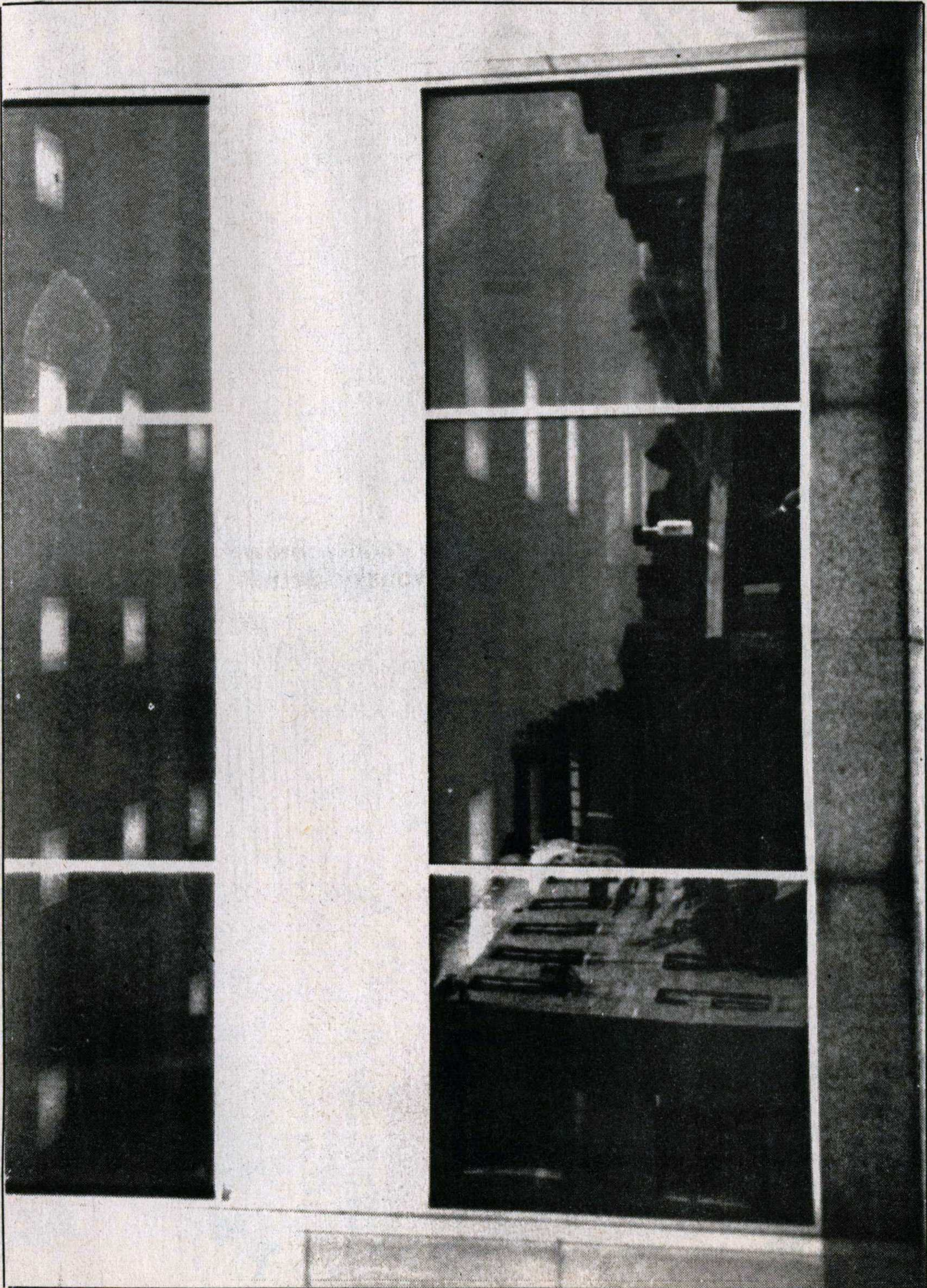


conscience

Vol. 10 No. 4

Newspaper of the Hofstra School of Law © 1982

December, 1982



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Pocket Part Still Fighting For Survival

by Kevin Blessing

The law school may support a University loan to finance *Pocket Part*. According to SGA member Bob Cohen, Vice Dean Rabinowitz has requested full staffing and budget figures from individuals organizing the yearbook. In particular, the Vice Dean seeks confirmation that revenues generated through advertising and book sales will be sufficient to reimburse the University should they supply a cash advance.

This position is far more favorable than the one expressed in Rabinowitz's memo of November 3. According to the memo, no monies could be made available to the yearbook. Rabinowitz suggested that the SGA reconsider its decision inasmuch as the yearbook is a student activity.

As a result of the memo, Bob Wilk again approached the student government suggesting that they withdraw 10% of the budgets of other clubs in order to make up the difference needed to publish the yearbook. In rejecting this idea, SGA president

Jordan Fox called a meeting with *Pocket Part* organizers and Bob Cohen, which resulted in the potentially successful meeting with Rabinowitz on Nov. 17. Fox told *Conscience* that he "would like to be able to tell students that there will be a yearbook." However, he added that the \$1600.00 *Pocket Part* balance from last year would be distributed to existing clubs in January if no viable yearbook staff and funding is forthcoming.

Bob Wilk insists he has a staff ready, and merely needs adequate funding. Wilk pointed out that "everyone wants a yearbook but nobody understands that 80% of the funding must be given to the publisher up front." He suggested that the more the delay, the less the chance of success. "In order to be printed by April, the book layout must be ready for the publisher in early February. Whether or not this deadline can be met will largely depend on the administration loan to be considered next week."

S.G.A. Continues Parking Battle

by Anthony Colleluori

For those students who have a tendency to arrive at school before 8:30 a.m. parking in a legal parking space within reasonable walking distance of the Law School is not usually a problem. For the rest of us though, a 10:00 class means frustration, lines or a ticket. While not the overriding concern that it was last year, the situation has not been forgotten.

In an attempt to ease the burden on the Law School parking lot, S.G.A. Pres. Jordan Fox has proposed to University officials that the lot across from the Law School on California Ave. be paved. In response to Mr. Fox's suggestion the University has run a feasibility study and determined the following facts: 1) a new lot on the property that the S.G.A. proposes would cost \$33,000, 2) the total yield of available parking spaces would be 44, 3) the University cannot afford at this time an expenditure of that amount, 4) even if the University could afford such a plan, a variance would need to be approved, and the prospect of such an act occurring were at best unlikely.

At the present time the Law School lot is open to all students of the University. A source at the public safety office conceded privately that parking is a problem for law

students and the idea of busing them from a lot across campus does not work. Nonetheless, there are no plans at the present time to change the first come-first served rule presently in force.

As for the S.G.A., Mr. Fox has said they will continue to fight to have the "no parking" signs on California Ave. taken down and to seek reform of the present parking rules. Either way, it looks like it will be another very cold winter of walking in the snow for Law School late sleepers.

Elderly Clinic Wins Grant

by Steven Gershbein

For the third consecutive year, the Advocacy for the Elderly Clinic at Hofstra University has been awarded a grant by the U.S. Department of Education to further its work in providing free legal services to needy senior citizens.

The clinic will use the \$30,000 Title IX Grant to cover the expenses of salary, overhead and court costs incurred in its representation of elderly clients involved in public benefits suits. Under the able directorship of Assistant Clinical Professor Alice Morey, third year students have obtained such public benefits for their clients as Social Security, Medicaid, Medicare, Food Stamps and Supplemental Security Income.

One of 40 of its type nationwide to receive funds, the Hofstra program has been ranked fourth by the Education Department in terms of excellence. Several qualitative factors, including the high degree of professionalism in casework and legal representation, were examined in order to determine the ranks of each of the programs.

The faculty involved in the program were both pleased and proud of Hofstra's recognition. Vice-Dean Rabinowitz stated, "We're pleased the government recognizes the merit of our clinic. It confirms our belief in the strengths and excellence of the program."

The clinic is located at 73 Main Street and is part of the Hofstra University Law School's Community Legal Assistance Corporation.

Faculty Complains That Students Don't Prepare

by Peter Shafran

"The sense of trying to achieve academic excellence is a big drive at most schools; there is no the same drive at Hofstra Law School," said tax professor Marc Orlofsky. Orlofsky's most serious complaint is that students fail to prepare and participate in class. He is sufficiently upset that he will not renew his contract at the end of the spring semester if things do not change.

Orlofsky's complaint has apparently struck a responsive chord in the administration. A memorandum from the Dean mailed to all students late last week stated that "the faculty and the dean's office are dismayed at the deficiencies in class preparation, participation, and good and regular attendance of our students, particularly in the second and third year courses." The memo suggests numerous possibilities for "establishing uniform methods of enforcing class preparation and attendance requirements." These include "tailoring examinations specifically to class discussions, the lowering of final grades by reason of poor preparation or attendance, and barring repeat offenders from sitting for the final examinations." The memorandum said these measures could be imposed by individual faculty members.

The dean also announced that faculty will establish an ad hoc committee of faculty and students to investigate the current problems and suggest solutions. This committee will be formed in a few days.

"When students were called upon at Harvard," said Orlofsky, "ninety-five percent were prepared." Orlofsky cautioned, however, against going to the extremes of Harvard, where the psychological pressures

are so intense that some students have committed suicide. Orlofsky stated he currently penalizes students who fail to prepare, but added that such penalties are difficult to enforce.

Orlofsky has been dismayed by the lack of a dialogue on these problems. Last March, he sent a memo on the problems to Dean Schmertz, but Schmertz never responded. Orlofsky sent a second protest memo to all faculty members last week. In it, Orlofsky threatened not to renew his contract if things did not improve.



Professor Orlofsky

Professor Orlofsky was not consulted about the memorandum that went out to students. The faculty did discuss the memorandum at their retreat at Kutcher's Country Club late in October. But Professors Orlofsky, Bush and Twerski were unable to attend because the retreat took place over the Jewish Sabbath and the hotel did not serve kosher food. Orlofsky has yet to be asked by Schmertz to join the ad hoc committee.

Orlofsky's suggestions for improvement

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University Issues Upbeat Report

The University's annual "State of the University" report was released last month. The report, issued by University President James Shuart, indicated that Hofstra has achieved financial health and will soon be attracting students "on a national basis."

Shuart said that the University had made it back from the brink of economic disaster, which it faced seven years ago, to a present

position of financial stability, with balanced budgets for the last seven years. The report also indicated that last year the University ran at a modest surplus. According to the report, the book value of the University endowment had increased by \$400,000 to a figure just over \$10 million. The actual market value of the endowment fund, however, is slightly lower.

The plan also sets out a commitment to strengthen the University's academic programs. According to the plan, Hofstra will invest an additional \$8.5 million, after adjustment for inflation, to hire additional faculty and to bolster academic programs, the library, and the computer facilities. The plan does not indicate to what extent, if any,

Continued on page 2

Quote of the month

"the kinds of negative reports one sees so often in the press are a constant reminder that we must deal with serious problems..."

—James Shuart,
President of Hofstra University
in the State of the University
Message 1982 [p.1]

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Cianciulli Elected to Trustee Chairmanship

by Winnie Gilmore

Hofstra alumnus, Emil V. Cianciulli, Managing Partner of the prestigious Suozzi, English & Cianciulli law firm, has been elected Chairman of the Board of Trustees for Hofstra University. Cianciulli, Vice Chairman since 1975 and Board member since 1972, is a man devoted to the growth and academic improvement of Hofstra University.

Cianciulli characterizes the Board's focus over the next few years as threefold: first, continued effort in Hofstra's national recruitment campaign; second, continued improvement in Hofstra's building and plant facilities; and finally, a continued and strengthened drive in the area of academic improvement.

Commenting on Hofstra's recruitment policy, Cianciulli asserts that a campaign for national recruitment became of paramount importance when the nationwide problem of declining enrollment began to surface. To combat this problem, compounded by a related fiscal deficit, Hofstra began to actively attract and recruit students outside its largely Metropolitan student "pool." To this end, Hofstra began to increase student housing facilities and worked on enhancing and improving the physical plant. But Hofstra is not looking for just any student. Against the current trend in student recruitment, Hofstra is seeking academically superior students. Currently 60 percent of undergraduate freshmen ranked in the top fifth of their high school class. Cianciulli sees the Board as working toward increasing that figure to 80 percent of incoming freshmen. Academic improvement is not limited to the undergraduate sector, however, since Cianciulli stresses you can't have a completely first rate institution where one area is academically superior and the other is not.

As for the law school, Cianciulli sees the University's commitment as "irrevocable." The law school is important to Hofstra's image. When asked about the current facilities housing the law school and Dean Schmetz's



Emil V. Cianciulli

proposal for a new building, Cianciulli says he thinks the law school should be "housed consistent with a first class institution." However, he was unable to be more specific on the Schmetz proposal since it has not yet been officially presented to the Board of Trustees.

The new Chairman's enthusiasm for Hofstra is evident. He feels that good morale at the University is generated not by "fiat but by a good atmosphere and pride." A distinguishing characteristic at Hofstra is that we "care about ourselves, about each other."

Cianciulli, 52 years old, graduated from Hofstra in 1952 and from Fordham Law School in 1957. He is the former Vice President of the Great Neck Board of Education. He has been active in community affairs and has received various awards including the George M. Estabrook Distinguished Service Award of the Hofstra University Alumni Association in 19080. Mr. Cianciulli is married to the former Jeanne Seh; they live in Flower Hill and have a son and a daughter.

P.A.D. Initiates Juvenile Justice Program

by David Chidekel

Hofstra's Kennedy Chapter of the Phi Alpha Delta law fraternity (P.A.D.) is initiating a Juvenile Justice Program, which will begin in late January. The program is aimed at reducing youth crime and violence, by improving students' knowledge of how the law relates to everyday problems. The program, a community service limited to Nassau and Suffolk Counties, is designed to facilitate interaction between kindergarten through high school students, law students, law school faculty and local judges. P.A.D. members anticipate that Hofstra's Juvenile Justice Program will be the largest program of its type in the country not receiving outside funding. In this regard, the program's entire budget consists of \$120.00, provided by the law school's Student Government Association. This money was used to purchase course materials.

The program consists of two facets. The first facet involves second and third year law students volunteering their time to travel to local school districts. Working with a school teacher, each law student will be responsible for conducting a one hour per week workshop. Topics such as criminal law, family law, constitutional law, contract law, student rights and consumer law will be presented with the aid of law guides prepared by P.A.D.'s National Chapter. After indicating their educational level and locational preferences, law students will be put into contact with their chosen school's representative. A convenient schedule will be prepared. Once this phase is completed, participating law students must attend a one-

half hour lecture given at Hofstra, concerning teaching techniques and principles for the appropriate grade levels. It is not required that participants in the program be members of P.A.D.

The second facet of the program is a Moot Court Competition, scheduled for the beginning of April. Hofstra faculty members will serve as judges, and each law student will coach a team from the school he or she has been working with. The competition will be numerically graded, and after one week a winner will be chosen.

Deborah Silverman, chairperson of the Juvenile Justice Program, stated that P.A.D.'s purpose for starting the program at Hofstra "is to reduce youth crime and delinquency, while promoting the citizenship of tomorrow's leaders. Law-related education is not only beneficial to the students involved, but to the community as well." Silverman indicated that P.A.D.'s nationwide juvenile justice programs are the only programs of their type which have continued to work over the years. Referring to a survey prepared by the Office of Juvenile Justice and Delinquency Prevention, Silverman asserted that students exposed to law-related education are less likely to use violence to solve problems, less dependent on peers advocating delinquent behavior and less likely to commit crimes.

Anyone interested in participating in the Juvenile Justice Program should contact Deborah Silverman or committee members Karen Weiner, Barbara Lynaugh, Tom Pragis, or Karen Sharp.

Legal Aid:

Lawyers Strike

by Don Walsh

As the strike of the 550 Legal Aid Society lawyers, now over four weeks old, drags on with no end in sight, the battle lines are becoming sharply drawn and the rhetoric on both sides is becoming increasingly bitter. The very existence of the Legal Aid Society in New York could be in jeopardy.

The Society is an independent, nonprofit organization, which since 1966 has been under contract to the city to represent indigents in criminal cases. Since the October 22 walkout, the cases of those who cannot afford legal representation have been handled by nonstriking supervisors and private lawyers. By all accounts, this is at best a temporary, costly and inefficient solution.

The issue presently on the bargaining table is salary. The city offered a 4.3% increase which the union rejected. A union spokesman asserts that, because of bad working conditions and heavy case loads, the lawyers should be paid more.

The Mayor, on the other hand, claims the strike is "unethical" because of the hardships created on indigents and the justice system. They also claim that they cannot afford to pay the attorneys what they are asking for, which is more than the city pays its assistant district attorneys.

The union has filed suit against the Mayor's use of the word "unethical," calling it a strike busting tactic. They also feel that they cannot be compared with assistant DA's, who have better working conditions and a lighter caseload. They assert that the 4.3% increase will not be comparable to the assistant DA's pay scale and claim the city is guilty of misrepresentation in this instance.

The city is obligated by the Federal Constitution and state law to provide legal counsel to indigents. State law gives the city a choice as to what system will represent the poor — the Legal Aid Society, a public defender's office run by city employed attorneys, private lawyers paid on a case by case basis, or any combination of the three. A week ago, Mayor Koch threatened to change the form of representation to the Public Defender system. Public defenders, as

city employees, would be denied the right to strike. Koch appointed a three lawyer panel to study the feasibility of changing the system.

Legal Aid has maintained as part of its suit that Koch is engaging in a "union busting tactic" by threatening installation of a public defender system.

Upbeat Report

Continued from page 1

these additional resources will be directed toward the Law School.

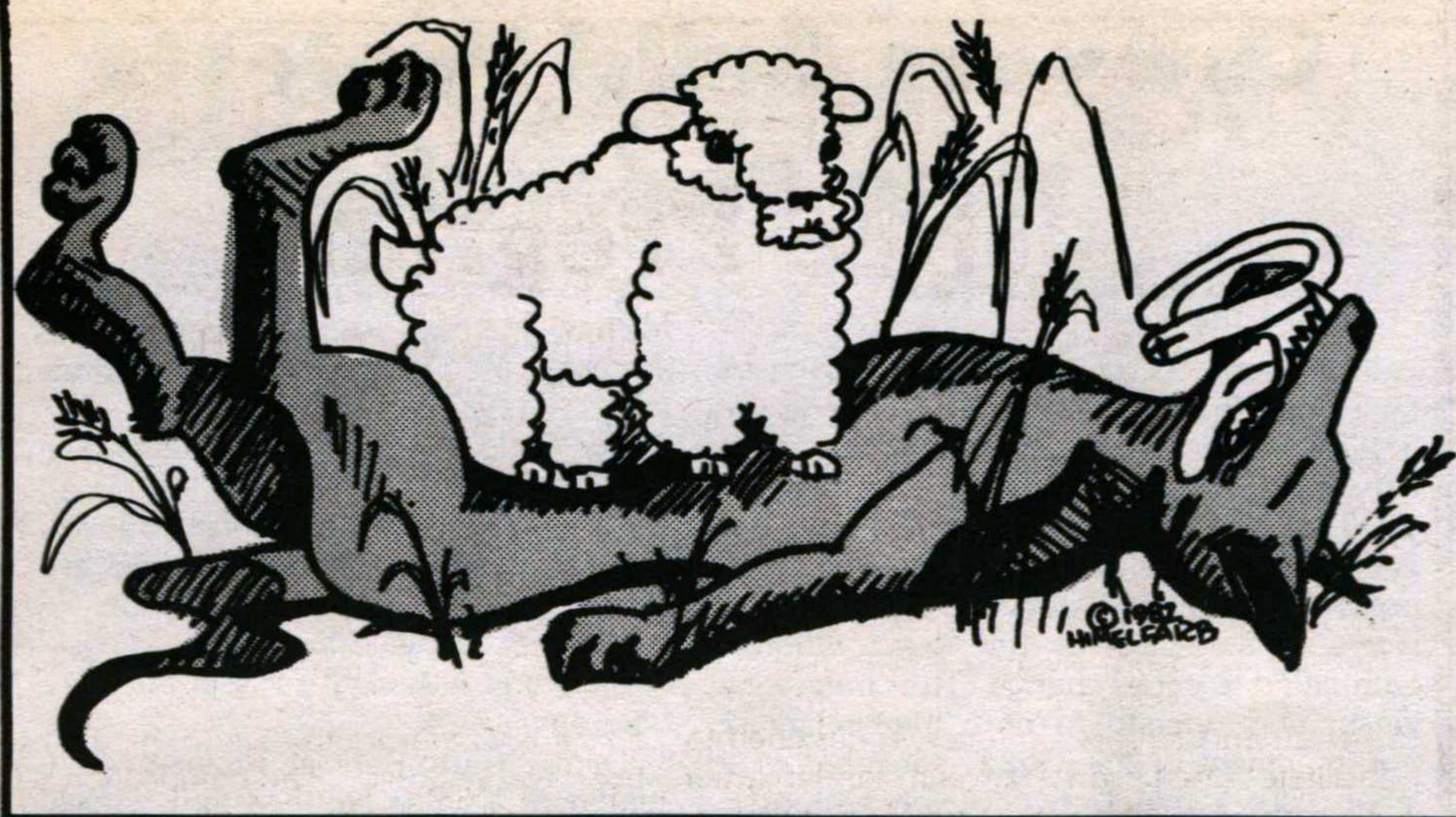
The report reveals that the recently acquired Twin Oaks apartment complex was partly a gift. The plan indicates that the University paid only one-half of what it would cost to acquire the complex directly on the market. Many law students live in the complex, and some of the students have voiced complaints over a lack of services at the apartments. Jordan Fox, the Law School Student Government President, prepared a list of proposals for the apartments which the University turned down. According to Executive Dean of Students Mark Dion, the operation of the apartments required a subsidy from the University.

