



ASKING YOU TO ASK YOURSELVES

Vol. 11 No. 3
October 1983

Conscience

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School of Law
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Celebrates
Tenth Anniversary

Dean Resigns

by Robert Ginsburg, Stuart Rosenthal
and Stuart Goldstein

Following by a scant 20 weeks the Hofstra Law School's contract dispute with the University Administration, Dean Monroe Freedman, in a letter dated 10/1/83, tendered his resignation as Dean of Hofstra University.

FINANCIAL CRISIS MEANS TUITION

by Margery Rosen
and Josh Klapper

University needs are said to be the law school faculty has been a constant concern of the administration. The school is said to be in a financial crisis, and the faculty is said to be in a similar state. The school is said to be in a financial crisis, and the faculty is said to be in a similar state.

A.B.A. Cites Conscience

The first time in six years, Conscience, the Hofstra Law School newspaper, has been named a "Best of the Annual American Bar Association" by legal service workers in New York.

Bases

It is that he was above the law, the whole point of the law. The whole point of the law is that it is above the law. The whole point of the law is that it is above the law.

Students Me

rd rake-off

Law school revenues siphoned by University

"MAYOR" SCHMERTZ?

by Corey B. Bear

Hofstra Law Professor
set to challenge

CONSCIENCE

The Hofstra University School of Law Newspaper
February 10, 1976

"Asking you to ask yourselves"

Attorney In Residence

elli - Justice and Plea Don't Mix

Committee Vetoes De Kunstler Appointm

By Jim Freeswick
William Kunstler says that Dean Monroe Freedman said he did not want to get into a discussion with the two after Kunstler's appointment by the FAC last year would Freedman speculate to the reasons why the committee rejected his recommendation that Kunstler be named to the position of Dean of the Law School. Freedman said that the committee had rejected Kunstler for "political reasons."



Prof. Kunstler

For a limited number of students who had Trial Practice to elect to take a two-credit per semester course with Kunstler could not possibly have hurt the students of school and could have provided a significant experience.

It was certainly worth trying on a one-shot basis. The risk of damage to the school or to the intelligent, mature students of Hofstra was simply not existent," Freedman said. According to Agata, the

The American Bar Association Law Student Division

A.W.A.R.D.

Hofstra University School of Law

For its Outstanding Law School Newspaper judged best in its class on the basis of journalistic quality and service to the student community.

Presented in Chicago, Illinois, August 4, 1974.



Law

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a Discusses Law Pitfalls

that their clients can anticipate and avoid them. Problem, that is, the client will often take his or her own advice. As a result, the client will often take his or her own advice. As a result, the client will often take his or her own advice. As a result, the client will often take his or her own advice.

Howard K.



ASKING YOU TO ASK YOURSELVES

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TENTH ANNIVERSARY ISSUE

Abrams Elected V.P. Simendinger Wins Runoff

by Peter W. Shafran

David Abrams, a second year student has been elected SGA Vice-President in a special election held on October 5 to fill the vacancy left by the resignation of Joe Sanchez. Abrams beat his opponent, Tom Simmons, by a vote of 79 to 56 garnering less than 20% of the total voting population.

On the same day, Donna Simendinger beat Todd Saunders in a run-off held to elect the first year representative from Section C. Only 25 students from section C voted in this tie-breaking election, just a few more than in the first election held early this semester.

First-year students were allowed to vote in the Vice-Presidential election following heated discussions between various members of the student body. James Black, first-year representative from section A, submitted a hastily written petition to the Election Committee after discovering that the Election Committee had not intended to allow first year students to vote in the special election for Vice-President. The controversy concerned several provisions relating to procedures the Election Committee was to follow in conducting special elections. Some students felt that 11s shouldn't be allowed to vote because they were not "of the appropriate constituency", as evidenced by the fact that they were not yet in attendance at the time of the original election. Other students, including First Year Rep. Black, felt that since they were in attendance now,

they should be allowed to vote for their representative in the Vice-President's seat. The Election Committee made their final decision regarding this matter just hours before the start of voting.

Abrams, upon entering the Law School library lounge, was surprised by the Committee's decision. Initially, Abram commented that he would try to invalidate the election, but later failed to carry through with his plan when the votes were tallied.

The additional votes cast by the first-year students did not affect the outcome of the election, as Abrams also won the majority of votes from the first year class.

The Election Committee had earlier postponed the special and tie-breaking elections as a result of charges that the election schedule, as proposed by the Election Committee, violated several provisions of the SGA Constitution.

In a related development, Seth Minisohn resigned his position on the Election Committee, prior to the election, leaving Laura Ford and Steve Gershbein to conduct the elections by themselves. Minisohn's vacancy must be filled by the SGA until a special election can be held. The SGA had not filled the vacancy, as of press time.

(As a response to the increasing amount of constitutional problems, SGA President Michael Zarin has asked Craig Heller to study SGA Constitution and propose recommendations to the SGA. See accompanying article on page 7.)

Schmertz Remains Dean

Dean Eric J. Schmertz has announced that he will remain in his position as Dean, pending contract negotiations with the University administration. Dean Schmertz, whose contract expires January 15, 1984, told the faculty, "The University has asked me to stay on — unless I hear any significant dissenting views — it would be my plan to tell the Administration that I was willing to stay on."

While the Dean's contract will have run two years in January, the Dean would not elaborate as to the length of any future plans.

Ad Hoc Report Released

The Ad Hoc Committee on Academic Excellence, chaired by Prof. Aaron Twerski, has released its "Interim Report." The Committee had been established early last Spring in response to a letter Dean Schmertz sent to the students regarding the lack of student preparedness in the classroom.

The Interim Report was released to the faculty last week but has been withheld from the students pending publication in *Conscience*.

The Report is printed in its entirety on pages 17 and 18.

As the issues raised in the Report affect all members of the Hofstra Law School community, *Conscience* will publish all comments on the Report, and any resulting developments in our next issue. The deadline for submission is Wednesday, November 16, 1983.

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Oct-Nov. Calendar of Events

THEATER

October 27, 28, 29, 30 — MERRILY WE ROLL ALONG — Stephen Sondheim's musical adaptation of play by Kaufman and Hart. Directed by Carol Kastendieck and Albert Tepper. Cranford Playhouse Sundays at 3 p.m.; all other performances at 8:30. Tickets are \$4. Call (516) 560-6644.

ART EXHIBITS

Through October 27 — GRAPHIC ARTS EXHIBITION — Exhibit by Hofstra Fine Arts Department and the Emily Lowe Gallery, to be held in the Calkins Gallery on the South Campus. Hours are 9 a.m. to 5 p.m. No admission charge. Call (516) 560-5480.

October 22 through November 13 — UNENDING ROADS — Site specific installation by Nene Humphrey on the North Campus. In addition, video installation by Warner Wada in Emily Lowe Gallery on the South Campus. No admission charge. Gallery hours are: Tuesday, 10 a.m. to 9 p.m.; Wednesday through Friday, 10 a.m. to 4 p.m.; Saturday and Sunday, 1 to 5 p.m. Closed Mondays. Call (516) 560-5672.

LECTURES

October 20 — TOXIC WASTE ON LONG ISLAND — Sponsored by Alumni College and open to the public. Alumni Room,

Hofstra University Club on the North Campus. No charge. Call (516) 560-6636.

October 20 — WRITER RICHARD PRICE — Lectures on his works in the Filderman Gallery on the 9th floor, Hofstra Library, South Campus. No charge. Call (516) 560-5993 for time.

October 27 — ON HOLOCAUST AND FRANCE — Open lecture sponsored by Hillel and the French Department in the Filderman Gallery on the 9th floor of the Hofstra Library on the South Campus. Call (516) 560-6922 for time.

CONFERENCES

November 10, 11, 12 — ESPECTADOR UNIVERSAL — International conference in celebration of the 100th Anniversary of the Birth of JOSE ORTEGA Y GASSET, will feature presentations and panel discussions by scholars from all parts of the nation and from abroad to discuss the works of Ortega Y Gasset. Sponsored by the University Center for Cultural and International Studies. Registration and opening of exhibit, Thursday, November 10 at 9:00-10:30 a.m. in the David Filderman Gallery on the 9th floor of the Library. Call (516) 560-5669, 5670 for information.

Alumni College Calendar of Events October-November 1983

Date	Time	Events
10/25 Tues.	8:15 pm	School of Business Alumni Elections & Planning; Seminar "Personal Financial Planning"—University Club
10/26 Wed.	7:30 pm	Full Senate Meeting—University Club
10/29 Sat.	8:30 am	Alumni Trip to Dutch, New York—Bus leaves from Alumni Hse.-Hempstead Tpke.
11/1 Tues.	8:00 pm	Hofstra Alumni Association Executive Board Meeting—University Club
11/10 Thurs.	7:30 pm	Curriculum Committee Lecture Series—Filderman Gallery
11/15 Tues.	8:15 pm	Board of Directors, Hofstra Alumni Association Meeting—University Club
11/19 Sat.	6:00 pm	Estabrook Dinner—University Club
11/22 Tues.	8:15 pm	School of Business Alumni Association Seminar—"The Effects of Professional Sports in the Long Island Economy"—University Club

LILLIAN KOZAK

Chairperson of the Domestic Relations Law Task Force of the National Organization for Women (NOW) and a lobbyist in Albany.

will speak in Room 230

Tuesday, October 25th, 1983

at 5 pm

Topic: Matrimonial Law in New York State, including Domestic Mediation, Equitable Distribution and Joint Custody

Sponsored by Hofstra Women's Law Center and Balsa

ATTENTION: JUNE GRADUATES

POSITIONS AVAILABLE

For anyone interested in putting together
a PARTY for Friday, Feb 24th
which is

100 DAYS 'TIL GRADUATION!!!!!!
(can you believe it?!!)

Contact: Cathy Sagos or Barbara Lynaugh

January Commencement, 1984—

Dari Schwartz

Frazine Thompson

June Commencement, 1984—

George Patsis

John Ciampoli

Barbara Lynaugh

Sabato Caponi

Anthony Colleluori

Lori Cymrot

Barbara Manolakos Posner

Jan Lori Goldman

August Commencement, 1984—

Alan Kaye

Gina LoBraico

Dean Schmertz will be working with these students in planning the graduations for this year. If you have any comments or suggestions regarding the graduations, please get in touch with one of the committee members.

The Subcommittee To Consider The Publication Of Faculty Evaluation Forms has rescheduled the hearing for November 2 from 9 a.m. to 11 a.m. in Room 205. All persons interested in making an oral presentation should plan to do so at such time. Written presentations may also be submitted during that period, or prior to that time, to Ruth Swartz, in Room 104. It is the present hope of the Subcommittee that this be the only hearing. Thus, we would appreciate your making every effort to conform to the schedule.

Members of the Committee:
Prof. Eric Lane, Chairman
Prof. David Diamond
Prof. Pat Adamski
Prof. Eugene Wypyski
Michael Noonan
Lori Cymrot

PHONE NUMBERS — Save for Handy Reference

Social Security.....576-9162
Nassau County Dept. of Assessment...535-2790

Veterans Service Agency...535-4554
Nassau Cnty Dept of Health...535-3410

Legal Aid Society.....294-2600
Poison Control Center.....542-2323

NEW YORK STATE TOLL FREE

HOT LINES

The following toll-free "hot lines" are available to all New York State residents to help handle various kinds of emergencies and to provide information on vital matters:

Senior Citizens Hot Line
1-800-342-9871

Assistance from the State Office for the Aging for senior citizens with any problem. Has capability to set up conference calls to settle problem. Call 24 hrs. a day, 7 days a week.

Child Abuse Hot Line
1-800-342-3720

To report a case of child abuse or neglect. Call 24 hrs a day, 7 days a week.

New York State Energy Hot Line
1-800-342-3722

For information on insulation, energy audit for your home and energy-related problems. Call 9:00 a.m. through 4:00 p.m. weekdays.

Disabled and Handicapped Hot Line
1-800-522-4369

Needs of disabled, placement of children, other related programs, education, opportunities. Call Monday through Friday 9 a.m. - 5 p.m.

Social Services — General Information

1-800-342-3715

Information on Medicaid, welfare and other related social services programs. Call Monday through Friday 8:30 a.m. - 5 p.m.

Division of Vehicle Safety Hot Line
1-800-342-3823

Complaints about auto repairs, automobile dealers and inspection stations. Call between 7:30 a.m. and 4:30 p.m. Monday through Friday.

National Runaway Switchboard
1-800-621-4000

Runaways may call this number to let parents know they are all right or to send other messages to make their whereabouts known. 24 hours a day, 7 days a week.

Insurance Hot Line
1-800-342-3736

Information about insurance and insurance companies and policies. If you have a problem with or a complaint about your insurance call between 8:20 and 4:45 p.m., weekdays.

Professional Conduct Hot Line
1-800-442-8106

To register complaints or make inquiries concerning practices in the professions licensed concerning practices in the professions licensed or registered by the State Board of Regents and the State Education Department. Call 24 hours a day, 7 days a week.

Public Service Commission Hot Line
1-800-522-8707

For complaints on utility billing, service, deposits, disconnections, home insulation and information on hearings. Call 9:00 a.m. through 4:45 p.m., weekdays.

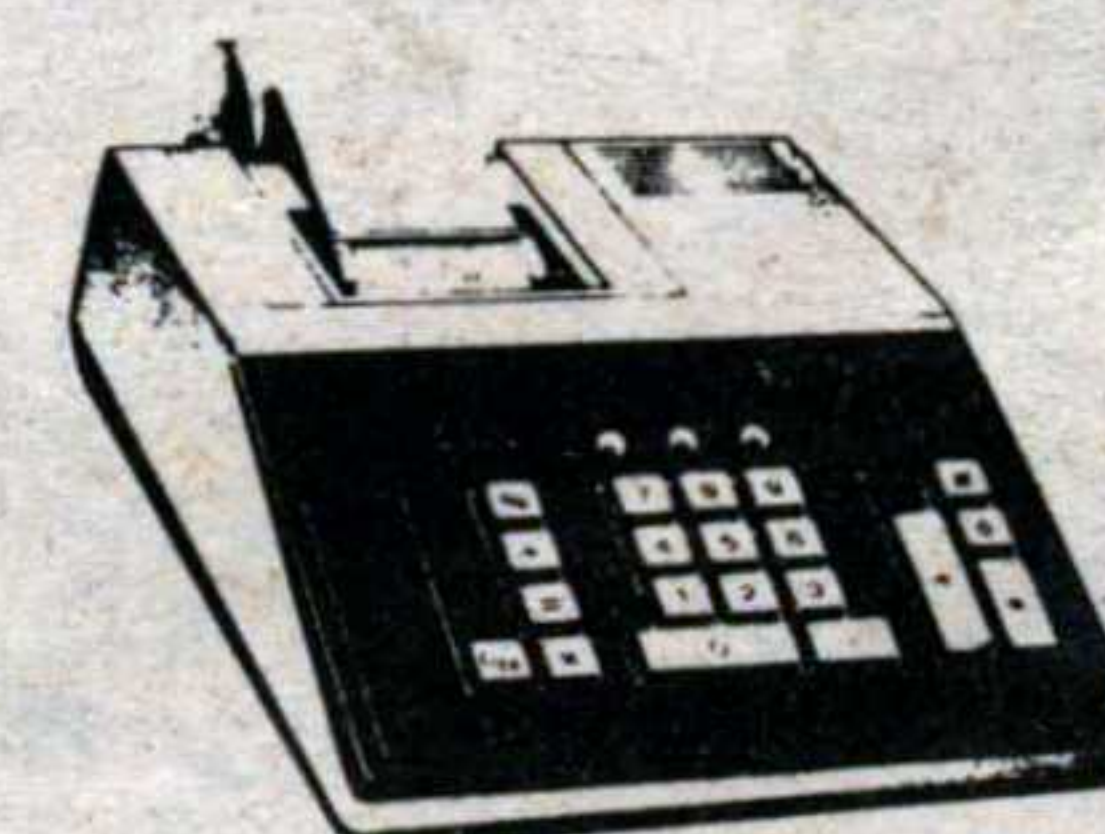
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ITEM!

ITEM!

At a recent faculty meeting Professor Agata proposed a motion making classes run a full hour instead of the fifty minutes we now have. The Dean's office will be circulating a sample calendar showing the effects of such a plan.

ITEM!

The Law School faculty travelled out to the Montauk Yacht Club for their annual faculty weekend. At their Sunday morning brunch, Professor Mitchell Gans discussed professional corporations and mutual fund investments.

ITEM!

Professor Malachy Mahon was appointed to the Nassau County Board of Ethics last Spring by Nassau County Executive Francis Purcell. The Board is responsible for rendering advisory opinions in compliance with the Nassau Code of Ethics. The opinions usually deal with cases of conflicts of interest.

ITEM!

Maryanne Trump Barry, ('74) was recently nominated by President Reagan to a U.S. District Court judgeship in New Jersey. Barry's confirmation would make her the second woman federal judge in New Jersey. Barry has been working with the U.S. Attorney's Office since graduation.

ITEM!

All minorities are automatic members of Balsa! We meet every other Wednesday. Check our bulletin board.

ITEM!

