



CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 4, Number 2

"Asking you to ask yourselves . . ."

October 19, 1976



(L. to R.) Janis MacDonald, Prof. Ordover (Advisor), Gail Shields, Jack Rappaport.

Nat'l Moot Court Team Chosen

by Joyce Moy

On September 29, the run-offs were held among the six finalists for positions on the National Moot Court Team, and the alternate team. The three finalists who will be representing Hofstra at the National Competition are Janis McDonald, John (Jack) Rapoport, and Gail Shields.

The six had been divided into equal teams for opposing sides for the purpose of the run-offs. Briefs were submitted, and oral arguments were heard before Professors Ordover, Posin, Rabinowitz and Soloff, all of whom will continue to work with

the team within the guidelines of the Competition rules.

The final brief is to be submitted to the Young Lawyers Committee of the Association of the Bar of the City of New York, and the American College of Trial Lawyers, the sponsors of the annual competition, by October 17.

The team is scheduled to argue against Columbia University School of Law in the preliminary rounds of the New York Regional Arguments, on October 27. Hofstra defeated Columbia in the encounter in the first rounds of the competition in the previous year's competition.

Student Reps Elected

by Stuart Goldstein

After one long month of activity, the students at Hofstra Law School have finally elected eight representatives to bring out student opinions at faculty meetings.

As of September 13, a total of three representatives were elected from Sections A, B and C, of the first year class. The election process for the first year was described as "difficult" because it was necessary to hold three different elections before the final outcome was determined. In the first primary, five students in Section A, nine in Section B, and three in Section C, met head-on in an effort to be elected. When the field of prospects was narrowed down to two candidates for each section, a run-off was conducted on September 10. As a result, the representatives from Sections B and C were selected. A tie in Section A however, forced another run-off to be called by those running the elections (who, incidentally, were the representatives elected last year). The final results, tabulated

on September 13, were as follows:

Section A: Christopher Benson (33), Debra Newman (23);

Section B: Deborah Banks (35), Harvey Cavayero (19);

Section C: Richard Socarides (27), Craig Stein (16).

Rep. Christopher Benson said that the elections for the first year had to take place earlier than those for the second and third years, because otherwise the incoming class would have had no one to represent them at the upcoming faculty meeting. (At the faculty meeting the second and third year was represented by those representatives elected last year.)

As soon as the first year reps were elected, Reps. Christopher Benson and Richard Socarides, formed an ad hoc committee of two to hold elections for the second and third year students.

In the primary election, held on October 6th and 7th, five students ran for two seats in the second year, four ran for two seats in the third year, and three candidates were in the race for one available position as second and third year Rep.-at-Large. As a result, Abe

FROM ARREST TO SENTENCE

by Margery Rosin

Mr. Edwin Mulhern, criminal trial lawyer and former President of the Nassau Lawyers Association of Long Island, was the "attorney in residence" on Wed., Oct. 6 in the Moot Courtroom. His "Arrest to Sentence" lecture depicted in vivid detail the stages involved in a small crime case. The defendants he described were pot possessors, drunk drivers, people who have "a little larceny in their hearts" and get caught in a department store wearing two blouses on their way out of the dressing room.

Mr. Mulhern distinguished a misdemeanor from a felony as the time you can do in jail (misdemeanor—1 year or less, felony—more than 1 year). He briefly described New York felonies, grades A through E, as well as A & B misdemeanors.

The trial lawyer detailed what would be involved in a drunk driving case.

The Hofstra Graduate and new Member of the Bar might be awakened at 3:00 a.m. with a call from the police station. A policeman might state, "We have your cousin, Jack Jones, in custody, picked up for drunk driving, and he has called for his lawyer." (That's you! What do you say? What do you do? Where do you go?)

Mr. Mulhern tells us the first rule to impart is—"Remain silent!" He reminds his audience that even a fish wouldn't get into trouble if he kept his mouth shut.

Section 1194 of the New York Vehicle and Traffic Law dictates to every driver who uses the roads in New York that he must be willing to subject himself to a chemical analysis test for alcohol. The criminal lawyer suggests that most individuals should be advised to take the test. (A possible exception is a vehicular homicide case in which the amount of alcohol in the blood could be very prejudicial.) If the driver refuses to take the test, this refusal will sustain revocation of his license. Although he will be entitled to a motor vehicle hearing at a later date, only 2 defenses will be entertained. 1) He didn't take the test because he wasn't properly informed that he would lose his license if he didn't take it. 2) He wasn't given a timely request within a two hour time period.

If the driver hasn't taken the test, he will have his license revoked "whether or not you are the greatest trial lawyer in the world."

The new attorney should then talk to the policeman, and see if his client can be released from jail until the next day. There is "precinct bail." However, the police have the discretion to hold him overnight.

The following day there is arraignment. The plea will be "guilty as charged" or "not guilty." The seasoned attorney observes that if a defendant appears without counsel, it is rare if ever that a judge will take a guilty plea on a charge like this one (a guilty plea means a revocation of license and a possible jail sentence).

Mr. Mulhern advises that the attorney demand a jury trial. The public reading of the accusatory instrument should be waived.

The lawyer should consider the age of the defendant. If he is under the age of 19, he has a right to have the court's record sealed.

The matter is set down for a conference or a trial. If bail has not been established, the plea is made

to the arraigning judge. If the defendant has not been previously involved with the law, he will usually be released in his own recognizance.

What will happen if there is a conference? The defendant faces mandatory revocation of his license pursuant to section 1192 of the Vehicle and Traffic law; he faces a year in jail since this is a misdemeanor, faces a fine, and is also subject to the stigma of a criminal conviction. The district attorney may or may not be lenient. A great deal depends on the breathalyzer result and how much alcohol the defendant had in his blood.

The young attorney should be familiar with sections 170.55 and 170.56 of the Criminal Procedure Law, Adjournment in Contemplation of Dismissal. If you can obtain an ACOD in a 170.55 non-narcotic crime, there is an adjournment for 6 months. There will be a record of an arrest, but there will be no further record of the crime if the defendant has no additional criminal involvement.

In section 170.56 (a narcotic-related crime), there is provision for expungement of the arrest record, and adjournment is for 12 months rather than 6.

During the adjournment period, what happens if Cousin Jack gets involved with something else? The district attorney can place the matter back on the calendar. If, on the other hand, there is no more criminal involvement, the matter gets dismissed.

If the young attorney cannot get an ACOD (which is rarely given in Driving While Intoxicated cases), he can try in the conference to get a reduction of the charge. A typical reduction in dealing with a first offender, is section 1192.1, Driving with Ability Impaired. Section 1192.1 is a violation involving license suspension for 60 days, and a maximum \$50 fine, while 1192.2 is a misdemeanor. Under the age of 19, there is mandatory youthful offender treatment in the case of a misdemeanor.

If a plea cannot be worked out, one moves to the trial stage. Mr. Mulhern recalls that Einstein once said, "Genius is 10 per cent inspiration and 90 per cent perspiration." The attorney should familiarize himself with the elements of the particular crime and the facts that must be shown. If there are scientific tests to be used, he must familiarize himself with their operation. The attorney should consider the exact wording of the statute. Every criminal case has its component parts. Nothing in such a case should be stipulated. In a "drunk driving" case, the People have to prove the defendant was drunk and was driving. Being "found in the front seat of an auto wrapped around a tree" does not necessarily mean that the defendant was driving. All the elements must be proved.

The lawyer should not overlook his subpoena power. This power, like others, should be used properly and ethically. Mr. Mulhern advises the trial lawyer to go to the scene of the crime. "Perspire a little and do your groundwork. As a result of that, experience the thrill of outwitting the system and acquiring justice for your client."

(EDITOR'S NOTE: This attorneys in residence program has been described in great detail to show students the practical and worthwhile knowledge that is provided for in such programs. Hofstra, the Attorneys in Residence Committee, and the legal community are providing an excellent service for law school students. More of them should be taking advantage of it.)

Gross was elected to represent the second year students and Martin Kohler was elected to represent the third year. It took another run-off election, on October 11, to decide the other three positions available. The results were as follows:

Second year: Steven Fishner (31), Brett Reiss (21);

Third year: Solomon Handler (17), Margaret Schifter (8);

At-Large: Arlene Greendlinger (50), Hirsh Cogan (44).

Due to the confusion that surrounded the elections, the issues (regarding the school calendar, allocation of approximately \$12,000 of the Law School Activity Fund, and voting at faculty meetings) were never really clarified by the candidates. Forums were conducted on an ad hoc basis, but they were sparsely

attended by the students.

Commentary

It is interesting to note that in a law school such as Hofstra, which prides itself on the student input at faculty meetings, there are no set procedures to follow for the election of the Student Representatives. The Student Representatives in 1974, who set up procedures for elections to the (Continued on Page 3)

EDITORIALS

CRIME

ON CAMPUS

In recent weeks, the number of thefts and acts of vandalism has been appalling. A bicycle was stolen from in front of the library. It was chained and locked to the fence. A student organization office was broken into with money and property being stolen. The offices of two members of the faculty were broken into and papers were removed. The video equipment was stolen from the moot courtroom again. Cars parked on the "tennis court" lot have been broken into and property has been stolen from there.

To Security and the Hempstead Police, these incidents are just more paperwork to keep them busy. The University's failure to respond has demonstrated its insensitivity to this very real problem. The posting of guards at the school at night or on the weekends is totally ineffective. There are many unguarded doors that serve as exits from the school. Much of this criminal activity happens outside the school and in broad daylight!

The fact that this financially troubled university can find the resources to develop a football field, complete with enclosure, bleachers and electronic scoreboard at the law school's back door, and not provide security for the property (and person) of the students attending that school is not only disturbing, but potentially tragic. It is only the grossest neglect of responsibility that can characterize this situation.