The real housing emphasis in the plan seemed to be for undergraduates. The plan indicated a second phase to the "Netherlands" housing project was about to be commenced. The funding for this phase will come from a \$3.5 million Federal College Housing loan. The second phase will be in addition to the already completed "Netherlands" complex, which cost the University \$10 million.

Tenure Positions

The plan also states that last year the University awarded eight professors tenure, including Law School Professor Eric Lane. In addition to serving as a professor of law, Lane is also counsel to the New York State Senate Minority.

The complete plan can be obtained from the University's Office of University Relations.



E.P.A. Lifts Ban On Poison

WASHINGTON, C.C. - An Environmental Protection Agency (EPA) judge has decided the agency should lift a ban on the poison, Compound 1080, making yet another highly toxic chemical more accessible to the public.

Administrative Law Judge Spencer T. Nissen ruled this week in favor of lifting the 10 year-old ban on Compound 1080 once used widely by western ranchers to kill coyotes. The 200 page decision, which calls for two distribution methods: 1080 collars for sheep and small 1080 lard or meat baits, (known as single lethal dose baits) is filled with inconsistencies opponents say.

"The findings of fact set forth by the judge in his own opinion do not support the decision," said Allen E. Smith, president of Defenders of Wildlife. "The judge has pointed out how highly toxic this poison is, that there is no known antidote or effective treatment, and yet he supports its use by the government and ranchers," he said.

"The EPA will not be able to enforce use restrictions on this poison," Smith said. "Government employees told the judge about siphoning poison from the collars themselves; he heard about the poison seeping out of the collars onto the users hands; and he heard of dogs being poisoned from il-

legal use of 1080 with the ban in place. There are human health problems, as well as problems for many species of wildlife." Smith went on to say that small baits treated with 1080 would be attractive to many species of wildlife and domestic pets.

The judge's decision said EPA should let ranchers use 1080 in collars filled with the poison attached to the neck of the sheep. Compound 1080 is released when a predator bites through the collars into its prey. The judge also said government personnel should use single lethal dose baits on public and private lands.

"No program to test the effectiveness or hazards of single lethal dose baits with 1080 had been conducted," Smith said, pointing out that the Interior Department had just been issued experimental use permits by EPA for research into method.

"This is a political move by the Reagan Administration to placate western ranchers," Smith continued. "The judge's decision says predation is not an industry-wide problem; and that coyote problems with sheep have not increased since the 1972 ban was imposed. How can this decision possibly be justified?" he concluded.

Defenders of Wildlife intends to appeal the decision to Anne Gorsuch, EPA administrator.

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Agent Orange Debated

On Wednesday, November 17, 1982, Leonard Rivkin, National Trial Counsel for Dow Chemical Company, and Professor Aaron Twerski, Consultant to the plaintiff's consortium, discussed some of the legal issues of the Agent Orange litigation during the Dean's hour, before a very large and receptive audience.

After Leonard Rivkin outlined the background and many issues of the case, the dialogue then revolved around two issues. One, the problem created when plaintiffs and the defendants from multiple jurisdictions attempt to determine the statute of limitations applicable to the cause of action.

Regarding the statute of limitations, this past summer Professor Twerski had argued in Federal District Court that federal common law should apply. The District Court, Judge Pratt, agreed but was reversed by the 2nd Circuit on appeal and the Supreme Court denied certiorari. Therefore, federal common law is not applicable in this case. The second district held that each veteran's case would be governed by state law and by their state's statute of limitations prior to consolidation.

The second issue was Dow's third party complaint against the U.S. Government. That complaint argued that the government should also be held liable because of the specifications and the restrictions they placed on Dow in the manufacture and distribution of the herbicide. Mr. Rivkin argues that Dow was only complying with the government order.

Professor Twerski argued that even if the government is responsible, their responsibility is affected by the type and amount of information Dow provided the government prior to and during the contract term. The government in other words could not have made an informed decision.

The first of the Agent Orange trials is scheduled to begin on June 27, 1983. Dow is moving for a non-jury trial, and that decision will be made next spring, or early summer. This Agent Orange trial will be conducted at the Federal Court house on the Hofstra Campus.



Leonard Rivkin, Senior Partner in Rivkin, Leff, Sherman & Radler.

Debate Analyzed

by Rich Roth

Although I did not plan on writing an addition to my series until a future issue of *Conscience*, I feel that I should explain what happened during the final minutes of the Agent Orange debate, during Dean's Hour on the 17th.

Mr. Rivkin commenced the discussion with a rather accurate description of the issues involved in the case. They include (in no organized order) the statute of limitations defense, class action dilemma, Federal common law question, government contract defense, governmental immunity and causation.

Professor Twerski responded, in essence, by rebutting much of what Mr. Rivkin said on the issues. He particularly focused on the issue of causation, the Federal common law question and the government contract defense.

Continued on page 6

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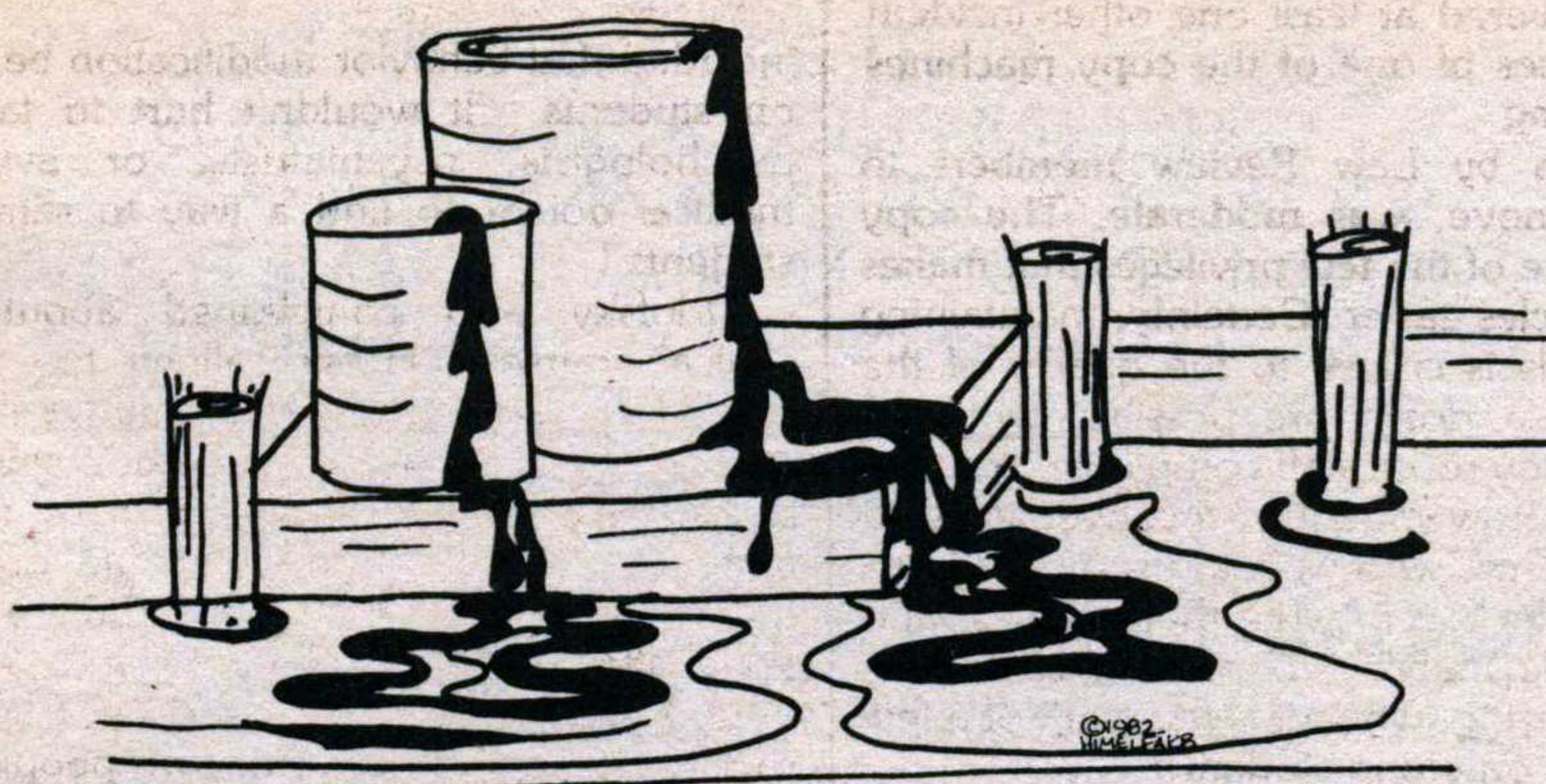
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Hofstra Threatened by Chemical Spill

by Arlene L. Boas

A hazardous chemical spill is threatening to contaminate the water supply serving Long Island. The greatest threat is to the Uniondale water district, whose wells are located closest to the site of the spill.

The State Attorney General's office filed a \$50 million lawsuit in the New York State Supreme Court in Nassau County last year under the New York Environmental Conservation Law and New York Real Property Actions and Proceedings Law, charging Purex Industries with responsibility for the contamination of a site on Commercial Avenue, in the northwest corner of Mitchell Field. Subsequently, Nassau County and the Town of Hempstead filed similar suits against Purex. The hazardous chemicals which it alleged Purex and its predecessors discharged into the environment during repackaging operations, include toluene, xylene and trichloroethylene. These chemicals involved in the spill, which took place at various times during the past 20 years while the site was used for chemical repackaging, are known to be carcinogenic (cancer-causing), mutagenic (causing genetic changes), teratogenic (causing birth defects) and tumorigenic (causing tumors). In addition to being lethal at small doses of 1-2 oz., when ingested in much smaller amounts these chemicals can also cause serious illness. Frequently, inhalation or ingestion results in damage to the central nervous system, liver and kidneys.

According to the Citizens Alliance, a statewide group concerned with public interest issues, chemicals from the Purex spill have already been detected at least 100 ft. below the surface and 600 ft. west of the site.

Chemical spills are particularly dangerous on Long Island. Our entire public water supply depends on wells which draw water from the ground — a complex, interconnecting system of underground streams. A threat to one area of the underground system is a potential hazard to the entire system. The more remote the well from the source of contamination, however, the less the hazard.

The purpose of these lawsuits is ultimately to make the parties financially responsible for the enormous costs of cleaning up the spill. In recognition of the public concern for initiating appropriate remedial actions at the earliest possible time, the Citizens Alliance, together with the New York Public Interest Research Group Inc. (NYPIRG) sponsored a public accountability session in Uniondale on October 27. Representatives of the State Attorney General's office, Nassau County Health Department Division of Environmental Health, and the Commissioner of the Town of Hempstead Department of Water accepted invitations to the session. Purex declined the invitation.

According to Town of Hempstead Water Commissioner, Daniel Davis, the threat is real, and the only way presently available to determine when it will begin to impact on our wells is to continue the present system of water testing. Although Commissioner Davis stated he would like to see test wells drilled between the spill and operating wells (which could be tested for early warning of advanc-

ing contamination), there is apparently no action being taken to drill such wells. All wells are currently tested four times yearly, and when any of the hazardous chemicals tested are detected in amounts exceeding allowable limits, affected wells are immediately shut down. Thus far, this testing has failed to show any evidence of contamination from the spill of the active wells in the vicinity. The Citizens Alliance claims the current testing program does not test for most of the chemicals in the Purex spill, namely xylene and toluene. However, the Department of Health claims they do test for them.

A disquieting fact brought out at the meeting, and concurred in by all the experts present, is that acceptable levels of exposure to hazardous substances in the environment are continuously being changed, as medical and scientific knowledge is expanded. Testing for most of these chemicals in water has only been developed in the past 10 to 15 years, and as a result standards are relatively new. There was unanimous agreement that these standards will undergo change in the coming years. What is considered safe today may not be considered safe in the future.

Another problem brought out is the fact that the Department of Health and Town Water Commission are not empowered to go out and hunt for potential sites of contamination, but must wait for some evidence or complaint to be brought to their attention which warrants their investigation. The Purex spill was discovered accidentally by the Department of Health during test drilling operations to find sites favorable to the location of news wells to support the growing Mitchell Field complex.

According to the Citizens Alliance, William Tischer of Purex Industries Inc., a large conglomerate with headquarters in California, has assured stockholders that they intend to "contest vigorously" the State, County and Town's efforts to get the Purex pollution cleaned up.

In addition to the State Environmental Protection Laws, under which the suit against Purex was filed, New York State also has a Superfund, which was established to clean up environmental contamination. The Federal Government has a similar Superfund. When asked whether the spill was being considered for Superfund status, Ms. Mary Ellen Burns, from the New York Attorney General's office, replied that it was not appropriate in this case, since the responsible parties are known, and they should be made to bear the cost for the cleanup.

Also on October 27, Mr. Walter Mugdan, Chief of the Regional Office of the Federal EPA, addressed a Hofstra Law School audience about his agency's activities. Although he spoke about a recent chemical spill which occurred in Hicksville, he was not familiar with the Purex spill. Mr. Mugdan lamented the recent cutbacks in his agency's manpower and recent executive guidelines he has received indicating an intention to phase out the Federal Superfund. He stated the guidelines instructed him to use the funds

Continued on page 5

Lawyers Guild Protests New Federalism

by Barbara Lynaugh

The members of the National Lawyers Guild met for a four-day conference at the Statler Hilton Hotel in Manhattan from November 11-14. The Guild, formed in 1937 in response to the American Bar Association's anti-labor and anti-minority policies, is a national network of progressive lawyers, law students and legal workers committed to social change. The conference which was opened to both members and non-members of the Guild, consisted of a labor skills seminar, two major symposia, several focus groups and workshops, keynote speakers, films, and parties.

Labor Law Seminar

The Guild conference opened with a full day and a half labor skills seminar, presented by the National Labor Law Center, a project of the National Lawyers Guild located in Washington, D.C. Designed specifically for the trade union lawyer, the seminar was a scholarly and thorough presentation focused on the protection of workers' job security and the defense of the integrity of unions in this current period of economic decline. The lawyers lecturing at the seminar each had extensive litigation experience in these difficult areas; recent decisions were examined along with new strategies for bargaining, arbitration and litigation. The speakers included, among others, Michael Nicholson, Assistant General Counsel, UAW; Staughton Lynd, lawyer for the Youngstown steelworkers in a recent plant closing case; and Leonard Polletta, Staff Attorney, U.E. Some of the specific issues dealt with were the current federal legislative scene, determining the financial health of a business, plant closings, new remedies in litigation and arbitration, bankruptcy proceedings, preserving the right to strike, new defenses to tort actions against union members, and protecting the pensions of employees of a failing business. The lectures were supplemented by comments from the attorneys in the audience who discussed relevant aspects of their own cases. In addition, each of the lecturers had prepared materials, including statutory analyses, sample interrogatories and arbitration demands, complaints, memoranda, and briefs, which were compiled into a manual and distributed to seminar participants.

The Current Constitutional Crisis

A major symposium during the Guild conference focused on the Reagan Administration's efforts to restrict access to the courts through legislation and administrative regulation and rule-making in areas such as abortion rights, immigration and busing. Arthur Kinoy, Professor of Constitutional Law at Rutgers-Newark, and founder of the Center for Constitutional Rights in New York, gave a profoundly impressive lecture about the gravity of the threat to fundamental constitutional rights inherent in the Reagan agenda. He quoted a recent statement made by David Brinks, President of the American Bar Association, that there currently exists "the most serious constitutional crisis" this country has known since 1877, when the 13th, 14th, and 15th Amendments were effectively emasculated.

Ruth Messinger, NYC Councilwoman, emphasized an effective way of dealing with this crisis through participation in electoral politics. The need for progressive people in local politics was discussed, along with the benefits to be derived from participating in the political process.

Other Events

Many other events took place at the conference, including two film presentations. The first film depicted the conditions of the Salvadoran and Guatemalan refugee camps in Honduras. This was presented by the Central American Task Force of the National Lawyers Guild, a group actively opposing U.S. intervention in Central America. The second film was a striking documentary of the role of the U.S. in furthering the nuclear arms race. It clearly examined our long-standing "first-strike" policy and the escalating threat of nuclear war. Detailed also were the nuclear testing carried on in the West during the 1950s and 1960s and its devastating effects on the area's people and their environment.

A keynote speaker at the conference was Michael Manley, former Prime Minister of Jamaica. Mr. Manley gave an informative talk on the current political economy of the Third World and its role in a new emerging world order.

As educational as the conference was, the weekend was not without its social events. There was a party downtown on Friday evening to benefit the striking Legal Aid lawyers and late-night salsa at the hotel on Saturday.

Denise Carty-Bennia, Professor of Constitutional Law at Northeastern, concluded the symposium with an urgent call to all those committed to social change to firmly address the racism that continues to permeate every aspect of American society. She pointed out that *Dred Scott v. Sanford* is still very much with us as people of color remain outside the body politic. Professor Carty-Bennia criticized progressive people for their racial chauvinism and their failure to deal effectively with this issue. She emphasized that communication among people must be reestablished if minorities are to have any meaningful participation in political processes.

Economic Rights as Civil Rights

The second major symposium explored the current economic scene, in which the combination of a double-digit unemployment rate and massive cutbacks in social welfare programs has made it impossible for millions of Americans to survive economically. The symposium was moderated by Haywood Burns, Director, Urban Legal Studies Program, CUNY, and Co-Chair, National Conference of Black Lawyers. Professor Adamantia Pollis, New School of Social Research, discussed lessons to be drawn from the constitutions of other countries and the United Nations Charter in helping to create a popular consensus that economic rights are basic civil rights. Professor Ralph Smith, University of Pennsylvania Law School, presented legal strategies to maintain existing social welfare benefits.

Tax Law Focus Group

Closely related to the theme of economic rights was a focus group describing the Reagan Administration's tax policies. The presentation was given by David Willhelm, a researcher for the Public Employees Union, AFL-CIO, and author of numerous publications on tax law analysis for the Citizens for Tax Justice. The 1981 and 1982 tax laws were explained, emphasizing that their impact has been a most dramatic and basic reversal of the progressive income tax structure. It was pointed out that the combination of federal cuts and the "New Federalism" has meant a complete shift in tax burden, whereby low and middle income taxpayers receive significant tax increases and rich taxpayers and corporations receive an enormous tax cut. Mr. Willhelm prepared a detailed and comprehensive set of materials on the federal tax laws which he distributed to the focus group participants.

Law Students Plan Action on Loans

A feature of the Guild conference was a special program for law students. Recognizing the need for student involvement in Guild activities, the November conference represented the first time a law school section was included as part of the agenda. The Law School Organizers Committee met for a full afternoon to hear speakers, discuss business and plan activities. The group was addressed by Arthur Kinoy who gave an inspiring talk on the important role of people's lawyers in the 1980s. Arthur (as he insists his students call him) has been active in the social change movement since the early 1950s; he had much to share from his own experience in the tumultuous historical times in which he's worked. Barbara Dudley, National Vice President of the Guild, echoed the importance of political legal work and emphasized the need for diligent study to meet the challenges ahead.

Law school workshops were held, discussing organizing skills, affirmative action on campus, building coalitions with other student organizations, and dealing with

Continued on page 5

Journals Lose Xerox Privileges

by David Wankoff

On Monday of last week, the four organizations with after hours copyroom privileges (Law Review; I.P.I.J.; Labor Forum ed; Moot Court Board) had their privileges suspended by Assistant Dean Douglas. In an interview, Douglas cited incidents of misuse of the copying machines as the reason for his decision.

Douglas noted two incidents. The first was when an unknown student disregarded an out-of-order sign when there was an improper mix of copying chemicals in the machine, which resulted in down time for

the machine. The second occurred the week before when an unknown student(s) took apart the machine in an attempt to repair a jam, and scratched the drum (an internal part), which necessitated its replacement at a cost of several hundred dollars.

Douglas said that the suspension will last until the individuals involved step forward and claim responsibility or until he is satisfied that the organizations can insure that incidents such as these will not recur. Douglas, a former managing editor of the Hofstra Law Review, realizes this may result in inconvenience to these students, but finds misuse of the machines to be unacceptable.

An interview with one of the copy room

staff uncovered at least one other incident, where pieces of one of the copy machines were missing.

Reaction by Law Review members to Douglas' move, was moderate. The copy room is one of the few privileges that makes writing articles easier. Certainly, maintaining the journals is crucial to the quality of the school. Also noted are possible problems with the copy room staff completing the new work they now must do, inconvenience to other students, who wish to use books journal members use to write their articles, and the possible inability to prevent such problems recurring, when it is the work of a few or possibly only one student.

P.A.D. Plans Area Wide Conclave

by Marie Ann Hoenings

On November 6th, the Fifteenth District of Phi Alpha Delta held a conclave at New York University Law School. Its purpose was to compare ideas and reinstate the Rapallo Chapter of N.Y.U. Law School. District Justice Sandi Brooks, National Historian Rick Pearson and National Representative of the Juvenile Justice Program Dennis Kirk, were all present to express the support of the alumni to the various chapters.

The eighteen people present included Tony Colleturi, Anne Marie Chmielewski and Marie Hoenings who represented Hofstra's Kennedy Chapter. The other chapters represented were Patterson of Seton Hall, Wormser of Fordham, Rapallo of N.Y.U. and Tilden of New York Law School. Discussions concerned the overall

goals of the fraternity and various ways to achieve those goals.

Mike Taafee, Justice of Paterson, spoke about rushing and initiation. Tony Colleturi, Justice of Kennedy, spoke on fund raising. Bruco Blanco, Justice of Jackson, spoke on recruiting guest speakers. As each chapter represented spoke of their accomplishments and difficulties, it became apparent that our own Kennedy Chapter is one of the strongest in the district. Though Kennedy is not the strongest in number, we were complimented for our excellence in professionalism, strength in programming and for providing a wide range of activities for our members as well as the Law School community.