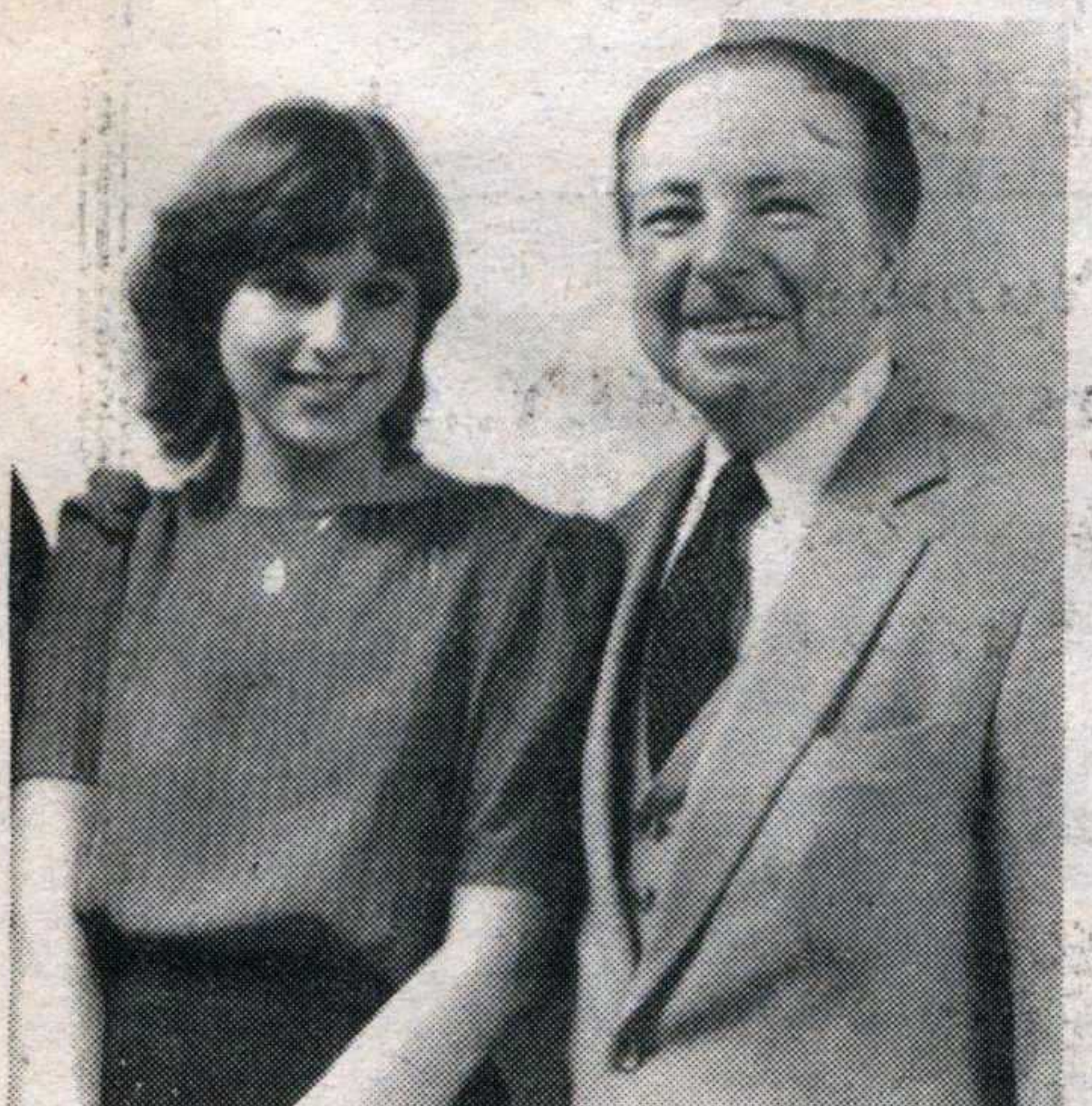
PAD will hold its annual initiation of new members October 17, 8 PM at the Federal District Courthouse in Uniondale.

ITEM!

Among those discussing the latest developments in the law at the New York State Bar Association - Family Law Section's Summer Meeting in Saratoga Springs was Professor Mitchell Gans who examined "The Tax Webs in Matrimonial Cases."

ITEM!

Vice-Dean Stuart Rabinowitz is on the 14-day disabled list with a torn ligament. Our Dean (in charge of Vice) was injured while attempting to play tennis for the first time since last year. The Hofstra Faculty Tennis Team may have a tough time this year in the New York Law School Interfaculty Cup without "V.D." Conscience wishes you a speedy recovery, Dean! (Note to all students of Rabinowitz: Since he can't pace, you'll all have to pitch in during class and pace for the Vice-Dean.)



Ralph Caso, former Nassau County Executive, spoke at the Law School on Oct. 5. Alongside Caso is Labor Law Forum Editor Dolores Gebhardt.

Student's Role in Faculty Selection Questioned

by Peter Shafran

The Faculty Appointments Committee, chaired by Professor John Gregory, is currently examining the question whether students will have any role in the selection of new faculty. At a faculty meeting, October 5, SGA President Michael Zarin inquired whether students would be able to participate in the selection process of new faculty. Dean Schmertz responded that students are not involved at this point. Some faculty members indicated that students have been involved in the past and others questioned whether there was any reason not to include students. The Dean responded by leaving the determination up to the Faculty Appointments Committee.

An extensive interviewing process is currently being conducted by the Committee, whereby candidates are invited by the faculty to come to the Law School and make a presentation on some interesting phase of their particular discipline. Zarin

wants students to be present at these presentations and to participate in their selection. The Dean would like to limit any student participation to a mere observer status.

The presentations are designed to allow candidates to demonstrate whether they have a good grasp of the subject matter, and to allow our faculty to observe the candidates' presence, poise, and lecture abilities. The faculty then get a chance to ask substantive questions on the subject of the presentation, and judge the responses of the candidates.

According to Dean Schmertz, "students never had a formal role in the initial selections process of interviewing faculty, though there is student input in reappointment and tenure." However, there have been student members of the Faculty Appointments Committee in the past. In 1975, two students, Jeff Englander ('75) and Joan Shands ('76) were members of that years Committee which included Professors Aaron Twerski, Burton Agata, Malachy Mahon, Daniel Posin and present chairman John Gregory.

(That Committee had unanimously rejected then-Dean Freedman's recommendation of trial lawyer William Kunstler). In the following year there was one student on the Committee (name unknown) and the position was by faculty invitation only. In 1977, Eddie Hadden was a member of that Committee and was later joined by Abraham Gross in the Spring of 1978 to serve until January 1979.

Faculty selection procedure is a three-tiered procedure, starting with the Committee, then the full faculty, and finally recommendations are made to the Dean who then passes along his recommendations to the University.

The Committee is interviewing a variety of candidates this month and next for positions in tax, Uniform Commercial Code, corporations, and sex-based discrimination (the last position is a part-time position).

In a related matter Dean Schmertz said that he expects Professor Freda Bein to return next term.

First Year Program Revised, Again.

by Howard Lipper

The legal research and writing program took a new form this fall. To accommodate the need to provide students with more intensive instruction in legal writing, classes focusing individually on legal writing and on legal research have replaced the lawyering skills program which had previously combined the two. Continuing the trend towards the phase-out of the client-based first year writing program, that program has been totally eliminated this year.

The new program design is the result of a study that was begun in the Spring of 1982 by the Dean's Ad Hoc Committee on the First Year Research and Writing Program. In response to difficulties with the client-based program, then in existence, the Committee developed five different approaches to

research and writing. These were experimented with last year and provided enough information to serve as a basis for the new program.

The clinical-based research and writing program was abandoned because of the burden it imposed on the clinical staff and the marginal benefit to the students. Professor Susan Bryant, Director of Clinical Programs, stressed the limited amount of participation first year students could make in actual cases as leaving the balance of necessary work the responsibility to the clinical instructors. Instructors were then left with less time to devote to the third year Neighborhood Law Office (NLO).

The faculty's goal in developing a program for this year's entering class was to provide intensive writing instruction above all else. Intensive review by the instructor and

student of student papers followed by a rewrite to internalize the lessons of the review is designed to insure a greater emphasis on improving writing skills. More assignments of shorter length are given to help facilitate more feedback and to allow more opportunities for criticisms and input.

The greatest advantage of the client-based writing program is the motivation it tends to elicit from the students involved. Legal writing can otherwise be extremely dull. But Professor Richard Neumann, Assistant Clinical Professor of Law and Director of Legal Writing, feels that the faculty selected to teach legal writing this year are capable of compensating for any lost motivation. Neumann stressed that a teacher's methodology is more important than whether or not the student is working with a real client.

New Spring Course: Alternatives to Litigation

The faculty unanimously approved the development of an Alternatives to Litigation course for the Law School. "Subject to the approval of the University administration, I expect that University President Shuart and the president of the American Arbitration Association will announce that the Law School will have at least one course in alternatives to litigation," said Dean Eric Schmertz. The American Arbitration Association will make available various tribunals and administrative procedures that are in place as an alternative to litigation in various fields. Dean Schmertz stressed that these are not techniques used exclusively in labor work, but are used in other fields such as civil, commercial, family and environmental law. A subcommittee of the curriculum committee, working under the auspices of the Rains Professorship and chaired by Professor David Kadane, has been set up to develop the curriculum for the course. Other members of the committee include Professors Susan Bryant, Robert Bush, Wayne Horvitz and Assistant Dean Robert Douglas.

The course will highlight mediation and negotiation techniques, and resolution through fair compromise. Students will be exposed to a variety of industries that use techniques short of litigation.

Another alternative, noted by Schmertz is the Mini-Trial, where, for example, if two corporations were involved in a dispute, instead of litigating, their attorneys would have to "compress" their case and make their arguments to their respective chief executive officers, who would thereby negotiate a settlement. This process saves the corporation substantial money, time and effort and as a result has met with much success and popularity. The Dean has expressed hope that the course work will be completed soon, so that it would be offered in the Spring.

**YOU GET WHAT YOU PAY FOR!
MORE \$\$\$ MORE EVENTS**

**ON Y YOU CAN ASSURE A
DYNAMIC LAW SCHOOL
ENVIRONMENT!**

THE SGA AND STUDENT CABINET, IN RESPONSE TO THE VITAL NEEDS OF THE HOFSTRA LAW SCHOOL COMMUNITY HAVE OVERWHELMINGLY APPROVED AN ACTIVITY FEE INCREASE OF \$10 PER SEMESTER. THIS IS THE FIRST SUCH INCREASE IN HOFSTRA LAW SCHOOL'S HISTORY AND IS DESPARATELY NEEDED TO PROVIDE FOR THE MAINTENANCE AND GROWTH OF STIMULATING EXTRA-CURRICULAR PROGRAMS. CURRENT SGA OPERATING FUNDS ARE LESS THAN HALF OF WHAT IS NECESSARY TO DO THE JOB.

WE NEED YOUR SUPPORT.

A VOTE FOR ACTIVITY FEE INCREASE IS A VOTE TO:

- ADEQUATELY FUND PROJECTS OF STUDENT CLUBS:
 - BRING IN PROMINENT SPEAKERS
 - PROVIDE SPECIAL INTERESTS, EVENTS, RECEPTIONS, PANEL DISCUSSIONS, WORKSHOPS
- INCREASE SGA SPECIAL EVENTS
 - SYMPOSIA
 - PARTIES (REMEMBER THE ORIENTATION BASH: COST - \$800)
 - PROVIDE A YEARBOOK: COST - \$3,400
 - ADD NEW DIMENSIONS TO HOFSTRA LAW: PROVIDE OPPORTUNITIES FOR STUDENTS TO FORM NEW CLUBS OR RUN SPECIAL EVENTS
- VOTE YES ON SGA REFERENDUM TO INCREASE ACTIVITY FEE!

Prof Testifies

On Police Brutality

by Barbara Lynaugh

Douglas L. Colbert, the newly-appointed Director of Hofstra's Criminal Justice Program, was called upon to testify at the congressional hearings on police brutality in New York City on September 19, 1983. The hearings, which were held at the 142nd St. Armory Building in Harlem, were convened by Representative John Conyers (D-Mich), chair of the House Subcommittee on Criminal Justice to investigate the charges of police violence against Black and Hispanic New Yorkers.

Prof. Colbert was contacted by Conyers and was asked to give testimony in response to the official statements which had been released by Mayor Edward Koch and Police Commissioner Robert McGuire describing their assessments of the police brutality issue.

In his testimony, Prof. Colbert took "strong exception" to the three major conclusions of Koch and McGuire. The officials claimed that New York City has the best record on police brutality; they further concluded that when brutality does occur, offenders are severely disciplined; finally, they claimed that there exists an independent fact-finding body which provides each complainant with access to adequate legal process by which grievances can be resolved.

Prof. Colbert testified that each of these conclusions is directly refuted by statistical and factual evidence.

New York City's record of police violence is clearly not superior to that of other major American cities, according to a study done by the International Association of Chiefs of Police. This study, which Prof. Colbert cited in his testimony, stated that there were more people killed by police in New York in absolute numbers than in any other city in 1982. In relative numbers, the study places New York 25th out of 54 other cities in reported episodes of police violence.

Prof. Colbert cited further statistics to refute the official claim that when police misconduct does occur the offenders are severely disciplined. There have been ap-

proximately 43,000 complaints of police misconduct filed during the Koch administration. Prof. Colbert stated that 98% of these complaints are dismissed (the NY Police Department has conceded that 95% of the complaints were dismissed). Of the remaining 2-5% in which any charges were brought, the usual response is a verbal reprimand by a commanding officer; rarely, if ever, are more serious disciplinary measures taken.

The effectiveness of the Civilian Complaint Review Board (CCRB) was also addressed by Prof. Colbert. In an interview following the hearings, Prof. Colbert characterized the CCRB as "totally inadequate" and stated that "any lawyer concerned with fundamental due process should recognize that the CCRB is an unjust means of resolving grievances." The CCRB is staffed by employees of the Police Department; any decision to bring disciplinary charges against is an entirely internal decision of the Police Department. When a complaint is filed with the CCRB, the aggrieved party cannot confront the police officer who caused the injury; there is no right to present evidence; the complainant never sees a written report or learns the outcome of the complaint.

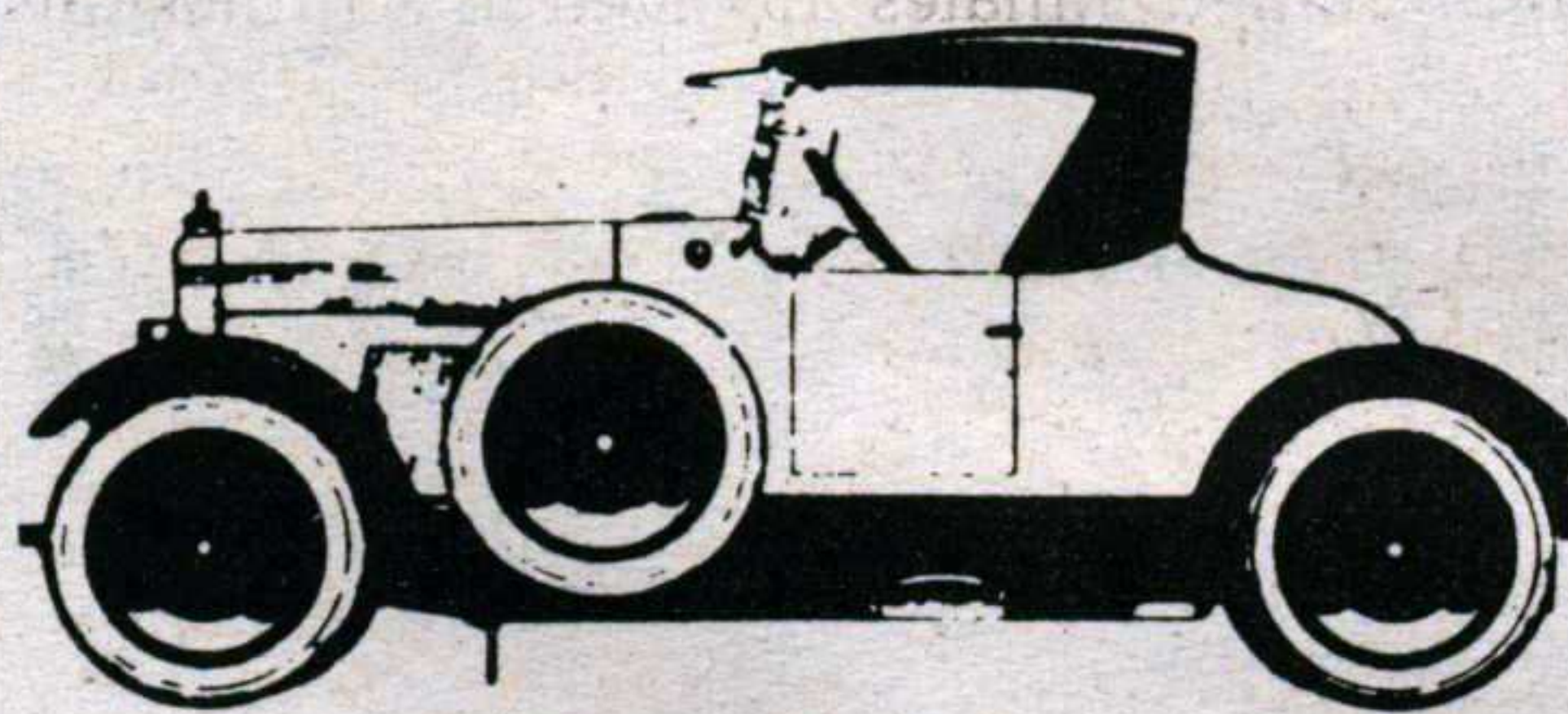
Prof. Colbert concluded his testimony with three recommendations for reform measures. His first recommendation was a change in the composition of the CCRB. Prof. Colbert feels that community representatives should be given the power to investigate and process complaints of police brutality within their own neighborhoods. His second recommendation was the appointment of a special prosecutor, with a strong background in protecting the civil right of individuals, to investigate any case of police misconduct and to initiate criminal proceedings when evidence is sufficient. Prof. Colbert's final recommendation was a series of police appointments, within both

Recruitment Takes it on the Road

by Fred Paine

The recruitment office at Hofstra Law School has expanded its efforts this year to recruit students from a broader range of schools. In keeping with our reputation as a national law school, Assistant Dean Robert Douglas has been trekking around the country to enlist deserving candidates.

