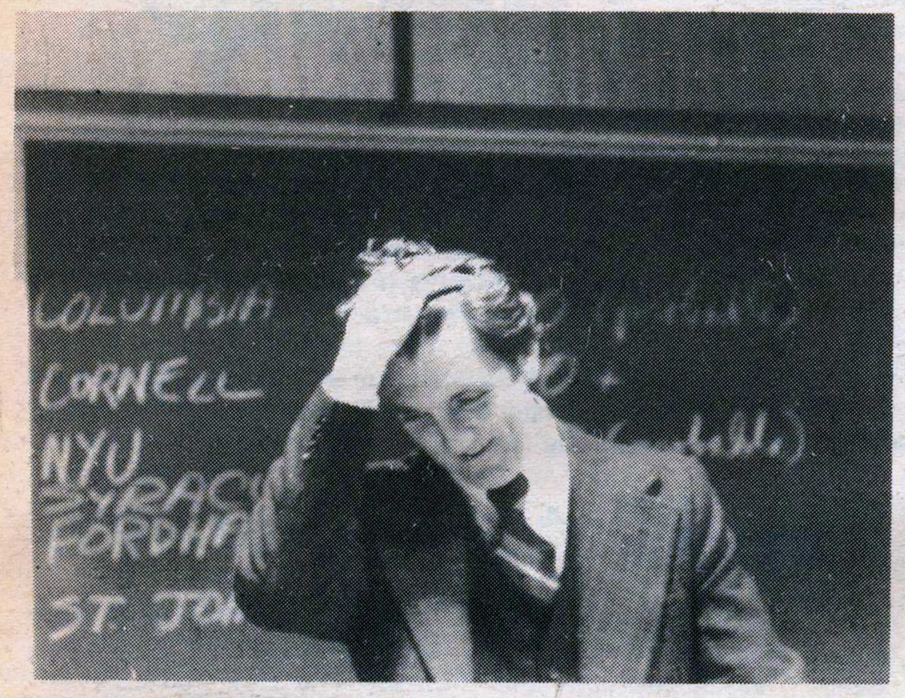
CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 2, Number 4 | "Asking you to ask yourselves . . ." | November 27, 1974

PROPOSED TUITION HIKE STUNS SCHOOL

Dean Hints Resignation



A pensive, puzzled Monroe Freedman considers a student's question during last Thursday's open forum. —Weinrib photo

By Jim Freeswick

Monroe Freedman, Dean of Hofstra University School of Law, has intimated that he will resign if the Board of Trustees approves a proposal to increase tuition to $3300 at the law school.

In a letter sent Wednesday to Associate Provost Dr. Stanley P. Goldstein, President Robert Payton and Provost William Petrek, Freedman said such an increase "would severely impair my role as Dean as I see it, and it would necessarily raise questions about my continuing usefulness in the job."

Freedman's opposition to the proposed increase, which has not yet been approved, stems from a promise he made last year when tuition was raised from $2300 to $2750, that the classes of 1975 and 1976 would not experience a further increase while at Hofstra.

Speaking before a packed Moot Court Room Thursday, Freedman said he believed the class of 1976 had a commitment from the Board of Trustees that there would be no further tuition increase for them next year, and that the Board of Trustees would recognize that commitment.

Although Freedman said he was also opposed to any increase for the classes of 1977 and 1978, he was less than optimistic that those classes would not be burdened with such an increase. The class of 1975 will not be affected since the proposed increase is for the school year beginning next fall.

Freedman said that when the Board of Trustees approved his proposal for a tuition increase from $2300 to $2750 last year, the Board also approved his commitment to the classes of 1975 and 1976 that they would not have a further tuition increase. He said he had not been initially consulted about the current proposal, but that he would now be involved in negotiations on the matter.

In his letter to Dr. Goldstein, Freedman said that he was "keenly aware of the financial problems of the University and of the Law School's obligation, along with every other department, to help resolve a financial crisis . . .

"I do not believe, however, that an increase of the Law School tuition to $3,300 can be justified at this time on any other basis than that we have the power to impose it unilaterally upon the students.

"To do that would be inconsistent with my relationship with the students at the Law School. In all candor, it would severely impair my role as Dean as I see it, and it would necessarily raise questions about my continuing usefulness in the job."

Reaction among law students to the news of a possible tuition increase—which taken with last year's increase would mean a $1,000 or 40 percent hike in two years—ranged from actual despair at the thought of not being able to meet the new monetary demand, to feelings of anger, disgust and outrage.

Rumblings of student discontent filled the Moot Court Room as speaker after speaker questioned the necessity for such an increase and expressed open or implied opposition to it. A first year student representative suggested the possibility that students might not pay the increase if imposed; but Dean Freedman cautioned students that as a practical matter such a course of action would not be feasible at this time.

Tuition at other New York law schools will go up next year to: Columbia ($3600); Cornell ($3300 and maybe higher); New York University ($3300); Syracuse ($3030); Fordham ($2600); St. John's ($2500); New York ($2500); Albany ($2500); and Brooklyn ($2100). It was pointed out that it was unlikely that any of these schools had experienced a 40 percent hike in tuition in the last two years.

Freedman said the law school was entitled to "some quid pro quo" should the Board of Trustees find it necessary to impose a tuition increase on the classes of 1977 and 1978.

As a result of last year's tuition increase the law school scholarship fund increased from $90,000 to $127,000. In addition the school received an entirely new budget item of $50,000, from which law students can earn up to $500 per semester doing such work as research and writing or library service. One student suggested that new parking facilities for the law school would be a good budget item for next year.

The 200 seat courtroom was overflowed. Students took to the floors and windowsills to find accommodations. —Weinrib photo

Freedman said the University was "fighting for its life" and characterized President Robert Payton as "courageous" in his efforts to find ways out of the current "financial crisis" while at the same time trying to upgrade the quality of the undergraduate school.

Figures offered by Freedman showed that this year's law school tuition income was $1,750,000, while its operating budget was $1,425,000 and its debt service maintenance was $430,000; leaving a deficit of $105,000.

Despite drastic budget cuts of $2 million, the entire University Budget will still operate $2 million in the red this year, according to Freedman.

Generally, however, students appeared uninterested in offering suggestions for new budget items. The general reaction was a mixture of discontentment and hostility towards the proposed tuition increase. Kent Moston suggested bringing a lawsuit should the increase be passed by the Board of Trustees. The suit could be based on the argument that when Dean Freedman promised the class of 1976 there would be no further increase he was acting as an agent of the University, and that the University is estopped from pleading lack of consideration on a theory of promissory estoppel.

Text of Dean's Letter

"I do not believe that an increase . . . can be justified"

November 20, 1974

To: Dr. Stanley P. Goldstein
Associate Provost

From: Monroe H. Freedman

I have been distressed to learn of a proposal to increase tuition at the Law School to $3,300 a year. Unlike the increase last year, it did not originate with me, nor was I initially consulted about it.

When I arrived at the Law School in the fall of 1974, it was apparent to me that the Law School had several serious needs that would require a substantially increased operating budget. In addition, a review of tuition at other law schools in New York State satisfied me that Hofstra's tuition was lower than it should have been, in view of the quality of legal education we were already offering, and the additional expenses that would be necessary to maintain and advance that quality as the size of the school expanded.

Accordingly, I proposed an increase in tuition from $2,300 to $2,750. As far as I know, it was unprecedented at Hofstra for a dean to make such a recommendation. I did so because I believed it to be justified on the merits, and because I was confident that our students would recognize the justification for such a large increase if they were fully informed about the Law School's needs.

I therefore, held an Open Forum, at which I discussed the situation with the student body and made certain commitments to them. I assured them that, as a result of the tuition increase, we would (1) be able to maintain the excellence of our faculty by making our faculty salary levels competitive with other law schools; (2) expand the faculty, both to keep up with increased enrollment and to provide essential additional courses; and (3) increase student aid. In addition, I assured the students that no member of the graduating class of 1975 or 1976 would have a further tuition increase.

Both the tuition increase and my commitments to the students were subsequently approved by the Board of Trustees. At the same time, I projected a tuition increase to $3,200 to begin in 1976. As I understand it, the Board gave tentative approval to that idea, with the understanding that it would be presented for full consideration in connection with planning the 1976-1977 budget.

I am, of course, keenly aware of the financial problems of the University and of the Law School's obligation, along with every other department to help resolve a financial crisis. Indeed, as I have indicated, I took the responsibility for assuming such a burden by an unprecedented proposal for a tuition increase when I felt it was justifiable to do so.

I do not believe, however, that an increase of Law School tuition to $3,300 can be justified at this time on any other basis than that we have the power to impose it unilaterally upon the students. To do that would be inconsistent with my relationship with the students at the Law School. In all candor, it would severely impair my role as Dean as I see it, and it would necessarily raise questions about my continuing usefulness in the job.

I trust, therefore, that I will be given an opportunity to participate fully in any decision regarding increased tuition at the Law School.

CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 2, Number 4
November 27, 1974

"Asking You to Ask Yourselves"

American Bar Association Class A Category 1st Prize, *Law Student Division, Best Law School Newspaper,*

Norman Elliott Kent **Chad Russell**
Co-Editors-in-Chief

Associate Editor **Jim Freeswick**
Managing Editor **Dick Seltzer**
News Editor **William Irion**
Sports & Cuisine Editors **Lloyd Nadel, Pete Williams**
Business Manager **Donna Gilligan**
Photographer **Neil Weinrib**

CONSCIENCE is the official publication of the faculty and students of the Hofstra University School of Law. While CONSCIENCE is published with the approval of the School of Law, it does not necessarily reflect the opinions of the administration of the School or of Hofstra University.

The Editor-in-Chief of CONSCIENCE supervises the editorial, news, literary, advertising and informative content of the publication and has authority over all material that appears in that publication and over staff personnel.