It is about time the security force of this university did what they are paid to do . . . "secure," and not just give out parking tickets a few times a day in our overpopulated, undersized parking lot. CONSCIENCE urges the university to take the necessary steps to correct this situation immediately.

FACULTY

IGNORES

N.Y.S.

Many students have reacted to the "Practice v. Procedure" article written by Kathy Rosenthal in the last issue of CONSCIENCE. The comments to the editors have ranged from sad resignation to incredulousness to extreme anger. The flood of responses was directed at the school's unwillingness to offer a course in New York Practice.

Hofstra may be considered a national law school, and as such, does not restrict its curriculum to one specific locale. Nevertheless, the school exists in one of the great "legal" centers of the country, and most of the students minimally anticipate the practice of law in New York State as a viable possibility. Indeed, when Professor Irving Younger taught Advanced Procedure a year ago, and asked his class (the abundance of student interest required limited registration) who intended to take the New York Bar Exam, virtually every hand in the room went up.

A complaint regarding the teaching of New York procedure has been "Who wants to deal solely with those informational details which can be given in a bar review course?" One might respond that a course in "Federal Courts" or "Civil Procedure" is not limited to "informational details." A course in New York Procedure does not have to be so limiting either.

The course descriptions for Advanced Procedure will undoubtedly interest those who plan a career in litigation. How strange it is, though, to offer two sections in this area, and not to offer one in New York Procedure, which has evoked so much interest from so many students.

It has been brought to the attention of the editors that

a student movement is underway to withhold tuition for the spring semester, until a course in New York Practice is offered. This seems like a drastic way for students to express the strength of their course preference. Indeed, it may seem extraordinary that a school which is so sensitive to the legal rights of the individual is so impervious to the desires of its students.



by Mark Birnbaum

"HEY, GIVE THAT BACK!" "THAT'S MINE, YOU CAN'T TAKE IT!" "I GOT IT FIRST." "HEY YOU, STOP STEALING MY STUFF." These are some of the phrases I was bombarded with upon entering the picnic area where the Law School was having its annual picnic and I was trying to get something to eat. The picnic was for all students, faculty, spouses and escorts, and was called for 11:00 a.m.-6:00 p.m. Remembering the fantastic time had by all at the picnic held two years ago, I didn't want to miss it. Consequently, I left work two hours early so as to at least be a part of my last picnic as a student, only to arrive at 4:00 p.m., and find I was treated and felt like a hungry scavenger, trying to find some food after not eating all day. After all, what's a picnic without food? When it appeared that there was no food, I assumed that either there was a tremendous turnout, or someone miscalculated and didn't order enough. Well, to say I was wrong is an understatement. There was plenty of food, a poor turnout, and still nothing to eat. What happened? Some of those people that did show up decided this was an ideal time to stock up their freezers and pantries—after all, they were students (or alumni or guests of students) and entitled to. If you got there at 4, that was too bad. Gone were the boxes of 20 pounds of hamburger, 10 pounds of hot dogs, and 5 dozen rolls. "What do you mean, you want a fork? This box of forks along with those boxes of meat and rolls and these pretzels are mine—keep your hands off!" That was what I found at our law school picnic—selfishness and greed, and for the very first time I was ashamed to be a part of Hofstra Law School.

After reflection, involvement, and time to think, I've realized that this selfishness has manifested itself within the school as apathy. As a graduating third year student, I am afraid for the school. The organizations and projects which have been developed and realized over the past few years are in danger of being dissolved due to lack of membership and involvement. Traditionally, graduating students who run organizations turn over responsibilities to their fellow students who are a year or two behind—this is how the ideas and skills are perpetuated. This is how CONSCIENCE, CLEP, Admissions, JD-MBA, Jewish Law Students, First Year Advisement, Moot Court, Law Review, and BALSA have remained growing, involved organizations.

For most students, the need for these organizations is obvious. They provide an outlet from the academic grind, provide services to the law school and outside community, and are a source of "outside extra-curricular activities," as something to put on your resume. Although most students who are involved don't do so for this last fringe benefit, it is a realistic asset. With law schools turning out students by the thousands, grades are no longer the only qualification necessary for a job. With the growing number of firms interested in pro bono work, and the ever increasing number of public interest firms, these organizations offer something even for the "selfish" student. It is especially ironic that the apathy has emerged here, of all places, where a vast number of students were admitted on the basis of their outside interests, their community involvement, and not on the basis of their academic credentials alone.

As Director of the Community Legal Education Project, I was appalled to find only two students who were even interested at our organizational meeting. In the past two years, CLEP has grown from a disorganized group of two individuals who taught once a year in high schools to last year's peak where 35 students accommodated more than 60 schools. We lectured to a lawyers' group on how to teach Law in the High School, and a full semester course was taught in a high school with a Newsday article increasing our publicity. NOW CLEP IS IN DANGER OF BEING DISBANDED.

Last year a student directory was published for the first time. From the results of the survey sent out with registration material, I have found that there are over 600 students who would like to see one published again. The directory was put together by a very limited number of students, all presently in their third year. The criticisms from the survey came from the present second year students—some very derogatory. Not one person though is or was willing to assist in putting out another one—as a result, I will not put one out.

It's unfortunate that the people who will suffer are the present first year students who haven't had the opportunity or experience to take over the projects and organizations.

I feel personally aggrieved about this after having spent all of my spare time while a student at Hofstra trying to make it a better school with an improved reputation. It would be a shame to see six years of students' hard work dissolve now.

First and second year students, think about it. Do you want to preserve the school as the community environment the third year students have experienced, or should the school just be a facility where classes take place?

Letter

to the

Editor

To the Editor:

A law school is many things to many people. One of the most impressive qualities that distinguishes our law school from many others is the excellent faculty-student relationship. This rapport, both in and out of the classroom, is no better demonstrated than at the annual law school picnic. But our law school should also stand for other qualities, such as equality, fairness and service. Our last picnic ended on a note that demonstrated none of these.

To begin, a law school with an orthodox Jewish community as large as ours should not hold its picnic on a Saturday. Sunday afternoon, allowing time for worship, would be much more appropriate to have the picnic available to all who might like to attend.

But it was not only who was not present that was wrong with the afternoon. As in the past, there was much leftover food. This food, which was purchased with school funds was misappropriated, to be kind, by people, I am not proud to call associates.

I understand that it may be too physically burdensome for the school to store perishables. Attendance can not be predicted, but this behavior should not be tolerated.

It would appear to me to be a rather simple task to arrange with an orphanage or other institution to receive this food for their use. Community apathy may limit attendance at Hofstra's picnic. However, our pride, both individually and collectively should better govern the conduct.

Laurence M. Stern

Freedman

Receives

Award

Monroe Freedman recently received the ABA 1976 Certificate of Merit from the Bobbs Merrill Company, for his book entitled "Lawyer's Ethics in an Adversary System."

The award, which is on display in the Dean's Bulletin Board reads as follows:

"In recognition of a distinguished contribution to public understanding of the American System of law and justice. In the national program of Gavel Awards to the media of public information and entertainment, your entry was chosen by the award judges as a noteworthy example of public service enterprise."

Dean Freedman expressed great satisfaction upon receiving the award.



CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 4, Number 2
October 19, 1976

"Asking You to Ask Yourselves"

American Bar Association
Class A Category 1st Prize, 1974

Law Student Division,
Best Law School Newspaper

Margery Rosin

Josh Klapper

Editors-in-Chief

Managing Editor

Stu Rosenthal

Associate Editor

Steve Orbach

Feature Editor

Neil Weinrib

News Editor

Kathy Rosenthal

Production Editor

Stuart Goldstein

Business Manager

Gloria Reich

Sports Editors

Jon Falk

Leo Schoffer

STAFF

Marilyn Levine

Laurence Stern

Gary Small

Joyce Moy

Solomon Handler

Nechama Masliansky

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.

CONSCIENCE is distributed free of charge to all students, faculty, and administrative personnel of the School of Law. Subscriptions are available to others at a cost of \$5 per year. CONSCIENCE is published every four weeks, from September to May.

Copyright © 1976 CONSCIENCE Editorial Board

Law Women Meet

by Debra Newman,
Deborah Moritz
and Barbara Manning

Hofstra Law Women (HLW) held its first general meeting of the year on Sept. 30. The meeting was attended by about thirty women who agreed upon the need for a group of female law students to provide support and serve as a center for political activities.

The group decided to structure itself into committees, each working on specific areas and determining their own policies and programs. The purpose of the committees is to allow the entire group a wide diversity of opinions and activities without forcing anyone to withdraw because she does not like a particular stand. The Core Committee will provide a flexible structure for the group, taking care of the office duties and maintaining contact between all the other committees. The Speakers Committee will try to bring speakers to the school throughout the year. The Abortion Committee, a "pro-choice group," is planning a seminar on abortion rights and an active letter-writing campaign supporting legalized abortion. It will also maintain a file of information in the HLW office, and hopes eventually to have speakers going out to community high schools and colleges. The Criminal Corrections Committee, a project continuing from last

year, is working with local and county people to establish, among other things, a legal research program in the prisons.

Finally, the Conference Committee will coordinate Hofstra's constituency and will provide information on the Regional and National Women and the Law Conferences. HLW is open to the formation of any committees and activities in which people have an interest. In addition, HLW will once again hold an employment panel which will provide women with the opportunity to come in contact with other women in the legal field.

Meetings will be held weekly and announcements of time and room number will be posted on the bulletin boards on the second floor across from the placement office and near HLW's office, room 030. Minutes from the last meeting and an agenda for the next will be posted on the board in the basement.

All of the women at the pot luck dinner expressed a need and desire to maintain the feeling of solidarity and sisterhood which flowed naturally from the first meeting. They decided that in order to maintain the level of support to help them through the year, HLW will hold a monthly pot luck supper and invite all interested women. The next supper will be held October 21.