Due to limited staff and fiscal resources, covering the terrain is a major task. Dean Douglas has made good use of regional forums at which a number of schools are represented. Thus far, every geographic area, except for the Pacific Northwest, has been tapped.



leadership and patrol positions, to reflect the overall racial composition of New York City. If police violence against non-white persons is to be significantly reduced, there must be meaningful ties between the police force and the communities they are serving.

Prof. Colbert's involvement with the police brutality issue has its foundation in his eleven years as a criminal defense attorney with New York City's Legal Aid Society. He states that many of his clients were from poor, non-white communities and had been beaten by police either during or after arrest. Rep. Conyers met Prof. Colbert in December of 1981 when the Congressman sat in on a class Prof. Colbert was teaching at John Jay College of Criminal Justice.

The thrust of the recruitment program is two-pronged. Dean Douglas explained that, "we have short term and long term objectives. In the short term, we want immediately to attract a broader geographic distribution of students. In the long term, we want to establish relationships and a reputation that will continue to supply the Law School with capable and interested applicants."

Additionally, there are two foci to the program: general and minority recruitment. "Our assistance to minority students is an aspect of our program of which we're very proud," Dean Douglas said. Hofstra Law is among only thirty percent of all law schools, nationally, that offer GPOP (Graduate and Professional Opportunity Program) fellowships to deserving minority students. Furthermore, Hofstra is one of four law schools in New York offering such funds. Potentially, these funds can provide up to full tuition, plus a living stipend. This resource can enable Hofstra to compete for excellent students who otherwise could not afford the high fare required for law school.

Alternatively, Dean Douglas is looking to "in-house" mechanisms to improve the recruiting process. "Students who know of contacts at their undergraduate schools are encouraged to visit my office and give me any information that would help us to establish a good working relationship with that school," Dean Douglas said. He added, "Ultimately, we may be able to establish good resources concerning particular schools, that we'll not only know what type of students are normally interested in Hofstra Law — political science majors, engineering, etc., — but also the geographic areas from which our target schools recruit most of their students."

The push is on, and it appears that the "life blood" of Hofstra will continue to be infused with persons of increasingly diverse backgrounds.

FALSTAFF'S Fine Food & Drink

MONDAY
Monday Night Football
\$1.50 Buds
2 Color TVs
Free Hot Dogs at
Halftime

TUESDAY
LADIES NIGHT
2fers for Ladies
Between
8-12

WEDNESDAY
Live Entertainment

All Accoustical

Food Served 11 A.M. till 3 A.M.

HAPPY HOUR 4-7 P.M.

Coupon
Buy One Get One Free
Mug of Beer or
Glass of Wine
Falstaff's

Corner California Ave.
& Front St.
1/2 Block South of
Hofstra Law School

FACULTY PROFILE:

Prof. Doug Colbert

by Barbara Lynaugh

The new Criminal Justice Clinic is being directed by Professor Douglas L. Colbert, who comes to Hofstra after eleven years as Senior Trial Attorney for New York City Legal Aid Society's Criminal Defense Division.

Prof. Colbert, known to his students as Doug, says that one of his professional goals is teaching. He has previously taught at John Jay College of Criminal Justice and at the Urban Legal Studies Program of the City College of New York. Due to his extensive experience as a criminal defense attorney, Prof. Colbert feels he can offer students a close professional relationship, similar to what they will encounter after law school. He states that it is important for law students to develop their legal skills and knowledge of the law, while also developing an awareness of the ethical considerations needed to confront "the chaos of the criminal court."

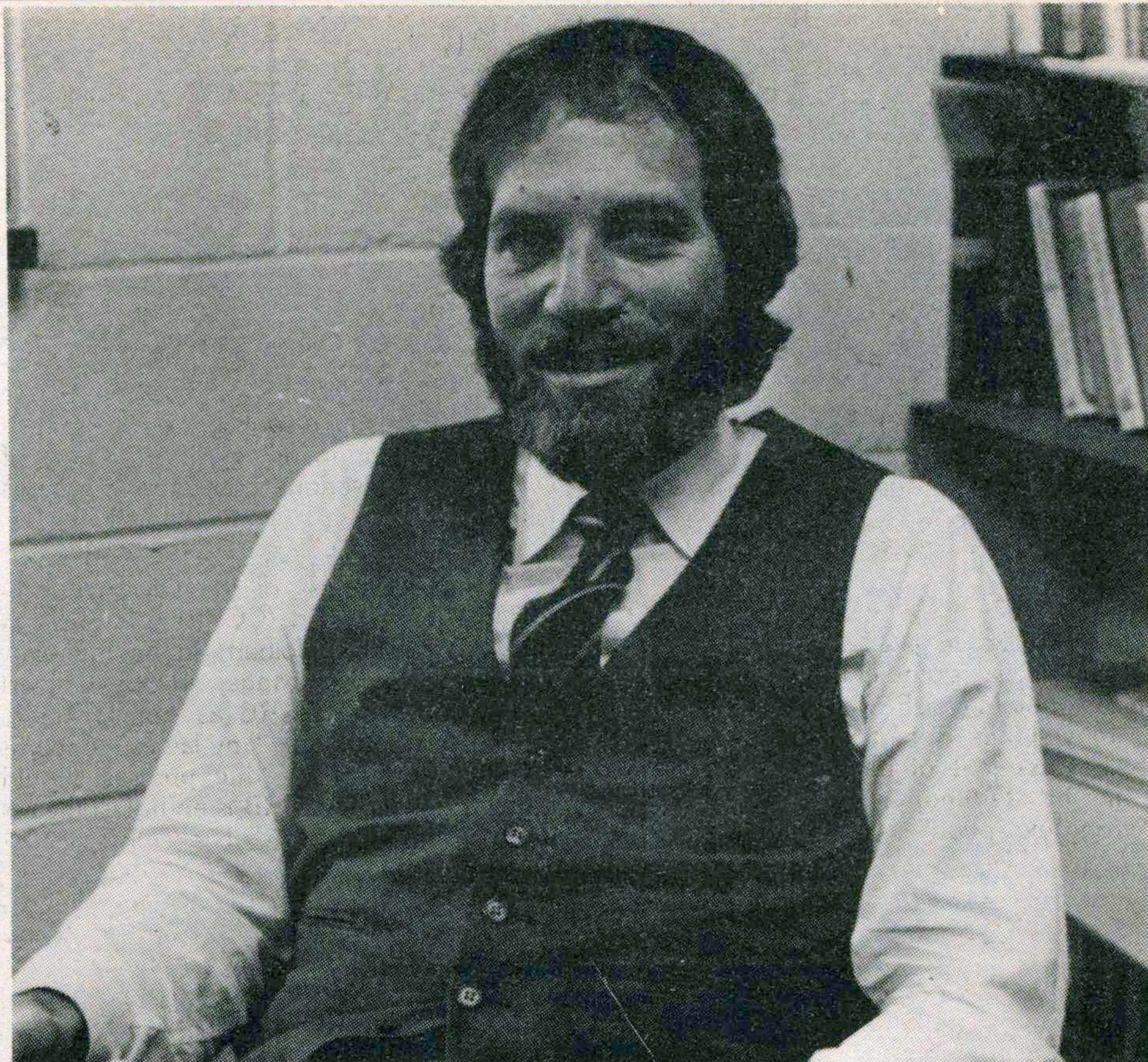
There are ten students in the year-long Criminal Justice Clinic. This semester students are assigned to either the Legal Aid Society or the District Attorneys' offices in Nassau and Suffolk; next semester each student will be defending her/his own clients from the NLO.

Prof. Colbert's teaching methods include weekly conferences with each student as well as a weekly two-hour seminar with the entire group. The seminar consists of lecture, dialogue and actual simulation geared to prepare students for the reality of practice. The students in the Criminal Justice Clinic have many favorable comments to make about Prof. Colbert. They find him "accessible" and "supportive;" they sense what they describe as his "enthusiasm" and "commitment to students."

Dean Schmertz has appointed Prof. Colbert to the Minority Recruitment and Retention Committee. Prof. Colbert expresses a genuine interest in finding ways to increase minority participation in legal education and seeks to develop a diversified student body and curriculum.

Prof. Colbert states that he is "committed to clinical legal education" and feels that this is a significant method of giving students greater confidence in themselves as advocates. He clearly communicates his concern for these students and he seems to genuinely care what happens to them after graduation.

Prof. Colbert received his J.D. from Rutgers-Newark in 1972; he attended SUNY at Buffalo as an undergraduate. As a law student, Prof. Colbert had extensive clinical experience in the areas of civil litigation, tenants' and consumers' rights, criminal defense and constitutional rights of prisoners. In addition to criminal defense work, Prof. Colbert has done extensive work in the area of prisoners' rights and represented inmates involved in a protest at Napanoch Prison. He has also been involved in the right of the handicapped and has served as a Hearings Officer for the NYC Board of Education's Committee on the Handicapped.



Prof. Doug Colbert

**Next
Conscience
Deadline:
Nov. 16**

New Course Offered Next Semester: Lawyers & Social Change

by Peter Shafran

Lawyers and Social Change, a new course being offered next semester, will examine the role of the lawyer in American society from both a historical and socio-political context. The course, developed by Prof. Monroe Freedman and Barbara Lynaugh, a third-year student, will feature presentations by six guest lecturers, each presenting one case she/he has litigated. The lecturers, Ralph Temple, Jonathan Weiss, Liz Schneider, Morton Stavis, Ramsey Clark, and Leonard Boudin, are all lawyers who have been directly involved in litigation that has produced significant law reform and furthered the cause of social justice. Professor Monroe Freedman will discuss the issues of the case in the class preceding each guest lecture. Students will be required to read the complete opinion as well as the briefs for both sides in an attempt to examine how creative case planning and effective advocacy can determine the outcome of a case.

*Ralph Temple was the attorney in the *Quaker Action Group* cases which established a First Amendment right to demonstrate in front of the White House.

*Jonathan Weiss is presently an attorney for the Legal Services for the Elderly Poor and was the attorney in *Wyman v. James*, a welfare rights case that illustrates the reactionary nature of the Court.

*Liz Schneider is a professor at Brooklyn Law School and argued as *amicus* in May in a NJ Supreme Court (*State v. Gladys Kelly*) which involves the admissibility of the battered wife syndrome as expert evidence in a woman's self defense claim.

*Morton Stavis is an attorney with the Center for Constitutional Rights and represented civil rights activists in *McSurley v. McClellan*. The McSurleys won their suit against Congress and established limits on congressional immunity from prosecution and limits on congressional action under the Speech or Debate Clause where such action is in violation of an individual's constitutional rights.

*Ramsey Clark, a former U.S. Attorney General was the attorney for the appellant in *Freeman v. Texas*, a capital punishment case.

*Leonard Boudin, a major First Amendment litigator has not selected a case for study as of press time.

*Monore H. Freedman, a former Dean of Hofstra Law School, and a nationally prominent authority on legal ethics was the attorney for the defendant in *District of Columbia v. Ricks*, which invalidated vagrancy statutes in D.C. and emphasized the use of litigation strategies, i.e., cross-examination of police to elicit their basis for arrests.

The final class session will be used for a summary discussion, emphasizing the need for progressive advocacy vis-a-vis some of the pressing political issues of today.

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- *Father Brizati, Catholic Peace Fellowship, on "Human Rights Abuses in El Salvador"
- *Ken Lederer, Huntington CISPES on "Nicaragua: A People's Revolution" (includes a slide show)
- *Film, "El Salvador: Decision to Win"
- *Legal worker from the Center for Immigrants' Rights, NYC on "Protecting the Rights of Refugees"

Watch for posters announcing dates and times

STATE BAR NEWS

The Committee on Federal Courts has prepared a compendium of the "Individual Rules and Procedures of Judges in the United States District Courts of the Southern and Eastern Districts of New York."

The new publication is the result of a need discovered by the Committee as part of an ongoing study. "In exploring this subject, we learned that there was no single complete and up-to-date compendium of these rules," said Gerald G. Paul, who edited the report with Joseph DiBenedetto. "For example, some judges have specific forms or guidelines with respect to pre-trial orders; others conduct early pre-trial conferences at which cut-off dates are established for discovery and trial dates are fixed; and others have standing orders with respect to the argument of motions." While some of these rules have appeared in print or been included in materials given to counsel once an action is assigned, he noted, other procedures have never been published.

Three features

The 185-page publication has three major features. Part I synthesizes, in tabular form, the individual rules and procedures which appear to be consulted most frequently. The tables, based on information supplied by the judges, cover general administrative matters such as how to contact the court and whether to file duplicates of papers in chambers; discovery and pre-trial procedures including rules relating to pre-motion conferences, return dates, oral argument on the motions, orders to show cause and pre-trial conferences; and trial rules and procedures such as pre-trial orders, ready for trial, exhibits, voir dire and proposed jury charges.

The forms, instructions and other materials supplied by many of the judges for this study are provided in Part II. Rules of practice, pre-trial conference forms and orders, dismissal orders, and notices to counsel on placing a case on the ready

calendar are among the materials included here.

Part III is a directory of the judges of the U.S. District Courts for the Southern and Eastern Districts of New York, their chambers and telephone numbers.

To order

To order the compendium, please make the check — for \$4 each plus applicable sales tax — payable to the New York State Bar Association and mail to the New York State Bar Association, Publications Department, One Elk Street, Albany, NY 12207.

N.Y. Ethics Code

What is appropriate for New York State: that will be the focus of the NYSBA in light of the American Bar Association's adoption of a new Model Rules of Professional Conduct in August.

The ABA document is intended as a model and is not legally binding on the states. In New York State, the Code of Professional Responsibility is adopted by the NYSBA contingent upon the approval of the Appellate Divisions which adopt the Code as part of their court rules.

NYSBA President Haliburton Fales 2d of New York City will be meeting with Court officials and is forming a study group to review the final version of the ABA Model Rules and make recommendations concerning development of a suitable Code for New York State.

The Model Rules are scheduled to be published in the November 1983 issue of the *American Bar Association Journal* and were printed in the August 16, 1983 issue of *United States Law Week*.

Reagan Inaugural: Tax Free?

Who can forget the Reagan inaugural? It was a splashy affair with a flourish of tuxedos, sables, limos and jewels. But, insisted the White House, no need for public concern over the festivities: They incurred not a penny of taxpayer expense.

Conveniently overlooked, however, were more than 11,000 military personnel who helped with the event, many of them acting as escorts, ushers and drivers for Reagan's elite circle of supporters. Now Congress' watchdog, the General Accounting Office (GAO), has concluded that much of the Pentagon's support for the new president's inaugural activities was "questionable on policy as well as legal grounds."

Sen. William Proxmire (D-Wis.), a member of the defense appropriations sub-

committee, claims \$1.8 million of the inauguration's costs was paid out of the Pentagon's budget. Particularly irksome to him were the military chauffeurs and escorts lent to the Reagan entourage at various events. For example, some members of the Presidential Inaugural Committee, a private group chaired by Reagan advisers Robert Gray and Charles Wick, were chauffeured by military drivers from mid-November 1980 until the end of January 1981.

Reagan's inaugural was particularly lavish, but he was not the only president to use large numbers of military personnel. The Carter inaugural used 8,239 military personnel, compared to 11,430 used by Reagan. —N.E.