Phi Alpha Delta at Hofstra had one successful party on October 22 and we are planning another for December 3rd. A Client

Counseling Workshop with Luis Acosta was held and Mr. David Hawk, former Executive Director of Amnesty International U.S.A., will be speaking December 1 at 12 o'clock (room to be announced). The Kennedy Chapter is also the only chapter in District XV instituting the Juvenile Justice Program. The Juvenile Justice Program entails law students going to public schools and teaching law-related activities to the students through various means, one of which is a mock trial that eventually results in competition between the schools. While other chapters showed skepticism, the enthusiasm and excellent organization of the program at Hofstra are sure signs of its success.

The day ended with a formal initiation of the new members of the Rapallo Chapter which will lend more support to an enthusiastic district.

Orlofsky

Continued from page 1

included that behavior modification be used on students. "It wouldn't hurt to talk to psychologists, psychiatrists, or even a medical doctor to find a way to stimulate students."

Orlofsky also complained about the clinical courses. "Hofstra allows too many people to hide in the Community Legal Assistance Corporation." Instead, students should take a broad range of courses, maintained Orlofsky. "Students should prepare themselves so that they can handle almost any matter."

One of Hofstra's clinics, the Tax Clinic, is run by Orlofsky. "I have thrown people out of the clinic if they wouldn't work hard." But the Tax Clinic, complained Orlofsky, gets "no recognition by the Hofstra administration and does not have enough support from the faculty." Orlofsky said that before he came to Hofstra, the Tax Clinic was about to be killed. Orlofsky assumed the responsibilities of the clinic on a pro bono basis, although he now gets a stipend. "I didn't get too much praise for the clinic, but frankly, I didn't do it for the praise."

Concluding, Orlofsky noted a sense of inferiority among Hofstra students. The trend must be reversed maintained Orlofsky. The only way to do that, said the professor, "is by pulling themselves up by the bootstraps." "But I don't want to put too much emphasis on the students," continued Orlofsky, "the faculty and administration have to show a change also."

During the next few weeks, Orlofsky plans to gauge the response from faculty and students so that he can decide whether to stay at Hofstra or go elsewhere.

Chemical Spill

Continued from page 4

available sparingly so that by the time scheduled for phase-out, Congress would not have been asked to renew the Superfund appropriation. Mr. Mugdan stated that his agency's actions have been severely affected by these limitations, and as a result a decision has been made to concentrate EPA efforts on a small number of tasks rather than attempting to spread out limited resources to the point where nothing could be effectively accomplished.

To end on the only favorable note, Mr. Marvin Fleisher of the Nassau County Health Department indicated at the Public Accountability Session that most of the hazardous chemicals in the Purex spill have a very volatile nature, which makes them easy to remove from the water supply. They will evaporate from water left standing, and can be removed by boiling. Back to basics? Purex Industries, Inc., is located at 5101 Clark Avenue, Lakewood, CA 90712.

The Labor Law Forum Lecture Series Program

presents

KEN MOFFETT

- * Deputy Director of the Federal Mediation & Conciliation Service
- * Served as Mediator during the *Baseball Strike* of 1981

Will Discuss:

"Labor Relations in the 1980's"

- * Date: WEDNESDAY NOVEMBER 24th
- * Time: 12 noon / Dean's Hour
- * Place: Law School Room 230

Sponsored by the Hofstra Labor Law Forum

Death And Dying Workshop Upcoming

Concern for Dying, an educational council founded in 1967, sponsors an interdisciplinary program for students in the health care and legal professions interested in developing skills for dealing with the needs of the terminally ill and their families.

The Fourth Annual Leadership Training Weekend will take place March 25 through March 28, 1983, at Stony Point Conference Center, in Stony Point, New York. The weekend program includes lectures, small group discussions, AV presentations, legal and legislative review and planning sessions. The legal, medical, ethical and psychological issues in critical and terminal care decision-making will be considered.

Students will be selected to attend the weekend on the basis of their interest in the

field of death and dying and their willingness to assume leadership responsibilities. Since its inception, participants in the student program have presented workshops at their respective schools, and at the regional and national conventions of the Law Student Division of the American Bar Association, the American Medical Students' Association, and the National Student Nurses' Association.

If you are interested in being considered for the Leadership Training Weekend, write to: Bianca Katris, Program Coordinator, Concern for Dying, 250 West 57th Street, New York, NY 10107. Tel.: (212) 246-6962.

Deadline date for applications: January 10, 1983.

Baseball Mediator to Speak at Law School

The Hofstra Labor Law Forum will present Kenneth E. Moffett, Deputy Director of the Federal Mediation & Conciliation Service on Wednesday, November 24th, during the Dean's Hour/12 noon in Room 230. The topic of discussion will be "Labor Relations in the 1980's." Mr. Moffett's speaking engagement commences the Forum's Lecture Series Program. This lecture series will bring to the law school campus several labor leaders to discuss pertinent labor issues.

Ken Moffett is noted for his role as mediator during the baseball strike of 1981. Commissioned a Mediator with the Federal Mediation & Conciliation Service in 1961, Mr. Moffett served in Washington, D.C. and in Cleveland, Ohio, before his appointment as a National Representative in 1969. From 1969-1972, he served as Executive Assistant to Director J. Curtis Counts. In 1972, he was named Director of the Federal Mediation & Conciliation Service's Office of Mediation Services. In 1977, he was appointed Deputy Director of the Service by

Director Wayne Horvitz, presently a professor at Hofstra Law. Ken Moffett served as Director of the Federal Mediation & Conciliation Service from January 1981 until July 1982. Mr. Moffett resumed his position as Deputy Director in July following President Reagan's appointment of Republican Kay McMurray as Director of the Service.

Ken Moffett was born in Lykens, Pa. and attended the University of Maryland, where he graduated with a B.S. degree in 1958. He is a member and past President of the Society of Professionals in Dispute Resolution. He also serves on the Executive Boards of the Association of Labor Relations Agencies and the Industrial Relations Research Association. He has also served as a United States representative to labor forums in both Europe and Africa.

The Labor Law Forum will present Edward Mercado, Director of the Equal Employment Opportunity Commission (New York Region) on Wednesday, December 1st during the Dean's Hour/12 noon in room 230.

New Federalism

continued from page 4

federal financial aid. The students decided on a program of action to organize for federal legislation that would set up a loan forgiveness schedule for lawyers working in public interest areas. It was noted that there is a marked difference in repaying a large

school loan on a \$40,000 corporate salary and doing the same on a substantially smaller public interest salary. The net effect is to discourage public interest work. Comparable loan forgiveness schedules are currently in effect for nurses, teachers and physicians.

The newspaper interview is just one of those things.



Agent Orange

Continued from page 3

Both well-known attorneys presented the basic facts and legal issues involved in a fair and up-front manner in front of a standing-room-only room 308.

With all but 3 minutes left, I courageously decided to ask a few questions of both men. My first and only question was directed to Mr. Rivkin. I questioned a statement made concerning the history of the government contract defense.

Mr. Rivkin candidly replied that the government gave the corporations a DIRECT ORDER (DO) to manufacture the herbicide (Agent Orange). He concluded by asking that if the government did provide the specifications, and if one assumes that the manufacturer's sole role was to conform directly to the government's demands, who should be held liable?

There I was—my big chance to surprise him with a good answer—and my nervousness and anxiety took over. I replied, "the government." However, I question my very own answer on two grounds.

First, because in that question there is an implication that the corporations were helpless.

Helpless? Come on. Let's assume the corporations were given a DO. They were thus "forced" to contract with the government. But who benefits from this contract? Corporations thrive on government contracts. The contract will increase the corporation's employment, income and profits. The value of the corporate stock may rise, and the corporation need not worry about its customer, the government, going bankrupt.

Since corporations desire such benefits, some burdens may be fair to impose. Naturally, this will further the goals of deterrence, loss spreading and compensation of the injured.

Furthermore, this is not a question of deciding between the government and the manufacturer. *The government is immune from suit.* We are now dealing with the plaintiffs and defendants—the servicemen and the manufacturers. Therefore, the question should be: "as between those two, who should pay?"

Mr. Rivkin and Professor Twerski both have difficult cases, and I wish them the best of luck. I am happy that my work stops short of the courtroom.

The students thank both men for their time and effort. It was an exciting hour.



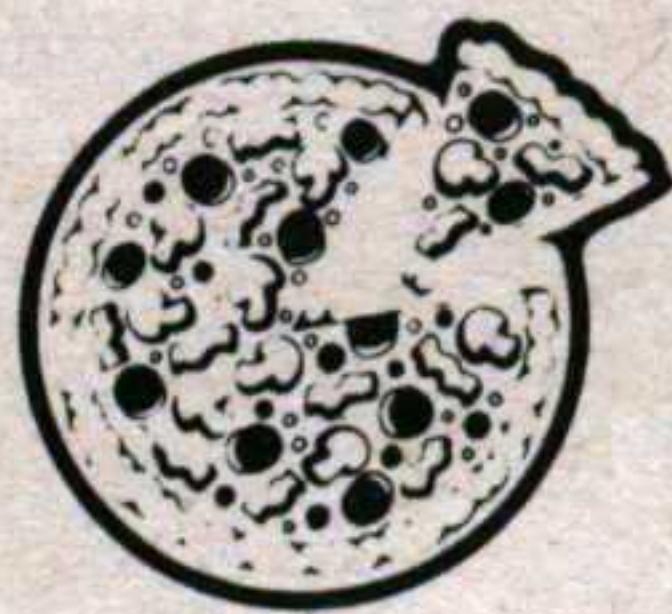
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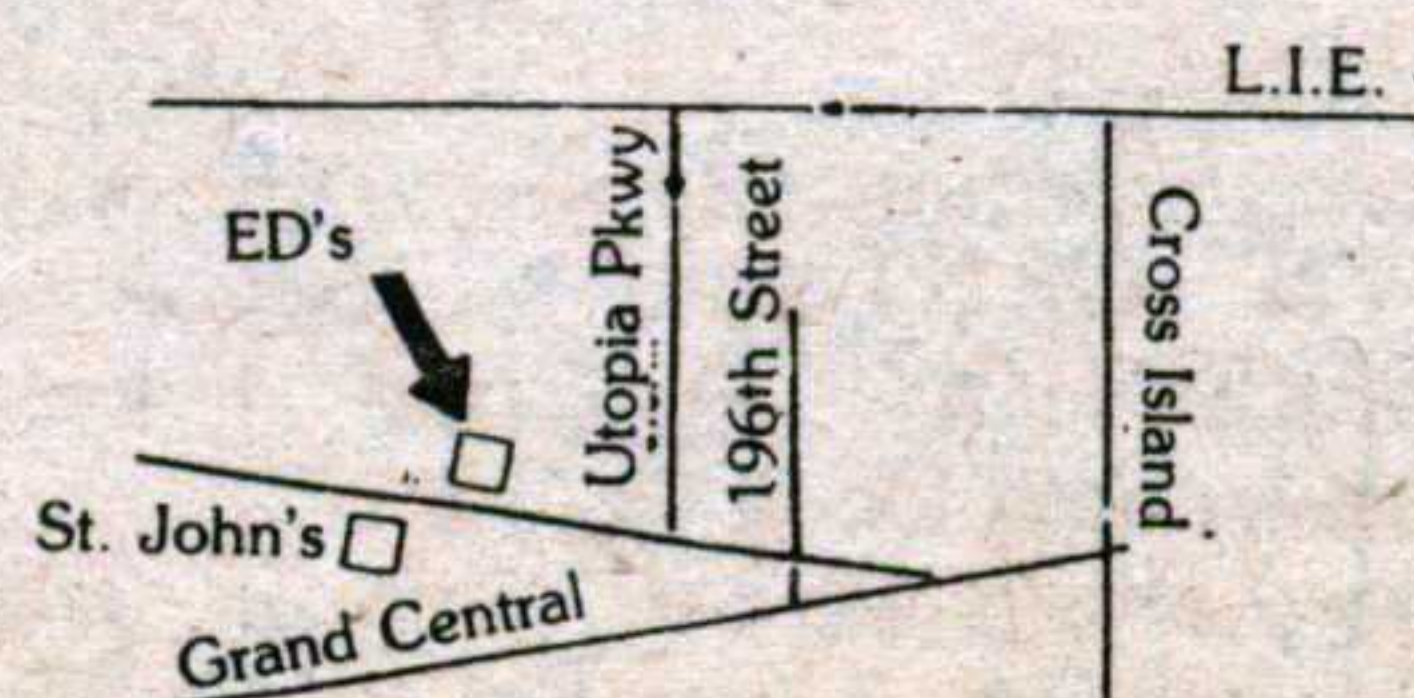
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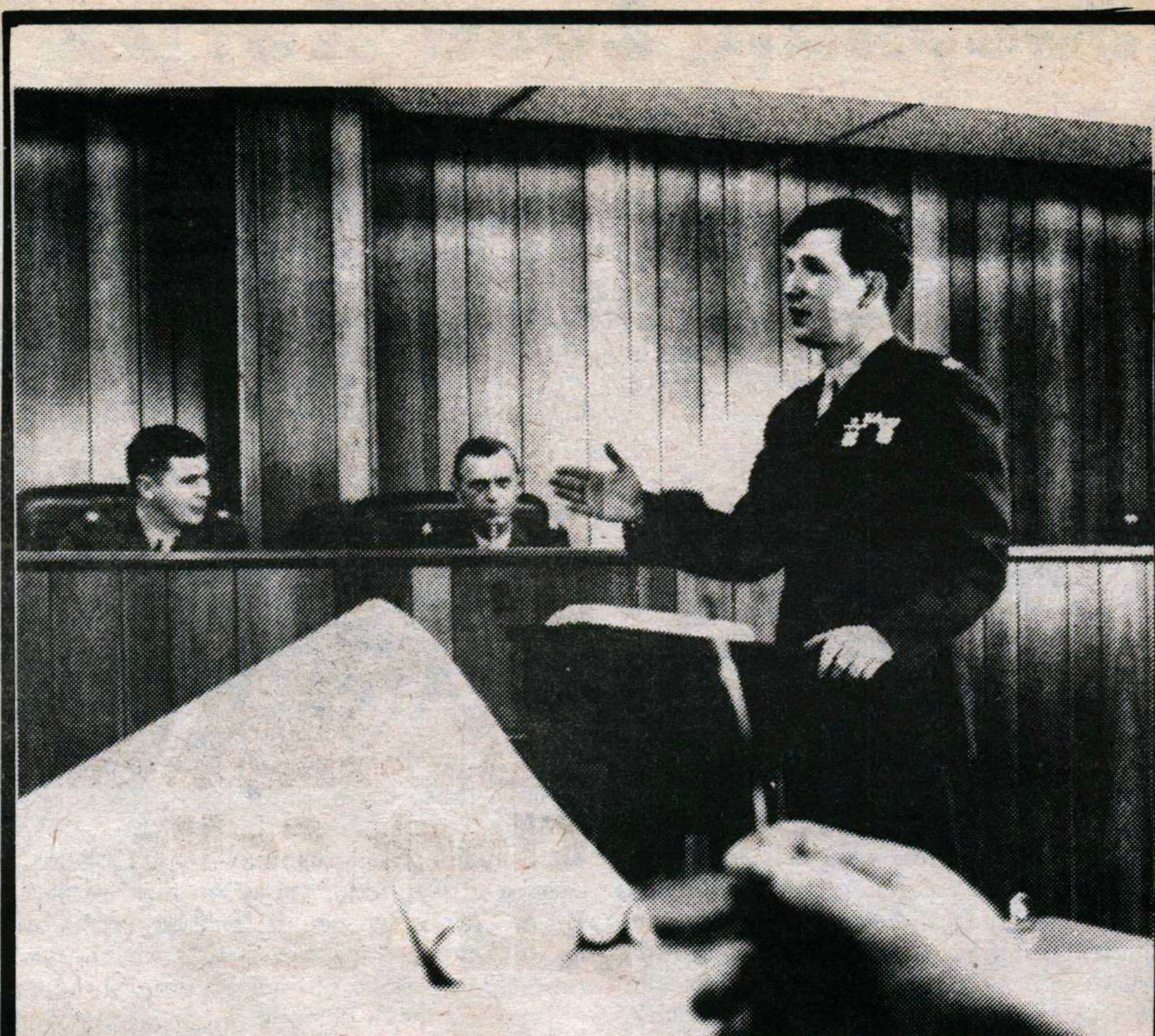
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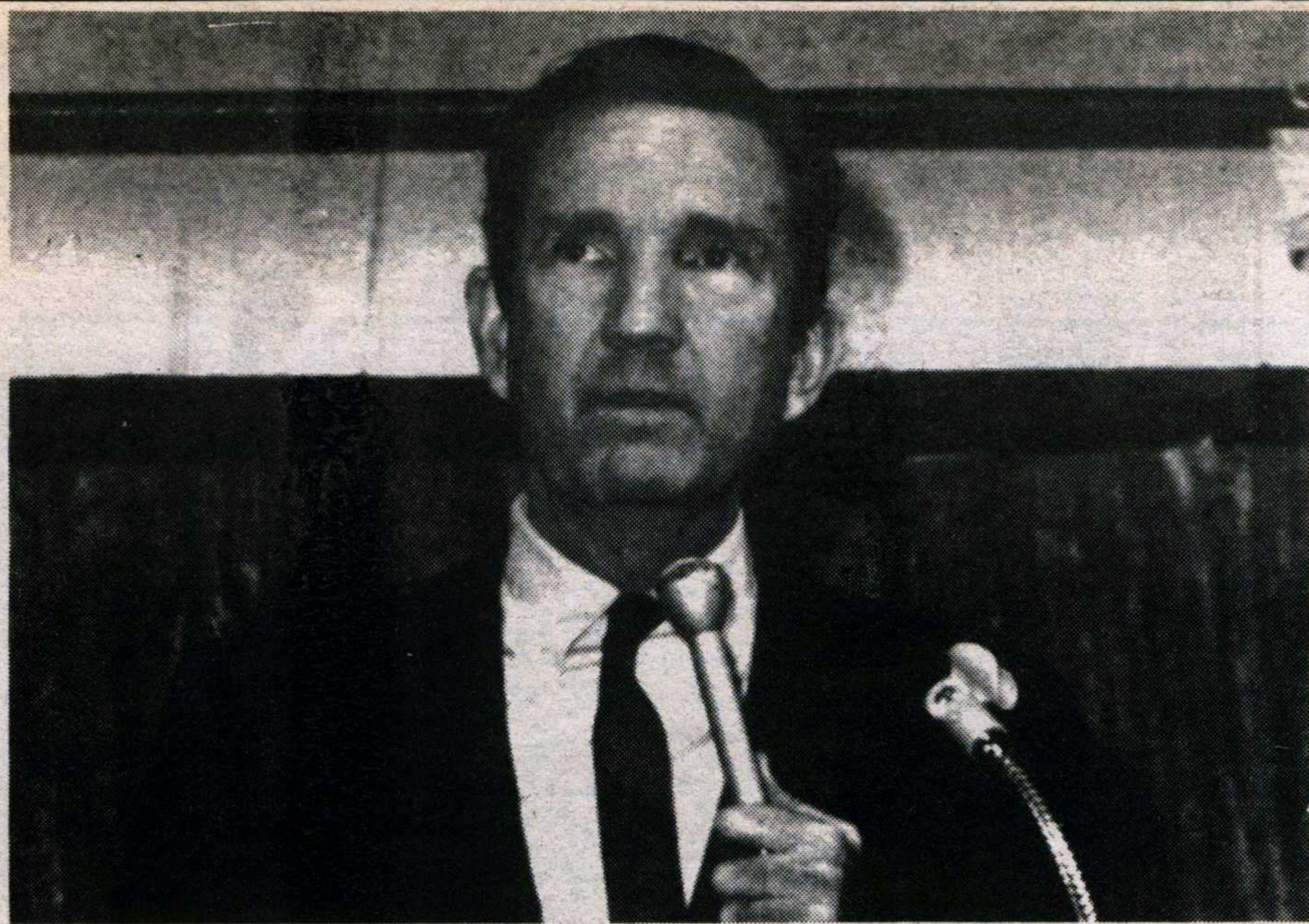
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Ramsey Clark Calls For World Peace

by Bob Weiss

Ramsey Clark, Former Attorney General of the United States, called for a unilateral 50 percent reduction in America's nuclear stockpile and the establishment of an internationally binding World Law, in a speech given at Hofstra on November 11. Clark proposed a comprehensive solution to the arms race at the Armistice Day convocation sponsored by the Hofstra Chapter of United Campuses to Prevent Nuclear War. Referring to the establishment of lasting world peace in the face of imminent nuclear holocaust, Clark said: "Passion for peace is the last frontier, the one real adventure for all who care about children."

Clark outlined "Seven Pillars of Peace," the first being the control of nuclear weaponry. He noted that 11 countries currently have the bomb and that there is a consensus among experts that 35 will have it by the end of this century. He also spoke of the threat from private citizens. Clark said that according to William Webster, Director of the F.B.I., it is not possible for an individual to walk into a library and construct an atomic bomb from such nonclassified sources as the *Encyclopedia Americana*.

Clark maintained that this nuclear proliferation is the greatest threat to the safety and security of man in history and that nothing at all is currently being done about it. Consequently, he called for a unilateral disarmament by America, saying that American must take the initiative and calling upon the energy and willpower of America

to see it through.

Clark said he favors a nuclear freeze but that freezing at 50,000 warheads with three to five new ones being built each day will not make anybody feel any safer.

According to Clark, any attempt at world peace must include a serious commitment to World Law. Clark cited the call of Earl Warren, Felix Frankfurter, William J. Brennan and others who advocate an International Court of Criminal Justice. This court would have long-term powers to extradite terrorists and skyjackers who cross international lines. Clark mentioned an International Court of Habeas Corpus as well as several international leagues as possible vehicles for this body of World Law.

Clark also called for the control of conventional, biological and chemical warfare; the cessation of spending for all arms and an end to research and development in the warfare area.