OWL

by Bart Reiss

Scallops banked the moonlight.

The Owlet with transparent awareness was tranquil.

Claret was refreshing in the seabreeze,

As innocent mouths bathed in phantasy.

Complete forms remained distant from ones with myopia.

Dark Bird perched on the aurora.

Ocheroid interactions precipitated internal chaos.

The Owl's status—

Singularly aloof!

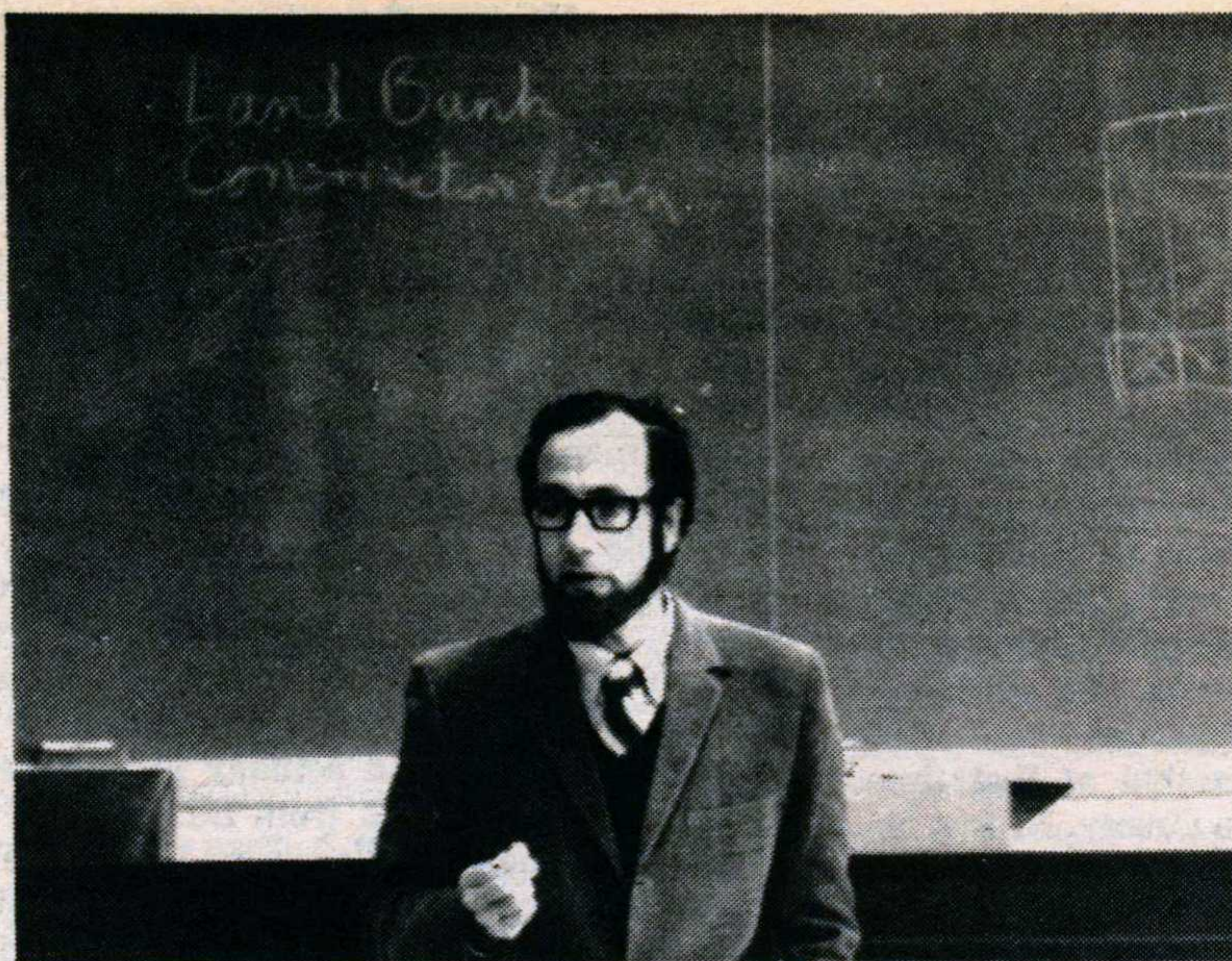
Bonds of shared insulation—were integral—to survive the gravity of social coupling.

The Specter,

Detached ...

But Free, contained his vitality.

Bart Reiss Copyright 1976



Faculty Profile

WILLIAM GINSBERG

by Marilyn Levine

Professor William (Bill) Ginsberg speaks of his three incarnations: first, as a partner in the law firm of Ginsberg, Schwab and Goldberg in New York, second, as an active participant in City and State Government, and third, as a law professor in the "non-ivy covered walls of academia."

Back in his senior year at Antioch College, he easily made the decision to go to law school. "Since I fainted at the sight of blood, medical school was out." Besides, while in college, Professor Ginsberg had majored in business first, then philosophy, then economics, and finally history, so the pursuit of law seemed a logical choice. As an undergraduate, Professor Ginsberg also studied at the University of Nottingham, England, where he received a Certificate of English Studies. While there, he studied the English countryside and Roman ruins.

While a student at Yale Law School, he met his wife, "because she needed a ride to New York, and I had a car. I'm accused of having married her for her class notes, since she was one year ahead of me; but I have corroboration that her handwriting is illegible." She is currently Legal Consultant to the Child Welfare League of America. The Ginsbergs have two sons in college.

Professor Ginsberg's law practice includes real estate activities. "I have a land use bias toward the environment. If you can get a handle on the use of land, a lot of the other social and economic problems can be solved. And environment is more than air and water; it is the entire context in which we live—housing, transportation and so on."

Professor Ginsberg is currently involved in two test cases to determine whether in New York State land that is used for conservation purposes (forestry and habitat management) and is owned by a non-profit corporation is entitled to a real property tax exemption. These decisions will determine whether there is to be a role for the private sector in open space preservation, whether organizations like the Audubon Society and Nature Conservancy will be able to function in New York State.

Politics has been another area of interest for Professor Ginsberg. He was chairman of the 1972 Campaign Committee for Judge Nanette Dembitz for the New York Court of Appeals, and Campaign Manager for Daniel P. Moynihan in the 1965 primary campaign for President of the N.Y. City Council.

Professor Ginsberg's hobbies have included painting, sailing, and carpentry. He collects and likes to use old woodworking tools.

As for athletics, "I tend to shy away from anything that requires too great an expenditure of energy in too short a time. I enjoy hiking and gardening, and I actively dislike baseball as a spectator sport. I'm not a sports fan."

Actually Professor Ginsberg confesses that the "most enjoyable sport is teaching, which is a cross between chess and rugby. I enjoy debating and discussing issues and I find teaching tremendously satisfying."

Professor Ginsberg grew up on Long Island but now lives in Manhattan. He has a retreat in Woodstock, New York, and it is rumored that he grows tomatoes which he passes out in the faculty lounge at lunchtime. A major accomplishment for Professor Ginsberg this summer was the building of a cider press. "Unfortunately, my timing was off since there was a bad apple crop this year."

Professor Ginsberg has served New York City as Deputy to the City Council President; and Commissioner and First Deputy Administrator of the N.Y.C. Parks, Recreation and Cultural Affairs Administration. He was Counsel and Director of the Temporary State Commission on the Powers of local government. He has written and spoken widely in the areas of environmental law, real estate, and state and local government. His credentials are most impressive. Yet Professor Ginsberg's dry wit and modest manner are convincing proof that he maintains a fine sense of proportion. We're fortunate to have him at Hofstra Law School.

Organizational Meeting of Phi Alpha Delta

1 p.m., Oct. 20

A.B.A. -L.S.D.

by Denise Sher

Why should you join the Law Student Division of the A.B.A.? The reasons are many. The LSD is the largest national law student organization in the United States and can be your national voice through your vote and by its resolution power. Its magazine, Student Lawyer, is gratis to LSD members; the membership dues include a subscription to nine issues. The ABA Journal is made available at a reduced rate of 12 issues for \$1.50 (ordinarily it costs \$5.00 for 12 issues). Additionally, LSD offers special health and life insurance at reasonable rates.

The following valuable publications come free with membership: Steamlined Briefing Techniques, West's Law Finder, Two Tips on Writing Law School Exams, Career Placement After Graduation, Federal Government Legal Career Opportunities and others. Additional materials and services are available upon written request. These include services on professional guidance and JURISCAN—a national computerized job search program, for which there is a nominal fee. Law school service funds are available to schools with at least a 20 percent LSD membership rate. This represents only a partial list of the programs and services available. Further information is available at the library desk.

Elections

(Continued from Page 1)

faculty committees (soon to be held), neglected to do so for the election of representatives for faculty meetings. The result has been confusion, despite the good faith effort by Representatives Socarides and Benson, to follow the spirit, if not the letter of the procedures set up for elections to faculty committees. Many students neither knew who was running, nor cared. Lack of adequate procedures has made any attempt at an orderly election an impossibility.

In one instance a newly elected representative admitted that he did not know who his opponent was. In another, two students who voted in the second and third year run-off elections cast their ballots, but made no choice for a candidate because of their lack of knowledge of who was running.

It seems ironical that in a school devoted to educating students about law, rules and regulations, there are none to be found regarding the governance of its own student body.

The time is long overdue for an efficient, competent system for elections to be spelled out by the Student Representatives.

Editors Announcement

The Conscience Editors would like to remind all faculty and students that publication of articles is not limited to editors and staff reporters. Conscience welcomes contributions of opinions, features, cartoons and news.