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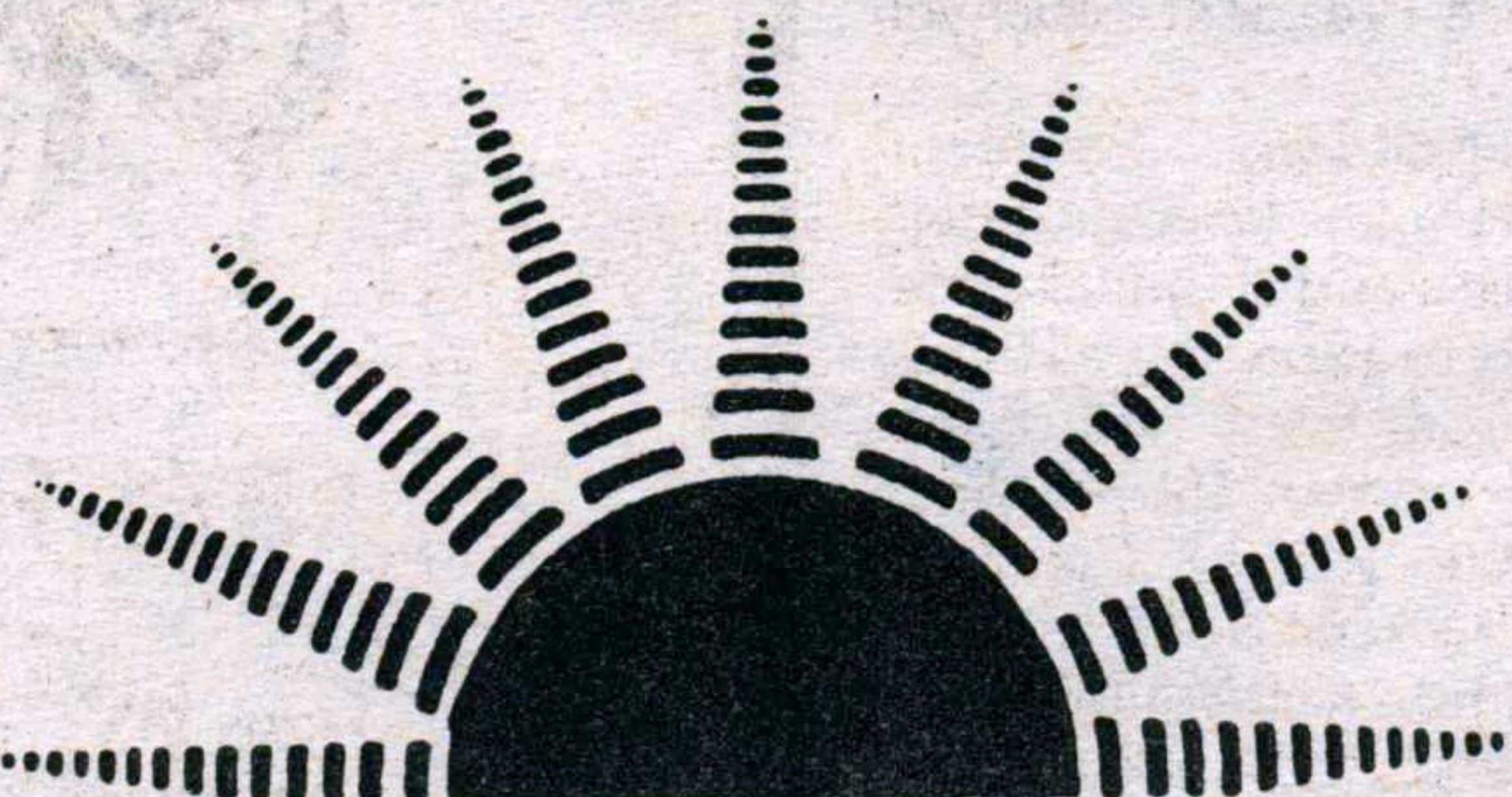
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BARBARA DUDLEY— President, National Lawyers Guild
ARTHUR KINOY— Professor, Rutgers-Neward; Co-founder, Center for Constitutional Rights, NYC

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Heller Examines SGA Constitution

by Peter Shafran

Over the past few months Craig Heller has been studying the SGA Constitution in depth and has been compiling a list of recommendations he would like to see implemented by the SGA and the student body. His work has become increasingly more important as a result of controversies that have arisen the past few weeks concerning the openness of SGA meetings and election procedures.

There is no provision for a judiciary board in the present Constitution, and in situations such as elections, general or special, you have a situation where constitutional problems crop up," said Heller. Presently, the Election Committee conducts the elections according to the interpretations of its own members and the Constitution does not provide appeals procedures. Heller noted that, "with a judicial board, there would be some body overseeing the Election Committee."

In the most recent special election to fill the vacant Vice-President's seat, a controversy arose regarding the right of first-year students to participate. "The Constitution was contradictory in certain areas," said Heller, "in one place it indicated that they couldn't vote, but in a second place it seemed to indicate that first-year students could not only vote but could run for Vice-President in a special election, whereas, third year students couldn't run for that position." Heller recommends that the Constitution include provisions that first-year students be allowed to vote in a special election explicitly.

SGA President Michael Zarin asked Heller to take on this job at the end of last semester. Heller will soon submit his proposals to SGA, whereupon the SGA will then make recommendations for changes they think should occur. The SGA must then hold two public hearings for discussions and suggestions. "What the SGA does with the proposed changes is up to them," said Heller. The Constitution provides two alternative methods for amending the Constitution, by a unanimous vote of all Student Representatives or by a two-thirds vote of the student body in a referendum held during the Spring Semester elections. Heller proposes that an amendment first be made changing the Constitution's wording to make amendments

possible by two-thirds of those students voting. "With the recent history of elections at the Law School, the majority of students don't vote and amendments would never carry," said Heller.

Besides overseeing the Election Committee, Heller would like to see the judicial board being able to decide procedural matters relating to the Constitution. "For example, if the SGA wants to go into executive session, closed to the public, following a regular SGA meeting, because SGA feels it will be discussing matters of an 'extremely sensitive nature', one could appeal to the judiciary board to determine if the matter at hand is of an 'extremely sensitive nature' (an exception to the rule that SGA meetings must remain open to the public)," said Heller.

Heller cautioned that his proposed judiciary board must be limited to procedural matters. "Otherwise, it could lead on whether something as ridiculous as to whether or not a certain SGA party violates SGA's stated purpose," said Heller.

Finally, this judiciary board would be involved in removal procedures of everybody except themselves. "Right now, the Constitution requires a hearing be held—I'm recommending that the hearing be conducted by a judiciary board," said Heller.

Heller also wants to incorporate the University's Student Rules and Responsibilities into the Constitution, "as guidelines for judgment in instances to determine what rights a student has on this campus." Heller stated that "Incorporating those provisions would add credibility to our Constitution and would help make it easier to get outside recognition from the University and the Board of Trustees. Balancing those provisions would be the inclusion of appeals procedures to the Student Activities University Appeals Board/(SAUAB). "This is a board created to resolve disputes arising between students and the University administration," said Heller, "however there is no Law School representation on the Board." Heller said "that the Board has never been used or even met. But it could become important if the situation ever arose, such as if the University tried to 'show muscle' to the students."



L to R: John Ciampoli, Dean Schmertz, Hempstead Supervisor Thomas Gulotta, Univ. Pres. James Shuart.

RLSA Dinner Successful

Over 200 friends and members of the Republican Law Students Association attended the Fourth Annual John Charles Fremont Memorial Dinner at the Crest Hallow Country Club of Woodbury, New York. This was the largest turnout in the history of the event. The evening also marked the installation of John Ciampoli as President of the State Association.

Notable among those present were Nassau County Executive Francis Purcell, Hempstead Presiding Supervisor, Thomas Gulotta, and Islip Republican Chairman, Anthony Pace.

The evening was highlighted by the presentation of the RLSA's annual awards. Anthony Prudenti, Suffolk County Republican Chairman, was named "County Leader of the Year". This award is based on a poll of the sixty-two county chairmen in New York State. "I'm really honored to be thought of by the other county chairmen in this way", Prudenti commented.

Hofstra Law School Dean, Eric Schmertz, was presented the Alexander Hamilton Award recognizing him as the most outstanding attorney in our state. This presentation was made by Hempstead Presiding Supervisor Thomas Gulotta, an attorney and the chief executive of the town Hofstra Law calls home.

State Senator John Calandra received the Fiorello LaGuardia award as the outstanding New York City Republican. Illness prevented the Senator from attending the dinner, but

Marisa Calandra, his daughter, and a member of the RLSA Undergraduate Chapter at Fordham Rose Hill accepted the award on his behalf.

Frank Schellace, Chairman of the Hofstra Chapter Advisory Board, presented the Iron Butt Award to the first year law student who placed highest in his class. This year's recipient, Thomas Bindert hails from Fordham Law School.

The Joseph Fristachi Memorial award goes to the most outstanding undergraduate in RLSA. This year's winner was our energetic and dedicated Student Membership Coordinator, Marian Briffa. The presentation was made by the first winner of the Fristachi Award, Vice-President Michael Crane.

In his inaugural address, President Ciampoli commended the members for their dedication to the RLSA and its ideals. He called for greater efforts to expand the RLSA and gain recognition from every part of the State. Quoting a message from Vice-President Bush to the RLSA, Ciampoli stated, "...you have a vital responsibility before you. Your communities, your nation, and the world need leaders with faith: faith in God, and the principle of others before self; faith in this country, with its strong stakes in human rights for all mankind; faith in one's fellow man, to decry the corrosive spirit of suspicion and hatred; and especially, faith in the law and the scales of justice, to which each of you here today are so especially committed".

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COMMUNITY FORUM

EDITOR'S NOTE:

Celebrating Our Tenth

With this issue, *Conscience* begins its eleventh year of publication and service to the Law School community. The first ten years have shown this paper to be unique in the role it has taken as an active participant in the evolution of Hofstra Law School. *Conscience* is not merely a calendar of social events nor does it focus exclusively on legal matters outside the University. Rather, *Conscience* has successfully pursued a position as the "fourth estate" within the Law School community.

To name just a few lead stories: *Dean (Freedman) Resigns, Students Confront President* (Vol. 4 No. 7, 1977); *Record Rake-off, Law School Revenues Siphoned by University* (Vol. 6 No. 3, 1978); *Law School Role in Dean Search Diminished* (Vol. 8 No. 8, 1981); *Dean Candidates Revealed* (Vol. 9 No. 3, 1982).

This investigative spirit led the American Bar Association - Law Student Division, to award *Conscience* the Best Law School Newspaper in the nation, during only its first year - 1974. Additionally, the paper has received national recognition on four other occasions for its style and content.

In its second decade, *Conscience* will seek to continue its tradition of responsible and aggressive investigative reporting. Further, *Conscience* looks to the student body to draw upon its increasingly diverse experience and interests to provide articles covering a wide range of topics.

With thanks to the editorial staff of the past ten years, and to students, faculty and alumni contributors, *Conscience* asks for your continued support and pledges its undivided efforts to represent student interests in the best interest of the overall Law School community.

Participation Essential

Controversy is about to erupt in the Law School community over whether or not students should participate on faculty committees. To date, no definitive policy has been established on this question despite its importance to students and despite its being recurrently raised.

Many issues surround resolution of the ultimate issue. The manner for appointing representatives alone raises concerns that can color initial reactions to the student rep question: who can be a representative, who selects such representatives, what level of representation is adequate, etc. It may be appropriate to include student participation on some, but not all, faculty committees. For example, Prof. Gregory, who chairs the Faculty Appointments Committee, believes student representation on that committee and the Tenure Committee, is inappropriate.

We do not slight the value of one man's opinion, especially when it is that of a distinguished and reliable member of the faculty. However, an ad hoc approach to setting law school policy concerning student representation on faculty committees is undesirable. It is inefficient because it essentially prolongs a debate that should be faced squarely. This would promote greater student confidence, a greater sense of cooperation, and finally provide a sound basis on which to structure future organizational growth to address legitimate representational concerns.

Let no stones be cast, but let no stone go unturned.

You Get What You Pay For

The SGA and the Student Cabinet are proposing an increase in the student activity fee from \$10 to \$20 annually. The current fee is unchanged from that set in 1971 at the school's inception. Not only has the cost of maintaining ongoing projects increased due to inflation, but programs have been expanded requiring additional funds adequate to support them.

The budget for student activities is made up exclusively from student activity fees. Due to recent cost increases, all available funds are spent on existing programs with the result that students who are not members of such groups receive no direct benefit from the dollars they contribute.

The current proposal is aimed at distributing activity fee benefits to a wider range of students and programs. Such programs include yearbook, symposia, special seminars, and overhead costs for informal receptions.

Conscience strongly urges you to vote "yes" in the upcoming special referendum to guarantee the quality and continued growth of student-sponsored programs.

DEAN'S CORNER:

Dean Eric J. Schmertz

September 26, 1983

President Ferdinand E. Marcos
Presidential Palace
Manila, Philippines

Dear President Marcos:

We met and talked during the summer of 1975. You may remember that I was in Manila at the request of your government, the Philippine Employers Association and the Philippine Labor union movement, to establish a private arbitration system similar to that of the United States to peacefully resolve Philippine labor-management disputes.

You were very knowledgeable about mediation and arbitration techniques to settle industrial disputes and you assured me that your government wanted a private arbitration forum. I requested and you agreed that the government would not intervene in its implementation and that you would support its results. You kept your word.

Subsequent information indicates that the process we established worked well and that the Filipino arbitrators I trained carried out their work freely and effectively.

You may remember that you and I talked generally about civil orderliness in a democratic society and we discussed the problems of crime, matters of due process and societal freedom and responsibility in the United States and in the Philippines.

I was impressed with what you had done to retrieve the Philippines from virtual anarchy and internal lawlessness and, as a lawyer, your stated respect for a "society of law."

I remember that when you met the private arbitrators I trained, a few of them who thought of themselves as political opponents were reticent about coming forward. You went out of your way to acknowledge their presence and to make them welcome. To one I remember you saying, "Come on, let's greet each other, I won't eat you," and you both embraced. I think you meant it.

I thought what you had done and were doing in the Philippines was a necessary and measured counterweight to the pervasive corruption, drug trafficking and lawlessness prevalent when you took office. I have spoken of the freedom and strength of the Philippine trade union movement, the vigor of its business community, the intelligence and competence of its legal profession and integrated bar, and of the academic excellence of the University of the Philippines, especially its law school.

Further, relevant to what I now wish to say, is that my wife and I loved your country and its people, enthusiastically returned a year later, and looked forward to additional visits.

This is an historic occasion for *Conscience*. It marks the completion of its 10th anniversary and the beginning of its second decade as the Law School's newspaper.

In obvious tribute to the fearlessness and independence of the press, President John F. Kennedy once said, "I have been reading more lately and enjoying it less." Through the years, *Conscience*, like any good newspaper, has been frank, critical, investigative and complimentary as, in its view, the situations warranted. I and other deans have agreed with and disagreed with things that have been written, but we have not doubted the sincerity or dedication of its editors and staff in their search for the relevant and responsible aspects of a story. In that respect *Conscience* is well named.

Conscience is also complimented for certain impressive statistics and for the scope of its coverage. Since its first issue in October 1973 under the first editorship of Norman Elliot Kent, 250 Hofstra Law School students have worked on the paper. Each month 5,000 copies are published and distributed to the students, faculty, staff, alumni, the Dean's Advisory Council and other members of the legal community. Its format has regularly included news of the School, University, county, state, nation, and the world; legal analyses on substantive, procedural and ethical issues; editorials from its own editorial board and from outside contributors; special columns on Entertainment, Sports, and "How To;" interviews with faculty, students, and others of interest; and almost always, a dash of humor and satire.

Over the years it has been faithful to the stature it earned in its first year when it was named the best law school newspaper in the nation by the Law Student Division of the American Bar Association (in competition with some 40 journals in its class).

We would be less of a law school without *Conscience*. I wish the present editors and staff and those who follow in the years ahead, success and superior journalism as they and *Conscience* continue "asking you to ask yourself."

* * *

On a different subject, many of you know that I spent considerable time in the Philippines in the mid-1970's establishing a private, independent labor-management arbitration system. I was there at the request of the government, the labor unions, and the business community.

Some of you have asked what I think of the present turmoil in the Philippines. An answer can be found in my recent letter to Philippine President Ferdinand E. Marcos. My letter to him reads:

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conscience

October 1983 ©Conscience 1983 Vol. 11 No. 3

CONSCIENCE is published monthly from August to May by the students of Hofstra University School of Law.

The editorial board is committed to bringing Hofstra Law a competent, informative, lively newspaper of professional quality. We encourage everyone to write letters and articles. All submissions should be typed, triple spaced, with name, phone number and year of graduation. Submissions may be dropped off in our box in the library.

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COMMUNITY FORUM

SGA MESSAGE BOARD:

Education: A Collaborative Approach

By Pres. Michael Zarin

There is more to legal education than the substantive textbook law. The legal profession is confronted with questions of governance, administration, priorities, and other issues that require a broad knowledge base. Outside the walls of Hofstra Law School is a complex society demanding increasingly more difficult things from lawyers. The attorney is expected to understand life's social and economic forces and be able to direct them to a positive resolution.

Responsibility...confidence...initiative; these are the calling cards of successful and competent attorneys. How does an institution such as Hofstra Law School teach such subjects? One way is to accept students as institutional partners. We either literally work together or we fail together.

What do I mean by "work together?" First and foremost, we begin to recognize that students and faculty at Hofstra are an inseparable community.