His seven pillars of peace included the fulfillment of basic human needs and the respect of human rights. "World peace rests upon the peoples of the earth being able to achieve some level of satisfaction in their life," Clark said. "There will be one billion new people on earth in the next 10 years and that they will be hungry and yearning for a better life."

"The stress engendered by this situation could easily break into conflict, which in turn could easily turn into a nuclear war unless the nations of the world insure that basic human needs and basic human rights are provided for everyone."

Clark Calls On Lawyers To Fight For Peace

by Bob Weiss

"The eight specific powers over war and peace are delegated to the Congress. A first strike requires a surprise. You can't have a debate on the floor of the Congress about first strike; you'll get nuked while you're talking about it." So said former U.S. Attorney General Ramsey Clark.

In an exclusive interview with *Conscience*, Clark said he was working on a lawsuit which seeks to have the United States President's ability to order a nuclear first strike declared unconstitutional. Clark's argument is based on Article I, Section 8, Clause 11 of the United States Constitution, which vests the power to declare war in Congress. Clark contended that a nuclear first strike is a definitive act of war; therefore, the power to initiate a first strike belongs to Congress. And according to Clark, congressional control over a nuclear first strike would significantly limit the possibility of the United States starting a nuclear war since Congress, as a deliberative body, could not debate the issue without triggering a Soviet response.

Clark called for lawyers to put their energies into the cause of world disarmament. Many lawyers are interested in finding solutions to the arms race, acknowledged Clark, but most of the lawyers' efforts are misdirected.

The former Attorney General feels that a world peace requires a structure to implement world law. Such structure, said Clark, would include an international court of Habeas Corpus and in international court of Criminal Justice, a federation of Central American states and the like. Lawyers also need to work on problems ranging from adequate disposal of nuclear waste to international policing of people like Colonel Khadafi, who has reportedly offered to buy a nuclear device for ten million dollars.

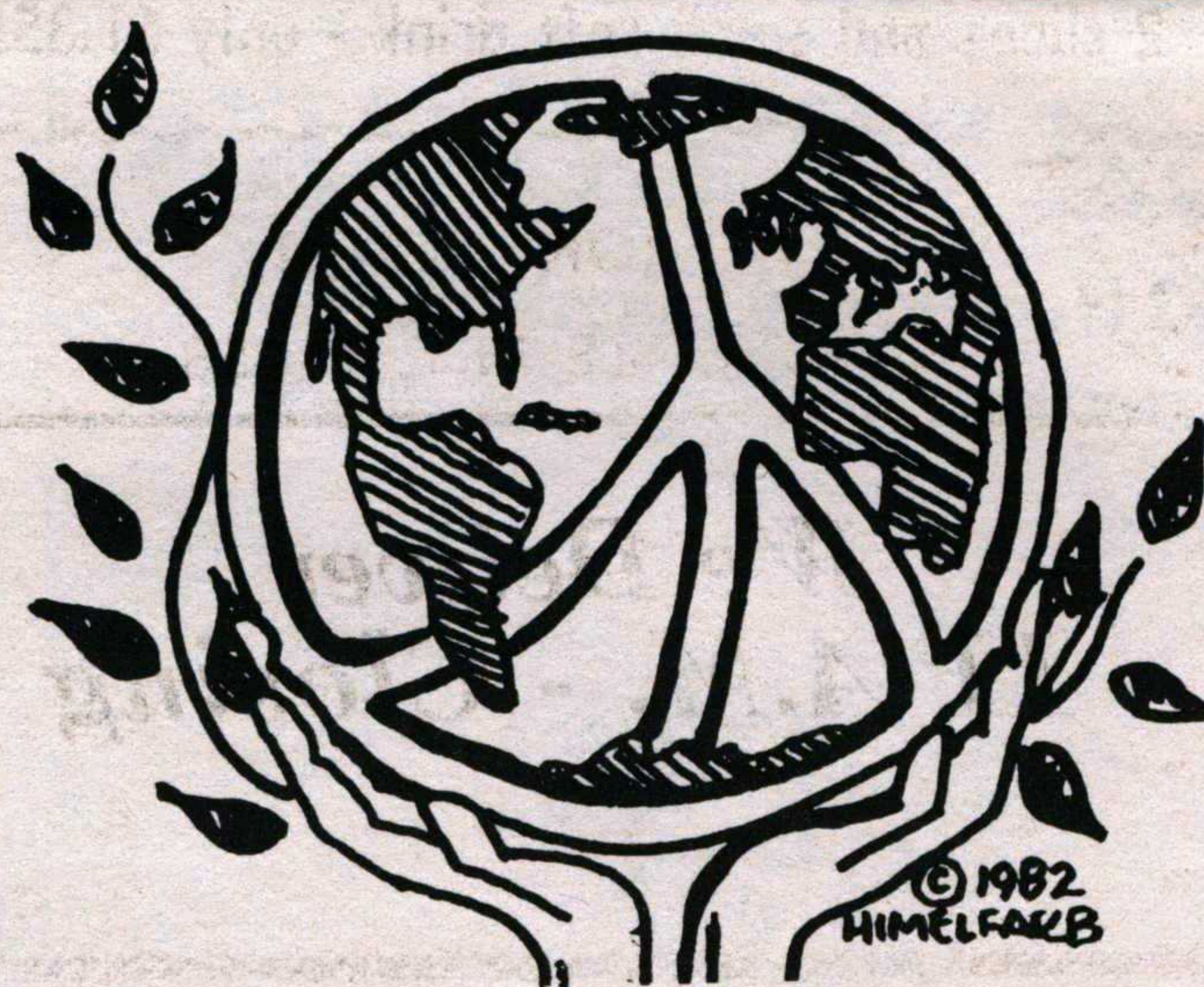
Clark told of a student of his at Brooklyn Law School who became interested enough in the concept of an international court of

Criminal Justice to study the subject in Oxford. According to Mr. Clark, Mr. Borman became one of the world's leading experts after a relatively short time because so little work has been done on the subject.

After speaking on solutions to the arms race and the problems of world peace for some time, Ramsey Clark began to draw upon his wealth of personal experience as a metaphor for the current struggle. He enlisted in the Marine Corps at seventeen, had been all across China and visited eighty countries by the time he reached twenty-one. Mr. Clark was in charge of security for Martin Luther King Junior in his march between Selma and Birmingham, Alabama. He was also in charge of security for James Meredith when Mr. Meredith integrated the University of Mississippi in 1962. As Attorney General, Clark was a tireless fighter for civil rights in jurisdictions which put up great resistance to such notions.

I asked Mr. Clark how he dealt with fear of being ridiculed or ostracized by society, despair over the magnitude of the task at hand, and the seeming impossibility of actually establishing a lasting world peace. Clark dismissed this question. "Well, we're not worth much if we're afraid of that," said Clark. "If you're afraid to say what you believe and it is important, then you ought to dig a hole and crawl in."

Mr. Clark told me that despair was defeatism as well as being self-indulgent and that he was personally incapable of defeatism, and therefore incapable of despair. But, he said, it may take another method of conquering despair in order to be successful in such a huge task as establishing world peace. Mr. Clark calls this the "Heroic despair that conquers the impossible." He did not claim this for himself but spoke of Martin Luther King, Jr. and Mahatma K. Gandhi as individuals who had accepted despair in a quixotic denial which allowed them to face and conquer tremendous odds in their quest for peace.



Grant Draws Faculty

by Keven Blessing

Additional staff members have been included on the research committee examining final offer arbitration. The New York state funded project will now include: Robert A. Bush, John D. Gregory, Stuart Rabinowitz, Alan N. Resnick, Ronald H. Silverman, and Eugene M. Wypyski. According to Dean Schmertz, paid student positions will not be available due to the limited resources of the \$75,000 grant. He does hope that some volunteer positions will be available to students.

The Committee's study is specifically focused at determining the feasibility of public sector use of the final offer binding arbitration technique. To this end, extensive research into the technique's use in the nation's private sector must be examined. The committee will not just assemble information but, at the state's request, will submit a report with recommendations as to the technique's potential as an arbitration tool in the public sector.

Final offer arbitration is far more a techni-

que of choice than compromise. Ideally, the parties in negotiation offer a continuing chain of proposals, each of which gradually softens their position. When the arbitrator senses the nearness of compromise he asks for a final offer from each party. However, rather than designing a compromise from both final offers, the arbitrator is bound to accept one as the ultimate solution.

Hopefully says Dean Schmertz, the parties are very close at this point. The greater problem seems to be structuring the final offer in complex cases. Should the arbitrator combine all issues into one final offer, or should he ask for several final offers covering major issues individually?

Dean Schmertz described the project as the first for the newly established Center for Government Law and Legislation. At present, the Center is an informal conceptualization of Hofstra School of Law as a think tank for state and local government. Schmertz hopes to attract increasing numbers of these government research projects, and eventually to formalize Hofstra Law as the Center for Government Law and Legislation.

This Month At Emily Lowe

EMILY LOWE GALLERY

November 4 through December 19
— HERMAPHRODITE-ANDROGYNY AND ART — A mixed media exhibition of mankind's search for oneness; examples from antiquity to present day. Gallery is located on the South Campus in Hempstead. Admission is free. Hours are Tuesday, 10 a.m. to 9 p.m.; Wednesday to Friday, 10 a.m. to 4:45 p.m.; Saturday and Sunday, 1 to 5 p.m. Closed on Mondays. Call (516) 560-3275.

FILDERMAN GALLERY

November 4, 1982 through January 31, 1983 — TWENTIETH CENTURY LITERARY WOMEN: A SELECTION — An exhibit of the works of twentieth century women writers whose literary efforts were of consequence in themselves and which enriched literary traditions. 9th Floor, Hofstra Library on the South Campus in

Hempstead. Admission is free. 9 to 5 p.m., Mondays to Fridays. Call (516) 560-5974.

DRAMA

November 26, 27, 28, 30; December 5
— TEA AND SYMPATHY — Robert Anderson's 1950's drama about pain, misunderstanding in a sensitive soul. Directed by James VanWart. West End Theatre on the South Campus in Hempstead. 8:30 p.m., Sundays at 3 p.m. Tickets are \$3. Senior citizens on Tuesday, Wednesday, Thursday and Sundays only at \$2. Call (516) 560-6644.

November 23 — MIXED CHORUS — G.F. Handel's Messiah, conducted by Edgar E. Dittmore, with chamber orchestra and soloists. Adams Playhouse on the South Campus in Hempstead, at 8:30 p.m. \$3 or \$2 for senior citizens and non-Hofstra students. Call (516) 560-6644.

Perils Of Apartment Hunting

by Mark Sedikram

"Psst, hey buddy," a voice called to me from an alley.

Naturally I was startled. Maybe this was some ruffian up to no good. "Who's there?" I shouted. "What do you want?"

"I hear you're looking for an apartment," he said. It was true. I had been looking for a place to stay ever since my company transferred me here to Hempstead.

"Yeah," I answered. "I've been combing the papers and searching the streets for two weeks now, but no luck. How did you know?"

"Never mind that," he said, as he walked out of the alley toward me. "Listen, I've got this great place over on Sycamore Road. A big, beautiful four room apartment. And I'll let you have it real cheap."

I was desperate. I'd been commuting every day from Albany and I was haggard. Even a solitary cot in that alley would have sounded enticing to me. But I didn't know about this guy. He seemed shady. "Well," I said, trying to act matter-of-fact. "I don't know."

"You'll be passing up a great deal," he said, convincingly. "Just sign here and it'll be yours." And he held out a lease to me.

"I'd like to see the apartment first," I countered. "Just to be sure. You know how things are these days."

"C'mon," he prodded. "You'll never get another chance like this. This is a once in a life time offer."

Well, I'd heard that line before. I was skeptical. Common sense told me to turn him down. But before I could say 'no,' he shouted:

"I'll throw in air conditioning too."

Air conditioning, I thought, as the summer sweat streamed down my back. "Okay,"

I said. "I'll take it." And I signed.

Well, this beautiful apartment turned out to be a rickety old bungalow overlooking the scenic refuge center. But it was a place to stay and besides, it had air conditioning. After we toured the bungalow I realized something was missing.

"Hey," I said. "I didn't see any air conditioner."

"Over there," he said, pointing to three half melted ice cubes that wouldn't have filled a lemonade glass. They were sitting on a ledge that looked like a window sill.

"That's the air conditioning?" I shouted. "Three ice cubes?"

"No, no," he said. "You have to open the window and let the breeze blow over them for it to work."

"What window?" I asked.

"Oh, well - ummm," he stammered. "I took the liberty of painting the window black. You see, there are no shades and I figured you'd want privacy."

"Forget it," I said. "I want my money back."

He shook his head no. "You signed a contract," he said.

Well, I was stuck with this place for six months. There was a bed, anyway. And I really did need a place to stay. So, I didn't make waves, and the first three weeks passed quickly. Then I came home one evening and found four people in my bedroom. "Who are you people?" I asked. "What are you doing in my house?" Just then the man from the alley walked in. "Who are these people?" I spat at him.

"Oh, them?" he smiled. "They didn't have a place to stay. I didn't think you'd mind putting them up for a while. They haven't anywhere else to go."

So there I was with three puddles of water



on my floor and a whole family in my bed. And two more months passed.

I was sitting in the only room I had left to myself - the kitchen. The man from the alley had taken it upon himself to invite two other families to share my home. Suddenly, I heard such a clamour outside, I just had to go look. I walked to the door. The father of the first family banged in with a huge potbelly stove in his arms.

"Ya know," he said to me, "it's gonna be a cold, cold winter." And he dragged the

stove into my bedroom and slammed the door. No sooner had I returned to my chair when white smoke started billowing out from under the door, filling the room. I was choking and I thought I would cough myself to death. My eyes became itchy and irritated. I was afraid I would rub them right out of my head. My clothes and hair smelled awfully of smoke. I was going insane. But, I had no other place to stay. I'll fix him, I thought. I went to pull the fire alarm, but it hadn't been installed yet.

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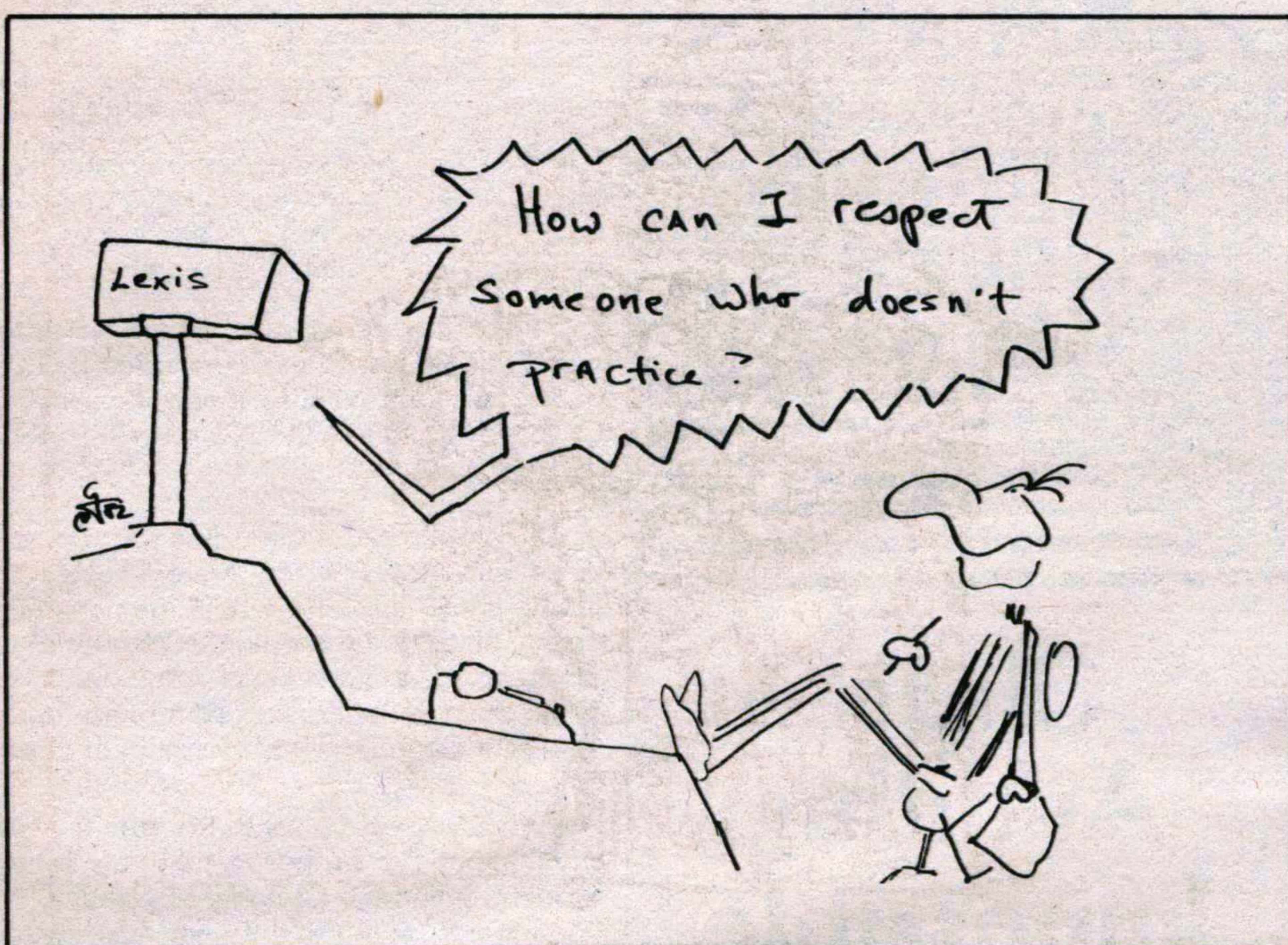
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COMMUNITY FORUM

COLUMNS:



Outside Line

The Interview Game

by Saul P. Morgenstern

With the possible exceptions of first year exams and the ordeal of seeking admission to the Bar, interviewing for jobs is the most uncomfortable process law students face. It is fraught with questions and apprehensions unlike those ancillary to other law school situations and, like the others, presents students with the opportunity to suffer through immense amounts of advice — most of it useless, some of it simply bad. The best advice is to ignore most, if not all, advice (other than that, of course).

Of course, interviewing is a sales exercise; you wish to sell yourself to the buyer, your prospective employer. The logical corollaries are obvious. Present yourself in the best possible light. Advance your strengths. De-emphasize your weaknesses. Try not to spill the soup on your lap. These are easy to articulate and, often, difficult to follow. This is because too many people will counsel you to pay attention to details that, for the most part, are wholly irrelevant.

Since beginning work just over a year ago I have had the pleasure of taking a fair number of applicants to lunch. I have also had the opportunity to see how other interviewers view applicants. Nobody cares if you wear brown shoes with a blue suit. Just so long as you wear shoes.

What can be said with assurance is that putting up a front will virtually always result in failure. Acting a part is very difficult, even for professionals, and your interviewers will generally find you out. They may not be able to figure out who you really are but they will realize that you are not whoever it was you were pretending to be. That means don't lie and keep the bull to a minimum. When you are asked why you picked law as a career, don't tell the interviewer you've always longed for the intellectual challenges of courtroom combat when all you ever wanted to do was make a lot of money and you can't stand the sight of blood. Of course, you probably shouldn't say that either, unless you have sensed your interviewer would enjoy the answer.

It is wise to know something about the firm so that you can ask intelligent questions about the place. You don't need to know very much more than the nature of the practice, the size of the firm and where its officers are. Interviewers know better than to think

that their firm is the only one you are dealing with and do not generally expect you to already know everything about it. Do ask the questions you want answers to and don't be afraid to ask the tough ones. For example: What is the associate/partner ratio? Do associates work mostly with other associates or with partners (for large firms)? How are matters staffed (for large firms)? What kinds of responsibilities does a new person get? How much supervision and feedback is available? How often are associates reviewed? What is expected in the way of billable hours? Do people hang around the office evenings and weekends (to be seen) even if they don't need to? How much client contact do new lawyers get? The answers you get to these questions will tell you much about what you can expect when you arrive. Asking them will likely not "put-off" your interviewers. Remember that you are going into a profession where you will have to pose hard questions and take strong positions for the benefit of clients. If you can't do it for yourself now why should your interviewer conclude you can do it once hired?

In a related vein, don't be a wimp. Don't agree with everything an interviewer says unless you really do. And whether you do or do not, be prepared to justify your position. More than one interviewee has been denigrated for being pure "white bread." This holds true for everything from the football strike to legal positions. Unless you are generally convinced by the position offered to you by the interviewer, don't back off of your mark. Giving in too easily is a sign of weakness unacceptable in someone the interviewer will have to later reply on as a check against his or her own accuracy.

These are of course only the opinions of one, based on personal interviewing experience on both ends and on conversations with friends. They should not be treated as rules as much as food for thought. Ultimately, you must do only what you are comfortable doing and no more or less. If you do, the position you find will likely be one you will enjoy having.

Saul Morgenstern is a member of the class of 1981 and an Associate with a New York law firm who finds meeting with interviewees an interesting diversion from his other responsibilities.

Ray's IPSA: Social Insecurity

by Raymond L. Moss

Now that the elections and accompanying rhetoric has subsided, it is time for the Santa Claus of Capitol Hill to once again don their Scrooge outfits and prepare to do battle with an old friend—the granddaddy of entitlement programs—Social Security. According to the latest congressional budget resolutions, the government will spend in the ballpark of \$770 billion for all its varied activities. Of that figure, \$362 billion will go towards entitlements, and of that amount, \$264 billion will go to retirement programs. In a nutshell, between Social Security (\$170 billion) and Medicare (\$49 billion), one can account for more than half of the entitlement budget and more than one quarter of all federal spending. After overcoming the shock of the number of zeroes being dealt with in these figures (9), one realizes that it is neither crime, unemployment, poverty, nor the Democrats that is the major cause of the present economic woes and federal deficits. Rather, the problem lies with the people you and I once proudly called our parents, grandparents and teachers.

On a recent assignment for *Conscience*, I spent a great deal of time travelling around the country soliciting ideas on how to solve the problems posed by the Grey Revolution. The most compelling arguments appear below.