CONSCIENCE INTERVIEWS CONGRESSIONAL CANDIDATES

By Laurence Stern & Stuart Rosenthal

The Fifth Congressional District has been the scene of much political fighting over the years. The lines marking the boundaries of this district were reapportioned in 1970 and now encompass the southeastern areas of Nassau County, including the area where Hofstra University is located. Congressman John Wydler has represented Nassau County since 1962 (from the Fourth Congressional District) and is campaigning for his eighth term as the Republican Representative of this area. His opponent, former Congressman Allard K. Lowenstein, was elected to Congress in 1968 from a district that at that time comprised the South Shore of Nassau County. He lost his bid for re-election in 1970 after the state legislature had reapportioned his district. Since that defeat he has run twice more, each time unsuccessfully.

Each candidate was interviewed individually at his office during the period of October 5 through 7. Each was subsequently given the opportunity to answer charges made by his opponent. The interviews were conducted by two Hofstra Law School students, Laurence Stern and Stuart Rosenthal. The interviews were wide open and touched on many issues. The following is a distillation of what were seen by the candidates as some of the more important issues.

CONSCIENCE: Congressman Wydler, your opponent has charged that his seat was "deliberately manipulated by the Republican bosses" setting up "tortured" district lines for political purposes. How do you answer this charge?

WYDLER: "I think it's a crybaby answer and it's essentially untrue. All of the districts were reapportioned when Mr. Lowenstein was re-apportioned, and actually, even though the re-apportionment was done by the Republican legislature in those years, I took a much worse beating at the hands of the re-apportionment committees. I got many more Democrats placed in my district that year than he got Republicans. The truth of the matter is that after re-apportionment was finished that he had a better district to run in on registration. But I think that issue begs the whole question. It's not a question of one election. He lost his first attempt at re-election and he's been losing ever since. He has a whole string of losses in places where he determined that he wanted to run. All of these decisions have been made by him. Nobody required him to go and select the Brooklyn district of John Rooney to run in. He did that because he thought he would win there, but he didn't; he lost. The Democrats in Brooklyn defeated him. They didn't like his style of politics any more than the people in Nassau County. He's been running since then; for U.S. Senator, he got defeated for that. Nobody required him to run for the Democratic leader of Nassau County. He decided to do that. He got beaten by the Democratic organization in Nassau County. Nobody required him to come out and run in my district last year. He did that because he couldn't find another district in which a Democrat would step aside and let him take his place, a free ride so to speak. He wanted to go back to the Brooklyn district where Rooney had run, but Fred Richmond told him quite frankly that he would have to take him on in a primary. He didn't have the stomach for it. He wanted to run in the Lent district. He would have to take on Mr. Ornstein. He didn't have the stomach for it. So he ended up taking the easy way, which was to get a district where he could get a candidate of the Democratic party to step aside for him. That's why he ran against me. He lost that race too. So it's all these losses, not a question of one loss. It's a question of constant and endless rejection by the electorate at every level, whether they are Democrats, Republicans or what have you, of him and his type of politics."

CONSCIENCE: Your opponent has amassed an amazing collection of endorsements from various people, such as Len Garment, former counsel to Richard Nixon, the vice-chairperson of CREEP, Rita Hauser, of columnist William F. Buckley and others. He attributes this to their recognition of his abilities and foresight on the issues. How do you account for this?

WYDLER: "First of all, I've noticed that all the people who are endorsing him don't live, work or vote in the district. I think that's the most significant factor. I don't know how they'd react if he was going to be their congressman. But they don't have to worry about that. I'm getting a tremendous number of endorsements from Democrats who live, work and vote in the Fifth Congressional District and to me that's the important endorsement in the election. As to the individuals he's had, I consider them a weird group—that's the only word I can use. The Bill Buckley endorsement is based upon personal friendship and actually is a repeat of an endorsement that he used from Bill Buckley in the last election which he lost. This one is a little more flamboyant than the last time and of course it's a source of a major lie that's been told in this campaign so far. That column, which was written by Mr. Buckley, made the statement that Mason Hampton endorsed Mr. Lowenstein in his losing effort to keep his seat in 1970. Mr. Hampton had been the man that lost to Mr. Lowenstein two years before. Lowenstein apparently told Mr. Buckley that Mason Hampton then turned around and endorsed him. And, Buckley wrote in the column the fact that this was one of the major proofs of the integrity of Mr. Lowenstein, that his former opponent had turned around and endorsed him. And of course that's a total lie and I think it's a dastardly lie because Mr. Hampton is dead now and can't clear up that situation or defend his own name. His widow has been greatly disturbed by this and sent me a letter indicating that she'd like it cleared up. She's written to our local papers to the same effect. Mr. Lowenstein, although I've called on him to retract this lie that he's caused to be spread around, he refuses to even discuss the matter. He had his campaign manager, Mr. Tully, issue a rather idiotic letter in which he said if I insisted that they retract the lie they were going to engage in trench warfare against me politically. Well, I won't be scared off on this matter and I'm still insisting and I'm going to insist right to Election Day that Mr. Lowenstein stand up like a man and retract this lie. And he's going to have to do this publicly and clear Mason Hampton's good name. Now as far as the other people he's had endorse him, I find them a weird group too. They're all particularly noted for strong support, backing and involvement with Richard Nixon. In the last election Mr. Lowenstein made much of the fact that I knew Richard Nixon and as a member of Congress that I associated with him and so forth. I have done this of course with every President of the United States. But I never worked for Mr. Nixon and all the people that Mr. Lowenstein is bragging about as endorsing him as associated with Nixon, worked for him and supported him. Some of them still do, as far as I know. Mr. Garment, President Nixon's legal counsel at the time he resigned, a liberal who's non registered or something of that style because he did not want to embarrass the President when he worked for him, as well as a woman who was vice-chairman of Creep, the Nixon finance agency that got him in so much trouble with so many illegal contributions and finally some professor who was vice-chairman to Rabbi Korff. I can't see how a person can be so hypocritical as to on the one hand try to besmirch my name in some way, shape or form when I associated with the President and turns around and brags about having the endorsement of people who worked for the President. And of course, in addition I would say Mr. Lowenstein is in the rather embarrassing political position of having as a running mate, Mr. Moynihan, the Democratic Senatorial candidate, who worked for both President Nixon and President Ford. Additionally, don't think Mr. Moynihan has said anything bad about Mr. Nixon to this day."

CONSCIENCE: Your record on support of Richard Nixon goes back a long time and continued pretty much right down to and through his resignation. What is your position on him at the present time?

WYDLER: "My position on Nixon was that I supported him in his election campaign for President of the United States. I believe that his foreign and domestic policies were the ones that were good for the country. I was totally opposed to Mr. McGovern's foreign and domestic policies and didn't want to see him become President of the United States, then, now or any time in the future. And frankly my views on Mr. Nixon's policies were not only overwhelmingly agreed to by an overwhelming number of people in the Fifth Congressional District but also throughout the United States of America. When Mr. Nixon started to get into trouble I defended his right to be considered innocent of any wrongdoing until we had some very clear and definitive evidence that he was guilty of some wrongdoing and I continue to put forth that right of his which I think is appreciated by most Americans. They want people not to be considered guilty when charges are made against them. But when the day came in June when the June 23rd tape was made public, I felt that that tape indicated that Mr. Nixon had involved himself in trying to help some of the people who worked for him and who had gotten themselves involved in the Watergate break-in. And I thought that indicated that he had not been telling the truth to the American people on some of these matters over the months and I so stated immediately at that time. So as long as I did not have any definitive evidence I gave

WYDLER: "So it's . . . not a question of one loss. It's a question of constant and endless rejection by the electorate at every level . . ."

Mr. Nixon the same right I'd give to any American—the right to be considered innocent of any wrongdoing until I had proof to the contrary. I'd still say, however, that I find that none of these statements have been made by some of the people, to this date, that Mr. Lowenstein now brags about having as endorsing him."

CONSCIENCE: This seems to be the year for debate. The Presidential candidates are debating, Mr. Buckley and Mr. Moynihan are debating and your opponent has charged that you are ignoring his challenge to debate him with the Mason Hampton issue because you are "terrified to appear at the same meeting with him."

WYDLER: "I think he is taking himself too seriously. He wrote me a letter and talked about the Lincoln-Douglas debates. I don't know whether he considers himself Lincoln or Douglas but I really think he's overexaggerating his own importance, which he has a tendency to do. We did debate four times in the last campaign; obviously the debates didn't do badly for me. I won that election with a good substantial margin. I think the debates helped me. I've made it clear however that debates can be held in this election as well. It's up to Mr. Lowenstein, although time is getting short now because my calendar is getting very full and he's been stalling for weeks on coming out clearing up the matter regarding the lie he's caused to be published about Mason Hampton. Until he does agree to make public his retraction of that lie, I will not debate him. He will have to own up and stand up like a man and retract the lie and get Mr. Hampton's name cleared up. If he does that and I think he should, then I still have time to arrange some debates with him in this campaign which I will gladly do."

I think he has a lot to try to hide from the people in this district, in regard to his record that he made many long years ago as a member of the Congress and to his activities since then—jumping from place to place, trying to run from anywhere and everywhere for some kind of office to give himself some kind of status in the community."

CONSCIENCE: Do you feel there is any inherent conflict being a partner in a law firm and a member of Congress?

WYDLER: "No, I think it's a very healthy thing that I have that outside employment. It gives me a contact with the real world. It gives me contact with the economic conditions on Long Island. As a member of that firm I have to learn the problems of meeting a payroll, managing an office. I have to be aware of problems of clients, people who are suffering because of economic conditions on the Island. So I think it really helps me to keep a balanced view—not only what it's like to be a professional politician and government figure but also a person who is involved in the real world. I don't see any difference between that and a member of Congress who may make his living by going around giving speeches or some who might make it being farmers or others that are businessmen and have business interests of one kind or another. In addition I think it's important that I have that additional form of livelihood. It gives me a feeling of independence from the total dependency I might otherwise feel as a political figure in having people pressure me to do things I might not want to do on the grounds that if you don't do it my way you will have my opposition and I will see you get thrown out of office. It gives me independence in the action that I take because I know that myself and my family don't totally depend on my political career. So I think in every way, shape and form it's healthy."