Institutional decisions need to be discussed openly as a group with respect for each other's perspectives and positions. The Ad Hoc Committee's Report, a collective effort of faculty and students, should be presented to the student body at the same time as the faculty receives their copy; its recommendations debated in the fullest and most open forum. The Law School has more than six vacancies on the faculty which the course selections clearly reflect. Do we put the issue on the table and work together to develop short and long term solutions or is this solely an administrative issue? There are many people in this school who would work ex-

tremely hard to find a way to operate the tax clinic or commit time to interview potential faculty. Hopefully, the faculty candidate would be impressed with real student interest and involvement in the process.

Historically, it has been students demanding an increased role in the school's governance. However, if legal education is to incorporate the abovementioned values the faculty and administration must take the initiative and solicit participation from students, just as they do in the classroom.

The Dean's Office, so far this year, has responded very favorably to SGA's requests (e.g. support for symposia, graduation speaker committees, etc.). Yet, our participation should be sought in budgeting priorities, long range (i.e. Montauk retreat) planning, clinical decisions, and other issues that have profound effects on the Hofstra Law School community. It is ironic to hear many faculty members support input from students, however not full time participation. Many of these same faculty, I would guess, got their "education" during the 1960's when many of our educational, social and economic institutions opened their doors for the first time to increased participation.

I believe and hope my message is clear. I am not critical, but hopeful. Education is such a dynamic process. Why limit the Hofstra legal educational experience or our school's overall potential? There is no substitute for the real thing and the walls of our school should not prevent but enclose a laboratory of real-life learning experiences.

Education is a collaborative effort.

Dean's Corner

Let me be blunt. I recognize that your opponents and those demonstrating may include revolutionists intent on destroying traditional Filipino society and whose allegiance may be to a foreign political system. Of course, you may defend yourself and your administration against them. But your opponents and those demonstrating also include bona fide Filipino groups, in large numbers, who love their country and who apparently, honestly disagree with you. You cannot for long win the battle of confrontation with them, which, with each passing day further estranges you from your countrymen and which is just the opposite of what you set out to do and the things you have achieved.

If this continues, history will record not your contributions but rather a final, sad and painfully unsuccessful end to your leadership. I cannot believe that you do not see the historical parallels to what is happening and I will not believe that you lack the courage, statesmanship and knowledge to try to do something different.

We now grieve over what is happening. Social disorder, violence, threats of a resumption of martial law are manifestly contrary to the orderliness, freedom and fairness which you and I talked about. More importantly in my view, history has demonstrated time and again that if they work at all, forceful and repressive suppression of broad based demonstrations of public anger and disagreement are only temporary restraints on inevitable change and are counter-productive to sensible, responsible and democratic change.

To the extent that I know and have studied the Philippine society, I believe this internal strife (which I am convinced is not based on but only set off by the Aquino assassination) can be resolved with reputations, fundamental policies and one's place in history intact, by the very use of the dispute settlement techniques you and I talked about a few years ago, and to which I

think you subscribe philosophically and intellectually.

For the first time in world history I would like to see you, as a national leader, call for, accept, and convene an impartial "national interest" mediation committee made up of a selected few of the most distinguished citizens of the Philippines (and possibly even with the participation of a few world figures of renown whose impartiality and integrity are beyond question) to inquire into the issues and causes of the civil and political unrest in the Philippines and to deal with those difficulties by mediating an agreement and solution which the loyal and responsible, albeit conflicting elements of the Philippine society, can accept. Concessions on all sides will be required, just as was the case in 1975 when we set up an independent labor-management adjudicatory system. I would be most surprised if the labor-management community, the bar associations, the business community, the educational and professional institutions of the Philippines and the Church would not welcome and participate in a national mediation effort. Indeed I note that Cardinal Sin has just made a comparable plea. Such an undertaking, in my view, would quickly identify, isolate and neutralize those persons and groups who seek not to heal or conciliate but rather seek only to damage and destroy. It would substitute fact, reason, compromise and national reconciliation of what now appears to be a collision course with national disaster.

A bold, unprecedented and selfless move on your part to obtain national unity through internal mediation would not only dramatically demonstrate good faith, but more importantly could find some peaceful answers to the agonizing problems facing you and your country.

Sincerely,

Eric J. Schmertz

Dean and Edward F. Carlough

Distinguished Professor

RAY'S IPSA:

Favorite Plaintiffs Remembered

by Raymond L. Moss

The following letters recently appeared in the Dear Abby column of a local paper.

Dear Abby,

So many of today's headlines are filled with stories of people who have been injured through acts of others and have won judgments against them in courts of law for millions of dollars. Many of these awards have been procured against doctors. I am writing to you to seek your advice as to whether I was given a bum deal.

On one morning in July of 1915, I was making breakfast for my father when I accidentally burned by hand on the family stove. The burn left a small pencil size scar between by thumb and index finger. In spite of the scar, the use of my hand was unaffected. My father brought me to a skin specialist who informed us no to do anything. We later consulted with a Dr. Magee who was a prominent podiatrist in Poughkeepsie. Dr. Magee told me that a skin graft operation would make my hand one hundred percent and that such an operation would not keep me in the hospital for more than four days. Based on this information, we agreed to the operation. Soon thereafter, the operation was performed but the results of the operation were disastrous.

I was in the throes of death for days because of extensive bleeding and infection. The post operative scar left my palm densely covered with thick red glowing hair. This hand has been and continues to be of great anguish and embarrassment to me. In Greenwich Village, I was recently asked by a young punk rocker if I had gotten that hand at the Pink Pussycat Boutique. I have lost the

effective use of the hand and find it difficult to keep all the hair in place.

On the advise of a friend, I filed suit against the doctor. I was assured by my attorney that my award was to have a significant impact on the legal profession. Instead of receiving compensation for negligence of Dr. Magee, I was told that my hand was like a machine built for a certain purpose and as a machine, my hand was only worth the difference between the value of the machine as warranted and its actual value. In short, I sought damages of a meager \$10,000, received a jury verdict of \$3,000, was advised to settle the case for \$1,400 and gave my attorney half of my settlement leaving me with a total of \$700 for my injuries. I continue to suffer as a result of this faulty operation and feel that I was cheated out of a decent settlement.

I have seen Judge Wopner on The Peoples Court award homeowners larger settlements as a result of the negligent operation of pooper scoopers on their lawns. Worse yet, I recently read of a multi-million dollar settlement given to a woman whose belly button was no longer in the center of her stomach as a result of a faulty tummy tuck operation. My aunt Tessie recently settled out of court with a large food company for two million dollars as a result of discovering more than the real thing in her soda can. All tolled Abby, my situation has really grown on me. It has been quite a hair raising experience and I feel that I should be able to recover more for my injury. What do you think?

Signed
Harry Hand

Dear Abby,

The witches in Shakespeare's Macbeth remarked that what is fair is foul and what is foul is fair. Perhaps when a conflict erupts between English law and cricket, the victim is placed behind a sticky wicket. More to the point, I was recently struck in the head by a cricket ball hurled from over one hundred yards away from a nearby cricket club. The impact of the blow brought me to the ground and caused me many sleepless nights. On the advice of a local barrister I brought a suit against the home cricket club and all of its members alleging that the grounds adjacent to my fiefdom constituted a public nuisance and a second cause of action for common law negligence. To my dismay, the trial judge found for the cricket club and I appealed my case to the Court of Appeals where the judge found in my favor. He based his holding on the fact that it was foreseeable that young cricketers would hit their balls on to Beckenham Road. Much to my dismay, the case went to the House of Lords where the Court decided against me because they said that a silly imaginary person who they called "the reasonable man" would not have felt himself called upon to abandon the use of the ground for cricket. I am outraged by this result because it bases its result on the thoughts of a man who has never existed and never will. Furthermore, I feel that my claim was inhibited by the fact that cricket is one of the national pastimes. I realize that your laws in the United States vary with the common law but I would appreciate a little guidance as to what should be done to correct this injustice.

Signed,

Mrs. Bolton V. Stone
Editors Note:

*Next month Ray's IPSA will conduct an exclusive first time interview with the Reasonable Man.

Use Our Classified/Personal Ads

"For Sale" signs clutter the walls and bulletin boards of Hofstra Law School. Wouldn't it be easier and more professional to list and look for those ads in the new CLASSIFIED/PERSONALS section of CONSCIENCE? Of course it would!

Sell your dog, your car or your mother-in-law in the newest and most efficient way possible. The CLASSIFIED section of CONSCIENCE. Are you trying to rent and apartment? buy books? get your hair cut? Start by looking in CONSCIENCE's satisfying CLASSIFIED section.

Do you have a message to give a classmate, a roommate or an object of your secret desire? Do you want to send special greetings to a professor, a librarian or an alumnus? The PERSONALS section of CONSCIENCE provides the perfect medium through which to send your greetings, suggestions and proposals.

We print all ads that are fit to print. CONSCIENCE is read by over 5000 people each month. Ads are available at \$5.00 per column inch or \$.15 per word, phone numbers are included free of charge.

Students, faculty, staff, administrators and alumni are all encouraged to be communicative, informative and creative in our CLASSIFIED/PERSONALS section. The CONSCIENCE office is located in Room 304 - Roosevelt Hall. Telephone x5922. Mailboxes are located in the Admissions Office and on the Library Desk in the Law School. Just deposit your ad in a CONSCIENCE envelope (available next to our mailbox on the Library Desk) with your money and leave the rest to us.

CLASSIFIED/PERSONALS deadline is Wednesday, November 9, 1983 - 5:00 pm.

COMMUNITY FORUM

NUCLEAR ROUNDTABLE

Nuclear Madness

"No matter what our differences with the Soviet Union, or with other nuclear powers, we cannot become more secure by making a nuclear adversary more insecure."

by Michael D'Innocenzo

Attorneys may some day have the awful task of involving themselves in trials concerning crimes against humanity by leaders of nuclear nations. Such leaders may stand in courts of justice — as well as before the bar of history — for having used nuclear bombs which resulted in the destruction of millions of lives. If enough nuclear bombs are used, there is a distinct probability that there will be no lawyers, or other humans around, to conduct trials or to record history.

One hopes, of course, that rational leaders of modern nations will not deliberately choose to employ nuclear arsenals of terror; even Ronald Reagan has publicly stated during the past month that nuclear wars are not winnable (a position which his Secretary of Defense and administration have not emphasized during the past three years).

But what will happen if irrational leaders are at the helm of nuclear nations? What will happen when nuclear proliferation expands the number of leaders who might literally hold the fate of the earth in their hands? Assuming the best of intentions, how are we to appraise nuclear attacks (or nuclear explosions) that occur because of accident or miscalculation?

The recent Korean airlines tragedy should have a sobering effect on all who feel comforted by the idea of deterrence. Because that confrontation "only" resulted in the destruction of a single plane and 269 lives, it should not lull us into believing that military incidents will continue to be "limited." The hair-trigger mentality engendered by the heating up of the Cold War during the past few years places our globe in peril.

How accountable will leaders of nuclear nations be — legally and morally — for escalating the arms race, for allowing proliferation to occur, and for creating circumstances in which detonations of nuclear bombs might well occur because of accident or miscalculation?

Recent leaders in the U.S. and the U.S.S.R. have raised the nuclear stalemate to higher levels of danger. Devil-images and paranoia flourish among extremists on both sides of the superpower divide. When such individuals reach the highest levels of authority, one must wonder whether they are likely to serve the interests of security and peace in their own nations and in the rest of the world.

The central truth of the nuclear age is that all life is interrelated. Even if a nuclear war could be kept limited (an unlikely prospect), noncombatant nations and peoples will be seriously affected. In the event of extended nuclear exchanges, the earth's ecosphere could be so severely damaged, as Johathan Schell points out, that human extinction is a thinkable consequence.

No matter what our differences with the Soviet Union, or with other nuclear powers, we must now recognize that we cannot become more secure by making a nuclear adversary more insecure. We are literally in the same nuclear boat; our end will not be safer by making someone else's more likely to tip over.

The simple and basic fact is that the nuclear powers, including France and Great Britain (with India, Argentina, Iran and others likely to reach significant levels of nuclear armaments in the future) have the

ability to use small numbers of nuclear bombs to destroy millions of lives in an adversarial nation. This is the essence of deterrence; defeating another nuclear power is not worth attempting because the cost to one's own nation would be so high.

Can we be confident that deterrence will continue to prevent the use of nuclear weapons? Do we want to take that risk? And what about the prospect of accidents or of insane leaders?

Are we not capable of more constructive approaches to security and more humane international relations? Why do we endure macho politicians who play "nuclear chicken," and who polarize nations rather than seeking ways to connect them?

Sensible people realize that these issues are not easily resolved. Competition, even conflict, is likely to persist in a world of different cultures and economic systems. However, we are only likely to make the world safe for diversity if we heed Einstein's warnings. The splitting of the atom and the development of nuclear bombs, he advised, have changed everything except our modes of thinking — and thus we drift toward unparalleled catastrophe.

We simply can no longer afford to practice Newtonian politics in an Einsteinian age.

What then is to be done? First of all, be clear about the nature of our predicament. If you are not aware of the awful consequences of nuclear explosives, read Johathan Schell's *The Fate of the Earth*, and inquire why thousands of concerned doctors

continued on page 11

My Brother, My Enemy

"(T)he thermal pulse, literally the bomb's heat wave, would ignite anything combustible within a fifty mile radius of The Empire State Building (Bye, bye Hofstra Law School)."

by George Patsis

Part I of a continuing series focusing on Nuclear War.

Arm ye of little faith! Before it is too late! We all must arm before the Soviets destroy us! Unfortunately, an all too familiar cry in today's world. However, how well do you know American Foreign Policy? You may not care, or you may be too busy, but shouldn't you really know about events that may be leading our nation to almost certain warfare? I think you should and in a series of articles, beginning with this one, we will examine the current state of foreign affairs, both on a micro and macro level. Today's article is concerned with nuclear annihilation and what you should know about it.

When there is a nuclear war, the entire world will not explode. Nor will giant ants evolve to take over the human race. However, the consequences of such a conflict could be immense. The following is a typical scenario of what would happen to the New York metro area with the explosion of one five-megaton nuclear warhead. If such a warhead were to explode directly on top of the Empire State Building, an area of twelve miles in diameter would immediately be... (oh what's a good word)...vaporized... melted... fused. This would occur a few seconds after the people in this area see the flash of light, but before they hear the explo-

sion. From the twelve mile area to approximately a thirty-mile area, anyone looking at the explosion would become blind from the brilliance of the light and would receive severe burns on the side of their body that is facing the explosions. Fires would start from the intense heat of the explosion, and winds exceeding one hundred miles an hour would be caused by the force of the blast.

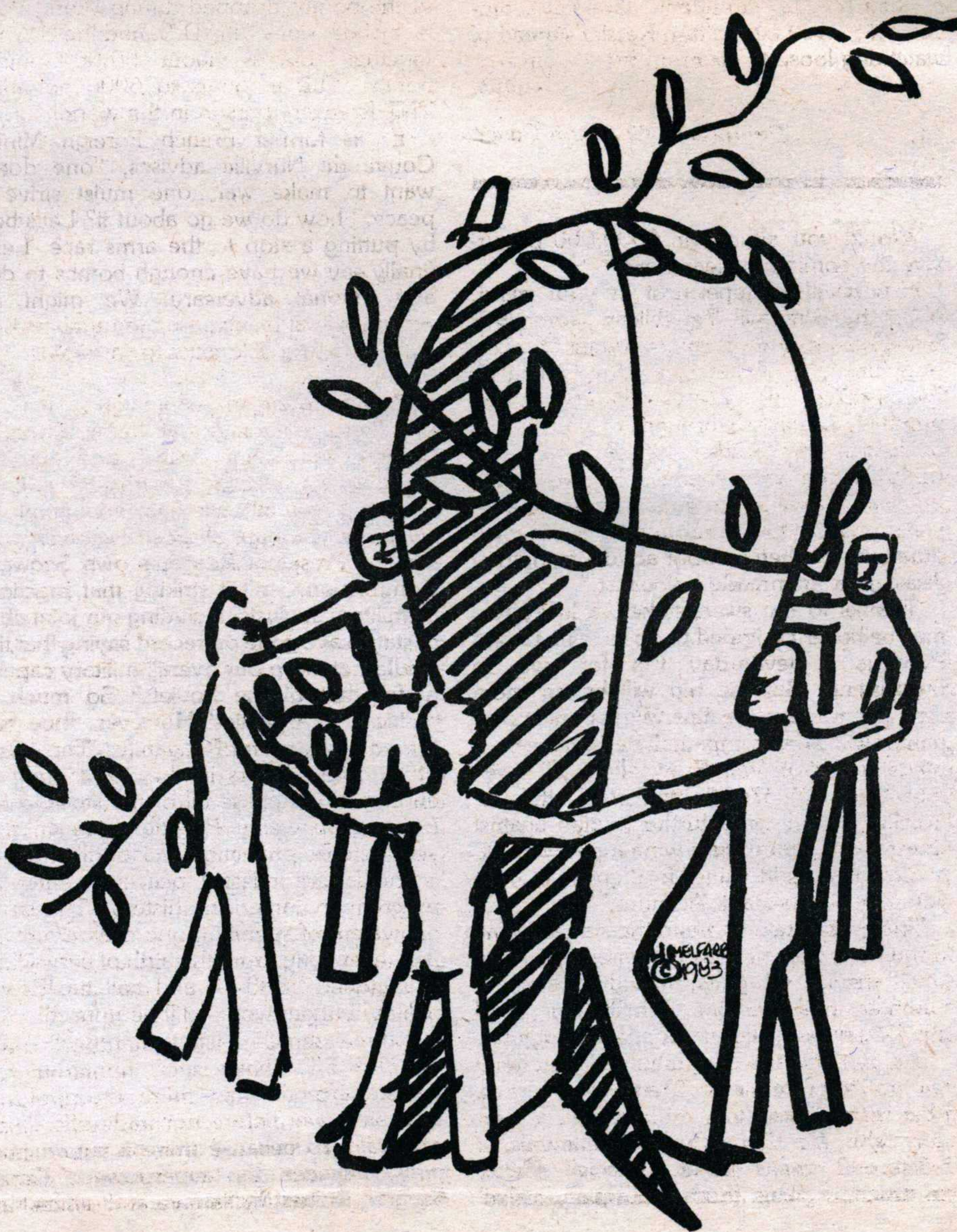
These effects would occur all within five minutes of the initial explosion, would affect an area approximately fifteen miles from the Empire State Building. That would include all of Manhattan, most of Northern New Jersey, Queens, the Bronx and most of Brooklyn. In another five to ten minutes, the thermal pulse, literally the bomb's heat wave, would ignite anything combustible within a fifty mile radius of the Empire State Building. (Bye, bye Hofstra Law School). Permanent eye damage would occur to anyone looking in the direction of the blast. This scenario, please be advised dear reader, only concerns the first few minutes of the blast. I will spare you the gory details of radiation sickness caused by fall-out, contaminated water, and oceans boiling. Needless to say, not a pleasant scenario.