It is expected that the Editor-in-Chief and the members of the CONSCIENCE staff will meet the responsibility that derives from the right of freedom of the press.

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Republication of any articles appearing herein is prohibited without the consent of the editor-in-chief.

Letters to the Editor

"Offensive Anonymity"

Dear Editor:

I found the letter in the 30 October issue relating to the possible formation of a Gay Law Students Group most offensive.

The first year student who chose to remain anonymous has, if anything, been destructive to the cause he wishes to encourage by his not only compromising, but apologetic letter.

It is not the surreptitious method, but the deprecating attitude inherent in the statements this student has chosen to make that is self-defeating. For example, by introducing in his first paragraph the spectre of "obvious reprecussions," and by stating in his second that "it is very rewarding to again have people relate to me as a human being instead of a homosexual" (with the pejorative connotation that that arouses), he could not hope to elicit support for his endeavor.

With the successful work being done at Columbia and New York University Law schools and others throughout the nation in this area, it is obvious that their members, founding or otherwise, do not demean the very thing for which they stand.

Sincerely,
Leslie Eric Comens

Faculty Lounge Policy

To: Law School Students, Faculty, and Staff
From: Aaron D. Twerski

The faculty lounge in the new wing of the Law School was established to provide an area where the faculty could meet informally and in private. It has come to our attention that from time to time the lounge has been used by students and other personnel for various needs.

Aaron Twerski

I am aware that until the construction is completed, we have a problem with adequate space in the Law School. Nevertheless, it is our desire to keep the entire faculty lounge on both sides of the partition for the exclusive use of faculty.

If there is some need to use a part of the faculty lounge, clearance for its use should be obtained from either Dean Freedman or myself. This accommodation to the privacy needs of the faculty will be deeply appreciated.

Ed. Note: With respect to our last editorial, we have been advised that this is the firm and final policy regarding the lounge.

Editors' Oriel

REPRESENTATIVE FARCE

The newly-elected student representatives held their first meeting last week, asking that each organization seeking funds submit a budget. Everyone but the representatives were prepared.

The reps reveled in ignorance. They did not know how much was in the student budget. They did not know how much was left over from last year, or how much had already been spent this year. They did not know what the reserve fund was. They did not even know the name of the University auditor and comptroller. Some did not even know how the student budget was created.

The ignorance was insulting, and the meeting plans were shabby. No one was authorized to speak for the representatives. What should have been a three hour forum, was scheduled for one hour. And the room was a joke, with all the students sitting on the floor.

The reps were ill-prepared and ill-advised. If they intend to gain the respect of this paper or the students they were elected to represent, they had better do their homework. Rep. Richard Feirstein, constantly interrupting student presentations to advise groups that they were "out of order" should have looked in a mirror, and its sad glare would have reflected back on he and his colleagues alone.

ANNOUNCE STAFF APPOINTMENTS

by Norman E. Kent

I am happy to announce the following appointments to the staff of CONSCIENCE:

Chad Russell, formerly an Associate Editor, assumes the role of co-editor-in-chief with this issue. Chad is ably qualified to take over when I graduate, and assuming the top role this early facilitates the transition that will take place when I resign.

Donna Gilligan has become our new Business Manager, and in the space of one week, accumulated more advertisements than we had all last year. Although Donna is a third year student, there are at least two first year students waiting in the wings to take over when she graduates.

William Irion, our new News Editor, is Hofstra Law's new Press Information Officer, sending out daily press releases about our school and its activities. He has already written for CONSCIENCE, and we look forward to his future contributions.

Lastly, I want to note that Nadel & Williams, that indomitable duo, have sought out their own replacements, and this Spring ought to witness some eye-catching competition between those who want to fill the shoes of the Masters.

All this adds up to a stable administration. Our house will not fall when I leave. It has been a reverse compliment suggesting that when I leave the paper will collapse: on one hand it congratulates me for the success the paper has had; on the other, it demeans me for failing to recruit others. But last year we had over forty contributors. And this year, after only four issues, we've come close to matching last year's figure.

Conscience shall go on, long after me.

One more final note concerns my good friend, Mitch Gilbert. Because of outside personal employment, Mitch has resigned his position as Executive Editor. His warmth, his humor, and his columns will surely be missed. He has done an excellent job of helping me all along.

Law Women Plan Winter Conference

The 1975 Women and the Law Conference, which will be held on February 8 at Columbia University School of Law, will consist of panels which will focus on various areas of substantive law.

There will be at least one panel which will speak to the demands of professionalism on women as these demands conflict with traditional role expectations. At this stage of the planning process, precise topics for all of the panels have not been determined.

Metropolitan Law Women is a loosely structured group which is organized each year to present a conference on Women and the Law. A steering committee, composed of representatives of each of the nine law schools in the metropolitan New York area, develops the program and format. The women of each law school assume responsibility for a panel which focuses on an area of substantive law or the relationship of women to the legal profession and system.

The 1974 metropolitan conference was held in February at New York University. The forces of nature conspired to generate the only major snowstorm of the season. This did not deter four hundred of the hardy who attended the conference.

Eleanor Holmes Norton, of the New York City Human Rights Commission, gave the keynote address in which she stressed that women in the legal profession could serve the women's movement by opening the profession to women and by using legal knowledge and skills to "turn the law to our uses."

Panel discussions were scheduled for the remainder of the conference with breaks for lunch, caucuses and films.

Hofstra women were responsible for a well-attended panel which focused on women as victims of crime. Rape, a crime generally perpetrated by men against women, was discussed. Sybil Landau, then a professor at the school, and Lt. Mary Keefe of the New York Police Department Sex Crimes Analysis Unit (Rape Squad) discussed rape from the prosecution and police perspective (Ms. Landau was a former New York County assistant district attorney under Frank Hogan). The elements of the crime and the evidence needed for conviction were discussed. It became apparent from both presentations, that arrests and convictions were extremely difficult to obtain.

Hofstra Law Women will be responsible for organizing one panel. A broad topic will be agreed upon by the steering committee and the Hofstra representative, Jean Smith. Hofstra's women will then have the task of determining the narrow issues which they will focus on. Panelists will be invited and materials prepared.

All women interested in working on the Hofstra-Metropolitan Law Women committee are invited to the first planning meeting on Wednesday, December 4 at 12 noon—room to be posted.

WATERGATE: *"The Ultimate Reprisal"*

By Monroe H. Freedman

In the present Watergate trial, three of the most powerful political figures of recent times—John Mitchell, H.R. Haldeman, and John Ehrlichman—are being tried for their involvement in the obstruction of justice that followed the arrests of the Watergate burglars.

There are two reactions that one might have to that trial. One is to rejoice that the villains have been overthrown and that the system is indeed working. The other reaction, however, is to deplore the fact that the prosecution and trial of the Watergate defendants has been characterized by much of the same kind of abuse of official power that gave rise to Watergate itself.

For Watergate was not simply a handful of evil men. Rather, Watergate expresses an attitude, a state of mind. That attitude is now being manifested again, as we identify those who are on our Enemies List, and set about, in John Dean's inelegant expression, to screw them.

Yesterday, we saw executive officials arrogantly abusing their power, without any sense of self-restraint, because they believed they were beyond effective control. Today, we see Judge John Sirica, having played a partisan role in uncovering the obstruction of justice, insisting upon sitting in judgment on the case, and refusing to permit it to be heard by one of over a dozen other judges in the same court.

Yesterday it was John Mitchell's Justice Department that was broadening the doctrine of criminal conspiracy and otherwise limiting the rights of criminal defendants. Today, we see a similar use of conspiracy and other questionable criminal charges by the Special Prosecutor's Office. In addition, we have seen prejudicial publicity, abusive sentencing in order to provide one defendant with a dubious motive to incriminate others, and the use of a criminal trial not to administer justice in that case but to expose the suspected guilt of others who were not even on trial.

It has been suggested that Judge Sirica acted properly in the earlier trial, because otherwise the truth would never have come out. However, Judge Sirica had a clear alternative to combining in himself the roles of judge and prosecutor. If Judge Sirica did indeed believe that the prosecution team under Earl Silbert was not doing an effective job, he had the power to appoint a special prosecutor to do the job properly. Indeed, a motion urging such an appointment was before the court. If he had issued such an order, Judge Sirica could have maintained his own constitutional integrity as a judge, and still have seen the truth come out.

As it was, Judge Sirica earned the credit given him by the **New York Times** for having personally "foiled the attempted cover-up," and was honored by **Time Magazine** as its Man of the Year for that achievement. I recall being at a Washington nightclub to enjoy a stand-up comic routine on Watergate; during the performance, Judge Sirica himself stood up, waving and smiling broadly, to acknowledge a standing ovation from the audience. Clearly, therefore, Judge Sirica is the very last person in the world to sit in judgment in the trial of the case that he himself was instrumental in uncovering. Were I one of the defendants, in all seriousness, I would far prefer to be tried by a court presided over by Archibald Cox or Leon Jaworski.

But Judge Sirica sits on the case and, predictably, he has expressly set as his standard not the administration of justice in the matter before him, but, as he has spelled it out to the jury, the determination of T-R-U-T-H. As observed by one of our great jurists, Judge Bernard Botein, in his Cardozo lecture in 1960, the American system of justice places a heavy emphasis on "respect for human dignity at every step" of a trial, and even though that system "may not prove to be the best means of ascertaining truth," it is "not to be undermined lightly in a democratic state."

If the real crime of Watergate is an arrogance of power that threatened to undermine democratic principles, what then can we say of a judge who asserts that traditional rules of evidence will be ignored in his court, and who boasts that he is not "awed by the Court of Appeals" that sits above him, because "They can't tell me how to try my case." Is that attitude essentially different from that displayed by Nixon and Dean in the infamous conversation in which they decided it was time to use the power they had, in order to screw their enemies, simply because the power was theirs to use?