And of course when Mr. Lowenstein criticizes me for that he is hypocritical again because he doesn't criticize Jerry Kramer who's running with him on the Democratic ticket for assemblyman for being an assemblyman and having a law practice. Or all the other Democratic members of the Assembly, the Congress, and so forth who do exactly what I do, or his honorary Chairman Herb Tenzer who served as a United States Congressman with me for a number of years and during all that time maintained his law practice in New York City. Luckily for him that he did, because when his wife talked him into retiring after a couple of terms he went back to that practice and took advantage of that situation. So I think this is another one of the issues that Mr. Lowenstein brings up because he has a guilty conscience. He apparently has no form of income of his own. Nobody knows how he lives, where he gets his money from and although he is an attorney I can't find him practicing anywhere or being a member of a bar association. He seems to devote himself singularly to running for office and being a politician. I think he may have a guilty conscience in the fact that he doesn't practice his profession."



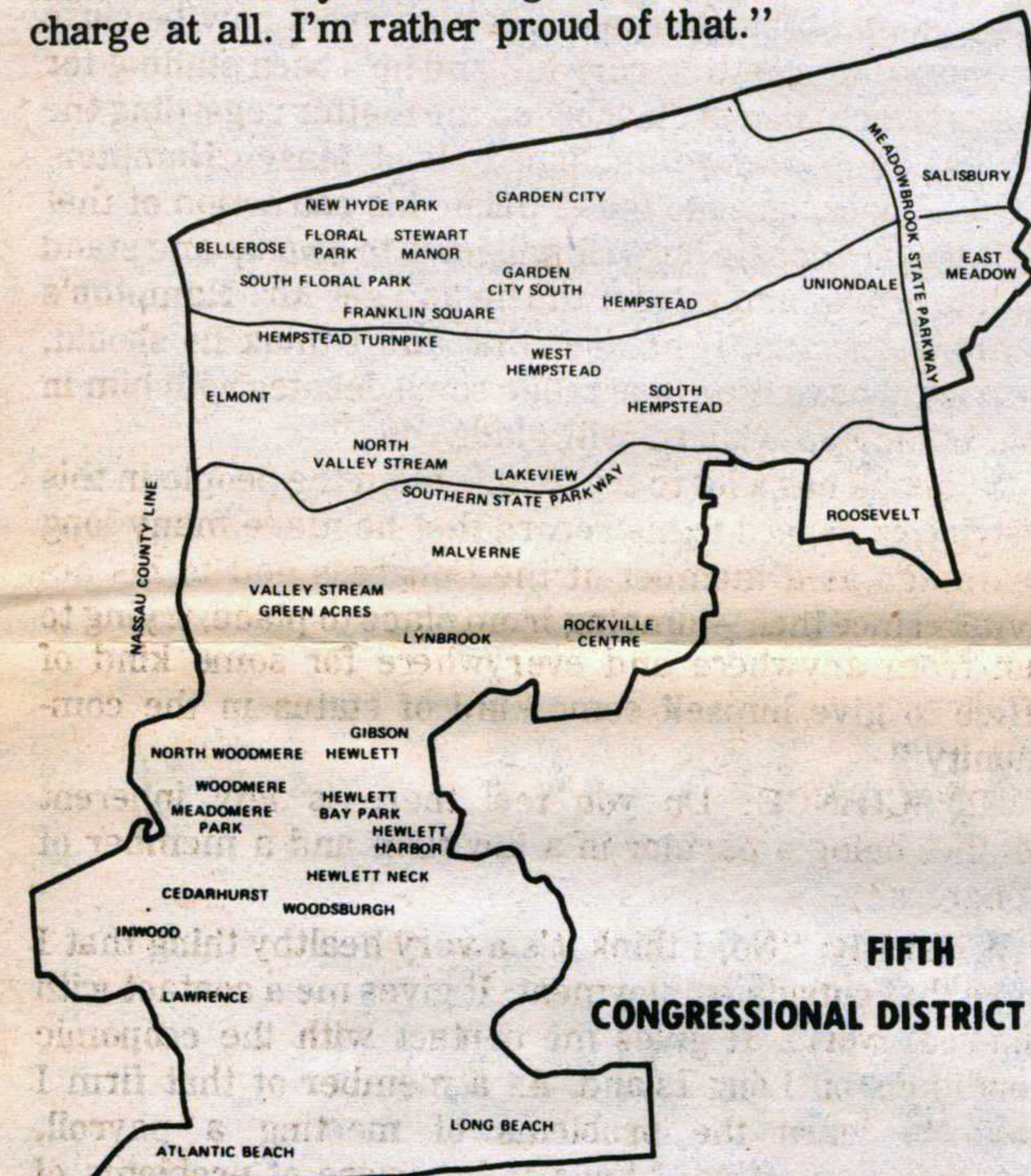
Stuart Rosenthal and Laurence Stern with Congressman Wydler. (Rosenthal Photo)

CONSCIENCE: Two follow-up points. First, the New York State Legislature is concededly a part-time operation. It was designed and intended that way, as opposed to Congress which is a full-time occupation. Secondly, when you say that you like the idea of being able to have the freedom and independent interest of a law firm, isn't what you are saying rather that you are insulating yourself from pressure that may be brought to bear on you by your constituents?

WYDLER: "First of all I'd say that Congress was supposed to be a part-time activity, too. As a matter of fact, when I was first elected to it I was told it was six months in Washington and six months back home. Essentially that is what the Assembly is doing now in the State of New York, it's about a half-year operation. The Congressional operation has become much more extensive, that's true. I do have very limited time to practice law in my firm. I have very limited time to be a husband and father. Most of it goes into my professional duties and career. I don't see how I'm insulated at all. I spend about 70 hours a week actively working on the job of being a Congressman and only a few hours a week on my law practice. So the result is I think that I do everything that I can possibly do as a member of Congress and I think I'm serving the people fully in that connection."

CONSCIENCE: Your opponent has charged that you received \$12,000 in Surrogate's fees while serving as a member of Congress. Do you feel it is appropriate for a Federal official to serve in this capacity?

WYDLER: "I certainly do. Fees of course do not go to me. They went to my law firm through me. As a member of the firm the fees I received for legal services go to the firm. Again, any lawyer understands that a guardian ad litem, which is what I was, has to serve the interests of minor children, which is what I did. I think I'm very capable of doing that, and I think I earned the fees which were awarded by the Surrogate, so I don't consider it a charge at all. I'm rather proud of that."



LOWENSTEIN: "It's not whether you win or lose . . . I'd be very delighted to choose to repeat the kind of thing I've done with my life . . . to stand for something that's worthwhile . . ."



Laurence Stern interviewing Al Lowenstein outside his campaign headquarters. (Rosenthal Photo)

CONSCIENCE: You have been referred to as "a loser" and a perennial candidate. In one piece of campaign literature, Congressman Wydler has outlined your political track record. Would you care to comment on this issue?

LOWENSTEIN: "If it wasn't indicative of the degree that my opponent will not address the issues I'd find it humorous that the only thing he can talk about is to keep repeating that I'm a loser. I don't think it's whether you win or lose, but how you play the game. And as far as I'm concerned, look at the winners this guy's associated with:

Richard Nixon, Spiro Agnew, to name two of the foremost. I'd be very delighted to choose to repeat the kind of thing I've done with my life, which is to try to stand for something that's worthwhile and take the consequences politically.

You don't run in this district if you are looking for a winning seat. No Democrat would pick this district out of ambition. The registration is against you, the incumbency is against you, it's the toughest district for a Democrat to win. I have run for Congress four times from the same house in Long Beach. The district lines have been changed three of these times. Congressman Wydler was one of the authors of these changes, and he did this in order to protect his seat. He drew the lines to suit himself as part of the manipulative practices the Republican machine in Nassau County enjoys playing. To be dismembered by John Wydler and the Republican machine, and to accept it lying down, would have been a mistake. The record is simple. Wydler manipulates district lines so that they benefit him. The only way he stays in office is to keep people from understanding his record and setting up the most tortured kind of district borders that exist anywhere in the United States."

CONSCIENCE: You have made an issue out of Mr. Wydler's long association with Richard Nixon yet you welcome endorsements from President Nixon's White House counsel Leonard Garment and CREEP's Rita Hauser. Isn't this inconsistent?

LOWENSTEIN: "The issue about Wydler's association with Nixon is not that he supported Nixon in 1972 but that even after Nixon resigned, Wydler was praising Nixon. In Congress, where the effort to find out what was going on was being resisted, he was leading the resistance insofar as he leads anything. He is not much of a leader of any kind. Mostly it's charade, but his public posture was to criticize the effort to investigate Watergate. His performance showed a lack of foresight and was a measure of his inadequacy as a representative, not understanding what was going on. People who were for Nixon in 1972 now understand that I should be supported, partly because I was right about Vietnam and right about Nixon and I was able to see what ought to have been apparent to Wydler: which is that the Nixon administration was doing things that were wrong as far as the constitution was concerned and that the leadership was damaging the country. It is not a matter of being conservative or liberal.