Indeed, my scenario has been conservative on many accounts. First, many commentators would take my measure of mileage affected and double it. Second, if we were really under nuclear attack, more than one missile would explode over the City and each individual missile's megatonnage would exceed five megatons. But these are all words, Right? They don't mean much to the average person except that the concept is too hideous to comprehend. But is it? The following is a quick definition of some terms that are constantly thrown around.

Megatonnage is a quantitative term that describes how much of an explosive force a particular missile has. In our little hypothetical, a five megaton missile is a missile that contains the explosive force of five MILLION pounds of TNT. In other words, one megaton equals one million pounds of dynamite. However, such comparisons are misleading because a one megaton missile doesn't contain TNT. Oh no. For if it did, most of our scenario would be inaccurate. A typical H-bomb actively creates a small sun. The same process by which a sun operates, i.e. nuclear fusion, the combination of two hydrogen atoms to release energy, is exactly the same process used in this weapon. That is why the initial blast effect deals with heat, the initial temperature after the bomb explodes would be measured in Central Park in the millions of degrees. Fall-out is radioactive dirt that is thrown into the atmosphere after the explosion and comes back to Earth when it rains. That is why it is important to know, if such an explosion occurs, where you are in relation to the site of the explosion in terms of wind and jet stream direction. Please keep in mind that the bomb dropped on Japan was measured in Kilotons (thousands of pounds of TNT). Also, the bomb dropped on Japan was an A-bomb, caused by fission, which means that a proportionately smaller amount of heat is created in the reaction. When I say "smaller proportionately," I mean by thousands of percents.

In the next article, we will examine how these bombs come to New York, i.e. the're delivery systems. We will then discuss SALT, START and MAD. Finally we will analyze American Foreign Policy and why it possibly might be leading us into this Halloween scenario.

Sorry for interrupting you law studies. Please resume studying.



COMMUNITY FORUM

International Manipulation

by John Kavanagh

Does anyone remember Korean Airlines Flight 007 and her 269 civilian passengers? Can you remember Afghanistan, Hungary, Czechoslovakia, Berlin, Yalta...? In case you forgot or just do not care, I want to be the second to congratulate you on becoming a victim of the Soviet strategy of manipulation. I would have to see you get down for feeling like you have just been taken, but that happens when you go up against an old pro who has been practicing for over forty years.

If you are still a non-believer I would like you to tell me if you have ever seen the following classical plot before:

SCENE I: INTRODUCTION

The outrageous act of an aggressive Soviet state that includes their total disregard for life.

SCENE II

This outrageous act is followed by Soviet keeping of their faith or ideological commitment to world domination by military acts and expansion.

SCENE III

The Western powers act surprised and follow a course of public outrage, argue over the use of economic sanctions, and then call on the great wrist slapper of peace, the United Nations.

SCENE IV

The Soviets get caught in their own lies and decide to blame the United States and the rest of those capitalistic bourgeois for threatening their national security as a plot to endanger the peace of the world that they are trying so hard to maintain.

CONCLUSION

In a month or two the entire affair is no longer from page news so it becomes forgotten in the West (but not in the East) as the "status quo" returns as if the Soviet's outrageous act had never occurred.

If the above play does not seem familiar to you it is time to wake-up and study your Soviet history. The Soviet Union has not exchanged their Communist Manifesto and ideological commitments to the expansion of Soviet conquest through the world by the use of force, promotion of revolutions and through propaganda for the Bill of Rights. Their concentration camps and military factories have not been replaced by a free press and an automobile manufacturing plant. So why are we treating a totalitarian regime that by definition lives and breathes the power of its military and of war as if they were a nation similar in culture and dedicated to the same principles and mores that we cherish?

Maybe, it is because we are just ignorant and refuse to learn from our mistakes, or maybe it is as President Truman stated in 1945 following a discussion with Premier Stalin concerning the post-war administration of Berlin. The President indicated that he had come to realize that Stalin was not earnest in his quest for peace when he said, "Force is the only thing the Russians understand." If this belief is true in today's world then the West better beware due to the overwhelming build-up of Soviet conventional forces on its borders and in her sphere of influences, plus the escalation of nuclear weaponry.

History can often repeat itself and the time has come for the Western world to beware that another Nazi Germany presently exists only this time under the guise of Soviet Communism. As the Soviet influence increases throughout the world gaining strategic geographical superiority, the West grows weaker. The Western style of diplomacy in dealing with the Soviets is a style of "appeasement" that might be the knife that cuts its own throat in the end as the Soviets continue their bayonet diplomacy.

Clausewitz stated that war is an act of choice. The Soviet's constant war state is not only by choice, but by design. The Soviet

Union did not spend the last 50 years building the world's strongest military around a historical and ideological goal for conquest just in order to continue to parade its forces and arsenal through the streets of Moscow. Strength and the willingness to use it is the best means to achieve one's end. Strength not only creates an equal bargaining position, but the balance of strength also is a means of preserving peace. The West must have a military as strong as, if not superior to, the Soviet's and it must be willing to stand firm during periods of "peace" to counterbalance the Soviet forces in order to preserve her freedom. Weakness does invite attack and no one knows that as well as the Soviets. I am not calling for a return of the "Cold War" and escalation of the nuclear arms race, but the ability to stand up to the Soviets and be able to negotiate on an equal bargaining position without the fear of provoking a superior war machine, thus compromising our greatest right — the right to life.

Pentagon watchers relish tales of waste and abuse at the Defense Department. But here's some good news about waste and whistle-blowers that crossed our desk courtesy of Sen. Charles Grassley (R-Iowa).

It seems one Staff Sgt. Charles Kessler alerted his military superiors last winter when he realized the Air Force was paying a fantastic \$1,186.26—apiece—for the little plastic tips that go on navigator stool legs aboard the AWACS. From the sound of it, they were not unlike the gismos people put on their dining room chairs—the ones that usually cost only a few dollars at most.

Kessler returned two stool leg tips. Next he suggested to his supervisors that they find a new supplier.

Rather than take offense, the Air Force gave Kessler a bonus of \$922.80 (after taxes). Commending Air Force leadership in a letter to the president, Grassley commented, "We need to turn Kessler's breed of watchdog loose to clean up the system."

—D.B.

Courtesy of Common Cause

Would you rather win \$500,000 or survive the coming nuclear war?

If survival is uppermost in your mind, forget the National Republican Committee Sweepstakes and hurry to enter *Survive* magazine's "Ticket to the Future" Sweepstakes. A glossy, Colorado-based monthly, *Survive* is brought to you by the publishers of *Soldier of Fortune*, the magazine for mercenaries. *Survive*'s self-proclaimed goal is "to enable as many people as possible to live through life threatening situations, be they outdoor accidents, natural disasters or manmade holocaust."

Thanks to the sweepstakes, a lucky few may be better equipped to do so. The Grand Prize is a seven-day trip for two to Switzerland. But the trip will be no mere romantic romp in the alps: Winner and companion will be accompanied by *Survive* contributing editor Will Brownell as all three tour the nation's "noted civil defense facilities." And, as a further hedge against disaster, the grand prize winner gets \$5,000 in Canadian gold coins "for deposit in your very own Swiss Bank Account."

First prize caters more to the stay at home (or perhaps stay out of my home) type: It's a small arsenal of guns, including a semi-automatic rifle, carbine, 9-millimeter pistol and 12-gauge military and police shotgun.

But don't be too disappointed if you don't win the big ticket items. There are a host of other prizes, including: a crossbow, a laser gun sight, Air Force Survival manuals, a bulletproof sports jacket, survival shelter construction plans (from a company called

Boom Womb), hunting knives, water purifiers and freeze-dried food packets.

And for those long nights in the shelter waiting out the world's almost end, there's the microfilm library with such titles as *Military Operations On Urbanized Terrain* and *Life After Doomsday*, and articles such as "Arson by Electronics" and "Explosives Like Grandad Used to Make."

The object of the sweepstakes is not merely the winners' survival, of course, but the magazine's as well: It is part of a promotional campaign aimed at the mailboxes of 500,000 potential subscribers. The idea behind the theme sweepstakes, according to Karen McClintock, *Survive*'s advertising director, was to take the concept of surviving nuclear war and other disasters and try to "turn it into something fun and uplifting."

—J.A.K.

Courtesy of Common Cause

Hofstra University's Public Policy Workshop will sponsor an afternoon talk and an evening seminar with Dr. Mark Sakitt, a senior research physicist at Brookhaven National Laboratory, on October 27.

His afternoon talk is entitled, "The Impact of Technology on the Arms Race." "While strong economic and political forces fuel the arms race, the direction that the race takes is largely determined by the emerging technology. We will examine, in particular, these implications with regard to the problem of the vulnerability of the landbased strategic nuclear systems. First we will analyze an historical example, that of the multiple in-

Nuclear Madness

Continued from page 10

are speaking out as Physicians for Social Responsibility in warning that there can be no effective medical treatment in nuclear wars. Bear in mind that a single U.S. Titan II, a nine megaton bomb, is 700 times more powerful than the Hiroshima bomb, and, in fact, contains more explosive power than all of the bombs dropped during World War II — by both sides. The U.S. and the U.S.S.R. together possess about 50,000 nuclear bombs. This amounts to 6000 pounds of TNT for every person in the world!

If, as former French Foreign Minister Couve de Murville advises, "one doesn't want to make war, one must strive for peace," how do we go about it? Let's begin by putting a stop to the arms race. Let us finally say we have enough bombs to deter any rational adversary. We might also recognize that to increase our numbers is only likely to propel fanatics toward apocalyptic visions.

Ronald Reagan campaigned for the presidency claiming that the U.S. had a "window of vulnerability" and that the Soviets were militarily superior to us. Isn't it revealing how little we hear now about that "window," perhaps because it was effectively shut by President Reagan's own Scowcroft Commission. Isn't it striking that practically all military analysts, including our joint chiefs of staff, have gone on record saying that they would not swap our overall military capability for that of the Soviets? So much for political scare tactics! However, they have served purposes for Reaganites. The quarter of a trillion dollars in the 1983 budget is enough to purchase all of the stocks in the *Fortune* top twenty. President Reagan's five-year defense projection of 1.6 trillion dollars is the largest military peacetime spending program in American history. This is the equivalent of spending one million dollars a day, every day, from the birth of Jesus Christ to October, 1983 — and half the Reagan military budget would still be unused!

1/4the essential reality is that the U.S. and the U.S.S.R. have such numerous and diverse arsenals that there is opportunity now, as never before, for trade-offs. This is especially so because there is approximate parity between the superpowers. George Kennan, Robert McNamara and others have

dependent reentry vehicles (MIRVs) and contrast the original arguments concerning their deployment with the current impact of that system. After a review of the current vulnerability situation, we will turn to the emerging new guidance and missile defence technologies and consider their implications with respect to crisis stability and discuss possible options," said Dr. Sakitt. His talk will be at 3:00 p.m. on the 9th floor of the Main Library.

Dr. Sakitt will address faculty, administration, and several invited arms control specialists that evening on the topic, "Arms Negotiations: Current Status and Future Prospects." The basic premises and goals of the arms control process will be reviewed. The problems of verification and the major intrinsic difficulties due to the asymmetries between the US and USSR strategic postures will be explored. We will review the status of the ongoing strategic nuclear weapons negotiations (SALT and START) and of the intermediate nuclear forces negotiations (SS 20s vs Pershing 2s and Cruises). New proposals will be evaluated with respect to their feasibility from a technical perspective. We will end with a discussion of possible options," said Dr. Sakitt. The evening seminar will be held at 7:30 p.m. in the downstairs lounge of the Faculty Club.

Several other speakers have been invited to participate in the seminar, including: Donald Ingram, Vice President of Grumman; Michael Greece, Communications Office, U.S. Air Force; and several prominent Hofstra faculty from the economics, political science, and other departments.

argued that there could be an immediate 50% reduction in nuclear weapons "without wrangling" by both sides, and that neither would have a diminishment of security. Why then is Ronald Reagan committed to building four nuclear bombs a day?

All of us should bear in mind that the most dangerous and destabilizing nuclear weapons are those not yet tested and deployed. A freeze now will prevent the nuclear stalemate from reaching even high levels of danger. A comprehensive test ban treaty has been ready for ratification for years.

All concerned citizens can give immediate support to the Wolpe amendment which passed the House of Representatives last week, and goes to the Republican Senate soon. This amendment seeks to block loopholes that the Reagan administration has exploited to evade nuclear proliferation restrictions.

The hope of the world rests with democratic nations. The observation has been made frequently that if we are to reverse the arms race, the impetus must come from the bottom up in the United States and from the top down in the Soviet Union.

Numbers count in a democracy. Congressmen do respond when they hear from their constituents. Every November the ballot box affords opportunities to send messages to Washington.

Dante once wrote that the hottest places in hell are reserved for those who in times of moral crisis preserve their neutrality. We live in the most perilous time in human history. If our leaders may be accountable for crimes against humanity, all of us, as citizens, bear a responsibility to elect and support leaders who are likely to enhance the quality of life, rather than propel us towards nuclear catastrophe, however unintended.

Let us bear in mind the warning of Robert Maynard Hutchins: "The death of democracy is not likely to be an assassination by ambush. It will be a slow extinction from apathy, indifference and undernourishment."

Michael D'Innocenzo is a Professor of History and member of Hofstra UCAM

Legal Briefs...

Supreme Court Looks at Tax Questions

by Brendan Gallagher

During its new term the Supreme Court will take its closest look in years at anti-trust laws. The new term may also produce important rulings on the Federal tax consequences of interest free between family members and a judicial resolution of the battle between the electronics and entertainment industries of the legal status of home video recorders is expected.

In *Dickens vs. Commissioner*, No. 82-1041, the Court will decide whether an interest-free plan to a relative, for a fixed or indefinite term, is subject to a Federal gift tax. Such loans are common tax-planning devices used to shift investment income to relatives in lower tax brackets.

The IRS has been totally unsuccessful in persuading courts that a taxable gift occurs when money is loaned for no interest and is subject to repayment on demand.

The first decision on this issue was *Johnson v. U.S.*, 254 FSupp 73 (1966), which involved non-interest loans made by taxpayers to their children. The court claimed there was no legal requirement, express or implied to charge them interest on the money advanced to them. In response to *Johnson*, the *Dickman* court admitted there was no legal requirement that parents charge their children interest on loans. According to the *Dickman* court, though, the fact remains that if an owner does transfer property for less than full consideration, it will constitute a taxable gift.

Dickman also challenged *Johnson* by denying that courts claim that the loans only reduced the taxpayers "potential estates"

(i.e. including the interest they might have charged) rather than their actual estates. *Dickman* maintains that the loans in its case, as in *Johnson*, could in fact reduce the taxpayers estates since the value of the lenders right to repayment of a loan may well be less than its face value.

Another "anti-gift tax value" case was *Crown v. Commissioner*, 67 T.C. 1060 (1977). The Seventh Circuit review of that decision noted that a "repay on demand" loan could be seen as an outright gift of a property right—i.e. the right to use the money for an indefinite period. The courts main point was that the recipient of a loan payable on demand has no legally protectable interest vis-a-vis the lender. In addition, the court argued that the "borrowers-at-will" interest didn't have an exchangeable value. It is on these two points, (the existence of the right, the value of the right) that *Dickman*, focuses its arguments.