1) Proposal number one entails redefining the American family and reallocating productive and non-productive resources. Have every senior citizen eligible to receive assistance live with a family either of their choosing or one assigned to them by the Department of Health and Welfare. In this way instead of the government making monthly payments to eligible persons, families will assume the burden and in lieu of such services, the Internal Revenue Service will allow a standard deduction equal to current benefits for families who house senior citizens. Of course the government would make special efforts to avoid splitting up couples.

2) Commission the Methuselah Corp.—whereby healthy social security recipients may volunteer to serve abroad in third world nations as good will ambassadors. As long as they serve abroad, they will continue to receive their benefits. In this way, the government can eliminate the ineffectual costly Peace Corps with a less expensive, far more experienced set of envoys of good will and peace.

3) Establish an elite corps of those over 65, government employees who have State Department and military backgrounds called A.G.E.—The Alliance of Geriatric Espionage. This organization could easily infiltrate the most remote and highly guarded areas of the world through posing as hapless and haggard tourists. Special disguises and expenses required in such organizations as the CIA would become obsolete as this and equivalent covert activities could be carried on at half the price. Of course, members of A.G.E. would retain their entitlement benefits.

4) Impose a tax on people for getting old. In this way the older one gets, the less benefits one would receive and therefore there would be less incentive for people to grow old.

5) Remember Workfare—Ronald Reagan's plan to put those on the public rolls to work for the government as a condition to receiving welfare? Apply this concept to retirees who are no doubt ashamed of receiving more in benefits than they put in and you will have Elderfare. Those ashamed of receiving more than they deserve would be allowed by Uncle Sam to work off the monthly income received which was unearned during their years of contribution. With Elderfare people would no longer be ashamed to receive those unearned benefits.

6) The most comprehensive plan entails Congressional approval of a law advocating mandatory retirement of all persons reaching the age of 65 and requiring them to move immediately down to Florida. Granted such a proposal seems at first unduly harsh. However, considering that many people choose to retire to Florida of their own volition and that hundreds of thousands of benefit checks are sent to the Sunshine State monthly, why not simplify things? Instead of sending individual checks, the government could save millions of postal dollars by sending a single block check to Florida to cover the cost of social security and retirement benefits for the entire country. Such a proposal would allow the government to get off the people's backs and instead restore the states power and integrity to decide once again who are the needy and the truly needy. It would also facilitate a reappraisal by the states as to who qualifies for such benefits and to what extent they should be compensated. In this way not only would the government create a sort of fresh air fund for those over 65 but also take the necessary action to assure the nation that entitlement programs will be tamed.



EDITORIALS:

Excellence Requires Extra Effort

The warning has been sounded. That warning is that laziness or pure apathy may block this school's trek toward a national reputation for academic excellence. And all of us bear a responsibility to make an extra effort to reverse the trend.

As students we should be the most concerned with this school's reputation. That reputation will follow us for the rest of our careers; that reputation will determine the amount of respect we get as lawyers.

We as students cannot simply demand that our teachers and faculty make this school excellent. We too must make the school excellent by putting a serious effort into our education. No one ever received a good education without working hard, and no school ever earned a good reputation without giving students a good education. When students fail to prepare or attend classes, they not only undermine the effort to build this school's reputation, they undermine their own careers.

But the problem does not lie entirely with students. Some faculty members also come to class unprepared. Students are well aware when professors are unprepared and often become demoralized. The administration should no more tolerate lack of preparation from professors than from students.

The problem also lies with the administration. Students are often discouraged because they fear they will be unable to find jobs as lawyers in the tight job market. A more intensive effort to help every student find a job would certainly improve motivation.

The faculty should also reflect on the methods used to teach second and third year courses. Techniques used on first year students may only produce apathy when applied to second and third year students. That, more than an effort to penalize students, would help improve the effort students put into their coursework.

When all are to blame, no one should point fingers. The warning that has sounded is a call for each of us to reflect on the effort we put into the educational process. This school's trek toward academic excellence continues, but it requires that each of us contribute an extra effort.

Evaluations Needed

The faculty and course questionnaires filled out by students last spring have yet to be tabulated, *Conscience* learned. In addition, it was not known when the evaluations would be tabulated or finally made available to the students and the faculty. The explanation given was that "it takes a lot of time."

The evaluation questionnaire states that "(e)valuations are an important tool in the development of Hofstra University School of Law," and further, "the results and comments are used as one factor in formulating decisions on retention, tenure, salary, and teaching assignments." Obviously, evaluations are not a very important tool in the school's development, and evidently they are not used as a factor in this year's decisions regarding faculty retention, tenure, etc.

Last November, per Dean Schmertz's suggestion, *Conscience* submitted to the Faculty Tenure Committee, a proposal regarding the evaluations. To date, there has been no response. However, Vice Dean Rabinowitz stated that "the evaluations have been tabulated by the tenure committee, but remain confidential. The tenure committee has not, and will not, release their tabulations." Once again, *Conscience* proposes that the evaluations be tabulated by the school and the results be made available to students. *Conscience* will be willing to publish the results.

Course Offerings Inadequate

The proposed second and third year Spring '83 schedule is disappointing. The proposed schedule for the spring of 1983 shows more than a 10% drop in courses offered than the schedule released for the spring of 1982. Even recognizing the effect that a transition in faculty members has on the curriculum, the schedule for the spring of 1983 is woefully inadequate.

Instead of offering less courses, the administration and faculty should increase the number of course offerings. At the very least, the number of courses offered should proportionally meet the increase in the size of the student population.

Hofstra University is currently amidst a five-year plan, a major goal of which is to provide significant additional fiscal resources to strengthen academic programs. The Law School is amidst a quest to build a national reputation. To reduce the course offerings is inconsistent with these goals.

Hofstra University seeks to "reposition the University in the educational hierarchy of the country." Toward this goal, Hofstra has committed itself to invest an additional \$8.5 million to bolster its academic and support programs. But it remains seriously open to questions whether the University is also committed to bolster the academic programs here at the Law School.

Hofstra University's attempt to achieve greater stature cannot succeed unless it remains loyal in its pledge to help the Law School reach a position of "national stature." Hofstra Law School can only build a national stature if it increases, not decreases, its course offerings.

LETTERS:



Class Auditing Impossible

Dear Editor:

Last week I tried in vain arranging to audit a Spanish class next semester. I went first to the Foreign Language Department where I was advised I would have to pay 50 percent of the course's regular tuition charge. I couldn't believe this was so and was directed to the Registrar's Office. In the Registrar's Office I was told to go across campus to the Advisement Office because all auditing matters were handled there by Karen Spencer. I was beginning to realize my inquiry might require contacting many offices before I got any answers. I called the Advisement Office and was told the computer wouldn't take an audit card from a full-time student! Whomever I ultimately spoke with there, became totally exasperated with my efforts to understand why I couldn't audit without charge. She finally resorted to the convincing reasoning, "It's so because it's policy!" Then she hung up. Hoping to find someone who knew what the policy actually was, I went to the Law School Admission's Office. Ms. Hoffer said law students could take one undergraduate course per semester. However, when she checked with the Registrar's Office I was back to square one—full-time law students must pay 50 percent of a course's regular tuition to audit. Full circle.

All I want to do is sit in a Spanish class! But it seems this "institution of higher learning" is about anything but that! Is a full-time law student taking an extra class any different than a full-time undergrad taking an overload? Would an undergrad be charged for courses over the normal load? The effect of Hofstra's auditing policy is to discourage learning. I think this policy ought to be reconsidered.

Diana Munkel
Class of 1985

OMBUDSMAN QUITS

by Paul Ross

When this year's first issue appeared, it looked as if the paper was in need of a good deal of improvement. That's why I relished the thought of writing this column.

But lo and behold, after laboring over the past three issues, I have concluded that the paper has improved so much it's startling. Calm down, Peter, the *New York Times* it isn't.

The paper has done a fine job reporting on those issues which have affected the students directly. Reporters demonstrated strong initiative by keeping us abreast of the controversy at Twin Oaks Apartments, the O.K. given to the fire and safety system, and Assistant Dean Douglas' recruitment efforts.

Particular praise goes to the author of the story about the proposed new law school building. Although *Conscience* erred by not printing a followup to the original story until last issue, last month's story filled in many of the questions we've all had regarding the project. It was most refreshing to learn that Dean Schmertz hasn't forgotten the problems with the heating/cooling system, and we can only hope he's "making a real effort" to remedy the problem.

Conscience has provided a wide variety of topics that have made for very interesting and informative reading. Particularly interesting were those stories concerning abortion and the need for parental consent, the plight of Amerasian children and the tragedies unleashed by the use of Agent Orange in Vietnam. These stories and others have the effect of eliciting healthy discussion and debate.

In addition, there have been a couple of columns submitted by "outsiders." These should be particularly encouraged, especially where that person is a former student, who can give us insight into what it's like to be on the outside working, and how the working world differs from the scholastic environment.

I don't want to give the impression that everything is perfect—or even good. The leads on news stories are consistently too long and make for tired eyes. The layout is often poor with stories so obviously crowded that two headlines often appear as one. There are too many "humor" pieces which are not funny, although the "Roving Art Critic" column was hilarious.

The response needed to supply this column with material has been very poor. So this is the last one. If you disagree with anything I've written, let me know. If you're glad this is the last column, let me know that, too. It might give me something to write about.

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Fox On Aloe

by Jordan Fox

Amidst all the craziness that pervades this law school, it would be easy to write-off as self-serving any student who involves himself or herself in a non-academic activity. It would be equally as easy to take for granted those students who go beyond the norm and who, through their exceptional efforts, make us think, and enrich our environment. It would be a tragedy, therefore, if Pete Aloe could graduate from our little family here at Hofstra without all of us assessing and appreciating the way in which this retiring *Conscience* Editor-in-Chief turned this publication into an ambitious and respected part of our lives.

Since Pete took over *Conscience* fifteen months ago, the paper has expanded in size and scope, increased its advertising revenue forty percent, enlarged its circulation to include courthouses and other non-law school areas and attracted the attention and imagination of the student body.

Pete has recruited and inspired an aggressive and capable staff that not only have devoted unheard of hours for law students, but have developed and maintained a professional approach in their work throughout. They have selflessly and effectively opened our eyes to issues and events that in the past have gone unnoticed. And we all have benefitted.

With Pete there to lead, *Conscience* exposed the cavalier Dean search efforts by the University only to have Pete threatened with criminal prosecution charges of extortion by the University President. Pete, in characteristic form, did not back down. He vigorously defended what he perceived to be his journalistic and professional responsibility to inform the public to the greatest extent possible of the issues affecting the legal com-

munity. He offended a few, shocked a few others, yet never flinched. Right or wrong, Pete firmly established *Conscience* as a force to be reckoned with. Even his detractors admit that. No longer is *Conscience* the piddly-shit, cute tabloid it used to be. Some people around here are not pleased by this development, but it provides us all with an encouraging footnote to the days when students played an active and real role in determining the decisions with affected their lives.

And the advocate in Pete, which I first noticed when I knew him as the popular and aggressive student body president at George Washington University, has brought us other intriguing news stories dealing with controversies surrounding student dishonesty, fire safety and student evaluations of the faculty. We now grab for the *Conscience* because we know they most likely have touched on an item that will inform, amuse or outrage us.

As if this Law Reviewer hadn't done enough, he is now injecting himself into an undergraduate dispute which centers around the editor of the undergraduate newspaper being appointed by the student government and the administration. Once again, there was Pete, on the other side of campus, defending the integrity of the press when no one else would.

And the most refreshing thing about Pete is that it is all genuine. He cares about the rights and activities of others, believes in certain ideals, and is willing to battle against odds in pursuit of those principles. Love him. Hate him. But this man has earned our unqualified respect as an advocate, a believer and as a friend. It is when Hofstra can say that it has graduated people like Pete Aloe that we can say that we've made a giant step towards greatness.

Reflections On A Free Press

by Pete Aloe

Free press is dying at Hofstra University. The most recent wounding, surprisingly, is coming at the hands of the undergraduate student government (USG). USG funds the two major undergraduate newspapers on campus, the *Chronicle* and the *New Voice*. The USG apparently believes that having funded these newspapers, it must set itself up as their regulators. So, the USG has decided that before any student becomes editor-in-chief of either of these publications, the student must first be approved by student government. This means that not only USG must approve the student, but also the administration must approve the student, since Dean of Students Patricia Giardini reviews all USG decisions. USG is also setting up an editorial subcommittee to oversee the papers; the exact powers of this committee are still under discussion.

These actions fly smack in the face of the principle of a free press. Newspapers subject to stiff governmental regulations are likely to be intimidated. The *Chronicle*, for example, was told by the USG President that its funds were about to be frozen. USG did not freeze the *Chronicle's* funds. Instead, it ordered *Chronicle* to find a faculty member to attend *Chronicle's* weekly meetings. No newspaper subject to such heavy regulations would likely publish anything that would embarrass either student government or the administration.

All of this eliminates the adversarial role that is supposed to exist between the press and governing entities. This adversarial role serves two important purposes. First, it exposes problems that might otherwise be ignored. As University President James Stuart remarked in his State of the University Message, "the kinds of negative reports one sees so often in the press are a constant reminder that we must deal with serious problems..." Second, the adversarial role exposes the shortcomings of those who govern

us, and that is a powerful impetus for leaders to act responsibly. As the Supreme Court has observed, "the press serves and was designed to serve as a powerful antidote to any abuses of power by governmental officials and as a constitutional chosen means for keeping officials elected by the people responsible to all the people." *Mills v. Alabama*, 384 U.S. 214, 219 (1966). And the press has served us well in this regard. It was, after all, an unfettered press that discovered and exposed the crimes of Watergate.

Why should law students care about all this? The freedom of *Conscience* has always been scrupulously respected by the Law School administration and student government. The students on *Conscience* have been left free to make all decisions regarding the newspaper. The result has been a newspaper that has published without fear — a newspaper that last year defied the University administration and published the names of the candidates the administration was considering for Law School deanship. The regulators on the undergraduate side of campus have never been able to affect *Conscience*.

Nevertheless, we, as law students, should be concerned. Like it or not, the campus-wide newspapers are an important part of this University. And like it or not, the Law School is also part of the University. Many of the problems we suffer here at the Law School are University-wide problems, and the reputation of our Law School is inextricably attached to that of Hofstra University. The rights of free press and speech are crucial in a university setting, and they are particularly important to this University. An atmosphere where problems can be discussed openly and without fear is a necessity if the University is to solve its problems and move into the future with an improved reputation. And we, as law students, who have a special training, have a responsibility to be a part of that discussion.

Nuclear Freeze Or Destruction?

by Margaret Melkonian

In the United States and throughout the world, there has been an increasing concern about nuclear war and the nuclear arms race. The risk of nuclear war is perceived to be greater than ever before in history. Many factors contribute to this growing anxiety. Included among them are: the escalation of the arms race by the United States with the production of new weapon systems such as the Trident submarine, the MX missile and the B1 bomber; the deployment of cruise missiles and Pershing II missiles in Europe; the hardline, cold war rhetoric by the current U.S. administration toward the Soviet Union; the Soviet policies in Afghanistan; and the Soviet response of rising to the challenge of continued nuclear arms competition. Indeed, the breakdown of any kind of peaceful resolution of international conflict throughout the world, as illustrated recently in the Falklands and the Middle East, and by U.S. and Soviet interventionist policies, increase what seems to be the inevitability of nuclear war. Some analysts estimate that the risk of nuclear war is increasing at the rate of 1 percent a year, making nuclear war a certainty within our lifetime.

For many, the immediacy of arms control has become more and more urgent. With the deployment of cruise missiles, the possibility of verification diminishes quite sharply. Because these missiles are small, they can be transported by truck and can easily escape detection. In addition, the deployment of Pershing II missiles in Europe would shorten the time between launch and target—5 minutes—and would mean a Soviet response of launch-on-warning. If Soviet radar would register an attack, Soviet missiles would be launched against the United States. The probability of nuclear war by accident rises dramatically and correcting any errors would be almost impossible given the shorter time frame. The production of first strike or counterforce weapons such as the MX and the military strategies which outline the fighting and the ability to "prevail" in protracted nuclear wars, emphasize the immediate danger of nuclear disaster.

The nuclear freeze which would halt

testing, deployment and production of nuclear weapons, is so important because it would stop the deployment of cruise and Pershing II missiles and the production of the MX in the United States, and forestall the Soviet Union's response of escalation and launch-on-warning strategies. It would be a crucial first step towards the necessary serious negotiations on arms control. In order to address the serious question of nuclear proliferation, arms control agreements between the United States and the Soviet Union are imperative. Of course, the question is asked, "But, what about the Russians?" Verification is technically possible at current levels. The U.S. and the Soviet Union are in similar economic positions as huge military budgets divert enormous sums from other sectors. This policy causes many internal domestic and social problems in both countries. The Russians need arms control as much as we do.

The history of arms control agreements between the U.S. and the Soviet Union indicates that both countries adhere to treaties by and large. It is in areas not covered by the treaties that the arms race continues. For example, agreements not to test atmospherically resulted in underground testing on both sides. The Soviet response has been to keep up with American technological advances in weapon systems rather than an initiatory one.

That nuclear war is almost certain is becoming increasingly clear. For those of us who ask, "What about the Russians?" we must ask as well what other choices do we have? On one hand, nuclear war and global destruction in our lifetime and on the other, taking a risk for peace—with a U.S. freeze initiative. We are quite willing to risk nuclear war by building the MX, Trident and Cruise missiles. Cannot the same logic bring us to consider the alternative? Recently, Ramsey Clark stated that, "Power concedes nothing without a demand." Citizens have responsibilities and rights regarding the decision-making of our government and its foreign policy. We must demand a halt to the arms race. We must demand a future for our children. Otherwise we are complicit in our own destruction. A freeze by the U.S. and the Soviet Union can bring the world closer to a vision of global peace and social justice.

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The Rain Of Terror

by Mark J. Cohen

Are you looking for a vacation spot which provides peace, tranquility and solitude from all forms of civilization? If you are, you should consider the Adirondack Mountain regions in upstate New York. Once, this area was a popular resort; hikers, hunters, fishermen, nature lovers all flocked here. But, today, this same region is an eerie, icy-cold graveyard! Most of the life in the five hundred lakes are dead; many of the trees in the forest are decaying. These conditions were not caused by the inhabitants or visitors to this region. This blight is caused by a chemical fallout, known as "acid rain."

As the name suggests, acid rain refers to "the wet or dry deposition of acid chemical compounds" from the upper atmosphere. Normal rain water has a pH of 5.6. (pH is a logarithmic term measuring acidity; the lower the pH, the greater the acidity. Conversely, a higher pH denotes greater basicity. Neutrality corresponds to a pH of 7.) But, in the Adirondacks, the average annual pH of the rainfall was recorded at approximately 4.00. Most fish life cannot survive at a pH lower than 5.00.

The Adirondacks isn't the only region which is affected by acid rain. Acid rain is falling on the northeastern section of North America, all the way down to the Gulf of Mexico. The acid rain line extends from Nova Scotia, Ontario, New England, New York and Pennsylvania, all the way down to Florida. For example, in the Allegheny National Forest in Pennsylvania, the pH was recorded at 2.32, while in Wheeling, West Virginia, the pH was 1.5. Thus, rainwater in Wheeling is 10,000 times more acidic than normal rainwater!

It is generally believed that acid rain emanates from two sources: automobile emissions and the coal burning power plants and factories in the Midwestern states, such as Tennessee, Ohio, Indiana, and Illinois. These Midwestern plants utilize high sulfur coal; one of the major by-products is sulfur dioxide, which can then react with moisture in the upper atmosphere to form sulfuric acid. A by-product of automobile emission is nitric oxides, which reacts with water and forms nitric acid. These gaseous acidic molecules are then blown hundreds of miles eastward, and eventually fall to earth as acid rain.

As indicated above, the effects of acid rain are devastating. Besides killing fish and ruining trees, acid rain damages crops and plants, removes toxic metals and nutrients from the soil, contaminates drinking water supplies by leaching metals from conduits, and erodes stone and metal statues, bridges, and buildings. The effects on man have not yet been fully discovered. Preliminary results from a recent Senate study indicate that acid rain adversely affects the elderly and individuals with respiratory and cardiac conditions.

This acid rain problem is creating a "civil war" among the states; the major issue is based on economics. The Northeastern sector is blaming the Midwest for the damages to its lands and forests; the extra costs in repairing roads, bridges and buildings, and the lost tax revenues from tourism, especially in the resort areas of the state. In addition, the Northeastern states are losing tax revenues from their industries and businesses. The Clean Air Act is a comprehensive law which establishes pollution guidelines which each state must meet. Since the long-range pollutants are adding to the pollution levels of the Northeastern states, industry must emit less pollution in order to comply with the Clean Air Act. These additional costs, which are enormous, are decreasing the amount of taxable income to the states.

The Northeastern states want the Midwestern states to substantially reduce the amount of their pollutants. In particular, the Northeastern states want to eliminate the Midwest's ability to circumvent the Clean Air Act. The Clean Air Act requires states to reduce the level of pollutants in the ambient, or ground level, environment of the power plants. The power plants complied with this require-

ment by building taller smokestacks. These taller stacks reduced the levels of pollutants in the environs of the power plants by dispersing these pollutants over a wider area. Senators Moynihan (New York) and Mitchell (Maine) have been fighting for legislation in Congress to eliminate this "loophole." This past July, the Senate Environment and Public Works Committee approved by a margin of 15-1 the provision that would mandate by January 1, 1995, an 8 million ton reduction of sulfur dioxide emission from the 31 states bordering on and east of the Mississippi River. However, the ease of Committee approval may not be indicative of easy passage in the Senate. The Committee did not represent any Midwestern interest, and was chaired by Senator Stafford (Vermont), an acid rain activist.