The prosecution effort is similarly flawed. Did the defendants not obstruct justice by preventing criminal conduct from being uncovered? Did they not aid and abet the success of a cover-up that was in fact successful for a substantial time? If so, then those are the crimes for which they should be prosecuted.

But, not content with proceeding on those substantive crimes, the Special Prosecutor's Office has included counts of conspiracy to commit the substantive crimes. Legal literature is filled with catalogues of prosecutorial evils that are inherent in conspiracy trials. Most seriously—as we see particularly with regard to such apparently peripheral figures as Parkinson and Mardian in the present case—the crime of conspiracy focuses away from individual guilt and toward guilt by association. In such a prosecution the act of one is attributable to the others, and may be proved by the most tenuous circumstantial evidence, hearsay evidence, and violation of the constitutional right to confront one's accusers.

The justification of conspiracy as a part of the criminal code lies in the common-sense proposition that the government should not be required to stand by and permit a crime to be committed pursuant to a plot, but should be able to step in before the plot has reached fruition, and nevertheless be able to prosecute the conspirators. There is reason in that argument, but it does not apply to the Watergate trial. This was not a case in which the government moved in to nip a crime in the bud before it could come to flower. If there was a conspiracy to obstruct justice, then there was an obstruction of justice in fact, and there were those who aided and abetted it over a period of many months. Use of conspiracy in this case, therefore, derives not from the necessities of law enforcement, but from an undisguised effort to prejudice the rights of the defendants.

Other counts in the case derive from section 1001 of the federal criminal code. That provision has been a target of civil libertarians for decades, because it is one of the most broadly and vaguely phrased criminal statutes imaginable. The crime consists of intentionally making "any false . . . statement" regarding "any matter" that is "within the jurisdiction of any department or agency" of the United States. That's it. The false statement may be made to anyone in the world. It need not have been made on notice or under oath, as would be true in a case of perjury in a courtroom. Yet, incredibly, the penalty for that vague offense is greater than that for perjury.

History shows that the original intent behind section 1001 was to prevent people from obtaining governmental money, property, or privileges by presenting false claims to a governmental agency. In fact, the original title of the section was "Presenting False Claims." Moreover, United States Courts of Appeals have interpreted the statute as not covering statements made to the FBI in the course of investigations. Nevertheless, the counts in the present case refer precisely to that—false statements made to the FBI in the course of its investigations.

In one point at the trial, Chief Trial Prosecutor James F. Neal admitted that "as a human being" he has "serious questions" about the propriety of the charges under section 1001. That, however, did not stop him from prosecuting on those charges nor from using them to justify admission of evidence that might otherwise have been excluded.

What, we must ask, is Watergate about if not that—people doing as public officials things that "as human beings" they should have "serious questions" about? It is a failure to learn that lesson, I would submit, that is the ultimate betrayal of Watergate.

NORMAN KENT:
'7,000 Miles, 300 Years, And A 13¢ Stamp Away'

It is Fall praying for Winter, one of the first cold nights in Point Lookout. My attic room is mellowed by the sounds of Cashman and West, softened by a shag carpet that seems to shed more than my German shepherd ever did in his fourteen years. His picture is above my window, dressed in a frame with the simple words: "If you cry too much about losing the sun, your tears will not allow you to see the stars." He has been dead over a year now, and the pain has become a fond memory.

An outstanding electric heater warms the room, and my floor level bed permits my body to absorb the radiating warmth. Next to the bed is a television set, waiting for the moment it will come alive again. It only takes the flick of a switch. But the phone rings first, and it is a good friend from North Carolina, now studying at Bowman-Gray Medical School. I lower the stereo, and instantly sound becomes silence. It is a quiet moment on a dark night, save a rattling window caused by the Atlantic's arm. It is mellow. And I talk with Joe, and his wife Karen, and we are all happy that within a fortnight, I'll be flying to Winston-Salem.

The phone is put to rest, and the intensity lamp pours its watts onto the pages of Robert Daley's "Target Blue." And David Durk, a professor of mine for ten weeks, begins to unfold for the first time. But the hour is approaching 11, and the book is closed. I'm lying underneath my electric blanket, listening to the news, and the frustration of the World Food Council in Rome. I think how I am the Chairman of the Freedom From Hunger Committee of the American Bar Association Section on Individual Rights and Responsibilities, and how futile my work has been. I have written to over 75 attorneys nationwide, all in some way connected with problems relating to food, and have received but one interested response. And I've written to United States Senators on the Nutrition Committee as well, but only Senator Kennedy has written back. Maybe lawyers don't think starvation is in their domain.

I think of my brother, a University of Rochester junior, spending this semester in the University of Madrid, and I think of the letter I received right after our election day:

Dear Norm,

As you know, as part of my anthropology project, I've been living with a peasant family in the mountains of northern Spain.

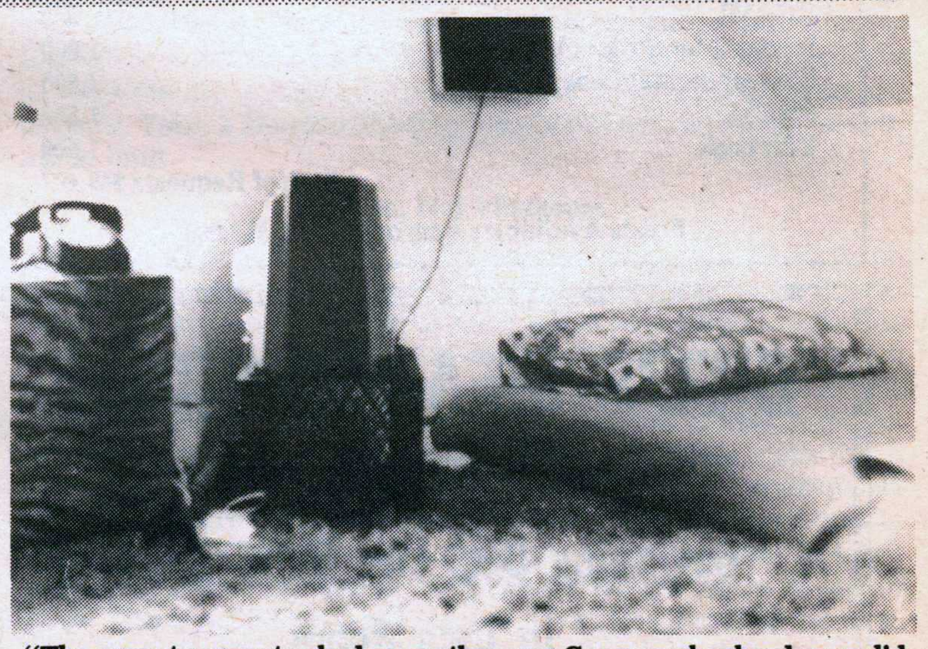
The "village" is really nothing more than a cluster of houses located at the bottom of a huge mountain. There are no streets, no stores, no schools—nothing. It is not really a village; here they call them "Aldeas," remnants of the Middle Ages, when groups of families would build houses in a cluster for self-protection.

The "houses" are of wood, stone, and thatched roofs. There is no heat, no hot water, only wood stoves, and electricity, if there is any, is limited to one bulb hanging from the ceiling of the main room. The floors are cold and hard, wood and straw.

The food they eat is what they produce—bread, potatoes, milk, eggs. Once a year they will kill one of their pigs and then live off dried ham all year long. It is a subsistence village, and very rarely does anyone go into the nearest town, 10 miles uphill on a mud path that is barely walkable. Since I was their guest, they would always give me the best foods, and one day they served me meat while they ate potatoes and dried ham. And it would be rude if I dared to refuse their hospitality.

The people wear the same cloths (not clothes) nearly every day, and seldom wash. I live in one of the town's luxury homes—it has got a toilet. The others do not even have outhouses. You simply have to walk to the woods to go.

The population works morning to night—every single day—Sundays are no different. There are no holidays, no vacations, not even town get-togethers. Most of the young people are fleeing to the cities, and in 10-15 years the Aldeas probably won't exist. The older people know no other life and are content. They even think things have gotten better, since



"The carpet seems to shed more than my German shepherd ever did in his fourteen years."

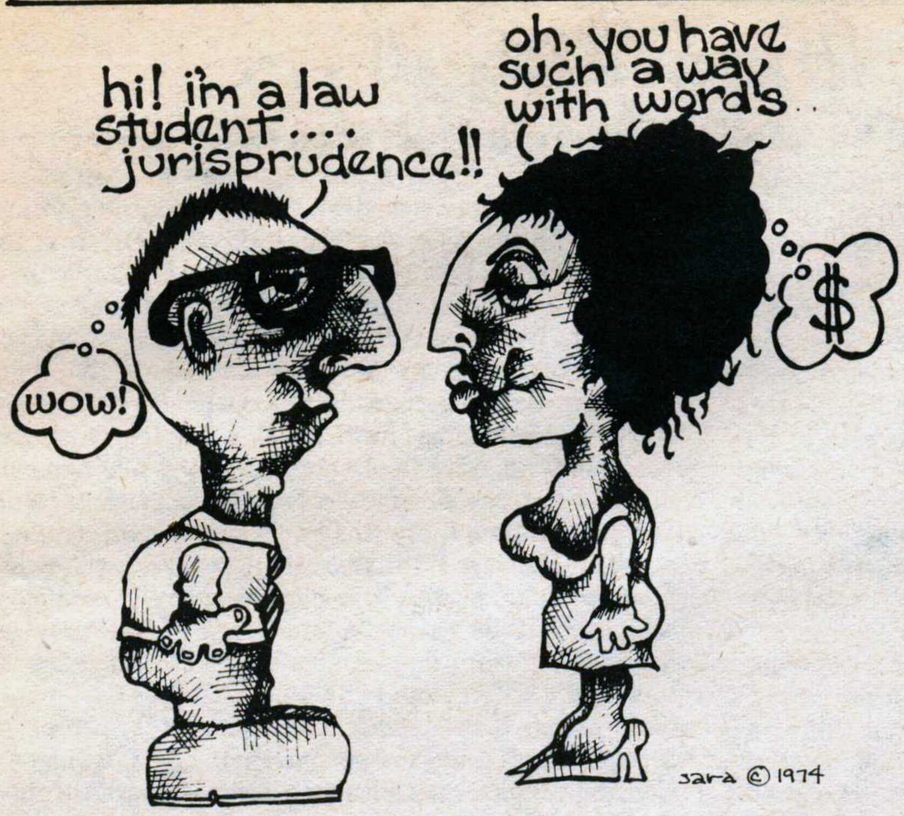
before 1970, when they first discovered a copper mine nearby, there was no running water and no electricity.