According to *Dickman*, prior cases establish that "at-will" interest is property, notwithstanding the absence of any rights vis-a-vis the transferor. It also stressed that the recipient of a demand loan does have a right with an exchangeable value, inasmuch as the borrower (i.e. family member) is free to turn around and lend the money to a third party for consideration. The amount a third party would pay for such a loan would naturally depend on how long he was able to retain use of the money lent. The IRS proposed to value the no-interest demand loans in the *Dickman* case by this particular method and the court agreed it was correct.

Now it's up to the Supreme Court to decide which approach is correct. The lower

Federal Courts are in disagreement and many tax lawyers are warning that if the Supreme Court accepts the revenue services argument, taxpayers who made such loans in reliance on these lower decisions may force retroactive tax bills.

Even if the IRS gets a favorable decision it isn't likely that they'll impose retroactive tax bills—but they could, and most taxpayers probably wouldn't be surprised if they did.

**Next
Conscience
Deadline
Wednesday
November
16
1983**

Dog Food: Pet Peeve

If it's food fit for a dog, then the government has probably put its stamp of approval on it. Through a variety of federal, state and local regulations, the government monitors what goes into the can ad onto the labels of pet food.

That bugs the Pet Food Institute (PFI), which lobbies for the \$4.25 billion a year pet food industry. It has proposed a change in Food and Drug Administration (FDA) labeling standards that would allow packagers to list ingredients according to any of eight group categories, while placing "possible" ingredients in parentheses.

Translated: Dog food containing Processed Poultry Protein Product might mean anything from chicken thighs to chicken feathers. Processed Animal Protein could mean liver or bone meal.

The pet food purveyors claim the change would save \$40 million annually because labels would not have to be constantly revised to reflect seasonal availability of certain ingredients. Within the find print of its proposal, however, is an estimate that \$28 million of these savings would come from reduced ingredient costs—a savings which the institute insists would not be reflected in the quality of the food.

The U.S. Humane Society's Michael Fox, however, says dogs and cats are already being thrown scraps by some pet food makers in the form of bone meal, unhealthy meat by-products, sugar and salt. He fears that a less stringent labeling standard would only encourage the use of even lower quality products in the food—especially by smaller companies trying to break into the market.

The FDA is still mulling over the change. But a lot of groups have already spoken up for America's feathered and furry friends: Of 137 comments the FDA had received on the proposal at last count, most were opposed to the change. Final action on the proposal is expected sometime this fall.

—J.C.

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The Bookish Lawyer

by Ronald Silverman**

Let's Pretend! Let's pretend that you are all people in process, in the process of becoming lawyers. Let's further pretend that you think this question worth the asking: Would you rather become a complete lawyer or a bookish lawyer? The question very nearly answers itself.

Whatever the complete lawyer is, ideally or in fact, who would not prefer to be a more complete professional? For present purposes, let me describe this complete lawyer in apparently simple, though hardly self-defining terms.

The complete lawyer reads well, writes well, speaks well and listens well. The complete lawyer also experiences and observes realities beyond the reach of the written and spoken word. In sum, this complete lawyer acts competently, creatively, even intuitively, in problem-solving ways. Small wonder, then, that this complete lawyer is widely respected as a kind of "liberal artist." He may even be romantically celebrated, especially by himself, as the knowing eye and working heart of a civilized America. Nonetheless, I am not now directly concerned with this complete and complex character. I mean to speak instead of one component part. Buried within every complete lawyer, I believe, is a bookish lawyer.

The bookish lawyer is uncommonly interested in, even addicted to, the written work, in book and other forms. He reads books, of course, for first practical purposes — to solve problems. Therefore, he reads problem-relevant judicial opinions, statutes, regulations, documents and secondary texts in the line of duty. But the bookish lawyer is also distinguished by something more — a set of special intellectual commitments and ambitions.

First, the bookish lawyer knows the difference between reading well and reading too much. If the choice must be made, it is made for intensive rather than for extensive reading. Second, this bookish lawyer knows and respects books as powerful teachers. He knows that such "teachers" require a certain receptivity, a certain reader's respect for intellectual authority. To put this important point even more provocatively, the serious book requires readers willing to be taught — properly "docile" readers. Yes, I said docile. To be "docile," in this sense, is to be teachable. To be teachable one must have the art of being taught, and must practice it actively. "Docility," in short, is a form of energetic, hungry openness — the opposite of arrogance and passivity, and quite distinguishable from gullibility. I challenge you, as Mortimer Adler has, to consider the Latin roots of the word "docile."

Third, and related characteristic, the bookish lawyer knows that good reading is a very active, not a passive process. It is art that requires more than receptivity or "docility." It requires vigorous discipline, and the constant and sensitive exercise of creative intelligence. The bookish lawyer knows that deep, right reading means re-reading, and an active commitment to a complex process in overlapping and continuing stages. The bookish lawyer must first analyze; he must carefully move from the whole to its parts. That same good reader must then engage in a reverse, synthesizing movement from the parts back to the reconstituted whole or to newly plausible "wholes." Analysis, followed by synthesis, sometimes produces new general truths. Together, analysis and synthesis comprise a central and circular process, leading us to grasp "what is."

But beyond what is, there is the reader's responsibility for what ought to be. This third stage is the critical one, in more than one sense. Here, the reader works as judge. Here, the best readers judge general rightness and wrongness, and critically assess specific truths and errors, specific beauty spots and ugly limbs. It is here that the best, deep readers shine and separate themselves from more superficial consumers of the written word. It is here, in short, that the bookish lawyer learns, as Emerson might put it, to distinguish pop-guns from cannot shot.

The fourth characteristic of the bookish lawyer is equally basic. Reading well means more than reading for information. It means reading for ideas, concepts, and new relationships. The bookish lawyer knows that she sees both with her eyes and with her ideas. She knows that intellectual self-confidence requires intellectual structure or, at the least, an index for the chaos.

Fifth, and very important, the bookish lawyer understands the connections between good reading and good writing, good listening and even good speaking. The perfect bookish lawyer also understands that the capacity to observe and experience realities depends, in part, upon fine, right reading. In short, right reading, done deeply and patiently, is an important foundation. In fact, it may be the central foundation for all the other lawyerly skills.

Sixth, and finally on our summary list of distinctive characteristics: the business of choice. What does the bookish lawyer choose to read beyond the call of first-line professional duty? He knows enough, I would like to believe, to read ambitiously, to read very great books. Read the best books first, advises Goethe. Cherish the "unkillable classics" advises Mark Van Doren. Use the greatest of the great books as your everlasting teachers, advise Holmes, Cardozo, Learned Hand, Felix Frankfurter, Karl Llewellyn. Follow our examples as readers, the Founding Lawyer Fathers, from Jefferson to Lincoln, seem to say.

Are we truly listening? We all have available to us the same great teachers, at least to some degree. No lawyer in process, indeed no reasonably willing and literate person, need by entirely denied the instruction of Homer, Plato, or Aristotle. You too can learn from Virgil, Plutarch, Aquinas and Dante. You can even share in the greatest works of the human imagination, those supremely true works of so-called fiction.

When is the last time you read a novel? Not any novel, mind you, but one of the most important works of Swift, Cervantes, Fielding, Tolstoy, Dickens, Faulkner or Joyce. And what of the master? Is Shakespeare merely a nodding reference? The advice hardly stops there. Great works of history, philosophy and poetry beckon; perhaps even great works of mathematics and science. Do you lawyers, actual, becoming, or pretending (you remember I asked you to pretend) ever seek out science as process, as method for imitation, rather than merely for its revealed and astonishing facts and findings? If you do, as good lawyers should, you must dare to try, to actually taste Aristotle, Euclid, Bacon, Newton, Freud, and Einstein, at least in part.

A grand scheme? Of course. A passionate exhortation? I admit it. But I am not really guilty. My masters, my master teachers made me do it. I am only a messenger. They are the ones who tender the invitations. They also ask, through me again, a telling question: Why? Why should we? What will good reading, the best reading, really lead to — for lawyer professionals in pressing times and threatening places?

I have suggested that a lawyer's bookishness stands as the central foundation; that the complete lawyer must first be a bookish lawyer. If you accept, even tentatively accept, this proposition, you may be in for some fun. For while the basic proposition about the importance of bookishness is hardly novel, it does have interesting, even surprising implications.

For example, the concept of the bookish lawyer, and the reasons for right reading, suggest answers to the following question. How should one prepare for law school? You are now equipped to answer. Choose one of the following: (1) an accounting major; (2) a political science major; or (3) literature and philosophy. In case you're wondering, there is still room for argument, depending upon variations in undergraduate programs. Yet it does seem to me that the concept of the bookish lawyer helps to clarify if not direct a specific range of answers.

Consider, as well, that the concept of the bookish lawyer, who masters the complex discipline of right reading, also has meaning

for formal legal education and the post-law school education of the American lawyer. While this is not the occasion for even a superficial treatment of the strengths and weaknesses of American legal education, it is quite clear that bookishness, taken seriously, should count. It should count in shaping and reshaping a curriculum which, in many schools, is still too tied to the use of appellate court opinions and too ready to exclude the work products of other disciplines. It should also count in the seemingly endless and somewhat silly debate over the relative importance of practical versus theoretical courses. Does it really matter so much what content the neophyte lawyer studies, so long as he masters central methods — those powerful, transferable skills and intellectual strategies. However it is done, whether through the study of family law, legal history, or the law of commercial paper, surely we should first strive to produce professionals with active minds, with the appetite and discipline for right reading. Is there, in a word, any more powerful, practical tool available to the American lawyer than a well trained mind, made more disciplined, more creative, more sensitive by right reading?

But what of our post-law school years? Is there a world beyond bread and butter? Is all this merely the academic palaver of Professor Fuzzy? Is Fuzzy being self-protective and insensitive to boot? Doesn't he know at least the bare outlines of a harsh world beyond his university based law school? Surely he knows, as Karl Llewellyn once put it, that most lawyers must earn "a practical living in the practical practice of practical law." Where is the room in this world, where in this world is there time for the creative, disciplined pursuit of this right reading; the very reading our master teachers so urgently recommend? That is the question. I have no final answer, but I do have one.

The American lawyer, in fact, may lack the time to really read. Nonetheless, I often doubt it. What is really missing is incentive. What is really missing is the understanding that the right reading lawyer is a better lawyer, more genuinely interested in his work, precisely because he sees it in larger perspectives. This is not to say, however, that no one has ever been persuaded.

Despite our many failures, there are some lawyers who seem special, special in their commitments to right reading and deep thinking. They are the better lawyers for being wiser, more reflective human beings.

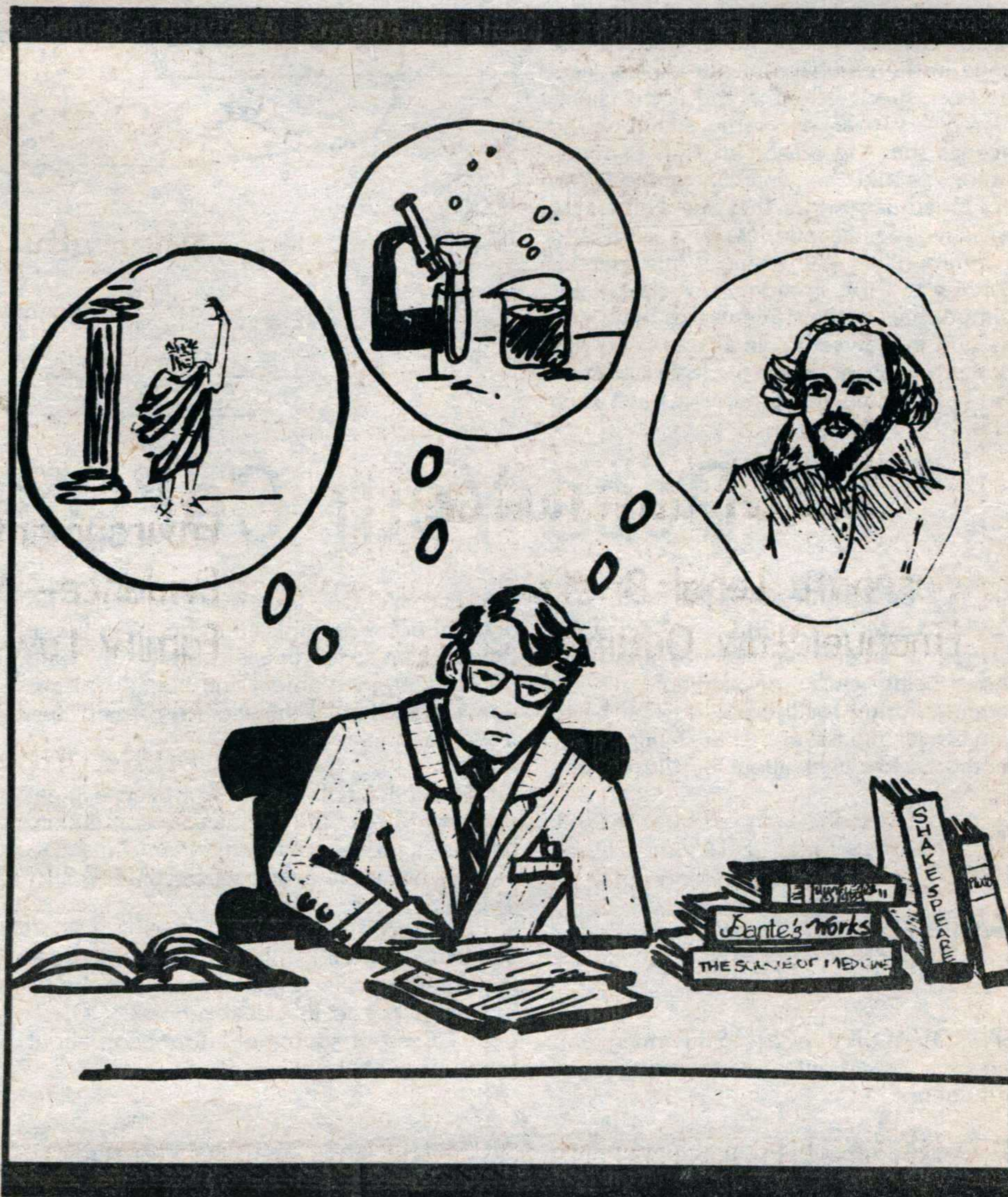
Finally, a word about limits. I have, I trust, made it clear that I do not consider the bookish lawyer to be the complete lawyer. Though books are the beginning and great continuing nourishment, books alone are not enough. There is a world beyond books and words. The bookish lawyer runs a terrible risk, as the work bookish implies, of separating himself from life. It will not do to become, as Alexander Pope once put it, merely a "bookful blockhead."

Even our very best books, our master teachers, often struggle, with visible failures, to communicate what may be essentially and profoundly beyond communication. Just how do we communicate the concrete inwardness of experience, the range and intensity of human feelings? We probably cannot, at least in words alone. For this reason, the complete lawyer, knowing his true subject matter to be people, also knows that he must actually experience people. The complete lawyer must at times engage the world and participate in the world of real people. He must observe their actions and transactions directly rather than vicariously, while using his right reading to enrich his discoveries.

Books, therefore, are the foundation, but not the finished structure. I join you in this celebration, first for the sheer joy of books. But I have also joined you because I have no choice. Books are more than joy. They are the foundations and instruments of freedom, power, and justice. For this reason, I must do my duty and honor them — now and forever.

* A speech delivered to an audience of lawyers, law students and non-lawyers during the Hofstra University Libraries, One Millionth Volume Celebration, on Monday, February 14, 1983.

** Professor of Law
Hofstra University School of Law



CONSCIENCE CELEBRATES DECADE OF JOURNALISM

Ten Years of Hofstra's Political Conscience

by Barbara Lynaugh

For this tenth anniversary issue of *Conscience*, it seems appropriate to examine what can be perceived as some definite changes in Hofstra's political or socio-political focus over the past ten years. One is best able to gain an awareness of these changes through conversations with past graduates of Hofstra Law. The alumni of the mid-seventies characterize the Hofstra they attended as a "very progressive" law school with an active and socially conscious student body. Although Hofstra's reputation still reflects this type of characterization, the student who comes here expecting to find a progressive school with socially committed students is sorely disappointed. The Hofstra of 1983 is not the Hofstra of 1973. It is hard to find a third-year student now who wants to work in legal services. Students that don't "qualify" for the lucrative corporate jobs being offered through on-campus recruitment feel a real sense of despair and many consider themselves "failures." It is clear that Hofstra is becoming a very traditional school with a growing number of apolitical students who are defining their professional goals with a price tag.

There certainly are factors beyond the control of the Law School that have contributed to the changing political consciousness of the Hofstra student; the oppressive economic conditions of our society and the political apathy of the general populace (which has its own causes) are but a few. At the same time, however many contributory changes have taken place within the Law School itself over the past ten years, changes which need to be examined in depth.

To best conduct this analysis, I have spoken to several people who have known Hofstra and have dealt with the Hofstra student throughout the years. One of these individuals is Monroe H. Freedman, who was Dean of Hofstra from 1973 through 1977. After we discussed the purpose of this article, Prof. Freedman listed several areas in which he has observed significant changes at Hofstra. The first area he mentioned was the change in the emphasis of our clinical legal education, specifically, the end of the client-centered first-year program. Although he concedes that the reason to shift to mock situations could be entirely pedagogical, Prof. Freedman states that the NLO now represents "significantly less of a service to the community." The result of this change, according to Prof. Freedman, is clear; "this communicates to the students less of an emphasis on the lawyer's role as one of service and of providing access to the legal system to those who would not otherwise have such access."