The Midwesterners, led by Senator Luger (Indiana), promises to battle any proposals that would result in the Midwestern states bearing the blame and subsequent costs for the acid rain problem. They realize that the available methods for reducing the amount of sulfur dioxide emissions are just too expensive. These methods include switching to oil or a low sulfur fuel, washing the coal before it is burned or installing "scrubbers" in the stacks. Adopting only one method would cost the utilities over \$200 billion. This cost would greatly increase the electric bills for consumers, and would reduce the utility's ability to attract new industrial customers or retain old ones. Thus, they argue that a switch to oil would be detrimental to the U.S. for two reasons. First, thousands of coal miners would lose their jobs. Second, the U.S. would become more dependent on foreign countries for its energy needs.

causing the acid rain problem in the East. They contend that it would be far wiser and monetarily more feasible for Congress to thoroughly investigate the causes of acid rain, and to provide feasible solutions to its problems. Then, any money spent combating the problem would not be wasted.

This argument was most convincing in Congress. In 1980, Congress passed the Acid Rain Precipitation Act of 1980. Congress set up an Acid Rain Task Force, whose ten-year mission is to investigate the problems of acid rain. Thus, the study is scheduled to be completed in 1990.

The Reagan administration has also adopted this passive attitude; governmental agencies are recommending that the acid rain problem be studied. Alan Hill, who heads the president's Council on Environmental Quality, stated that more research is needed. Anne Gorsuch, Administrator of EPA, stated that a control program should wait "until there is enough evidence to recommend that our actions can produce the desired results." Thus, the Reagan administration allocated \$12 million in 1981, \$18 million in 1982, and \$22 million in 1983 to study acid rain.

However, the sincerity of the Reagan administration for finding a solution may be questioned. Kathleen Bennett, assistant administrator of EPA, has recently argued against proposed anti-pollution measures. David Stockman, Federal Budget Director, recently said, "I kept reading these stories that there are 170 lakes dead in New York that will no longer carry any fish or aquatic life. And it occurred to me to question...how much are the fish worth in the 170 lakes that account for four percent of the lake area of New York? And does it make sense to spend billions of dollars controlling emissions from sources in Ohio and elsewhere if you're talking about very marginal volume of dollar value, either in recreational terms or commercial terms?" It is obvious that Mr. Stockman doesn't comprehend the ecological and environmental dangers posed by acid rain.

The inaction of the Reagan administration on acid rain has chilled relationships with Canada. Acid rain is killing the fish and destroying trees in the forests of Nova Scotia, Ontario, and Quebec. Two of Canada's important industries, the fishing and lumbering industries, are adversely af-



ected. Canada claims that over 75 percent of the acid rain comes from the U.S. In 1980, the U.S. and Canada signed a memorandum of intent to cooperate in combating acid rain, to negotiate an environmental treaty, and to strictly apply existing antipollution laws. The Ottawa authorities claim that the Reagan administration has sabotaged the spirit of the agreement: They point to the studies set up by the Reagan administration, and recent EPA decisions, which allowed states to increase the level of pollutants emitted from power plants. Allan Gottlieb, Canada's Ambassador to the U.S., summarizes Canada's position: "The negotiations have gone so slowly that they are virtually stalled. And, far from a strengthening of existing laws, we see a weakening of them. We appreciate Washington's desire for additional research, but we feel that concrete action also is needed."

Although acid rain is an important political issue with international ramifications, the U.S. government has not taken any constructive steps to solve, or even to abate, the problem. It seems that the government and the Midwest must be forced to act. This is the position of New York Attorney General Robert Abrams, who is one of the leading litigators of acid rain. Consequently, New York is involved in a number of similar suits against Gorsuch, the EPA administrator, trying to reverse recent EPA decisions.

According to the Clean Air Act, the EPA Administrator must approve state implementation plans (SIP) which describe how each state will attain and maintain pollution levels for each pollutant. Since 1980, many midwestern states realized that they cannot attain their proposed levels for sulfur dioxide emissions. These states asked for a modification, and the EPA has approved higher sulfur dioxide emissions for power plants in Illinois, Indiana, Michigan, Missouri, Ohio, Tennessee, and West Virginia. New York wants to reverse these recent EPA decisions, and abate the sulfur dioxide levels to the previously approved standards under the original state implementation plans. In each of its suits against the EPA, New York contends that when the EPA approved the revised S.I.P.'s, it violated §110 (a) (12) of the Clean Air Act. This section prohibits a polluting stationary source, such as a power plant, from emitting air pollutants in an amount that will prevent another state from attaining and maintaining its air quality goals. These goals include the attainment of pollution levels not only for each individual pollutant, but also for the total number of suspended pollution particulates. (Remember, sulfur dioxide is converted into sulfate particles. Therefore, sulfur dioxide is counted as a Pollutant, and sulfate is counted as a particulate.) New York claims that the EPA relaxation of sulfate emissions substantially interferes with New York's ability to meet these goals. The EPA only considered the effect of the increased sulfur dioxide emissions on areas approximately thirty miles from the plant. New York maintains that the EPA failed to consider the long range effects of the pollutants; the increased sulfur dioxide levels would result in the impermissible degradation of air quality in the downwind states. When the EPA approved a relaxation of sulfur dioxide emission from one polluting source, it not only failed to consider the potential interstate impact of all sulfur dioxide sources from that state, but also it failed to examine the interstate cumulative impact on the total amount of suspended particles. Finally, New York asserts that when it approved the revisions,

the EPA failed to review the adequacy of the underlying S.I.P.'s. Thus, New York argues that the EPA acted capriciously and arbitrarily, and that the administrative record is inadequate to support the EPA determination.

On the other hand, the EPA contends that its actions followed the guidelines of the Clean Air Act, and that its actions were neither arbitrary nor capricious. The EPA claims that its decisions were based on the best available scientific models for sulfur dioxide transport. The long range models, which New York insists the EPA must use, only gives questionable results, and have not yet been approved. After analyzing the models, the EPA concluded that the revisions would assure acceptable sulfur dioxide levels in the downwind states, and would not have a negative impact on inter-state pollution. Contrary to New York's contentions, the EPA argues that it is not required to assess the adequacy of an entire S.I.P. when it approves a revision for an individual source. Instead, it contends that it is required to consider the effects of the emissions from just the plant and other sources in the immediate area. The EPA, also, argues that the Clean Air Act does not require it to consider the effect of sulfur dioxide on the level of another pollutant. It argues that the Clean Air Act only requires that the agency consider the control strategies for one pollutant at a time. Therefore, the EPA's findings were adequately documented in its record.

These cases have all been filed, and are scheduled to go to trial very soon. If New York wins its suits, positive action will finally be taken. The pollution levels of sulfur dioxide and acid rain will be decreased—but not eliminated. This, however, is merely a small step toward solving the acid rain problem. If, on the other hand, New York loses, the problems of acid rain will become aggravated. Neither the legislative, executive nor judicial branches of the Federal Government will have taken any positive steps toward combating the acid rain problem. Like the Adirondacks, many regions on North America soon will be burying their dead! The lifeless creatures in the Adirondacks are a warning that man is poisoning the environment and himself. Since many of the biochemical reactions in fish and plants (except for photosynthesis) occur within our bodies, it does not seem too far-fetched to presume that acid rain is harming humans. In fact, laboratory studies indicate that sulfur dioxide is a precursor to a molecule which interacts with our DNA molecule—the molecule which contains the genetic blueprint. Thus, sulfur dioxide may even cause cancer. And if the government acts today, think of the many lives which may be saved.

Maybe next time it rains, one should think twice before venturing outside!!

Answers for Puzzle Pg. 18

ALP	6	T	W	A	I	N	3	A	G	A	13
1	4	E	A	R	15	R	I	N	G	O	18
17	2	O	N	C	A	10	L	I	F	O	R
20	23	E	S	T	O	P	P	E	D	21	3
25	26	N	L	S	22	E	E	N	E	30	31
27	28	A	N	O	I	S	E	29	R	I	E
32	33	E	R	T	34	A	O	R	T	35	36
37	38	M	E	A	D	O	W	B	R	O	O
39	40	E	B	T	41	D	I	N	E	42	43
44	45	R	E	V	E	R	E	D	46	A	S
47	48	U	S	E	R	49	A	R	E	50	51
52	53	B	U	L	S	54	R	A	D	A	55
56	57	O	N	E	C	A	N	N	E	V	E
58	59	E	S	T	A	60	O	F	M	E	N
61	62	R	C	S	N	63	L	O	S	T	64
65	66	T	E	S	S	67	68	69	70	71	72

The Exhumation Of God

by Richard Tirman

Worse than a lingering death — a malingering afterlife. The old God is long dead, but the stench of His decay still pervades the world. He was a long time dying, this "Master of the Universe." Perhaps He contracted the fatal virus on the day the first caveman found shelter. The story is wrong. Man kicked God out of the Garden of Eden. The demon-spawn only came back to inflict his spiteful vengeance.

Before the medical arts were far advanced, man diagnosed his "Savior's" illness. Independence, freedom of thought, advancement of science, development of industry — all are anathema to the God of obedience, ignorance and weakness. The flock recites "Let us pray," while the priests smirk "Let us prey." Don't tell us the world is round or that it revolves around the sun; Aristotle disagrees.

It is remarkable how belief in God wanes in periods of great cultural achievement. Among great Western societies, only the ancient Athenians could be called "religious," but since their religion was such as to encourage imitation of their gods, (not self-degradation in the face of Him), the Athenians were most truly motivated by values they took credit for cheating. The great men of American history, the founding fathers, accepted no religious dogma as the arbiter of their decisions or values. Locke, Hume, Jefferson, Paine, Voltaire and almost everyone of that time saw no role for God beyond the metaphysical one of First Cause. After that you were on your own.

In Hume's book, *Dialogues Concerning*

Natural Religion, God's illness is diagnosed. He was then so sick that when analyzed He seemed to fade into non-existence. Finally, the great Nietzsche put Him out of His misery. But is it any wonder that He didn't get a proper burial? Let us give Him one, that we may breathe fresh air again. But let us destroy Him with more nobility than he showed His enemies. Persecution is too good for Him. How deep is the sin which visits the evils of the past on the present? There is only one way to disinfect the spiritual climate. We must laugh Him away. The pope is a pip, Mullahs shouldn't be Rullahs. Pack up yur talis in your old kit bag and smile, "oy," smile. (There's a fortune in bumper stickers for the entrepreneur).

And don't let them tell you it's in poor taste to deride organized religion. It is a powerful if ignoble enemy. It controls millions of dollars and millions of minds. They'll tell you it's impolite to speak this way, that religious beliefs are personal. That means they can't stand the light of day and thus are in the nature of excuses. If someone dies it's God's will. How comforting — just one step from the "best of all possible worlds." God would not create true evil, so all is for the best. The universe is absolutely determined for all time. Everything will work out because God died for us. How insidious. Can there be a more crippling yet more imaginary guilt? How horrible to be saved by a God you can't look in the eye for shame.

But, I too need salvation. Save me from the parasites of the spirit with their pale faces and selfless eyes. Save me from the mercy of the pitiable yet pitying. Save me from the crush of closed minds and soft bodies. Save me from the life that longs for death.

The old crowd has nothing to offer. Literally, they offer Nothing. Does the fear of death make men such cowering dogs? Can we still be afraid to come out of our caves? No, let us get our shovels, but remember to leave the grave unmarked. You don't have to be told to laugh as you cover Him up.

Veterans Day

by Barbara Lynaugh

Veterans Day, 1967. Khe Sanh. Deep in the heart of the monsoon-swept jungle. Isolated. Fighting a war you don't understand. You wait out your time, surrounded by an enemy you never see but always feel — even in your sleep.

Veterans Day, 1982. Washington, D.C. Back in the World now. Dressed in fatigues, you stare for hours at the somber monument just erected in your name. You reach up and touch the name of a buddy, the buddy that got blown away in front of you that day. The stark coldness in the stone makes your skin crawl. You want to scream; you want to cry, but once again, it stays inside. So you drink some more beer; you blow some more dope.

You make it to the parade on Saturday. Westmoreland is out in front, leading the troops. "What the hell is he doing here?" You look around. Looking for America. But the crowd is thin. Most of the stands are nearly empty. "Shit, the goddamned Giants could have drawn more people."

You make it to the parade, but you march in the back. You stare at the ground. "It's just like the War, man; it still doesn't make any sense."

But, remember, as you sleep in Khe Sanh tonight, that some of us, at least, understand.

LAST MONTH'S ANSWERS

GENRE	SUAR	WILL
ALICE	FELE	PLANE
LAWSCHOOLS	ROLO	TO
ANOTHER	ATURN	
AR	AT	SCHOOL
BELET	NOT	YEAR
ENDE	TRLES	RAVI
ACAB	BYE	LITES
BRIDGE	THE	CASE
BB	PLUS	ETS
APLES	RES	IPSA
SOCRATIC	METHODS	
LOTE	URGE	HOLIC
EFAS	BAND	EPOCH



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Daniel To Speak At Hofstra

Margaret Truman Daniel has accepted an invitation to serve as the Chairperson of the Honorary Committee for Hofstra University's international scholarly conference on Harry S. Truman: The Man From Independence.

Mrs. Daniel, the daughter of the former President of the United States, heads a committee of more than forty distinguished Americans for the Conference, which will be held at the University April 14 to 16, 1983. Her honorary committee members include Former Presidents Gerald R. Ford and Jimmy Carter; United States Senators Mark O. Hatfield, Henry M. Jackson, Alfonse M. D'Amato, and Daniel P. Moynihan; General Matthew Ridgway; and former Truman Administration figures such as Charles F. Brannan, India Edwards, Roger Tubby, and Leon Keyserling.

The Director and Chairman of the Hofstra Truman Conference is Dr. William F. Levantrosse, former Chairman of the Political Science Department. Professor Levantrosse has enlisted the cooperation of the Harry S. Truman Library (Independence, Missouri) in the plans for the scholarly meeting. In addition, the Truman Library will provide documents, manuscripts and memorabilia of the Truman Presidency for an exhibit in the Filderman Gallery of the Hofstra Library.

The conference on Harry S. Truman is the second in a series on the United States Presidents who have been in office during Hofstra's history. The first was held last March and coincided with the centennial of the birth of Franklin Delano Roosevelt. In 1984, Hofstra will convene a Dwight David Eisenhower Conference, which will be directed by Dean Eric J. Schmertz, and in 1985 it will hold a conference on John F. Kennedy, which will be directed by Political Science Professor Herbert D. Rosenbaum.

Among the topics to be covered at the Truman Conference will be the *Missouri and Senate Years*, *Truman's World War II Decisions*, *The Cold War*, *The Korean War*, *Civil Rights and HST*, and *Truman as Partisan*. Scholars at more than 3,000 universities throughout the United States and others in many foreign nations have been invited to submit papers for the conference. A committee of Hofstra faculty and students will evaluate the papers and select those to be read at the Conference in April.

In addition to scholarly panel sessions, the Conference will include special addresses by biographers of Truman, portions of a drama about the late President, a musical program of Truman's favorites, a special session featuring a group of former Fair Deal officials, and a banquet session with a prominent public official as the principal speaker.

Hofstra's Harry S. Truman Conference is believed to be the only scholarly meeting planned at an American university for 1983, the year before the late President's 100th birthday celebration. The conference is sponsored by the University Center for Cultural and Intercultural Studies, Dr. Joseph G. Astman, Director, and Natalie Datlof and Alexej Ugrinsky, coordinators.

Hofstra University's Emily Lowe Gallery will explore the philosophical aspects of sexuality in an exhibition entitled, "Androgyny in Art," running from November 6 to December 19. A reception featuring an art performance by Eleanor Antin will be held Sunday, November 7, from 2-5 p.m. at the Gallery on the North Campus in Hempstead, New York.

Gail Gelburd, the museum's director, explained that "Androgyny" is a philosophy that contends that while men and women represent sexual opposites, the goal of humanity is to return to a state of "oneness" by merging these extremes. "The exhibition will look at the various forms this idea has taken in recent years," Ms. Gelburd said.

Images from mythology and Eastern Religion will be used to illustrate this concept, as will late 19th and early 20th century works by Khnopff, Mucha, Munch, Beardsley, Picasso, Arp, Man Ray and Brassaï.

Contemporary artists whose works will be on display include Christopher Makos' (versions of Andy Warhol), M.C. Escher, Alfonso Ossorio, Mary Stoppert, Vettor Pisani, Hannah Wilke and Luigi Ontani.

Eleanor Antin has performed at the Venice Biennale, The Kitchen in New York City, the Museum of Contemporary Art in Chicago, the Los Angeles Institute of Contemporary Art and the Ford Theater in Washington, D.C. She will give a performance of herself as "The King" in a program funded in part by the Nassau County Office of Cultural Development.

Admission to the Emily Lowe Gallery is free. Further information is available by calling (516) 560-5672.

Gloria "Zoinab" Lynn of Hempstead, a graduate of Hofstra University, will present an exhibit of her paintings in the Lower Level of the Hofstra Library in Hempstead, New York. The exhibit will run until November 26.



LEGAL TRIVIA

by William E. Berg

- Who played a lawyer in the feature film, "The Young Philadelphians?"
 - What type of law did Howard Cosell practice?
 - Who represented Patty Hearst during her SLA involvement?
 - What TV police officer first read the *Miranda* rights to a criminal?
 - Who was the first lawyer to become President of the United States?
 - What second-year law student has the highest paying part-time job?
 - What does it mean to be a "Philadelphia lawyer"?
 - What is the name of the lawyer recently elected President of the United Mine Workers?
 - What is the difference between a "bar-rister" and a "solicitor"?
 - Who was the first Chief Justice of the Supreme Court?
 - Who was Judge James Hardy?
 - What is "Worth's Law"?
- Bonus — Who defended Nixon at his impeachment trial?

Answers to last month's questions:

- a) Spencer Tracey (Clarence Darrow)
b) \$100 (Scopes' fine)
 - a) Katherine Hepburn (Adam's Rib)
b) Blythe Danner (T.V. "Rib")
 - a)
b) Judge on Divorce Court (Wapner's father)
 - Rabinowitz & Rabinowitz
 - Henry Blake (defended himself at his own courtmartial)
 - Lee Baldwin and Joe Kelly (Port Charles' lawyers)
 - a) Monte Markham (the new Perry Mason)
b) Barbara Hale (the old Della Street)
 - Judge Roy Bean ("The Law West of the Pecos")
 -
 - Martin Sheen (RFK in "Missiles of October")
 - "00" — License to Kill ("007")
 - Maloo
- Bonus: Mr. Spaceley and Mr. Cogswell (from the *Jetsons*, patent adversaries)

The Law School Ear

For those of you concerned about Mr. Don Walsh (that's the Poughkeepsie Walshes), don't worry! He beat the bum rap. Utilizing his country bumpkin routine (a routine not too foreign to his Poughkeepsie nature) young Walsh browbeat the kindly judge into reducing his ticket. Congratulations Don and much luck in future litigation.

Congratulations to Helene Listwa and Lew Kamin on your recent engagement!

George Basara has recently come out of a deep depression which was brought about when the Nets traded Jammin' James Bailey. Reportedly still reeling from the shock of the Pittsburgh Condors trading Connie Hawkins, the Bailey trade almost sent Basara over the edge. However, we are pleased to report that George has come back strong and is emulating his idol, Jammin' James, on the court (at Pat McCartney's expense).

Guess which Virginia belle the infamous "Rapper" is seeing these days? Rumor has it that some of his normally jealous cohorts are spreading the word that Eddie is slowing (i.e. settling) down . . . to three women!

We sadly announce the demise of the Law School Bike Club. Despite a massive publicity campaign, very few seemed interested. Club President Winnie Gilmore blamed its failure on "the insistence of the student to remain flabby." The one scheduled trip to Buttles was canceled on account of wind. Organizers were forced to drive to the bar. Vice President Chris D'Amato blames Gilmore for the Club's dismal fate. D'Amato promises to force Gilmore to resign and, with new leadership, start anew in the spring.

Gilmore expressed sincere apologies to Jim Hoar and Mark Gann who were particularly looking forward to riding with Joe Spinola, ace biker.

Scientific and Supremo wish to express sincere condolences to Bro 'Shaun' on passing his first quarter century.

Hey, how about that dynamic duo - attendance at the new Hofstra "Correspondence" School of Law. They "stopped by" again this month allegedly to pick up new assignments. One wonders, perhaps, whether the two merely dopped by to get the dope on upcoming "social events." Our sources reveal, however, that they're running number uno and dos in the class.

Wonder who is masterminding those wildly successful P.A.D. bagel sales? None other than that ace bagel huckster, Joe Spinola. Credit goes to Joe for his tireless behind the scenes work. Thanks again Joe!

Doctors practice on the poor, why shouldn't we - you have to learn your trade somewhere.



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Nov. 25, Thurs. CLOSED
Nov. 26, Fri. 9 a.m.-5 p.m.
Nov. 27, Sat. 9 a.m.-5 p.m.
Nov. 28, Sun. Noon - Midnight

The Answers

1. Paul Newman
 2. Corporate Law (Howard Cosell)
 3. F. Lee Bailey
 4. Sgt. Joe Friday
 5. John Adams
 6. Bill Walton (\$1.7 million per year for playing basketball one night per week)
 7. "a nitpicker"
 8. Rich Trumka (Pres. UMW)
 9. A barrister is a trial lawyer, a solicitor acts as a legal agent, representing clients in minor courts.
 10. John Jay
 11. The father of the Hardy Boys.
 12. When something fails to work and you demonstrate it for a repairman, it works better than ever, as if it never failed to work at all.
- Bonus — There was no trial.