I welcome the support of people who supported Nixon in '72. Obviously I have to have it because otherwise we would wind up rerunning a lost campaign. What Wydler doesn't understand—I can see why he doesn't understand it—is what comes when people respect each other; what comes when there's some reason to see past ideological or issue differences into something beyond that. The reason he can't understand that is that it's not part of the way that he functions. The reason that I was effective in Congress was that there were people from every part of the country and every background, who as you've seen if you've read the record on it felt they could respect me, even if they didn't agree with me. It's very difficult to respect John Wydler. What happens with him is the same thing that happened with Norman Lent. You're dealing constantly with personal innuendo, misstatement of fact and a constant effort to divert from the issues onto the question of motive and person. So Rita Hauser, Len Garment, Bill Buckley, Ernest Vandenhag and a great many other conservatives and Republicans with whom I've worked and with whom I've argued have come to understand that there is something that precedes ideological contentiousness which is the quality of your adversary when you disagree, the need to find consensus when you don't get into venomous personal argument, where you understand there is something in democracy that requires a level of civility in conduct among decent people even when they find disagreement on positions. All of that is missing from the misconduct of Wydler and Lent and people like that—Nixon, Agnew. That's a category of people who have never understood that. They think that the only thing that matters is winning; that's their big problem. They are willing to do anything, any tactic, anything is justified—besmirch your opponent, misstate your record, carry on in what is called clever ways. One thing we ought to have learned by now is that there is something about that which endangers democracy because you cannot have a Joe McCarthy atmosphere on personal levels revived whenever ambition seems to require it—where you inflame passions unfairly, attribute motives and character qualities to people which are designed to discredit them. You can't have that and maintain a rational discourse. And so when Ernest Vandenhag said, 'I don't know how I'd vote on every issue coming up in Congress, I simply know that I would trust Al Lowenstein if he were there, to act honestly and to find out what's right and to do the best he could. And if we disagreed, I would respect that disagreement.' That's a statement that goes to the heart of why I'm going to win this election."

CONSCIENCE: One controversial endorsement is the Mason Hampton endorsement that Congressman Wydler charges is untrue and he states that he will not debate you until you publicly retract the endorsement. What is your answer to that?

LOWENSTEIN: "It takes a richly comic figure to

think that as an excuse to refuse to appear in a debate he can say that something someone else said, not me, about how someone dead for several years voted in an election, in which Wydler wasn't running, is germane to the question of whether he will appear to debate his record in 1976. People who are having trouble buying milk, finding jobs, keeping their children from giving up on the United States as a way of life, people who have been frustrated seeing beaches closed, streets unsafe, and the whole range of problems we should be discussing, to spit in their faces by saying that if I don't apologize for some statement that I never made about how a man voted in an election in which Wydler wasn't running, the man now being dead that's involved, and of whom very few people even ever heard; that is the kind of flowering of 'Alice In Wonderland' that one recognizes as the ultimate badge of cowardice. . . . What it is, is the man cannot show up, cannot defend his record and fishes around in this sea of creative mythology to come up with some sort of pretext."

CONSCIENCE: Do you view the job of being a congressman as a full-time job, or is it proper to maintain a law practice outside the work of Congress?

LOWENSTEIN: "First of all I think that anybody who is in Congress and doesn't think that it is a full-time job isn't doing his job in Congress. Second of all, if you are in a law firm—he became a partner in a law firm after he was elected to Congress, which is fascinating. I think what that means is that the law firm uses his name as a congressman to attract business. If he doesn't do law practice with that firm, then it's influence peddling to have his name on the firm and to get paid money not to do any work. If he does work, then he's not doing his job as a congressman because Congress is not 6 hours a day, but 20 hours a day. He can't have it both ways, and by keeping a law firm, and by not putting full time into Congress or alternatively by taking money from a law firm and not doing any work for the law firm, he raises the most profound questions of judgment which I believe this community is coming to understand means he is not a full-time congressman, or he takes money for something he doesn't do any work for, which is a way of using his title in Congress to try to bring money into a law firm from which he takes money. Either way, it's an indictment."

CONSCIENCE: Your opponent has raised the issue of where and how do you support yourself between elections. Would you care to disclose your sources of income?

LOWENSTEIN: "One of the most beneficial aspects of these interviews may well be if you can smoke out information about Wydler's income. Mine has been a matter of public record for some time. Once again I invite Wydler to join me in full disclosure of income, assets and taxes paid. You can be sure he will refuse this invitation, no doubt after discovering that someone who died 20 years ago said something Wydler didn't like about his mother. Any man who becomes, as Wydler did, a partner in a firm after he's elected to Congress raises questions about his professional conduct, and his continual refusal to provide relevant information about his sources of income raises additional questions that the public has a right to have answered. My income comes primarily from teaching, writing and lecturing. I also have some income from business investments. I might add the difference between Wydler and myself on this matter seems to boil down to the fact that I do a great deal of work, including legal work without charging fees, whereas he seems to collect a lot of fees without doing any work."

CONSCIENCE: Then if you were elected to Congress you would not be practicing law . . .

LOWENSTEIN: "No, I would do what I did last time. When I was in Congress I not only paid for all my trips anywhere, I never took a publicly financed trip anywhere; I also turned money back from the pay I was given to try to help with the services the community needed because it was my view that this was what a congressman should do. This guy does the opposite. He takes more money than he's paid by Congress, twelve or eleven thousand, or whatever it was in surrogate's fees in Nassau County. How can a man justify being a United States Congressman and taking eleven or twelve thousand dollars in surrogate's fees? Does it mean that he doesn't work full time in Congress or does it mean that he didn't do any work for the twelve thousand dollars he got from the surrogate's court? That's a question I'd like to get an answer to."

At the conclusion of the interviews with both candidates, each individually indicated that they would be happy to have students, faculty members and all other members of the community join them in their respective efforts in this campaign.

Mr. Lowenstein's campaign headquarters is at 201 Sunrise Highway, Rockville Centre. The phone number is 764-8882.

Congressman Wydler's office is at 150 Old Country Road, Mineola. The phone number there is 248-7676.

The staff of the CONSCIENCE urges you that, no matter who you are going to vote for, it is of paramount importance that you exercise your right and fulfill your obligation to vote.

The CONSCIENCE would like to express its gratitude to both Mr. Lowenstein and Congressman Wydler for extending to us the opportunity to speak with them "on the record."

Cals Operation Explained

by Kathy Rosenthal

On Wednesday, September 29, the Jewish Law Students Association sponsored Steven Bernstein, Project Director of Brooklyn Community Action for Legal Services (CALS).

The primary goal of CALS is to provide legal services for the "poor," poor being statutorily defined by an income guideline formula. The focus of this Brooklyn office is serving the Jewish poor. (Of course, the office is open to "poor" clients of all backgrounds).

Bernstein realizes that an office with this ethnic orientation is unusual but feels there was a demonstrable need for it, especially in Brooklyn. Under the Legal Services program, district offices were set up by the Council Against Poverty in basically Black and Puerto Rican ghetto areas because poverty was conceived of with geographical limits. Because of this and because many people think of poverty in non-white terms, the neighborhood offices did not

successfully reach the poor whites. One example is the Williamsburgh Legal Services office which never represents the Williamsburgh Hasidic Jews even when they are "poor" community residents. The office simply perceives their intended clients as Puerto Rican. The bilingual office personnel speak Spanish and English.

To fill this need, Bernstein's office strives to create an atmosphere in which the Jews feel comfortable and feel that they have a place to look out for their legal needs. The office is decorated with posters of Israel and many of the personnel, including the attorneys, speak at least Yiddish and English. Their legal tactics are specifically molded around the character of their clients. While the office must handle many housing problems, Bernstein says that little old Jewish ladies do not organize well, so they avoid self-help remedies such as rent strikes.

The intake procedure is also designed with the poor, elderly Jew in mind. The office has an outreach program called circuit riding. Personnel go into community centers in Brooklyn and the lower east side because they feel this is the only way to contact the persons who need the legal assistance but who resist, or are unable to travel.

While Bernstein feels this one-ethnic office orientation was necessary to cure an existing inequity, he feels it would be preferable if every local office would search out and welcome the poor of all backgrounds.

Each CALS office is a separate legal entity with its own functioning Board of Directors to set policy. Bernstein's office is the only one which is not its own corporation but a division of the national CALS corporation. It has a Board of Advisors comprised of Jewish community leaders and several attorneys. They have ordered the office's priorities to handle each client wherever possible. In addition some of the office's resources are set aside exclusively to their Law Reform Unit which seeks appropriate test cases for more sweeping aid to the poor.

Mr. Bernstein feels very positively that his office is fulfilling its mandate to provide legal services for the poor by reaching and solving problems for many persons who would not have sought legal services. He does admit that many poor people are still hesitant to approach a government legal program, but that over the years, intake has increased. CALS itself does little to educate the poor out of poverty, but Bernstein feels that this is often a secondary result of solving their legal problems.

To apply to CALS, send resumes to the central office: Gary Singen, CALS, 335 Broadway, N.Y., N.Y. 10007, and/or each CALS office. Mr. Bernstein's address is: CALS, 186 Joralemon St., Brooklyn, N.Y. 11201. CALS seeks vigorous advocates who are altruistic and have a commitment to this type of work. They employ salaried summer interns and students on work-study.



Steven Bernstein
(Rosenthal Photo)

HOFSTRA HAPPENINGS

by Kathy Rosenthal

For anyone who has not caught onto the idea yet, there is more to Hofstra University than the law school. Different organizations on campus sponsor movies and various cultural events throughout the year. The following is a compilation of events scheduled for this semester as of this date. It is subject to revision, so you should check with the service desk at the Student Union for changes. Enjoy!

CONCERTS

At the Playhouse. Tickets on sale at Ticketron and the Service Desk Monday thru Friday—11 a.m. to 4 p.m. Shows at 7:30 and 10:30.

November 4: New Riders of the Purple Sage and Stanky Brown Group. \$6 with and \$7 without undergrad I.D.