There is little if any modern farm equipment here. Most families still use donkeys and ox-carts, and because I'm a guest they absolutely refuse to let me help them with any work. So I spend lots of time alone, wandering through the woods and mountains. I realize, while I walk around, that I'm seeing the world as it was centuries ago, as if I've gone back in a Time Machine, only it's all very real. Since the region is isolated by huge mountains covered with autumn colors, the beauty is astounding. I can't wait to show you some of the pictures . . .

I turned off the light, and as I closed my eyes I could hear my Knapp-Monarch Automatic Fin Heater generating warm air out from its breast. My electric blanket was especially comfortable, and in this safe, serene environment, I thought of my brother Alan, 20 years old and 7,000 miles away, on the bottom of a mountain in northern Spain.

I looked up at my electric typewriter, and realized what an outstanding column the contrast might make. And I thought about the machines that would justify my copy automatically, the computers that would set it on a page, and the massive printing press that would turn it out to so many so soon.

And I fell asleep.



FORUM ON SUPER-K

Faculty and students of the School of Law are invited to attend a public forum on THE KISSINGER PHENOMENON at which two former aides of Henry Kissinger will speak. There will be no admission charge.

The forum will take place Monday evening, December 2, 1974, at 8 p.m. in the Student Center Theatre on north campus. The event is sponsored by the Dean of Students and the Cultural Affairs Committee of the Student Senate.

Dr. Morton H. Halperin, formerly a senior staff member of the National Security Council under Dr. Kissinger, will discuss the Secretary of State's "World View and Style of Diplomacy." Dr. Halperin was one of the government officials whose telephone was tapped between 1969 and 1971 by the Nixon administration to stop press leaks. He is currently seeking damages from Dr. Kissinger, the F.B.I. and other officials as a result of the taps. Dr. Halperin, a prolific writer in the field of foreign policy, is now writing a book on government secrecy and national security.

Dr. Roger Morris will speak on "Henry Kissinger and the Press." Dr. Morris, a former member of the White House staff during the Johnson administration and a former aide to Dr. Kissinger, is currently director of Humanitarian Policy Studies for the Carnegie Endowment for International Peace.

BUDGET REQUESTS

Beautification Committee	$ 2,500
Student Directory	320
Hofstra Law Women	2,960
BALSA	6,000
Speaker's Committee	10,125
Jewish Law Students Assoc.	1,125
Conscience	4,350
Lawyer's Guild	4,985
Law Review	4,987
NORML	355
Students for Social Change	1,000
Environmental Law	1,600
PRLSA	1,550
Yearbook	1,500
Sum of Requests	$43,407

Funds Available: Approximately $13,000

Opinion

'To Each His Own'

by Richard Seltzer

Three different attitudes have been observed among law students. We shall call them Ms. Idealist, Mr. Realist, and Mr. Cynic. The following may be considered a typical conversation among the famous attitudes in a typical student lounge:

Ms. Idealist: Gee, this coffee sure is delicious.

Mr. Realist: Considering it is the only machine in the school, I drink it when I need to stay awake.

Mr. Cynic: It sure is hard to stay awake in these classes.

I: Don't be silly. The classroom is a very stimulating experience, and the Socratic approach is so exciting.

R: About half the classes are enjoyable. A few boring ones must be expected.

C: These casebooks really bug me—case after case after case. What does a hairy hand have to do with being a lawyer, anyway?

I: The casebooks are very interesting. It's amazing to think that each case really happened. It's like reading a lot of short stories.

R: The casebook approach is as good a way to teach this stuff as any other method.

C: Who cares about the cases?! I can get B's and C's just by reading Gilbert's and canned briefs.

I: How can you waste money on those things? The idea is to grasp the material as thoroughly as possible. Grades don't matter!

R: Gilbert's and canned briefs are good tools to review. They might make the difference between a C+ and a B-, which will help in the long run.

C: The only thing that helps in the long run is money. Lawyers are successful when they are rich.

I: Lawyers are successful when they help make this world a better place to live. A lawyer that helps reform an unjust law is certainly a success, even if it can be done only once in a lifetime.

R: It's important to do a little free work on the side, but it is also important to live a comfortable life.

C: What's important is getting through this with a minimal amount of effort. After all, what does law school have to do with being a lawyer, anyway?

I: You are a lawyer from the first day of law school. We will be doing work at least similar to this for the rest of our lives. Genuine feelings for the law can be developed and the word "work" becomes irrelevant. "Work" is just another positive aspect of the total life experience.

R: A lawyer must expect some of his work to be tedious. The important thing is to strike a balance between the exciting parts of the law and the drudgery. My father always told me that a person is lucky in this world if he breaks even.

C: Who cares about breaking even? Just give me a few rich clients and I'll be a happy person.

I: One of the things that makes me happy is meeting all of the interesting people in law school.

R: Law school is like most other places. Some people are interesting and others aren't. You can't expect to be friends with everyone.

C: Are you kidding? Most of the school is filled with white middle-class conformists.

I: Well, the architecture of the school is certainly conducive to learning, and that's what we're here for.

R: It's nothing spectacular, but it serves its purpose.

C: This building reminds me of a mental institution, and the surrounding landscape has about as much warmth and aesthetic value as a cross between Death Valley and the county dump.

My fellow students; can you answer the following questions: Who are the realists? Who are the idealists? Who are the cynics? Who cares?!!!

Faculty Profile:

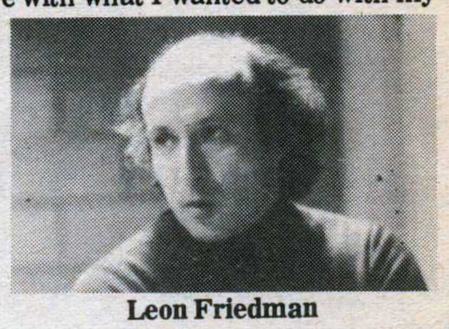
'Lucky' Leon Friedman

By Marilyn Levine

When Professor Leon Friedman was a student at Harvard Law School, the "Paper Chase" type professors never bothered him. Since he thoroughly enjoyed speaking and participating in class, they generally left him alone, and instead went after the students who attempted to hide by switching their seats. While Professor Friedman believes that there is value to the Socratic Method, he feels that it is "just one technique available to the law professor, and that it can be overdone."

Upon his graduation **cum laude** from Harvard Law School, Professor Friedman joined a "big Park Avenue law firm where the pressure-cooker atmosphere made me a lawyer." The giant leap to Civil Rights occurred when Professor Friedman wrote the ACLU amicus brief in **Gideon v. Wainwright,** 372 U.S. 335 (1963).

Chief Justice Earl Warren has called this case one of the three most important cases decided by the Supreme Court during his tenure. In a unanimous decision (9-0) the U.S. Supreme Court guaranteed the right to counsel. To Professor Friedman "Civil Rights seemed more important, more exciting. It fit in more with what I wanted to do with my life."


Leon Friedman

Professor Friedman's parents were both politically involved in the relevant issues of the thirties, issues like the unionization of workers and the Spanish Civil War. His deep social consciousness and commitment to equal justice for all was no doubt fostered in this environment.

In the summer of '64 Professor Friedman went to St. Augustine, Florida during the Civil Rights strife. **Southern Justice,** a book which he edited and contributed to, describes first-hand experiences of nineteen lawyers in handling civil rights cases in the South.

This first book was followed by many other brilliant, scholarly works; among them were **The Civil Rights Reader,** which he edited, **The Justices of the U.S. Supreme Court, 1789-1969,** which won the Scribes Award as outstanding book on a legal subject during 1970, **The Wise Minority, Unquestioning Obedience to the President: the ACLU case against the Legality of the War in Vietnam** (with Burt Neuborne), **Disorder in the Courts** (with Norman Dorsen) and **The Grand Jury.**

Professor Friedman's work experience is equally impressive. He served as both director of the Committee for Public Justice and staff attorney for the American Civil Liberties Union. He was Associate Director of the Special Committee on Courtroom Conduct which resulted in the aforementioned work, **Disorder in the Courts.** And Professor Friedman has served as general counsel to Chelsea House Publishers.

Since 1962 he has worked on trial litigation and appellate argument for the ACLU; cases include Vietnam War litigation (acting as lead counsel), draft cases, the obscenity field, election law cases, women's rights litigation, and the criminal law field. Professor Friedman has taught at N.Y.U. Law School and the Columbia School of Social Work. He is Chairman of the American Bar Association's Subcommittee on Obscenity and Pornography.

And as if all these credits weren't enough, Professor Friedman co-authored **The Trial of Lee Harvey Oswald** (with Amram Ducovny) which was produced on Broadway in November, 1967.