**Next Conscience
issue will be next
Semester. Conscience
wishes all a
happy holiday
season.**



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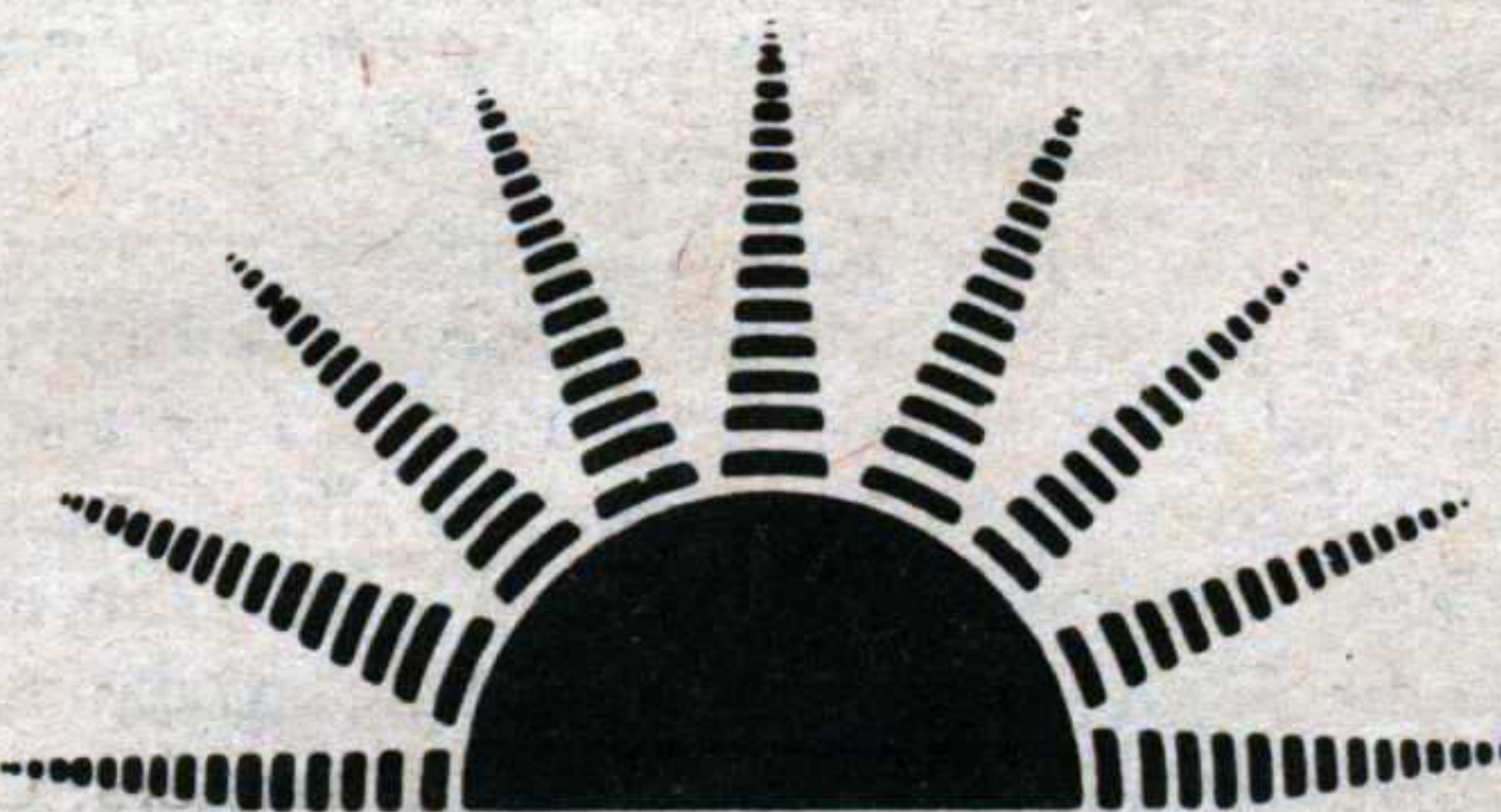
Very few law students develop these practical issue recognition and analysis techniques during their academic training.

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For those students who want to learn New York CPLR before the summer bar review, the Marino-Josephson/BRC course will present this spring, free to BRC enrollees, a **Forge Ahead** lecture series on New York practice by Professor Arthur R. Miller of Harvard Law School.

Recognized as one of the finest teachers in the nation, Professor Miller combines wit and clarity of expression with total intellectual command of his topics. Co-author of the prestigious treatise Wright and Miller, **Federal Rules**, a widely adopted civil procedure casebook and the **Sum and Substance of Civil Procedure**, he is also a former editor of the Harvard Law Review and a present member of the American Law Institute. In addition, Professor Miller is regularly asked by the Federal Judicial Center to address Judicial Conferences across the nation.



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Schechter On Music

by Jeffrey S. Schechter

Hello there, eager readers, surprised to see a music column in *Conscience*? I'm surprised that I'm sitting here writing this with my stereo blaring at 4:30 A.M. — 8 hours before deadline.

Thirty-six hours before deadline, I got an unsolicited request from one of the editors to write some sort of record/music column. Why me? This poor geek found out I ran a record store and coerced, badgered and finally threatened me into writing this column.

It was supposed to be titled "20 best buys for Xmas." What it became is 15 suggestions for excellent albums in different musical areas. O.K., here we are. You're presumably reading and I'm writing.

Before we get to reviews, some background info for you highly skilled readers that you must bear in mind. The information contained in this article is highly subjective, and contains value judgments. By its very nature a qualitative discussion about music cannot be a priori, so you may beg to differ with my opinions. That is your inherent right. You could also look forward to my article so that you can use it for kindling. That's O.K., too. Ignorance is bliss.

My taste in music ranges from the sublime to the ridiculous. It runs the gamut from Gregorian Chants to the Sex Pistols. Due to my eclectic taste and the naivete of the plebian populace, some of the bands may be unknown to you. Don't let that scare you, you're here to learn, to expand and to appreciate.

Only three recent releases will be reviewed here. I have the new Clash, Peter Dinklage, Tom Tom Club, Donna Summer and Robert Fripp/Andy Summers (Police) albums sitting on my shelf, but due to other commitments, such as writing this bloody article, I have yet to give them a critical spin. Any comments, suggestions, questions on albums may be placed in the *Conscience* mailbox. I promise they'll receive the attention they deserve. Now follow me as we transcend into ... the vinyl reality.



The B52s, *The B52s* (Warner Bros.)

This, their first album, is designed for times when you want people to start dancing and jumping around. No pretense to intellectuality here. This album's focus is on your feet and getting them moving. The lyrics are trite and often comical.

*Planet Claire has pink air
all the trees are red.*

*No one ever dies there,
No one has a head.*

But the album has a terrific beat, it never relents from "Planet Claire" straight through to the classic "Rock Lobster." This is a very safe album to buy as a gift. If the dunce likes to dance, he/she will be certain to enjoy this album.



URGH! A Music War (A&M)

A two record set featuring previously unreleased live performances by The Police, Go-Go's, Echo and the Bunnymen, XTC, Orchestral Manoeuvres, Devo, X, Magazine, Gang of Four, Pere Ubu, Wall of Voodoo, Oingo Boingo, Gary Neuman, Alley Cats, The Cramps, Fleshtones, 999, Jools Holland, Athletic Spizz, Toyah Wilcox, The Au Pairs, Steel Pulse, Joan Jett and the Blackhearts, Klaus Numi, John Otway, and The Members. New wave and English Ska at its live best. If you have trouble recognizing it, just remember this article. I copied it from the album cover.

Gang of Four, *Songs of the Free* (Warner Bros.)

This band, as the name connotes, is a political band with Marxist roots. Its once dissonant chord patterns and abrasiv vocals, exemplifying individuals' alienation in society, have mellowed somewhat but their disdain for industrial capitalism and Marxist dogma hasn't. The single off the album, "I Love A Man In A Uniform," gets some airplay, but look into the lyrics. "The girls they love to see him shoot." The lyrics from "Life! It's not a shame" also provide some insight into the band's message.

"To act for the good for congressman is money,

*The right to get rich is in the constitution
Talk of corruption is to preach insurrection
Elected to power men suspend self-interest
Making money is making sense"*

This is avant garde new wave at its political best. If you like Olivia Newton-John, you won't like this, but if you have the intelligence and can relate, give it a spin. You have nothing to lose but your chains.



Brian Eno, *Before and After Science* (Island)

Eno, the king of eclecticism, is relatively unknown but undeservingly so. He is one of the most exceptionally talented artists around and owning over twenty of his albums made it a tough choice to pick one. Most of his work is experimental, as exemplified by his Ambient series. He has been in Genesis, Roxy Music, Robert Fripp and 801, as well as producing albums for the Talking Heads and various other artists. This album is silky smooth with flowing melodies and vocals. The mellowness invites either attention or retrospection. Phil Collins (Genesis), Robert Fripp (King Crimson) and Phil Manzanera (Roxy Music) assist Eno on this album. This is a very relaxing and soothing album, especially good after reading *Civ. Pro.*

Tom Tom Club (Sire)

Tina Wymouth and Chris Franz (Talking Heads) form the nucleus of this band. This, the Tom Tom Club's first album, introduces us to a delightful fusion of funk, primal polyrhythms, synthesizers and sweeter than sugar vocals. The quality of production and engineering on this album is apparent. "Wordy Rappinghood," the "Rap" single, asks the philosophical question, *What are words worth?* This is a good album to listen to, bop to and just enjoy. LATE FLASH! T.T.C. also does the remake of the 50's classic "Under the Boardwalk."

Charlie Parker, the very best of Bird (Warner Bros.)

This is Jazz at its roots. Traditional Be-Bop played by the masters. Charlie "Bird" Parker headlines this double record set which features Bird playing alto sax with some of his different bands. Featured in some of the bands are Miles Davis, Max Roach, Duke Jordan, Barney Kessel and J.J. Johnson. This is some of the "coolest" Jazz you'll ever hear. In view of the dates these songs were originally broadcast, 1946-1947, the sound quality is very good. Included in this package are paintings by six artists commissioned as cover art for a limited six-record set of Bird masters. This makes a dandy gift for any Jazz aficionado, who will undoubtedly be forever grateful.



STEEL Pulse, *Hansworth Revolution* (Mango)

This, in my opinion, is the best reggae album. The engineering and production is outstanding. Each instrument is clearly heard yet none dominates. This eight member band really makes beautiful music together. The drums and percussion combined with the heavy syncopated bass beat provide a strong backdrop for the flowing vocals and guitars. The lyrics, as is traditional with reggae, speak about the poverty, despair and tyranny they face in Jamaica, not forgetting the overthrow of Babylon and entrance into Zion. For a well orchestrated and easily accessible (cheap and short) journey to Jamaica, this album's your ticket.

The Harder They Come, *Original Soundtrack*

This is the soundtrack from the film, now a cult classic, "The Harder They Come." The movie focuses on the danger and love, hope and deep depression of the people in Shantytown, Jamaica. Those are the slums of West Kingston, the birthplace of Reggae. The music expresses the emotions of the people and more. Reggae is the portrayal of the dismal reality — "Rivers of Babylon," perseverance — "Many Rivers to Cross," hope — "You Can Get It If You Really Want," and revolution — "The Harder They Come." Star of the movie and reggae artist Jimmy Cliff says it best in the title track:

*"The oppressors are trying to keep me down
making me feel like a clown
They think they have got me on the run
I say forgive them lord, they know not what
they've done*

*for as sure as the sun will shine
I'm going to get it, what's mine
And the harder they come, the harder they fall
one and all*

The Maytals, Desmond Dekker, along with other artists join Cliff on this album. This album is an excellent introduction into the world of Reggae music, mon.



Zubin Mehta conducting the New York Philharmonic, *Stravinsky: The Rite of Spring*

What negative things may be said of this album? I wasn't present at its recording. Stravinsky intended to sketch a musical picture that would depict earthly joy and celestial triumph that reflected the Rites of Spring to the Early Slavs. Mehta and the Philharmonic transform this sketch into a masterpiece. The music pitches and swerves, beginning delicately and building to an orgasmic culmination. This album is truly a spectacular to be heard.

Art Ensemble of Chicago, *Nice Guys* (ECM)

Consistent with the ECM tradition, this is an avant garde jazz album with superior musicians, production and pressing. If you've never heard this type of jazz, one caveat, you may not like this album. By its nature the album is not readily accessible to the average listener. It is oftentimes dissonant, atonal, syncopated and meandering. But that's what makes this album great. Through the apparent chaos is an identifiable inner order. The Art Ensemble consists of 5 musicians playing traditional woodwinds, horns, strings, percussion and some not too traditional such as a conch shell, cowbell and a bicycle horn. If you like jazz, check it out. It can never hurt to expand your horizons.

Robert Gordon with Link Wray, *Fresh Fish Special* (Private Stock Records)

Robert Gordon teams up with guitarist Link Wray for this Rockabilly classic. Both those guys have been doing Rockabilly since before the Stray Cats were born. This album includes such classics as "The Way I Walk," "Sea Cruise," the song Elvis made famous, "Lonesome Train" (on a lonesome track), and Springsteen's "Fire." You may be able to find this in the discount bin but don't let the price fool you.

Joni Mitchell, *Court and Spark* (Asylum)

What do you get when you combine Joni's exceptional voice, meaningful lyrics, top production and guests like Robbie Robertson (The Band), Tom Scott, Crosby, Nash, Jose Feliciano, Larry Carlton and Cheech and Chong? An album with depth and diversity. This is one album you can sit down with a glass of wine and just fall into. If you've never listened to Joni before, check this album out ... you won't be sorry.

Grace Jones, *Nightclubbing* (Island)

Vocalist Grace Jones, backed by the super rhythm section led by Robbie Shakespear, bass, and Shy Dunbar, drums (formerly with Bob Marley and the Wailers), really connected on this album. This funk/disco/reggae album is so hot, I'm lucky the album's not warped. You've probably danced to "Pull Up To The Bumper," at your favorite club or disco. If getting down and funky is where you're at, this album is for you.



Sly & The Family Stone - *Greatest Hits* (Epic)

This album is a must for a well rounded record collection. This fusion of psychedelic/Motown funk starts your foot a tappin' as soon as the needle drops. All the hits, including "Thank You," "I Want to Take You Higher," and "Thank You For Letting Me Be Myself" are included. So like Sly says, "Everybody get up and dance to the music."

The Rolling Stones, *Exile on Main Street* (Rolling Stone)

When choosing a Stones album remember two things, 1) they make great gifts to yourself and others (if you feel benevolent), 2) all the albums are good with only a few exceptions. The last three albums, "Tattoo You," "Emotional Rescue," and "Some Girls" are more danceable than the others. The earlier albums, "Got Live, If You Want It," "Aftermath," etc., on the London label contain the old classics but aren't as well produced and engineered due to antiquity, I guess. Their greatest hits albums are good for someone who has none or few Stones albums (if such people exist).

Their middle Rock 'n' Blues style is best portrayed in "Exile on Main Street." It contains such classics as "Happy," "Tumblin' Dice," and "Rocks Off." Mick Taylor plays a mean guitar with the Glimmer Twins, Charlie Watts (old reliable) on drums, Bill Wyman on bass and piano player par excellence Nicky Hopkins. Ian Stewart, Billy Preston (remember him?), and Al Perkins also sit in some tracks. This is English R&B at its finest. If I were destined to have only one Rolling Stones album, this would be it (I think!). Ciao for now.



Creative Cooking

by Jane Himelfarb

The holidays are approaching, at long last, I might add. The clean crimson air so inherent to autumn is getting colder. The clear cerulean sky is now turning pearl gray behind a silhouette of delicate trees that have been undressed by the wind. Winter shades of ivory and soft pale yellow and gray surrounds the outside world as it sleeps, and we move inside to sit by the fire and enjoy the warmth of our loved ones. How to do this? Eat! Associated with the holidays from Thanksgiving through New Year's is the smell of roasted turkey and rich smooth hot chocolate laced with rum. Therefore, to accommodate the season, I shall supply a menu of recipes from soup to nuts, as they say.

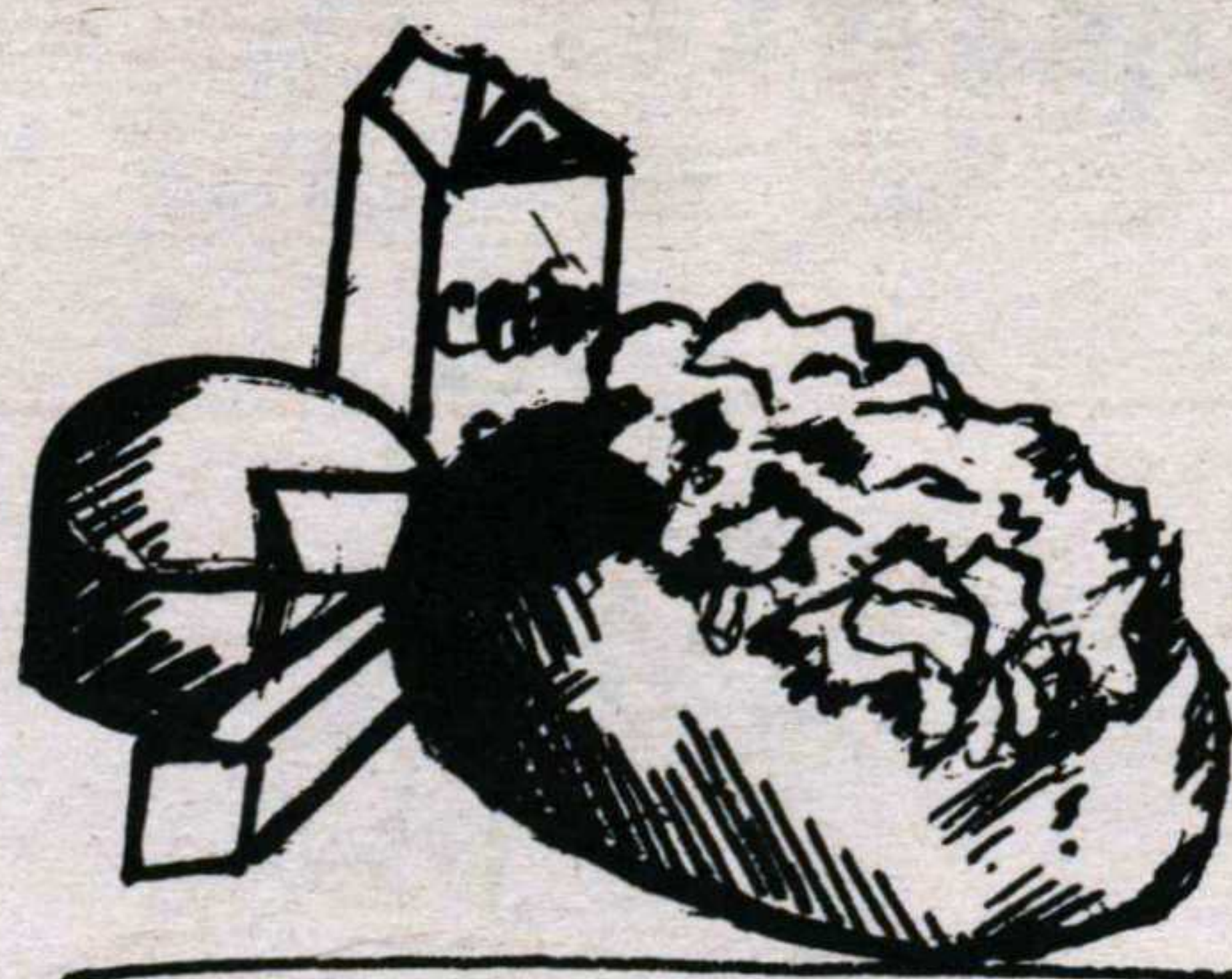
MENU

Artichoke Mushroom soup
Baked Stuffed Potatoes
String beans almondine
Chicken Kiev

Chocolate covered Strawberries

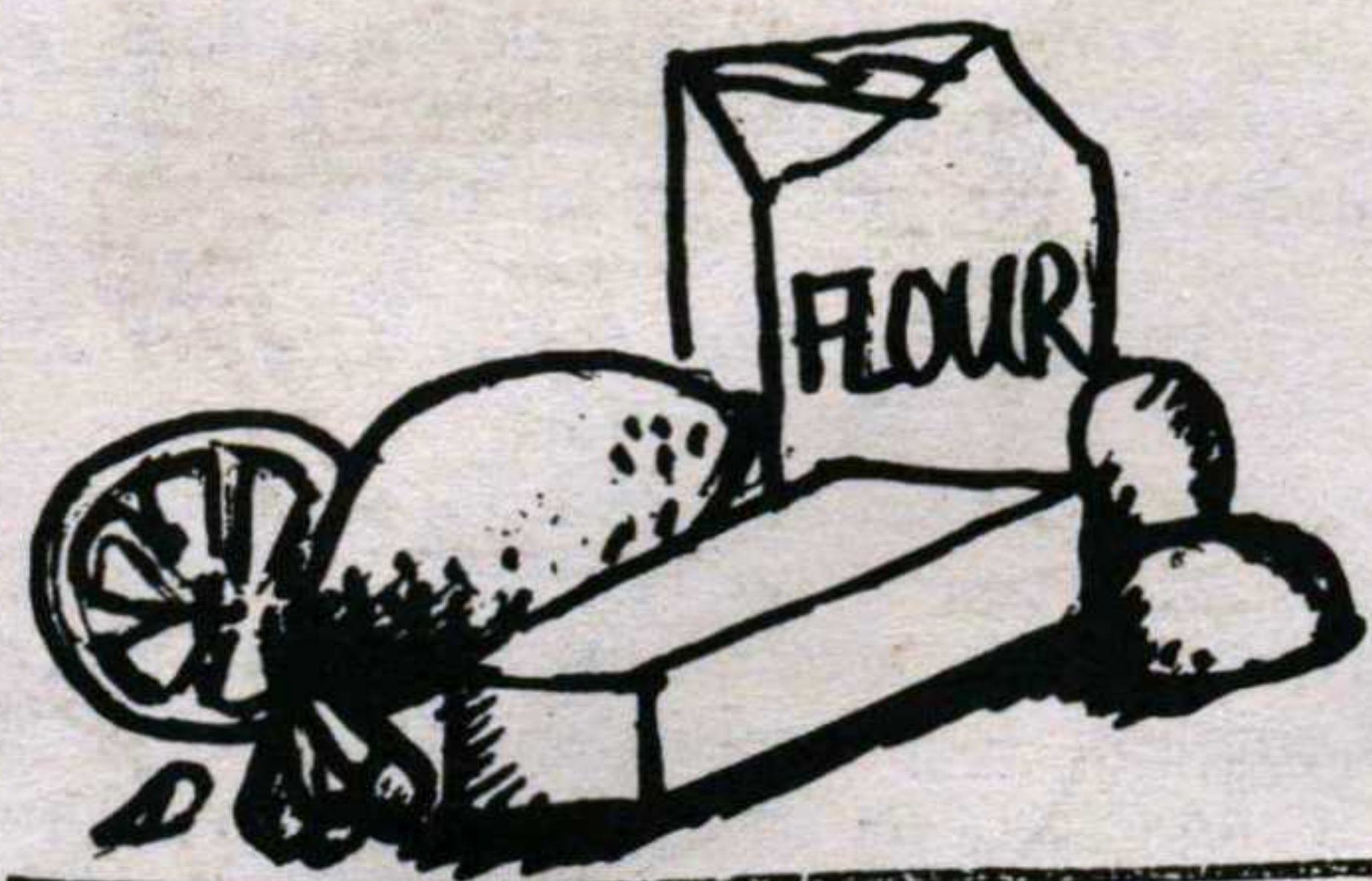
Artichoke Mushroom Soup

Sautee 1 chopped onion, and 1 clove minced garlic in peanut oil until onions are clear, add sliced fresh mushrooms and sautee for a few minutes. Add one jar of drained marinated artichoke hearts, and cook over low light. Add 1/2 pint of heavy cream, stirring slowly, add chicken bouillon cube and dash of white wine. Salt and pepper to taste. Serve hot.