November 17: George Benson. \$6.50 with and \$7.50 without undergrad I.D.

CULTURAL AFFAIRS

November 10: William Shatner. Playhouse. Reserved seating. 8 p.m. \$1 HUID, \$3 all others.

November 15: Clive Barnes, theater critic, N.Y. Times, Student Center Theatre. 8 p.m. Free with HUID.

December 2: John Marks, the C.I.A. Student Center Theatre, 8 p.m. Free with HUID.

December 7: Doug Kenny, Editor of National Lampoon. Student Center Theatre, 8 p.m. Free with HUID.

VISUAL ARTS EVENTS (Selected Events)

November 5-30: Underground Art from Russia. Hofstra University Library, Lower Level.

November 7: Trick Photography, 1-3 p.m., Student Center, rm. 145.

November 14: Art as an Investment, 1-4 p.m., Student Center, rm. 142.

MOVIES

Free to all members of the Hofstra community. Student ID's are sometimes requested, a meal card or validated bill is accepted. I assume one of our library cards would also do. Films are shown in the Student Center Theatre. On Saturday night they are shown at 7 p.m. and 9:30 p.m.; on Sunday nights at 8:30 p.m.

Oct. 23 & 24: "Death Wish"

Oct. 26 (Thursday) "Play it Again Sam" (8 p.m.)

Oct. 30 & 31: "King Kong" (uncut original)

Nov. 6 & 7: "Lady Sings the Blues"

Nov. 13 & 14: "Death Race 2000" and "I, A Woman—Part II"

Nov. 16 (Thursday): "Back Street" (8 p.m.)

Nov. 20 & 21: "Wizard of Oz"

Dec. 4 & 5: "The Gambler"

Dec. 11 & 12: "Young Frankenstein"

Dec. 18 & 19: "Longest Yard"

KEEP THIS SCHEDULE. LIKE THE MOVIES — IT'S FREE!!!

Can't Find Law Books in Hempstead? Try

ED'S BOOK EXCHANGE

176-27 UNION TPKE.

FLUSHING

(212) 969-7173/7174

A complete line . . .

Textbooks

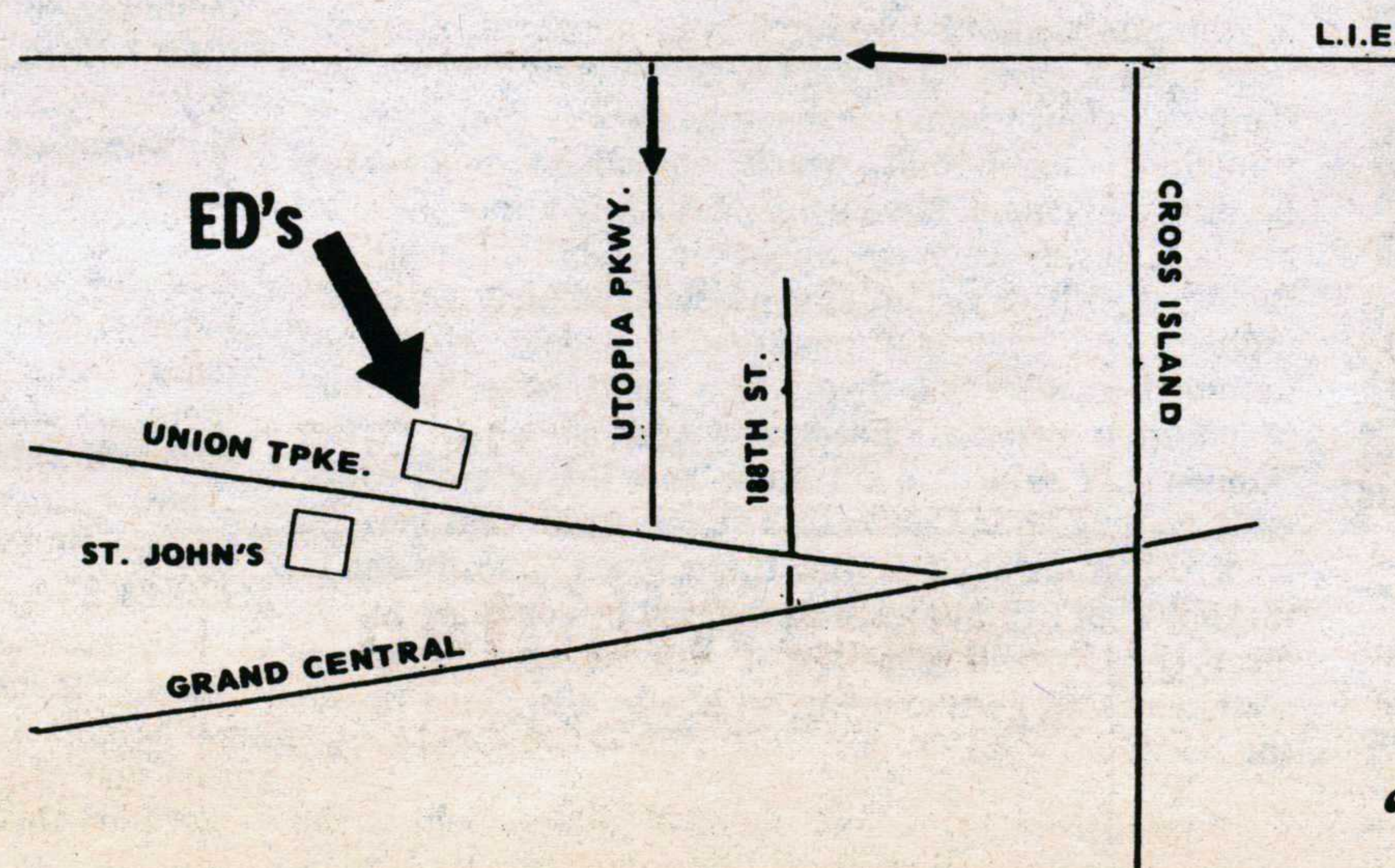
Casebooks

Outlines

Briefs

Hornbooks

Used Books



Gilberts

Hofstra

Legalines

Smith's Review

Marino Materials

Nutshell Series

"... Worth The Ride"

RIGHT OF LEFT

by Frank Vernuccio

It is gratifying to see that many Americans are taking an interest in the affairs of some Asian and African nations where the rights of people are suppressed. It is less gratifying, indeed, rather frightening, that at the same time many in this nation remain silent and unconcerned at the ongoing repression of the people behind the Iron and Bamboo Curtain.

Estimates of exterminations carried on within the Soviet Union since the Communist Revolution number from seven to fifteen million; within Red China, from ten to twenty-five million. Reports from recent refugees indicate that concentration camps still exist in both nations. The victims are not only in Russia and China, but are also in the captive nations of Eastern Europe. No nation, no empire in the war-torn history of this planet, has committed more atrocities upon its own citizenry than these Communist regimes.

The nightmare governments inspired by Marx do not restrict their terror to political enemies. From its inception, the Soviet administration has practiced open anti-Semitism, while the Chinese have made no cover-up of their attempt to eliminate followers of all faiths except that of the hammer and sickle.

It is one thing to refrain from active belligerence to prevent a nuclear holocaust. It is, on the other hand, totally inexcusable to refrain from active criticism on behalf of the victims of tyranny. Nor can the excuse be made that active criticism from the free world cannot be effective. Solzhenitsyn would still be residing in his Gulag Archipelago were it not for world-wide attention. Additionally, odd as it may be, the Western governments retain a weapon far superior to any used by the communists. That weapon is trade. Without American and Canadian

grain, the Soviet government would not be able to feed its own people — it might have to allow them some measure of freedom to increase productivity. Furthermore, it is Western, not Soviet, technology that the Communist task masters rely on to run their police state. (Example: A New Jersey firm sells sophisticated surveillance equipment to the Soviet civilian police force.)

It is the duty of every free man to insure the freedom of others. In this task, no distraction is sufficient to deter us from our foremost obligation.

Kurzer In The News



by Margery Rosin

The Sunday News of October 3rd featured an article focusing on Herbert Kurzer, third year Hofstra Law School student.

Herb Kurzer, a "young" man of 58, had previously served as a union organizer for 21 years, and then started his own real estate business. His wartime experiences earned him the Bronze Star and the Purple Heart.

Herb's lifelong ambition to be a lawyer is now near realization. Presently he is in the district attorney internship program, and is spending an entire semester working in the Nassau County

prosecutor's office. The program was initiated by Denis Dillon, Nassau District Attorney, and has been supervised by Professor Herman Hillman.

Herb Kurzer brings a lifetime of experience to his new venture, as well as a special zest for criminal law, and his law-school expertise.

Hofstra Law School and the District Attorney's office are to be commended for a joint venture which gives law students practical experience, and the D.A.'s office the benefit of emerging legal talent.

Don't Forget

To Vote

On Nov. 2

DOWNSTAIRS

Every Thursday **MARY CONNELLY QUINTET**

Friday & Saturday **HAROLD OUSLEY QUINTET**
October 22 & 23

Friday & Saturday **LOUIS HAYES- WOODY SHAW QUINTET**
October 29 & 30

Friday & Saturday **MARK E 16 - CHARLEY PERRY QUARTET**
November 5 & 6

Bill's Meadowbrook Inn
1002 Hempstead Tpke., Uniondale
(516) 486-9096
(2 lights West of Nassau Coliseum by Hofstra Univ.)

LIVE JAZZ

HOFSTRA LAW SCHOOL

Attorneys-In-Residence Committee

Wednesday, November 3, 1976

1:00 P.M.

In The Courtroom

"Contested Paternity Proceedings"

Seth P. Stein and Delores Seligman, Esqs.

Mineola, New York

CONCERNED ABOUT LAW SCHOOL?