The vast array of real accomplishments in the field of civil rights, the innumerable scholarly books and articles, the important trial litigation, the awards and recognition—all that Professor Friedman has achieved lends credence to the old cliche that "the bigger they are, the nicer and more approachable they are." Professor Friedman's totally relaxed, easily approachable manner with his students has won him their respect and admiration. His students feel free to wade through the clutter of his yet to be unpacked cartons to talk with him in his office about today's problem or question, knowing that they will find a ready and interested ear.

Professor Friedman unequivocally states that having worked with law students from Columbia and N.Y.U., he finds "Hofstra law students at least as good as the best of them."

Professor Friedman is married to Gail Marks, and they are the proud parents of nine month old Michael. When he can find the time, Professor Friedman likes to play basketball and tennis at Hofstra. His wife attends Art School.

We can look forward to his latest literary achievement which should be out this month: It is called **United States versus Nixon.** Professor Friedman has edited a compilation of all the legal documents involved in the case. Judging by Professor Friedman's past works, we can be sure that it will be an important addition to the cause of legal justice.

10-13 at Fort Apache

By Lloyd Nadel & Peter Williams

Thirty seconds before the call, our cruiser nudged down Southern Blvd. in the South Bronx not so much in search of a crime in progress or for some sort of sordid criminal activity in the street, but rather for a cup of coffee. Quality was of no consideration as long as the drink would provide a respite as the 4 to 12 swing moved into its sixth hour.

We were told that the streets were not unusually crowded for a Friday night, but it seemed that there were just too many people with nothing to do, hanging out on street corners and alleys, whiling away their time by drinking from brown bags and shooting craps under the street lights. For those with more money, there was a choice of any one of the numerous social clubs that lined the streets and lured their clients with bright neon signs and juke boxes that spewed their beats into the street, adding to the cacaphony of the night life.

"That's all they do up here, pal," the driver told us as he glanced from side to side out of the front windshield. "Drinking and gambling—it's the way of life in the South Bronx," Harry continued as Mike, his partner, waved to some teenager who was making an obscene gesture at the car.

"If anyone ever called me Officer, I think that I'd turn in my badge," Mike mused as he still looked for a place to get that cup of coffee. Harry, in answering and continuing Mike's comment, said that he had been in Queens before coming to the "Four-One" and they treat you the same way out there. "As soon as you've got the blue on, they all hate you, pal."

Fifteen seconds later Mike watched as three tough-looking kids threw themselves against the wall of a burned-out tenement and defied the cops to search them. Muttering a few well defined adjectives that could easily be heard by the boys, the cruiser slid past them and continued its course toward that cup of coffee.

"They aren't scared of the gun because they know that I have to fill out miles of paperwork, go down to Central and have my gun tested, and file a record for the department to investigate. But I'll tell you, they know that I'll use the stick and they fear it—it's an equalizer for me in the streets," Harry stated in a proud way as Mike continued to look at all the places he knew of to see if one was open so he could get a cup of coffee.

We were still looking for that coffee when the radio in the car, which had been chattering and squawking all night, stated quickly and directly "10-13 Timson Street." This signal is one which all New York City Policemen dread, but to which all will respond with the greatest alacrity, for it means that one of their brother officers is in trouble. The car that moments before had been filled with idle chatter over jobs and people was now silent and tense as Harry spun the cruiser around and began heading toward the location, and Mike with one hand turned on the lights that line the roof and with the other, made sure his gun was ready, that gun that moments before he had said he didn't use with people on the street because it was too much hassle to fill out the paperwork.

But this situation was entirely different because one of their own was in trouble. As we raced down Southern Blvd. and darted in and amongst the oncoming traffic and from lane to lane, all the faces and stores blended into one massive collage of color and sound.

It seemed like an eternity since nine students had ridden down that road in search of a New York City Police Precinct. All during the ride, there had been jokes that we were going to die and that some form of strange creature would be on the streets, for after all there was a full moon out. When we coupled this with the fact that it was a hot night for that time of the season, we knew that there would be people on the streets with money to spend because "The Checks" had come out that day. But as we turned onto Simpson Street, the location given us for the "Four-One" precinct, the joking stopped and an uneasiness came over the car.

Sure, we knew that there would be people on the streets, but not as many as this, and as we moved down the street it felt as though all those eyes were following us alone because we were foreigners—strangers to a turf that was built on toughness. We had been told that there was a lot we could park our car in, but when we saw that it was two blocks from the station, we decided to try our luck and find a spot closer. We were scared to walk the street. As we circled the block, we were lucky enough to find a place within 50 feet of the station and we wasted no time in making our presence known to the police. To say the least, they weren't happy that we were there

(Continued on page 7)

From the Dean's Desk

PROBLEMS OF SCHEDULING

By Aaron D. Twerski

It is that time of the year again. With turkey and Thanksgiving and the Lions - Packer football game around the corner, you can be sure that the time for drafting a schedule for the spring semester is around the corner, too. I thought it might be worthwhile to share with you some of the very real problems faced when attempting to put together a sensible schedule. Admittedly, the final work product may not be satisfactory to you(although it is certainly my hope that it will); but at the very least you may gain some insight into the myriad problems and conflicts which must be reconciled before a schedule is put together.

Basic Premise

Let's start with a basic premise. For all practical purposes the basic hours for scheduling (prime hours) are between nine and three Monday through Thursday, and nine to one on Friday. A second premise: the more spread out the schedule is over these hours, the greater is the chance that electives will be available to a larger number of students. The more you jam up the schedule, the more you insure irreconcilable conflicts for students wishing to take various courses. To this must be added the limited availability of classrooms within these hours. This must be understood within the context of a freshman class which is triple sectioned and which places a heavy demand on available classrooms.

Now to the real problems! Certain courses, because of their great demand and universal appeal to students, such as Business Organizatioins, Evidence, Wills and Trusts, etc., must be scheduled unconflicted if we are to accomplish two goals. The first is to insure that students who are taking these courses (that is the vast majority of the student body) are not foreclosed from other electives. Indeed, it would be folly to schedule against these courses because, in fact, we know the student pattern of election, and other electives, no matter what their worth, and how popular, would simply not be chosen in the face of courses which all students feel are a requisite for their basic education. Secondly, these courses are now double-sectioned to cut the size down and to equalize the availability of classroom time for students.

Sectioning

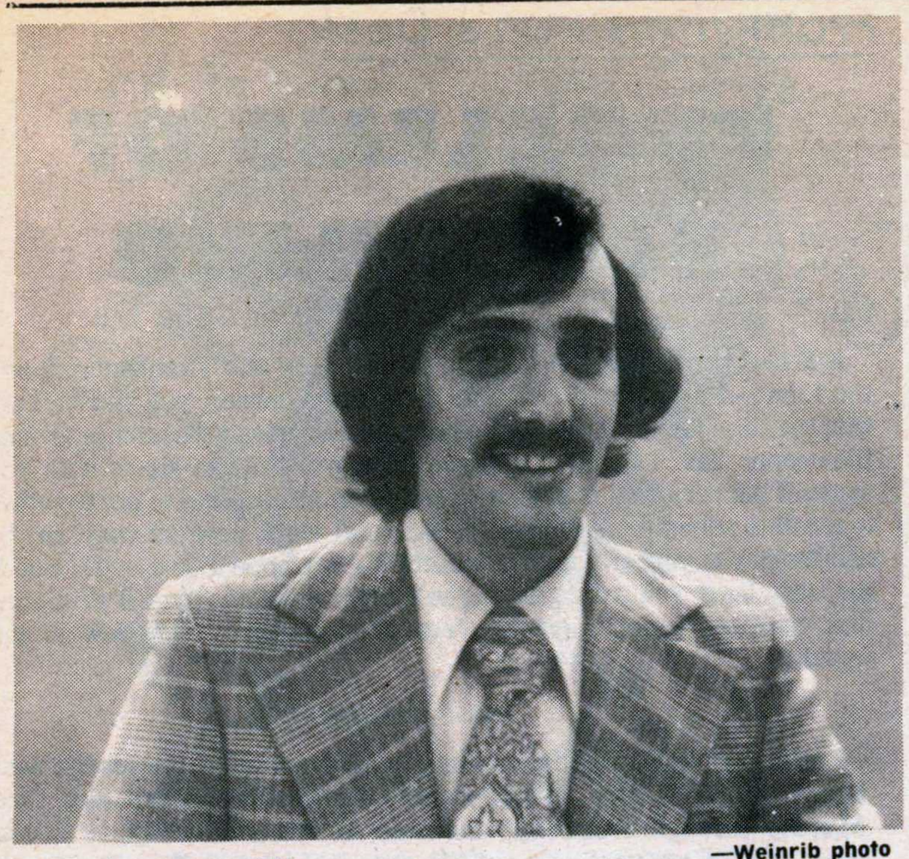
If sectioning is to be accomplished it must be by blocking out that time period for both sections. To these considerations must be added the problem of students who are in a sequential tract; that is, students who are taking a series of courses within a given area, such as Business Organizations, Taxation, Business Planning, etc. If one is to do justice to the legitimate desires of students to take a full tract in a given area, scheduling must take into account the problem of conflicting these courses against each other. When one has completed taking the above mentioned factors into account, faculty and personnel problems must be looked at. Some courses which are offered by part-time faculty must be offered at a given time slot, or not at all. It is neither fair nor proper to schedule a full-time faculty member so that his teaching schedule is over-loaded on one day and non-existant on other days. Faculty members must have their teaching load spread over a time period of four days per week. It is standard practice in law schools that faculty members have a complete research day available to them for the completion of longer and more detailed research projects. Thus, a four-day teaching schedule is both an outside and an inside limit.