Baked Stuffed Potatoes

Wash 4 potatoes, brush skins lightly with oil and pierce with a fork. Bake in 425 oven for 1 hour. Remove potatoes and set aside until cool enough to handle. With sharp knife, cut oval in top of potato and scoop out insides, leaving 1/4-inch shell, and set aside shells in shallow baking pan. Mash potatoes with 3 tablespoons butter until smooth. Add 1/3 cup heavy cream, 1/2 tspn. salt, 1/2 tspn. pepper, and 1/2 tspn. paprika and mix well. Stir in 1 cup grated cheddar cheese until well blended. Stuff each potato with the mixture and bake in oven for 20 minutes. Serves 4.



Chicken Kiev

Sprinkle 4 chicken cutlets with salt and refrigerate. Cream 1/4-lb. butter with 1 tablespoon lemon juice, 2 tspns. parsley, 1 clove minced garlic and form into small sticks; chill in refrigerator for 20 minutes. Pound out chicken cutlets and roll each piece around the sticks of butter and tuck in the ends. Dust chicken with flour, dip in beaten egg and roll in bread crumbs. Put on plate and refrigerate for 2 hours. Fry in hot oil until golden brown, serve hot. Serves 4.



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Chocolate Covered Strawberries

Wash strawberries and set aside. Melt semi-sweet chocolate chips in a double boiler until smooth. Dip each strawberry in chocolate spreading it evenly over the fruit, place on waxed paper and chill until chocolate hardens. You can use any fruit for dipping but be careful not to break the outside and allow the juice to escape.

Conscience Crossword II

By SETH LIPSAY

ACROSS

- 1 Dog Chow
- 5 Clemmens
- 10 Tale
- 14 Bunker - creator
- 15 Fab Four Beat-keeper
- 16 Penal Code subj.
- 17 Parking spot where Hofstra security won't get you.
- 20 Equitably Barred.
- 21 More crafty
- 22 Belonging to 14ACR.
- 23 Feudal character
- 25 Audible item
- 29 "He's so sensitive that he _____ parades"
- 32 Breath mint of last resort
- 33 Major anatomic conduit
- 34 Drunkard
- 36 Maj. vehicular conduit
- 40 Est. Departure Time
- 41 Where to find Alice and Mel.
- 42 Prison
- 43 cut
- 45 "...didn't leave un-
turned." (searched carefully)
- 47 _____ fee (Reagan's gas tax).
- 48 His Royal Excellency (abbr.)
- 49 Affects the senses
- 52 "I could have _____, I could have been a contender"
- 57 What law students learn first at Hofstra.
- 60 This, to Pedro
- 61 "No worse a husband than the best _____" Shakespeare
- 62 Cookie eaten from the inside out

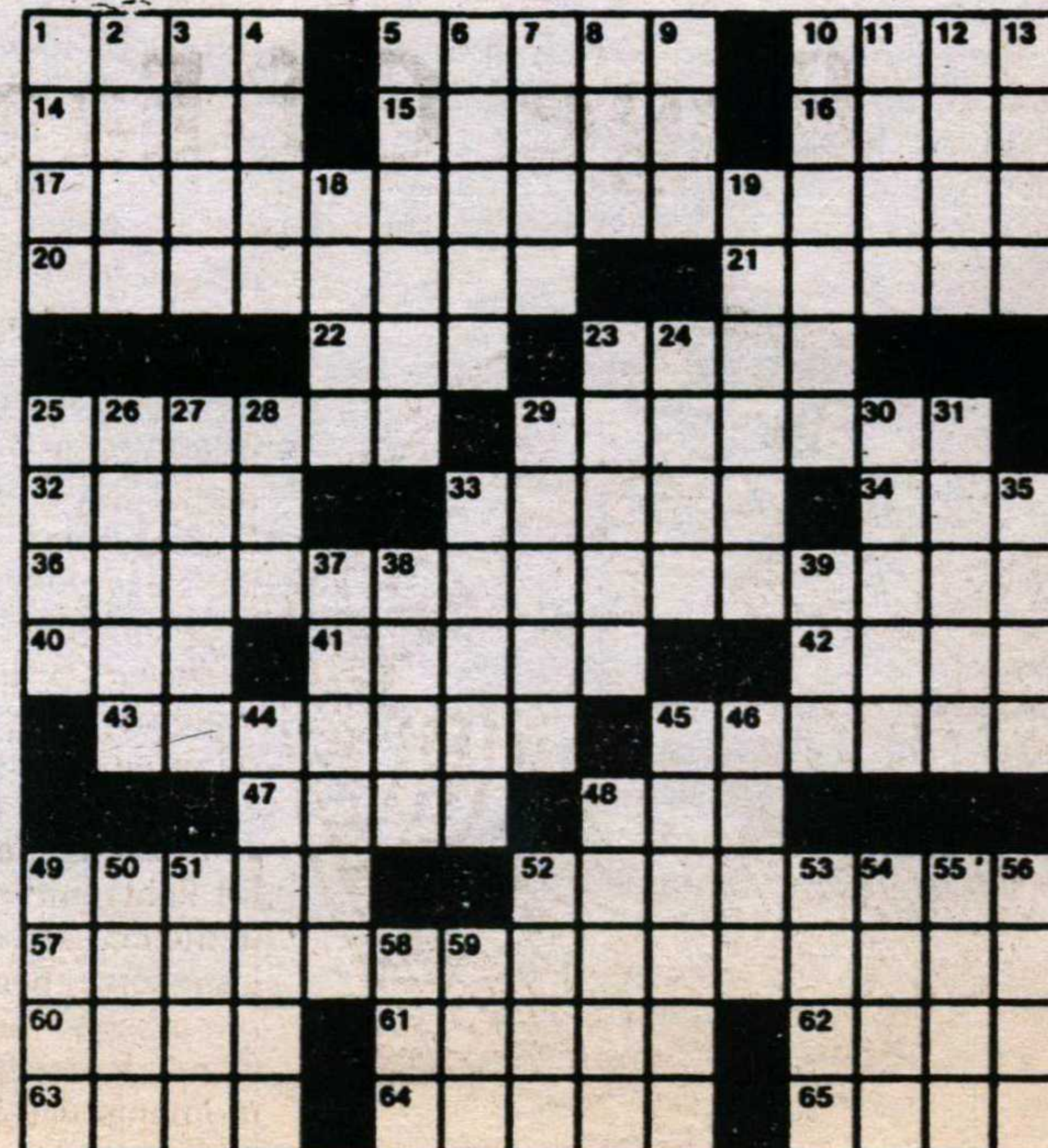
- 63 Royal Canadian Sports Network (abbr.)
- 64 What Lew said to Mario.
- 65 Kinski role

DOWN

- 1 Maleska's lily
- 2 Dawson and Bruce, to friends.
- 3 Agreement
- 4 Organization of Rehabilitated Alcoholic Overeaters (abbr.)
- 5 Three-bagger
- 6 "The money is from his _____ family."
- 7 "A wink and _____"
- 8 Indigent Gamblers Review (abbr.)
- 9 Precedes conformist and toxic
- 10 Symbol of justice

- 11 "Shed _____ of light on" (explain)
- 12 Donor's act
- 13 U.S.A.
- 18 Not RN's
- 19 A quarterback's description of how he scores on the goalline.
- 23 Mistake
- 24 Prefix meaning food or grain
- 25 Wiley Coyote's Supply Company
- 26 Requirements
- 27 Speak
- 28 7 pts. including the point-after
- 29 Removed the central part.
- 30 "Who are you going to _____ dance?"
- 31 Type of bet at the track
- 33 Man who lived across the street from Samantha & Darren.

- 35 Where a Porsche meets the road.
- 37 A seaport in the USSR
- 38 Type of hanger Mommie Dearest hated
- 39 Attention-getting noise
- 44 Roman god of fire
- 45 Avid
- 46 Scorch
- 48 The affluent
- 49 One who isn't idle
- 50 Grp. that meets regarding international strife
- 51 Serves that strike the net
- 52 blood: prefix
- 53 Dick & Jane's canine
- 54 Tortoise's rival
- 55 Iron sources
- 56 Fight Stoppers
- 58 "_____ certainly will not..."
- 59 With no season, this group would have no title.



SPORTS

The Stache

Racing On The Wrong Track

by Richard Tirman

The charm of horse racing is in its quality of being both vulgar and honest. One goes to the grandstand at Aqueduct armed with the knowledge that he may have to dodge the spit as it flies. But all is forgotten at the head of the stretch when 50,000 voices are raised for all the different jockeys and horses. The hopeful ones call, "Open 'em up Angel," while the hard-nosed, veteran losers grumble, "Move with him Velasquez, you pig!"

Everything about the track is an ingenious trap. Selections can be made on the basis of post position, jockey, trainer, breeder, speed ratings, pace, distance, track conditions, or more usually, a combination of all of these. How easy it is for one to fancy himself knowledgeable and as having an "opinion." (This justifies making an "investment.") The

track lingo too has a magnetic appeal. One eighth of a mile becomes a "furlong" or "panel." Depending on age, sex and even castration (did someone mention vulgarity?), the four-legged creatures are fillies, mares, colts, horses or geldings. And, they have such magical names as "Conquistador Cielo," "Secretariat," and the judicially inspired "Affirmed."

Great horses are rarely acknowledged as superior athletes. Beyond that, they exhibit superior character. For instance, the mighty gelding Forego was inspirational to watch. Race after race he carried high weights to handicap him against his foes. The number of times he lagged behind, only to come up on the outside and storm through the stretch to win by a head, is just incredible. Secretariat didn't run — he played. In the Marlboro Cup in 1973, Secretariat went so fast that the second horse, Riva Ridge, was defeated by three lengths, yet broke the world record for the distance.

Such stellar performances may soon be a thing of the past. For New Yorkers, the golden age of horse racing may be coming to a close. Off Track Betting, with its usurious surcharge on winnings, (often as high as 50 percent), has served to lessen track attendance and impoverish the bettors. Meanwhile, the high rollers continue to bet with bookies who pay on-track prices. California has supplanted New York as the state with the highest quality racing. The avarice of the politicians has dissipated our largely inherited advantage over other states. Furthermore, racing six days a week has diminished the quality of the horses and exhausted the bettors. If New York loses its reputation for top quality racing it will be almost impossible to recover it. If bettors were rational they would refuse to pay at OTB. (But then if bettors were rational, most of them wouldn't be bettors.)

New York racing will soon be clearly second rate when compared with California. At that point I may stop going. I have been spoiled by multiple stakes races on the same card. Only the memory of the drama transmitted in track announcer Dave Johnson's voice will remain, "On the extreme outside, there goes Forego with a bold rush to join the leaders!"



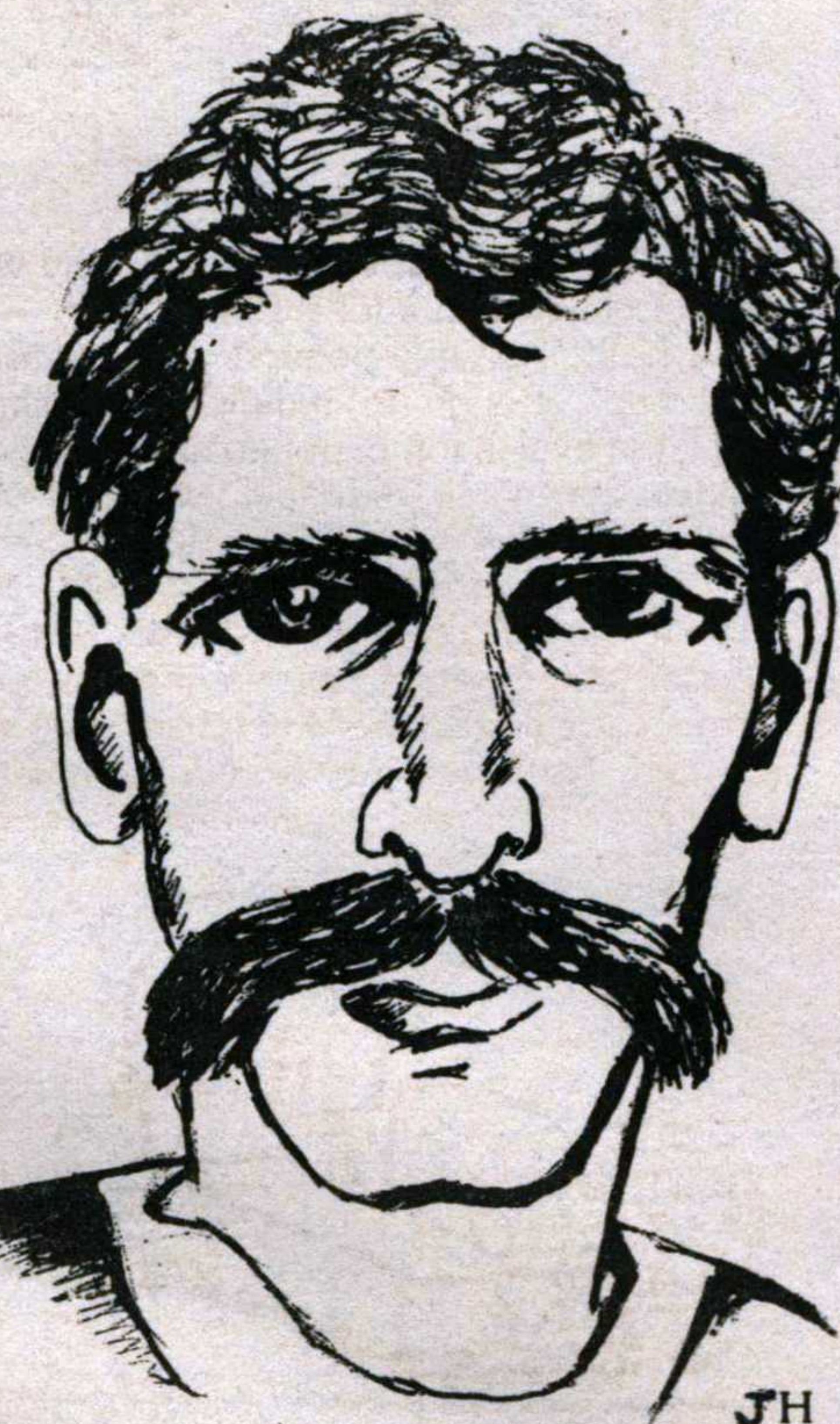
Graphic by Jane Himelfarb

Rage Of Eagles

by Jane Himelfarb

This is the last in a two part series of articles about the Legal Eagles. This article marks the culmination of the Law School football season. Despite the crushing blow the Eagles' egos received on Monday evening, November the 8th, the team still remains a strong fortification of unity. They play together, drink together, and console each other when they lose together.

I am sorry for the fans that gathered to witness this spectacle, characterized by angry fist fights and sulking players, who sped off to their cars to drive home to read Contracts. I am sorry, because in every prior game the remarkable talents gathered on this team were demonstrated. Unfortunately, those moments will have to remain unnoticed as few were there to witness them. Why was that quick-silver momentum of the High Fly-



JH

'Tis almost the season to be in the giving mood. Let no one call the STACHE a Scrooge. Witness this long list of gifts to the "needy"...

Rob Carpenter - A contract so he can carry the football for the Giants.

Sugar Ray Leonard - Ring side seats to all future Marvelous Marvin Hagler fights and highlight films of all previous Hagler bouts to remind Leonard to stay retired.

Dave Winfield - A shorter left field fence in Yankee Stadium.

Ron Guidry - A longer left field fence in Yankee Stadium.

Wayne Gretzky - A supporting cast that won't disappear in the Stanley Cup Playoffs.

Ed Garvey, Gene Upshaw and the rest of the NFL Players Association - More brains for their brawn.

Larry Holmes - Surgery to remove the chip from his shoulder.

Pete Rose - Lifetime supply of Grecian Formula 19 to keep him playing young.

National Hockey League - "Breakaway Sticks"...hockey sticks that break when slammed over the head of an opposing player.

Paul Westphal - His old jump shot and some new quickness.

Billy Martin - A third term as manager of the New York Yankees and the pair of boxing gloves needed to keep George Steinbrenner at bay.

George Steinbrenner - For the man who has almost everything (and can buy what he doesn't yet have)...Wise baseball moves and Bily Martin to return to the Yankee fold (for a few months). Bodyguards to protect him from Martin, Yankee fans and opposing fans. A microphone for his next apology to New York City.

Holiday Rap

Julius "Dr. J" Erving - The NBA Championship ring this class performer deserves.

John McEnroe - A tennis game to beat Ivan Lendl.

Ivan Lendl - A tennis game to beat Jimmy Connors.

Jimmy Connors - A tennis game to beat Bjorn Borg.

Bjorn Borg - A tennis game to beat John McEnroe.

United States Football League - A renewal of the NFL strike.

Aaron Pryor - Recognition as a great fighter so long overdue.

Steve Carlton - A new found vocabulary for this "silent one."

The Cosmos and the North American Soccer League - Paolo Rossi and other World Cup stars to play in the NASL.

Martina Navratilova - A Doberman Pinscher to ward off all cats.

New York Jets - No need for presents, they've returned to the beautiful surrounds at Hofstra.

Don King - A haircut and some scruples for this boxing promoter.

Bob Arum - Doesn't need a haircut but...

Tom Watson - Golf lessons from Jeffrey Schulman.

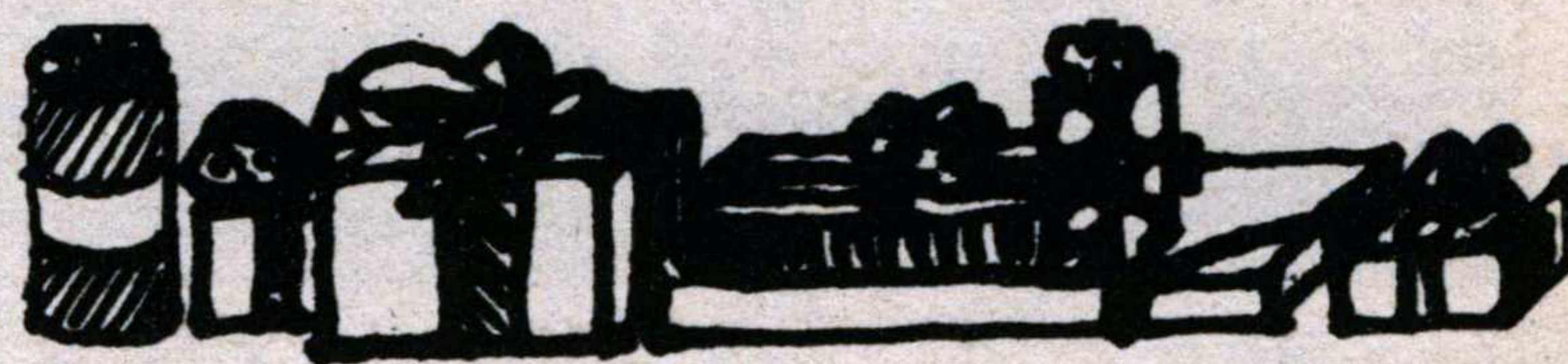
Jan DeRook - A female tennis player in the top twenty to coach, preferably Marcella Mesker.

New York Mets - Sorry, fans, their needs are needless.

New York Rangers - A Stanley Cup, but I'm afraid even the STACHE can not deliver this.

New York Islanders - Bring Fourth the Cup.

Happy holidays to everyone and to all, a good sporting event!



ing Eagles lost? Unquestionably, it was the disappointment on Monday, November the 1st, one week earlier, when all psyched and ready to knock 'em dead, the Eagles were frustrated by the supervisor of the field who neglected to turn on the field lights, and claimed the game was not scheduled. Delaying the game one week, this destroyed the Eagles' spirit. However, all is not forsaken, as I will report memories of the long perfect

spirals thrown the full length of the field, the terrific clean catches and swift touchdowns, the interceptions, the remarkable tackles and the all around "beauty" of the entire season.

I salute the Eagles and their prior spirit, strength and sportsmanship. Don't allow too much macho ego to destroy your highly spirited, fortunate season. Take off your cleats and get ready to play basketball. Besides, that's where you belong — in court!

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