Legal Preparation, Inc. will offer a 2-day workshop-seminar — November 26 & 28, 1976. The program has been prepared by Brian N. Siegel (author of *How to Succeed in Law School*), and will provide valuable insights into EFFECTIVE law school study, with a special emphasis on how to organize and write the hypothetical-type examination successfully. If you would like to see the evaluations of those who have previously taken our course or desire additional information, call (212) 743-5325, or write:

LEGAL PREPARATION, INC.

471 South Ogden Drive
Los Angeles, California 90036

Hofstra Hillel Foundation Presents:

October 25th (Mon.) at 7:30 p.m.

rm. 104 - Student Center

"Meet The Candidates":

Al Lowenstein will discuss topics of Jewish interest.

Congressman Wydler has been invited to share his views with us also.

Help Wanted

Easy \$/Personal Contact
To Serve

The Coffee & Doughnuts

Call Mark At

516-487-3968 or 466-9311

The library staff wishes to express their appreciation to all those who are co-operating in keeping the library shelved and in good condition.

at issue: Wayne Garrett



first edition

Supplement to Marilyn and Michael Price

Oct. 9 at 7 lbs 15 oz



Leo Schoffer

Sports Dicta

the legal ballfields



Jon Falk

BATTING TITLES QUESTIONED

It was mid-October in the year of 1910. The baseball teams of Cleveland and St. Louis of the American League were playing their final series of the season at the latter's Sportsman's Park. One Napoleon Lajoie, who played the position of 2nd baseman on the Cleveland team was in the midst of a keen rivalry with Ty Cobb of the Detroit Tigers for highest honors in batting average.

Mr. John O'Connor, the manager of the St. Louis Browns, was desirous of favoring Lajoie in his struggle with Cobb. Unmindful, and in violation of his duties, O'Connor instructed one of his players, namely Corriden, to play so far back of his regular position at 3rd base as to allow Lajoie to succeed in making 6 base hits by bunting the ball in the 2 games played.

These were the allegations made by the defendant in *O'Connor v. St. Louis American League Baseball Co.*, 193 Mo. App. 167, 181 S.W. 1167. This case, a breach of contract action, was brought by the Browns' manager against the club following his discharge for his involvement in the Lajoie incident. The Browns claimed that O'Connor's actions violated his contract with the team and "brought the game of professional baseball into disrepute in the City of St. Louis and throughout the country."

On the last day of the 1976 season, teammates Hal McRae and George Brett of the Kansas City Royals were in a fierce battle for the American League batting crown. In his final at-bat of the season, Brett, trailing his teammate by a fraction of a

percentage point, hit what appeared to be a routine fly ball in the vicinity of Minnesota leftfielder Steve Brye. Due to what has been labeled everything from poor fielding to managerial instructions, Brye failed to catch the ball, which resulted in an "inside-the-park" home run. This controversial hit, coupled with McRae's ground out in his last at-bat enabled Brett to edge-out his teammate for the title. The McRae incident prompted an investigation by American League President Lee McPhail. Shortly thereafter, McPhail stated that he could find no evidence of wrongdoing:

"Although it is not always possible to know with certainty what governs men's actions, there is no evidence or reason to believe that any plays in the game of October 3 in Kansas City were unfairly motivated. Lacking such, it is unjust to imply otherwise, simply by citing one missed play."

Whether or not McPhail was aware of the O'Connor case is uncertain. However, the conclusions of the League President are analogous to those espoused by Judge Reynolds who rendered the opinion of the court in *O'Connor*. The court held that there was no legal ground for the discharge of the manager, since there was no substantial evidence that O'Connor was seeking to help Lajoie in his quest for the title.

The foregoing leads us to ask the following question of first year law students: Had the McRae incident preceded the O'Connor case, should the attorney for the St. Louis Browns have cited McPhail's conclusions?

RAMRODS REEL OFF TWO WINS

After two weeks of play in the Hofstra University Flag Football League, the Law School's Ramrods are currently tied for first place with a 2-0 record. In the season's opener against Delta Sigma Kappa, the Ramrods, after getting off to a slow start, finally settled into their natural tempo of play and went on to win 38-18. Falling behind 12-0 after only 6 minutes of play, the Big Ramrod offensive machine was put into gear and reeled off 6 straight TDs, while completely shutting-off the Delta Sig offense. The opposition scored its third and last touchdown, with 38 seconds remaining against a completely second-string Ramrod defense.

The Ramrod offense was well-manned by Steve Zimmer, Jack McCardle and Bob Guido. Zimmer was devastating at the QB spot, throwing 3 aerial TD strikes to McCardle, Guido and Stan Levin. Zimmer also ran for another score, not to mention the fact that he intercepted two Delta Sig passes and converted these into TDs. Outstanding on the

defensive line were first year men Kiko Sarasuano, Brad Cohen and John Pacht.

The following week on October 6, the Ramrods continued their winning ways by beating the ROTC "B" team by a score of 52-7. Again, the Ramrod defense was overwhelming. The pass rush of rookies Sarasuano, Cohen and Pacht accounted for a QB sack on nearly every set of downs. Levin led the pass defense with a first half-interception.

On offense, the Ramrod machine cranked up for 8 TDs. Ted "Hawk" Bennett was on the receiving end of 3 TD passes thrown by Zimmer, while Flip Shapiro, Guido and Brad "Dart" Scheler each caught one Zimmer-TD strike. (Scheler, a star in the Law Review League, was called up from the Ramrod farm system when several veterans were unable to play.) QB Zimmer ran over for 2 scores.

On the season, the Ramrods have outscored their opponents 90-25. Zimmer has now thrown for 9 TDs and has run for 5.

STUDENTS DEFEAT PROFS.

This year's student faculty softball game was a smashing success... for the students. With Barry Peek's pitching baffling the faculty and backed by a strong defense, the faculty was held hitless for the first four innings.

Meanwhile, right fielder, Josh Klapper's long home run started the students on their way to victory. The scoring continued as third baseman Mark Claster blasted a home run and the students were quickly in the lead 8-0.

At this point the faculty realized that the students were hitting everything that Professor Eric Schmertz was pitching to them, and a change was necessary. Professor Leon Friedman was brought in to try and stem the onslaught.

The students playing with an air of confidence substituted freely, and the substitutes continued to perform well. A most memorable sight was watching Lisa Rothblum hit a groundball to

the shortstop that was thrown away. Lisa made it all the way to third base in her barefeet, as some of the faculty just marveled at how good and healthy she looked running around the bases.

Brian Conneely, who displayed a strong arm at shortstop and played a fine overall game, hit a long home run as the students continued to pile it on. It was not until the faculty substituted some of their younger blood (see photo) that they produced some results.

The game ended with the score in the vicinity of 15-5, as after awhile the students didn't keep track of the runs they scored.

All in all, a good time was had by everyone involved. Many people contributed to the victory for the students, including Rick Stern, who played a strong game at first base.

Many thanks to Dean Freedman who umpired the game and tried to keep the score close but was unable to. The faculty has been offered a rematch in the spring.



Josh Klapper, Alan Resnick and son. (Rosenthal Photo)



Swigin' Schmertz at bat. (Rosenthal Photo)

Tennis Tourney News

by Stuart Rosenthal

The CONSCIENCE Tennis Tournament moved into its final stages in these last two weeks, as play continued to get sharper and more competitive.

In the Men's singles, Craig Harris advanced to the semi-finals only to lose to Kirk Moritz 6-0, 6-1. Harris had defeated Leon Friedman 7-5, 6-3, while Moritz breezed past Greg Smith 6-2, 6-0. Mitch Cooper advanced to the semi-finals, defeating Stuart Filler in a come from behind victory, 3-6, 6-3, 6-3. Charlie Hammer faced Alan Resnick in the remaining quarter-final matched and also needed three sets to defeat his opponent, 6-3, 2-6, 6-2. Hammer had drubbed this writer in an easy match, 6-0, 6-2 and advanced to the quarter-finals after defeating Steve Delinko 6-4, 6-3. Resnick had moved ahead beating his

colleague, David Diamond, 6-3, 6-0 in the first round, and Buddy Casel 6-1, 6-0, in his next match. In the finals match, Moritz will face the winner of the Cooper-Hammer match to determine who will be the first CONSCIENCE Open Tennis Tournament Men's Champion.

In Women's singles, Robin Livingston Taubin advanced to the semi-finals beating Diane Vitale 6-0, 6-1. Taubin's opponent in the semi-finals, Shelly Wallace, had advanced by defeating Judy Lowenstein 6-2, 6-2. Jo Resnick earned the right to face Carolyn Klaiman in the other semi-finals match by beating Liz Abzug 7-5, 6-3. Klaiman had advanced by beating Lore Furst in three sets, 6-3, 2-6, 7-6.

CONSCIENCE extends congratulations to the winners and its thanks to all participants.

Hofstra University RATHSKELLER

Presents

Monday Night Football
Tuesday Night Come and Socialize
Wednesday Night Coffee and Donuts
Thursday Night Talent Night

Hot & Cold Deli Heroes & Sandwiches
served from 11 AM to 7 PM
Oven Fresh Pizza—Sicilian & Neopolitan
served after 3 PM
Michelob on Tap

Open Mon. - Thurs. 11 A.M. - 11 P.M. Fri. 11 A.M. - 7 P.M.

Wanted: Fun Lovin' Ski Instructors & Escorts (no teaching experience necessary, we will train you to teach). Call Center—Ski-O-Rama Tours (516) 485-1050 Ext. 100

Grand Opening

FRANCO'S PIZZA

HERO'S PIZZA DINNERS

Open 7 days a week
11 A.M.—2 A.M. weekdays
11 A.M.—4 A.M. weekends
Take Out & Delivery Service

(516) 489-2710

1150 Hempstead Turnpike
Uniondale, Long Island