Options, Not Phantoms

The mere recitation of all of the above considerations should indicate that the problem is a complex one. Nevertheless, there has been some discussion as to whether or not it might be possible to schedule classes for students so that there would be an optional day in which there would be no classes scheduled for a given student. The simple and direct answer to that question is that although it may work out that way, it has become next to impossible to schedule to make that a reality. I cannot subordinate legitimate scheduling requirements which will insure a free and open choice of courses to the desire of accomplishing a four-day week. Indeed, it is my intention to begin scheduling classes on Friday afternoons from the hours of one to three. This is not being done because I have some perverse desire to force students into an uncomfortable hour. However, the burgeoning number of electives dictates that the schedule be spread as widely as possible to insure real, not phantom choices.

Some Disappointments Inevitable

It is inevitable that students will be disappointed at some time or other in the way the schedule is drafted. When I do the actual scheduling for this coming semester, it is my intention to ask a member of each of the classes (1st, 2nd and 3rd year students) to sit with me so that I can fully appreciate what the impact of scheduling is on the students. After a draft schedule is worked up it will be distributed to several student representatives for their input. The schedule is of course, discussed with various faculty members and draft proposals of the schedule are made available to the faculty so that inadvertent course conflicts are averted before the schedule is finalized. It is, of course, impossible to discuss the schedule with better than 600 students before finalizing it. What I hope to accomplish by bringing the students into the scheduling process is to insure that I have the input at the very time in which all the considerations are thrashed out. Unfortunately, the group involved in preparing the schedule will have to be a very small one, no larger than four people. A larger group would be unwieldly and unworkable, but I do hope that the exposure of this process to elected student representatives will be a step in maximizing the input at the time when it counts.



—Weinrib photo

Faculty Profile

'AGILE' ALAN RESNICK

By Margery Rosin

Alan Resnick, "teacher with a flair," seems to bring inexhaustible energy into the classroom. Asked if he collapses on his return home, his answer was "Yes," especially on Thursday, when he teaches Contracts from 9-10 and Commercial Paper from 2-4.

A new addition to the Resnick family is Brian, his father's favorite hobby. His father plans to share in the midnight feeding.

If you happen to meet this 26-year-old professor outside of class, please call him Alan rather than Al. He feels that "Al" sounds like an older man.

He can listen to music for hours. Paul Simon and James Taylor are among his favorites. He loves to read—law, of course, as well as other things (when there's time).

When Alan Resnick graduated from Georgetown Law School, he had to make one of his most difficult decisions. A fellowship was open to him at Harvard, also a position with the anti-trust division of the Justice Department, as well as possibilities with large firms. After his graduate work at Harvard (during which he taught part time at Boston University), he came to a decision which surprised his colleagues, most of his friends, and law professors. He went to work with a small Garden City Law firm. It dealt with general practice, mostly in commercial areas. After all those years of school, he wondered, "What does the average everyday lawyer do with his life? What is it like to practice in suburbia with a small firm?" He was advised that to take such a position would be professional suicide. He would end his career by becoming a house-closer and ambulance chaser. He took the risk. The rink turned out to be a blessing. He really enjoyed general practice, and acquired a lot of experience in a very short time. Had he worked for a larger firm, he probably would not have had much client contact in the first few years. Instead, he appeared in court, had his own clients and cases. He dealt with a divorce case one week, a house-closing the next, and commercial litigation the third.

His most interesting case involved a habeas corpus proceeding. A client had a mother living with her, and the mother had some money. Cousins and distant relatives came to visit one day, and asked the mother if she would like to come and spend some time with them. This happened about two years before the client came into Attorney Resnick's office. She hadn't seen her mother since. The relatives would not let the mother see the daughter. She suspected they were trying to brainwash her mother and get hold of her money. Attorney Resnick initiated a habeas corpus proceeding. As far as he could determine, this was the first habeas corpus proceeding on record to get a mother back to a daughter. The court order requested the mother to appear in court. When the mother saw her daughter, she wanted to go back with her. All of the mother's money had been taken. Action is still pending to get the money back. For two years the mother had been told that her daughter didn't want to see her or have anything to do with her.

Attorney Resnick claimed that the determination of this case gave him more satisfaction than if he had received a million dollar judgment for a corporation.

Third year law school students tend to be depressed if they don't get offers from White & Case or Dewey Ballantine. Professor Resnick reminds them that law takes place in the suburbs and out west—very good law at that. Once out of law school, the transition has to be made from law student to lawyer. You don't walk out of law school and say, "Now I'm a lawyer," because you don't feel like a lawyer. It takes a while for this confidence to emerge, and can often be reached more quickly in a small law firm.

Although Prof. Resnick enjoyed his law firm experience, he felt that teaching on a full-time basis might offer something more. Although he had other teaching opportunities, he decided that Hofstra would be the place. He was familiar with the school, it was fairly young, and he liked the idea of growing with it.

Professor Resnick hasn't been disappointed. He's impressed especially by the first year students, whom he finds to be very enthusiastic. They are outspoken, but in a respectful manner. He sees his task as a first year teacher to teach students how to think. He believes strongly in the Socratic method, especially for first year students. The case method seems invaluable for first year students, but the Problem Method more effective for third year students in such courses as Commercial Paper.

He enthusiastically endorses the open-door policy, remarking that it was sometimes easier to see one's Senator in Washington than his professor at Harvard.

A 'MODEST' PROPOSAL

By Juris Prude

As the events of the last few weeks begin to take reasonable perspective in my mind I feel that I am now prepared to reflect on the first year student's initiation into the law school, the Practice Exams. These most curious of academic animals provide the students with an opportunity to hone to perfection techniques which will determine their success when the "real thing" rolls around in January.

This experience showed me that most of my colleagues fall into one of two categories. There are the Practice Paranoids and the Practice Procrastinators. Now the practice paranoids will undoubtedly spend the holiday eve at home studying.

These creatures will gloriously celebrate New Year's by putting their tort books aside at midnight and uttering a reasonable cheer calculated to allow of their friends, whom they have by now lost to boredom or sleep, to be free from invasion of their right to quiet surroundings.

The other distinct group, the practice procrastinators, will revel in the joys of the holiday season and go to any lengths to avoid thinking of law school. They will even go so far as to forgo their weekly ritual of watching Petrocelli.

All of this lasts until New Year's Day, which will be spent in a frenzy of activity. Aside from nursing hangovers, they will be attempting to make good on their number one New Year's resolution. Alas, they will fail because no bookstores are open New Year's Day, so they will not be able to buy that copy of their torts textbook that they never got around to picking up.

As for me, I am the quintessential reasonable man and I will undoubtedly spend New Year's Day on the phone with all seven members of my illustrious study group doing what we always do, and that is finding the proper place for the session and the proper menu for the traditional pre-study meal.

And with visions of Law Review and high paying jobs dancing in our minds, we will press onward toward exams. All of this leads me to the point of this exercise, which is to make a "modest proposal."

The practice paranoia is just as real as the genuine article and for what? So in order to save the future Hofstra Law students from suffering through what I have endured for no reward, I am proposing the logical reward for "practice diligence." Yes, I am proposing in this august forum the only sane solution to the Firstie's fears that he is falling apart at the seams for no apparent reason.

I am proposing that Dean Freedman and the other powers that be search their souls and allow Hofstra to once again jump to the fore of all progressive law schools by being the first to sanction the **PRACTICE LAW REVIEW**—something the reasonable man himself would strive for (if he had only done better on his boards and been accepted into a law school).

Well, Dean Freedman, I've given you the ball. It's yours to run with . . . I'll tell you what . . . If you let me have a place on the Practice Law Review Board I promise to throw away all of my trash from now on, O.K.?

Professor Kadane Tenured

David K. Kadane, has been granted tenure effective September, 1975.

Professor Kadane was general counsel for the Long Island Lighting Company for 20 years before becoming a professor in the School of Law at Hofstra in 1970. He has been a legal adviser to governments on two continents, serving eight years as counsel to the U.S. Senate Committee on Interstate Commerce, the Securities and Exchange Commission, and the National Housing Expeditor's Office and two years in the Peace Corps as legal advisor to the government of Tanzania.

Professor Kadane, who earned his B.A. from City College of New York in 1933 and his law degree from Harvard in 1936, was the first director of the NLO. He has also been active with the Nassau County Youth Board, Health and Welfare Council of Nassau County, United Fund of Long Island, and the Long Island Health and Hospital Planning Council, among many others.

'More Kubbard'

(Continued from page 8)

kosher hot dogs. According to the menu, a large bowl of soup du jour is 40c while a small bowl is 70c!!? That's **chutzpah!** Final rating: 1.75 G's.

GOOD OLD AMERICAN

The **HEMPSTEAD PLAZA DELI** on Fulton Avenue near the **OLYMPIC TORCH** is unique in that it features exclusively American cuisine. Sandwiches are thick, prices are average, and the place is super-clean. It offers daily specials such as baked macaroni-and-cheese in various size containers. It's the only deli that sells cold 12-oz. cans of Pineapple Juice for those who'd rather not drink carbonated water and sugar at inflated prices. Fast service even at the height of the lunch hour gives the **PLAZA** 2.5 G's.

FINAL RATINGS:

JIM'S-KOPFS 2.75
PLAZA 2.50
ERNIE'S 2.25
STRUEBEL'S 2.00
T.G.-77 SPOT 1.75

This month's BENT SPOON AWARD for excellence in fodder and grog goes to two wives of third year students—Carol Manning and Marti Szostak. Ms. Manning outdid herself by preparing lasagne, meatballs, and homemade cherry pie. Ms. Szostak's specialty, Proof-of-the-Puddin' Pie, complemented her Chicken Kiev and string beans almadeen. Added congratulations to Marti for being the first BENT SPOON recipient to be featured on Channel 4 News.

Student reps, from l. to r., Kent Moston, Neal Hendel, Joshua Klapper, Richard Feirstein, and Jeff Lebowitz listen to budget request at last Wednesday's meeting. —Weinrib photo

Opinion

'LONDON LAW'

By Ralph M. Stein
Hofstra Law '74

Silver-haired, unshaven and still a wee bit unsteady, the sixty-three year old man half-climbed, half-stumbled into the railed, rectangular platform called the prisoner's dock. "You," intoned the clerk of London's Bow Street Magistrate's Court, "are charged with being drunk in Drury Lane at seven o'clock in the evening of August 13, 1974." "Lying drunk in the footpath blocking pedestrian traffic," called out a bored, middle-aged police officer sitting in an enclosed box prominently marked "Inspector." "What have you to say for yourself?" queried the equally bored magistrate. No response from the prisoner who seemed to be affected by the dizzying heights of the dock. "F1 or two days," announced the judge.

In the first 25 minutes of the morning session, the magistrate disposed of no less than 17 typical drunk cases in the most famous of London's so-called Police courts. Only the English accents distinguished the proceedings from similar affairs in other cities. Quick, summary hearings with no question as to why the charged was drunk, no concern over breaking the cycle of arrest, fine or jail, and inevitable re-arrest.

Magistrate, clerks, police officers, and spectators all seemed to snap from their semi-stupor when, shortly after the last drunk shambled out of the wood panelled courtroom, the first case for trial was called. While felons must be tried in Crown Court, commonly known as Old Bailey, there are a wide variety of offenses triable by the magistrate with the consent of the charged party. Like so much of criminal procedure, gambling is an element at Bow Street. A party choosing to be tried there instead of taking his or her chances with a jury is first solemnly warned that "if after taking all the circumstances into consideration, His Worship feels his powers of punishment are insufficient, he may bind your case to Crown Court solely for the purpose of affixing punishment."

Into the dock walked a young man in a cheap but neat sport jacket and a middle aged woman clutching a worn purse and wearing a frozen expression of fear. The charge, phrased in simple language, was that the man, a postal employee, had persuaded his landlady, now standing next to him, to join him in a scheme to defraud the post office of about $125. The scheme, despite its comical complexity, was obviously foredoomed and none in the audience were surprised to hear that at the crucial moment detectives were waiting to abort the crime.

The feckless couple was represented by a young solicitor in a three piece funeral suit, the Crown by the arresting officer (the police prosecute the cases in the lower court providing the details of the arrest, the result of the investigation (if any), as well as suggesting possible dispositions. Every case I heard during the day featured the arresting police officer who, generally with skill and even eloquence, performed the assistant district attorney's function. Wisely deciding to plead guilty, the couple stood mute in the dock while their solicitor sought compassion from the visibly distressed judge who prefaced every second remark with "The postal system cannot function without honest employees."

Americans accustomed to the total commitment of defense counsel would probably be surprised at the restrained and deliberately detached manner of not only this couple's lawyer, but every other defense advocate I have heard during numerous visits to English courts over the years. Emphasizing that the postal system had, by virtue of its "vigilant security officers," suffered no loss, the solicitor explained the background of what he, with gentle derision, termed "this improbable and half-baked scheme of theirs." Improbable certainly were the motives which counsel advanced as the young man's impetus to steal from the post office. With raised voice and especial clarity, the young lawyer prefaced his client's more fantastic reasons and excuses with "I am instructed that he did this because . . ." or "I am instructed that he felt this would save his family because . . ." Throughout the lawyer's plea for clemency, an unreal judicial antisepsis hung over the room and all the participants.

Visibly stone-faced, internally perhaps moved, the judge gave the two suspended sentences and a tongue lashing which, by his choice of words, imparted a measure of censure absent in the demeanor of his delivery. Out of the dock walked the two, into it stepped a young Indian immigrant charged with defrauding his employer, guess who, the post office. An almost identical proceeding followed, but the magistrate, not surprisingly, had used up his store of leniency for post office offenders for the day. Bad luck that. Six months.

Situated opposite the Covent Garden Opera House and within earshot of the quaint—and doomed by urban development—Cockney vegetable market where Eliza Doolittle was first taunted by Professor Higgins, the Bow Street Police Court daily deals with the myriad of offenses committed in London's theatre district. For several hundred years, the court has operated in Bow Street. At one time, its judges were known as "trading justices," men who sold judgments and sentences according to fluctuating market conditions and who helped to make eighteenth century gin besotten London a place of terror and injustice for the victimized poor. From squalid judicial dealings came also a sense of reform and it was while sitting as a magistrate in Bow Street that the novelist Henry Fielding, joined later by his brother, turned the parish constabulary into the famous, and respected, Bow Street Runners, a miniscule group whose dedication and honesty adumbrated the creation of Sir Robert Peel's Bobbies in 1829.

Today, most tourists with any interest in the law flock to Old Bailey to hear bewigged anb gowned barristers begin their courtroom perorations with "My Lord" (and soon, with "My Lady," for the first appointment of a woman to a high court post was announced last month). Bow Street, however, is a vibrant reminder that most criminal offenses are not those involving major felonies and the everyday business of the police is not murder and mayhem.

The last case of the day concerned an eighteen year old man charged with public drunkenness, using insulting language to a police officer (a serious charge that, if sustained, invariably results in a more severe fine or even jail unless there is a full and acceptable apology in court) and, announced by the watchdog inspector to make sure the judge was fully informed, "stumbling in the footpath." Given a chance to explain his actions, the youth profusely begged the court's and the arresting officer's pardon. "It's the 'oodlums in Piccadilly, the bad company, they're giving me drink." "L1," the judge glancing at his watch, announced for the eighteenth time, "and stay away from Piccadilly Circus!"

Leo Schoffer

Court Commentary

Jon Falk

The docket for the area courts shows much action in the coming weeks, but rather than the names of Wachtler and Harnett, the bench will be filled with the likes of Utley and Campion as Eastern Collegiate Basketball begins another exciting season. Area college basketball affords the law student the opportunity to close the case books for a few hours and cash in on some thrilling and inexpensive sports entertainment. And one will not have to travel too far to enjoy it.

For starters, just down the block, the Flying Dutchmen will display two potential All-East selections in 6-6 Rich Laurel and 6-2 transfer Bernard Tomlin. Laurel averaged just shy of 19 points a game last year, while Tomlin's last season produced 30 ppg for the Utah Frosh. If that is not enough to get you to drop the books for a spell, the home schedule includes St. John's (Jan. 8), an N.I.T. participant last season, St. Joe's (Jan. 29), who will be seeking to return to the NCAA tournament, and Long Island University (Dec. 21).

L.I.U.? Don't just brush off the Blackbirds, for they are after that spot among the nation's elite, a position they had held for years. The reason for optimism is 6-5 transfer Ernie Douse. Before matriculating at Long Beach State a year ago, this versatile swingman was touted the state's best schoolboy, as he led Brooklyn's Boys' High with a 27 ppg average. In addition to Douse, L.I.U. returns eight varsity lettermen.

Over at Alumni Hall in Jamaica, the Redmen of St. John's will take on teams of the caliber of Temple (Dec. 7), Boston College (Dec. 21), Georgetown (Jan. 4), and Providence (Mar. 1). Ed Searcy has gone pro, but the fiery Lou Carnesecca remains content with 6-3 "Marvelous" Mel Utley (17.6 ppg), 6-4 Kevin Cluess (11.6 ppg), 6-5 Beaver Smith (10.6 ppg), and 5-8 Frank Alagia (10.4 ppg). The school holds the nation's record for most trips to post-season tournaments—chalk one more up.

Throughout the years, Madison Square Garden has been the center for top-notch Collegiate Basketball, and once again, the Garden will play host to many of the nation's top teams. Coming to New York will be such powers as Rutgers (v. Manhattan-Dec. 12 and St. John's-Dec. 14), whose former All-City star 6-5 Phil Sellers was one of the nation's leading scorers a year ago; Maryland (v. Fordham-Feb. 6), with consensus All-American guard 6-3 John Lucas; Notre Dame (v. St. John's-Feb. 13), who will be led by 6-5 Super-Soph Adrian Dantley and 6-0 sharpshooter Dwight Clay; Marquette (v. Fordham-Feb. 20), featuring 6-8 Bo Ellis in the pivot, one of the nation's top centers; and Syracuse (v. Manhattan-Mar. 1), whose Orangemen have attended post-season tournaments in all of the last four years.

The Garden's own home team, the Manhattan Jaspers, are among the nation's top twenty preseason selections. Local sportswriters will be busy compiling the statistics of the nation's fourth leading rebounder of last year—Billy Campion, who at 6-10 was awarded the Haggerty trophy as the Metropolitan area's best player last season. 6-2 guard George Bucci is one of America's class ballplayers. Scoring 17 ppg a year ago, Bucci is the type of player a coach dreams about, as he always seems to get the job done. Other starters for the Jaspers include 6-0 Charlie Mahoney at guard and 6-6 forwards Tom Reily and Mike Young, each of whom chipped in 10 ppg last season.

All of this action presents a good opportunity for one to get together with his or her friends for an exciting night out.

Police Lt. David Durk, professor of Law and Social Change, has responded to more than his share of 10-13's. Lt. Durk authorized the patrol car rides for Hofstra Law students.

10-13 at Fort Apache

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and to most of us, in no uncertain terms, they let us know this and also what they thought of Durk.

All the amenities aside, we found that the "Four-One" (a.k.a. Fort Apache) was nothing like you've seen in the movies. Paint was peeling off the walls, the color scheme was a dull green and gray, the walls had holes and the windows had bars. In the holding cage, there was caked blood on the floor. It wasn't fancy, it was functional. But it did serve one purpose, it removed us from the streets and allowed us an opportunity to grow accustomed to the world we were about to enter. Soon, a gang would be brought in, who amongst other things had recently kicked a man's head in on the streets for a quarter. They and the cops seemed to know each other fairly well and there was a kind of crude interplay between the two sides, with the police having the upper hand mainly because they had the keys. But there really wasn't long to reflect upon this because we met one of the captains who gave us a run-down of the place and what to expect when we went back out on the streets in the cruisers.

The streets. The people. The police. Everything seemed to move so quickly as we paired off and moved out in the cruisers that were to be home for the next four hours. It all seemed so fruitless. The people on the streets seemed to have abandoned all hope and the cops in the cars knew they couldn't stop crime in that area and that their only purpose was to try to keep everyone from killing everyone else, or mugging everyone else, or robbing everyone else.

The odds seemed totally against them. But they still went about their jobs with a measure of dedication. They went into buildings that looked like something out of Dresden, 1945, with rats that turned our stomachs running out of them, to answer a domestic disturbance, not knowing if it was for real or a trap.

They tried to stop robberies and if they were too late, they attempted to help the victims. They did a thousand different things that each of us saw and still carry our own personal opinion of. We found that their life isn't as easy as we thought it was and that they, in addition to sometimes giving it, take a great deal of abuse. They react. They're human. All these things went through our minds as we watched Mike and Harry, and all the other officers return from the 10-13, which, this time, proved to be a false alarm. They put their guns away, turned off the lights on the roof, and went back out on patrol. We still tried to find that cup of coffee.

'The Kubbard'
fodder and grog

By Nadel & Williams

First, we reported on burger joints. Then, we hit the international circuit. Well, we got tired of trying to eat atmosphere, so we followed the truck drivers to Hempstead's deli's. True to the metropolitan area's heritage, the local deli's are veritable melting pots. Our aim was to sample the most convenient sandwich shops, but it just happened to turn out that we struck upon four different types of ethnic cooking: German, Italian, Jewish, and good old American. Whereas you can get such staples as Roast Beef and Ham sandwiches at any of them, each deli has its own unique national specialties. While the distinctions were not so clear-cut this time, we used our razor-sharp precision to hone away the mayonnaise from the tuna fish, the mayonnaise from the chicken, the mayonnaise from the potatoes, the mayonnaise from the cabbage, and the mayonnaise from the wrapping paper. In ethnic groupings, here's how they stand.

GERMAN

KOPF'S on Jerusalem Avenue across from Monti's Town and Country Caterers, is definitely **uber alles** in this category. Fruit pies and apple struedle, both fresh and homemade, plus German-style potato salad, which substitutes a dash of oil for all that gunky mayo, make **KOPF'S** master of the **Deutschland** deli race. The Roast Beef Hero is well-stocked and the price is about average—$1.45, tax included. The service is fast and friendly and it's well worth the trip to Jerusalem to go to this German Deli which rates 2.75 G's.

ERNIE'S on Greenwich Street specializes in thick sandwiches at moderate to high prices. The homemade salads taste like they're right out of Bavaria. We recommend the Virginia Ham after a grueling set of doubles or 3-on-3 at nearby Kennedy Park. Rating: 2.25 G's.

Closer to the law school is **FRED STRUEBEL'S** on the north side of Front Street, a block past the bank in Uniondale. You know you're in the right place if you trip over a box of spuds walking through the door. No struedle at **STRUEBEL'S** but you can get Strawberry Yoo-Hoo in bottles and Iced Tea in cans. Food and prices were average, service a little slow. But its convenience gives it 2.0 G's.

The final German deli, **T.G.'S,** occupies the prestigious address of 71 Main Street, which is not only sandwiched between the two N.L.O. offices, but is next to the famous HOUSE OF SOUVLAKI. This alone would be worth 2.0, but too much mayo in the salad, too little meat between the bread, and apple juice that's reconstituted dropped the rating to 1.75 G's. However, to those who prefer a liquid lunch, this place is Shangri-La. In addition to Bud and Schaeffer, you can choose from Whitbread, Bass Ale, Dinkelacker, Dab, Beck's, Heineken, Lowenbrau, Lowenbrau Oktoberfest (in season), and chocolate milk. The vegetable beef soup is also good, according to Mike Ciota.

ITALIAN

"It's 1974 but **JIM'S** still has 69 prices." After we determined there were more than 69 items for sale, and no sandwich cost 69c, we realized that you can get a half pound of ham for a penny short of 70c. It's within easy hoofing distance from the law school, on the south side of Front Street across from the bank in Uniondale. C.P.C.C.&B. scholars Al Copertino and Bob Tengeler regularly demonstrate **JIM'S** accessibility during the 10-minute break. You can't miss it—there are always bicycles outside and a homey environment inside. Hot and cold heroes are all good, you can buy two hard-boiled eggs for a quarter and there's a breakfast special for the early risers and-or all-nighters (whichever you prefer). Prices are average and salads are always fresh. Rating: 2.75 G's.

JEWISH

The **77 SPOT DELI** at 77 Main Street offers Kosher-style food at high prices in varying portions. This is the only place in the world where you can get "large" and "small" sandwiches on the same size bread and often at the same price. All sandwiches are embellished with a gratuitous kosher pickle, but if you want your buns graced with tomato, watch out. It's another 20c. Strong points are the pastrami and

(Continued on page 6)

Pete Williams

Bench Jockeys

- the legal ballfields -

Lloyd Nadel

CAGE CANT: There were still leaves on the trees. Thanksgiving was still a fortnight away and the football Giants had lost only seven games. But that didn't stop two of the Annex's quintets from unofficially opening the official 1974-75 intramural basketball schedule.

Paul Jacobi's Q's and Ron Hollie's BALSA BLUES squared off in the first head to head full-court encounter of the fledgling season. It was a close, extremely well-played exhibition of hoop skills with the scales tipping in the favor of the Q's by a pair of buckets, 60 to 56. The Q's were paced by their hot-shooting, hard driving and high-leaping, "Dave Debusschere" style forwards, "Cool" Pat Schultz and the "Volatile" Steve Heyman.

Schultz hit from the outside and drove to the hoop making it all look easy. Heyman was such a terror under the boards that, much to the delight of Coach Jacobi, his aggressiveness almost turned one disputed call into an exchange of blows.

On the other end of the floor, the tenacious "2-1-2" defense forced BLUES' guards Hollie and Rookie Doug Carter to shoot from 25 feet. Unfortunately for the Q's, Hollie hit consistently from "downtown" keeping the game tight. In addition to Hollie's hot hand, the BLUES got a lot of points out of their front line of Glen Burnett, Herb Burton and Randy Lattimer. Burnett and Burton also pulled enough offensive rebounds to give the BLUES second and third shots at the hoop and limit the Q's potentially devastating fast break.

After it ended Jacobi, wiping sweat from his forehead, said: "I was very proud of the way my boys performed and as I said before, it's going to be a whole new ball game this year." Hollie, also pleased with his club's performance, said: "We're here to stay—we can play in this league."

When informed of the results of the scrimmage, Jeff Silberfeld, Captain of last year's law school champs, **The Ravens,** commented in an overly confident and cocky manner: "Despite defections and retirements, we're going to repeat as champs. Once my men get around to getting in shape, nobody'll come close, and we'll be on the top again."

GOALPOST GROPINS': At press time last month, the J.D.'s and THE RAMRODS met for their big mid-season gridiron showdown. In competing for the Annex bragging rights, both teams were psyched and the halftime score showed it 26-26. But when the clubs returned to the natural turf for the second stanza, it was obvious that Richie Shuleva's pep talk did more good than Steve Kirsner's.

On the first series of downs, Chuck Connick took a pitch-out

Shuleva passes Ramrods into Superbowl —Weinrib photo

and swept in for the score. After the RAMROD defense held, Shuleva unloaded a bomb to Jeff Silberfeld for six more. Then, Shuleva went to the right side and hit Lenny Pugatsch. The next time they got a ball, Silberfeld got open for yet another TD. When the J.D.'s got the ball, Tom Dempsey picked one off and ran the length of the field. Finally, on a center eligible play, Ron Carmen caught one in the end zone to end the onslaught at 64-26. It turned out to be a crucial game.

The RAMRODS who had dropped one before, have not lost since including another win over the J.D.'s. The J.D.'s were suddenly hit by a rash of injuries, a marriage and an anti-trust suit by a law book publishing company and proceeded to lose 4 of their next 5 games. They did join the RAMRODS in the playoff draw.

In a related incident, Tom Feinman, tired of hearing Silberfeld brag about how good his football team is, challenged him to a four-on-four match. Silberfeld picked up RAMROD teammates Connick and Dempsey and Tony Scher for the matchup. Feinman recruited 220-pound Bud Bilewich and the two Sports Editors for his club. The latter selections make us wonder whether the little man was looking for big publicity.

JOCKEY BRIEFS

Joel Scheer, a sometimes performer for last year's Q's, attempted to obtain a contract with the club for this year. However, he was informed by G.M. Steve Widlitz that playing on the club requires total dedication and for that reason, L. Revs. are ineligible. Scheer's agent is now negotiating with Editor-in-Chief Fred Eisenbud to get out of that commitment, but it doesn't look promising.

Stauber, Hacker, Kehoe & Co., play volleyball Tuesday nights at the Long Beach High School Gym. *Erreich, Spero, Schwartz and crew are continuing* the Friday noon hoop group at the Hofstra Gym.

Scher, Manning, Lieberman, et al, played a pre-Turkey Day hockey game at the Copiague arena yesterday. More next issue.

Fred Eisenbud has been having his problems lately. In addition to possibly losing Scheer from the Review, he's been losing tennis sets 6-4 to Steve Hermann.

Congratulations to none other than Paul Jacobi for correctly answering last month's Jockey Interrogatory. The Coach named 8 Centers prior to Willis Reed: Phil Jordan, Darrell Imhoff, Paul Hogue, Ray Felix, Walter Dukes, Tom Hoover, Gene Conley, Lenny Chappell. Jon Amols gets runner-up honors, naming three.

JOCKEY INTERROGATORY: Name the first-ever starting lineup for the New York Islanders.