A second major change identified by Prof. Freedman is the change in admissions and recruitment efforts. As Dean, Prof. Freedman took a leading role in student admissions, and was "intent on bringing into Hofstra people who had demonstrated a concern for the society in which they lived." To implement this, applicants were divided into three categories. Those in the first category were admitted because of demonstrated intellectual abilities; those in the third group, whose academic records were poor, were referred to the Student Admissions Committee. This Committee, which was first established by the former Dean, would then decide which applicants in this group would do well. Prof. Freedman states that he approved virtually all of the recommendations from the Student Admissions Committee, and that a follow-up study showed these individuals to be successful lawyers. The middle group of applicants, Prof. Freedman states, were reviewed by him personally, "I read every word in every folder." Applicants in this group were chosen solely on their demonstrated social consciousness. (When a critic stated that adoption of this criterion would cause applicants to demonstrate social consciousness to get into law school, the former Dean replied, "Worse things could happen.") Prof. Freedman feels that an admissions policy such as this is the key to producing socially committed lawyers. (See Prof. Freedman's article in *NYU Law Review*, vol. 53, pp. 658-662, May-June 1978). "Although we still get some of these people," Prof. Freedman states, "we get less of them; it is clear to me that we are not actively seeking them out."

Prof. Freedman states that he was also

personally involved in minority recruitment as Dean, and that minority representation within the student body increased from eight percent to twelve percent during his tenure (compare that to our present statistics).

Another change described by Prof. Freedman were the requirements that were placed on the faculty during his administration. It was an expressed policy that faculty members had to be "first-rate classroom teachers--especially in first year" (which, he notes, continues to be true today, in effect). Any faculty appointments were also required to have had experience in practice. Aside from the obvious enrichment of classroom teaching, the practice requirement existed because, in Prof. Freedman's opinion, "the most reactionary views and criticisms of the legal profession come from academicians who have not practiced much." A primary obligation of Dean Freedman's faculty was availability to students outside of class. In addition to their responsibilities to their students, the faculty members had to do "other things"; they could choose to publish, be involved in litigation (and were encouraged to involve students), or serve on one of the committees of University or Law School.

Minority group representation on the faculty was a main concern of his, states Prof. Freedman. Although as Dean he retained no more right than any other faculty member to make recommendations for appointments, he did have the power to veto any recommendations of the Faculty Appointments Committee. Toward the end of his tenure as Dean, Prof. Freedman states, "I was sufficiently distressed with the minority group representation on the faculty that I sent a memo to the Faculty Appointments Committee. It was my intention to veto any

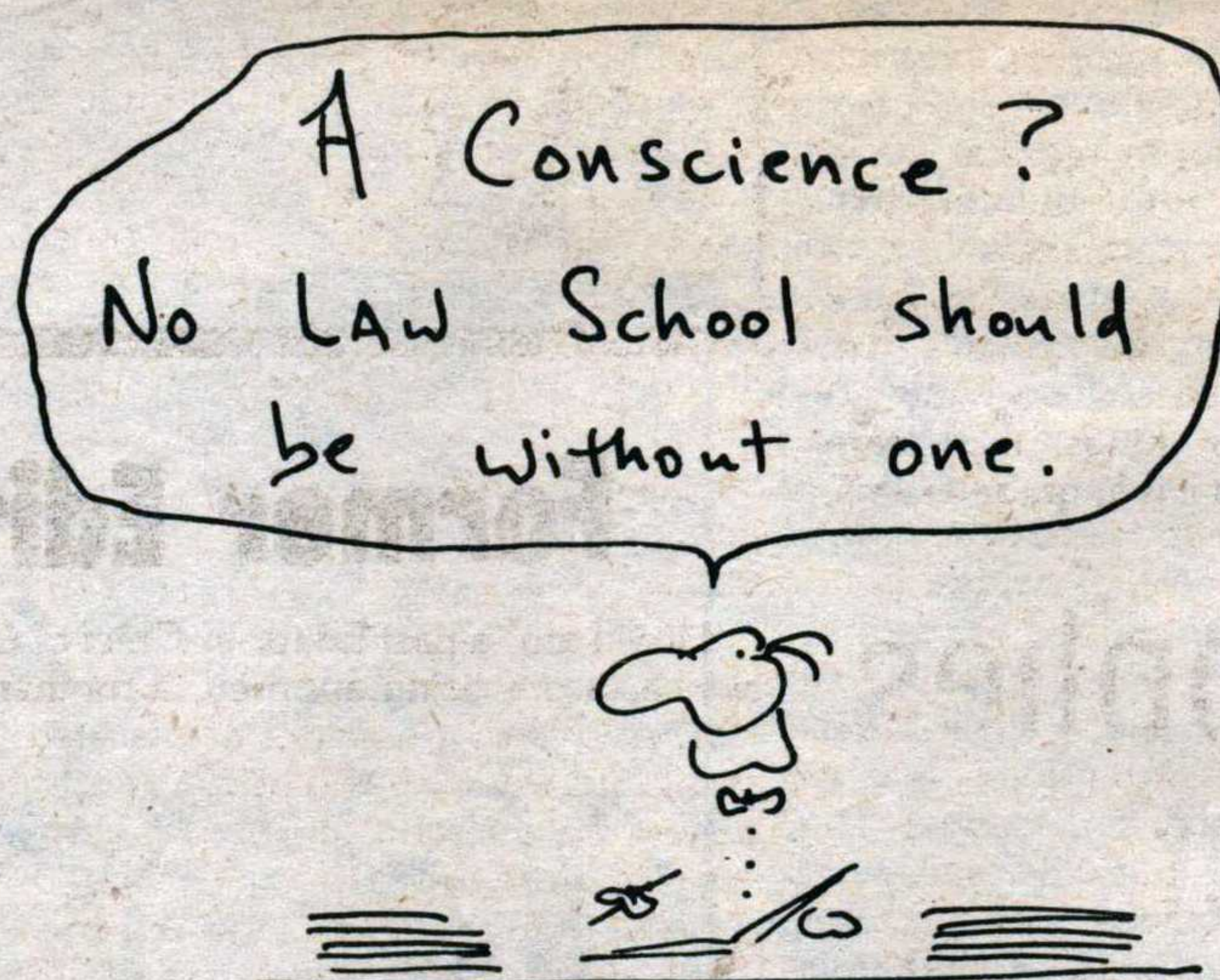
appointment that was not a minority, except for extraordinary circumstances." Prof. Freedman noted that the minority representation on the present faculty is the lowest it has ever been in Hofstra's history.

Another aspect of faculty recruitment has served to change the political make-up of Hofstra. Prof. Freedman states that he made an effort to recruit faculty members whose practices emphasized the furtherance of social justice and law reform. To this end, he recruited Leon Friedman and Mel Wulf, former Legal Director of the ACLU. Ramsey Clark was invited to speak at a graduation one year. Prof. Freedman described a graduation ceremony during which a joint award was given to a father and son. The father was Paul Weiss, Sterling Professor of Philosophy at Yale--a non-lawyer; his son, Jonathan Weiss, graduated from Yale Law School top in his class and chose to dedicate his life to legal services for the poor. Prof. Freedman feels this was a significant act which spoke directly to the goals and philosophy of Hofstra.

A final change described by Prof. Freedman is the level of student involvement in faculty decision-making, which he states, "appears to have fallen off." Student participation in faculty committees and faculty meetings was something Prof. Freedman inherited as Dean, and this was continued and encouraged. Faculty meetings were open to all students, posted in advance, and held in Room 206; students were able to make comments during the meetings. "This was not overly burdensome in time," notes Prof. Freedman, "all the meetings were concluded within an hour."

Prof. Freedman made it clear that he was not criticizing Dean Schmertz, who he emphatically characterized as a "thoroughly competent administrator who is doing what needs to be done for the Law School and is doing it well." He described the Dean's responsiveness to students by relaying what had happened at a recent faculty meeting. Michael Zarin was at the meeting and asked the Dean if students could interview potential faculty members at an early stage. Prof. Freedman pointed out that the Dean responded immediately by making a recommendation to the Faculty Appointments Committee, and that Michael's request was not seen as controversial and caused no debate at all.

We ended our conversation with a discussion of student activism at Hofstra (which is something that merits its own analysis; readers can look for that next month). It is clear at this time that if Hofstra is to return to its original goals, students must take the lead. In Monroe Freedman's words, "if students don't even care enough to take the initiative, then nothing will change."



Does Your Conscience Bother You?

by Winnie Gilmore

TREVOR CAMPBELL (3L) "CONSCIENCE, a preemptive right to challenge without being civilly disobedient. It's an awareness forum for the powers that be to get an insight into issues that are being faced, invented, or thought about by the student body."

PAUL MOSS, (3L) "BRAVO CONSCIENCE"

SUSAN ELLIS, (3L) "I don't know how it was for 7 years, but my parakeets loved it for the last 3."

LISA KOVALSKY, (3L) "Something you can crinkle up and put in your running shoes to dry them."

JORDAN FOX, (3L) "I don't know, I have class."

CATHY SAGOS, (3L) "Essential forum for law school communication, but by virtue of the fact that its funding is controlled by both the student government and the administration it has potential limitations regarding controversial matters."

GEORGE PATSIS, (3L) "It's been a great unifying force in the legal community because it provides a forum for any lunatic to express his or the dean's view. HAPPY BIRTHDAY!"

JOHN CIAMPOLI, (3L) "Any newspaper is important to a law school community. Information is key to the legal process. CONSCIENCE is our source of information about Hofstra Law School."

MUTT (1L) (anonymous first year student), "I've read it like once."

STEVE CANDITO, "I like the idea of their new personal classified ads."

GLENN BERGER, (3L) "It's now, it's happenin'."

LOUIS SHIENKER, "CONSCIENCE is the newspaper?"

DAVE CHILDEKEL, (former editor), "Ten years of CONSCIENCE, the strongest argument that the Law School truly rewards incompetence."

FRANCIS GARBANZOS, (2 1/2 L) "The Law School and professors should teach us more about CONSCIENCE! It remains forever!"

DAVID EISENBURG, (3L) "UMMM."

GEORGE (anonymous alumnus) "I'll take the fifth."

LILLIAN KAUFMAN Librarian, "Very nice newspaper. They try very hard. From editorship to editorship they try to be responsive to new issues. I'm not saying it can't be improved, every newspaper can be improved. They deserve a lot of credit for their hard work and I especially love their GUILTY CONSCIENCE!"

CHARLIE HOLSTER, (alumnus) "I would enjoy it more if more things were written about what's going on outside."

TOM O'CONNELL, (alumnus) "CONSCIENCE, everyone should have one. Let your CONSCIENCE be your guide."

AL FIGUEROA, (3L) "Hope the next 10 are better (said in a positive sense)."

A Matter of Conscience: Due Process in Grading

by Monroe H. Freedman

Justice Brandeis once observed that, for the citizen, the government is "the potent, the omnipresent teacher." For the student, however, the teacher is the potent and omnipresent government. More than that, the teacher — including the law professor — is one of the few remaining American autocrats. We are unreviewable. It would be well for us to remember, therefore, Justice Jackson's comment about the Supreme Court. "We are not final because we are infallible," he said; rather, "we are infallible because we are final." Like members of the Supreme Court, some law professors — perhaps even a majority of us — are capable of making an occasional error.

Our procedures relating to the grading of examinations do not reflect that fact. Most law professors will discuss students' exams with them individually. Very few professors, however, are willing — ever — to admit to an error and to change the grade. For those of us who teach the value of due process, therefore, another lesson we teach our students is hypocrisy.

One common professorial response is disingenuous: we are unable to change any grade, even a patently erroneous one, because the rules forbid us to do so. The answer to that is obvious. We make the rules. We are bound to them no more than Hobbes' Leviathan is bound by the rules that it unilaterally makes and enforces.

Another professorial response to grade review is even less worthy: students are too grade-conscious; they put too much weight on grades. That is another lesson, though, that the students have learned from us. Grades are an essential part of the system that we have imposed upon them. We give students honors, and job recommendations, based upon the grades that we give out. Grades will determine what job a student will get — even whether a student will become a lawyer at all — and at what salary. Students would have to be irrational, indeed, to give grades less weight than we ourselves do with respect to their careers and livelihoods.

Another response is that grade review is time-consuming, and that is certainly so. Due process always takes longer than decision by fiat. But grade review is not really as burdensome as it might seem. In the last ten years, I have given twenty final and midyear examinations in Contracts. There have been about ninety students in each class. I have raised between zero and three grades an ex-

am, for a total of eighteen (that is, about one percent). Most of the changes in grades have happened because, in discussing the exam with the student, I have realized that I had previously made a mistake in judgment. Some of the grade changes came about, however, through a grade review procedure. It works like this.

If the student is not persuaded that the grade I gave was a fair one, he or she can elect to have the grade reviewed by a committee of three students from the same class. I pick one of the three committee members; the student picks the second; and those two pick a third. I then explain to the committee how I arrived at the grade I gave. The student then explains to the committee why the grade should be higher. The committee then chooses between my grade and the one the student considers appropriate. The committee must choose one of the two; it is not permitted, for example, to split the difference between the two grades.

The committee uses whatever standards its members consider fair. I impose no criteria. Consistently, however, the committees have reviewed the challenged grade in the context of other grades given in the same exam, typically reading about ten other exams. (I make it clear to them that I cannot lose: either they affirm my grade, or they validate my review procedure.) The process has taken an average of two or three hours of my time a year.

Cynics have predicted two results. One is that the students will always affirm my grade. The other is that the students will always increase their fellow student's grade. Neither has happened. Of the twelve appeals requested in the past ten years, the student committee has raised two grades: a C- was raised to a C, and a D- (which is recorded as an F) was raised to a D. On at least three other occasions, however, the students could not have been motivated by a desire to please the professor. They affirmed the grade, but, at the same time, they wrote an opinion criticizing my grade as unfairly low, but affirming because they considered my grade to be more nearly accurate than the grade sought by the student.

In short, it seems clear to me that grade review works, that it is not unduly burdensome, and that the reviewing students take their responsibilities seriously and carry them out honestly. In addition, the students who participate have a significant learning experience. Among other things, they learn how tedious and difficult it is to grade exams.

Hofstra Student Applies For Watt's Post

230 Franklin Place
Woodmere, New York 11598
October 10, 1983

President Ronald Reagan
White House
Washington, D.C. 20500

Dear President Reagan:

Please consider me an applicant for the Secretary's position at the Department of the Interior. I will graduate from the Hofstra University School of Law in May of 1984 and will be able to join the Cabinet soon thereafter.

I realize, Mr. President, that it might seem unusual to some to appoint a recent graduate with virtually no experience at all in natural resource administration. I am confident, though, that this won't be much of a factor as evidenced by so many of your other appointments.

What is all this brouhaha about James Watt anyway? True, he has offended women, Jews, the handicapped, blacks, liberals, music listeners, and the great majority of Americans who believe in conserving our natural resources. Has America lost its

sense of humor? I want to assure you, Mr. President, that as Secretary of Interior I will be sensitive to these groups and will gladly clear all my black lung one-liners and risque strip mining jokes with you before delivery in accord with your new Executive Order 503317.

If they had their way, these liberals would turn the Department of the Interior into the Department of the Interior Decorators. Personally, Boss, I think passing gas is more of an environmental hazard than mining coal and Darth Vader warrants more protection than Snail Darter.

By the way, I happen to be a member of the Trilateral Commission and a former security guard at the Bechtel Corporation. I, therefore, have a strong public interest background to placate those who insist on "conservation," and other left-wing tenets.

I will be available for an interview on Wednesday at 3:45 P.M. Just knock on my door and I'm sure somebody will let you in. I realize that this is after-hours for you but I'll be on a slug hunt all day.

Thank you, Mr. President, thank you so much.

Yours in the cause,
Jordan C. Fox

Students Bare Their Conscience

MARK BIRNBAUM, (alumnus) "Actually it's very editorialized."

JAN LORI GOLDMAN, (3L) "See (infra) Eric Horowitz."

JIMMY HOAR, (3L) "CONSCIENCE has helped me find new worlds within my inner psyche."

ERIC HOROWITZ, (3L) "BUPKUS"

STEVE PITCAIRN, (2L) "I'll think about it."

LAURA DETWEILER, (2L) "I love everything about it, especially the cooking with Jane; it helps me a lot with my legal studies."

JOHN AUERBACHER, (1L) "Can you buy the Emmanuel's for it?"

BILL REBOLIN (alumnus) "I think its great that they're mailing it ot alumni. It's how I know what's going on in the law school both good and bad."

TONY COLLELUORI, (3L) "A necessary evil."

LAURIE GOLD, (2L) "It's the only paper my mom lets me read."

CAROL CASAZZA, (3L) "It's clear that today's CONSCIENCE reflects the attitudes of students, an attitude which is much more conservative than it was 10 years ago. CONSCIENCE should always be a progressive voice in the Law School Community."

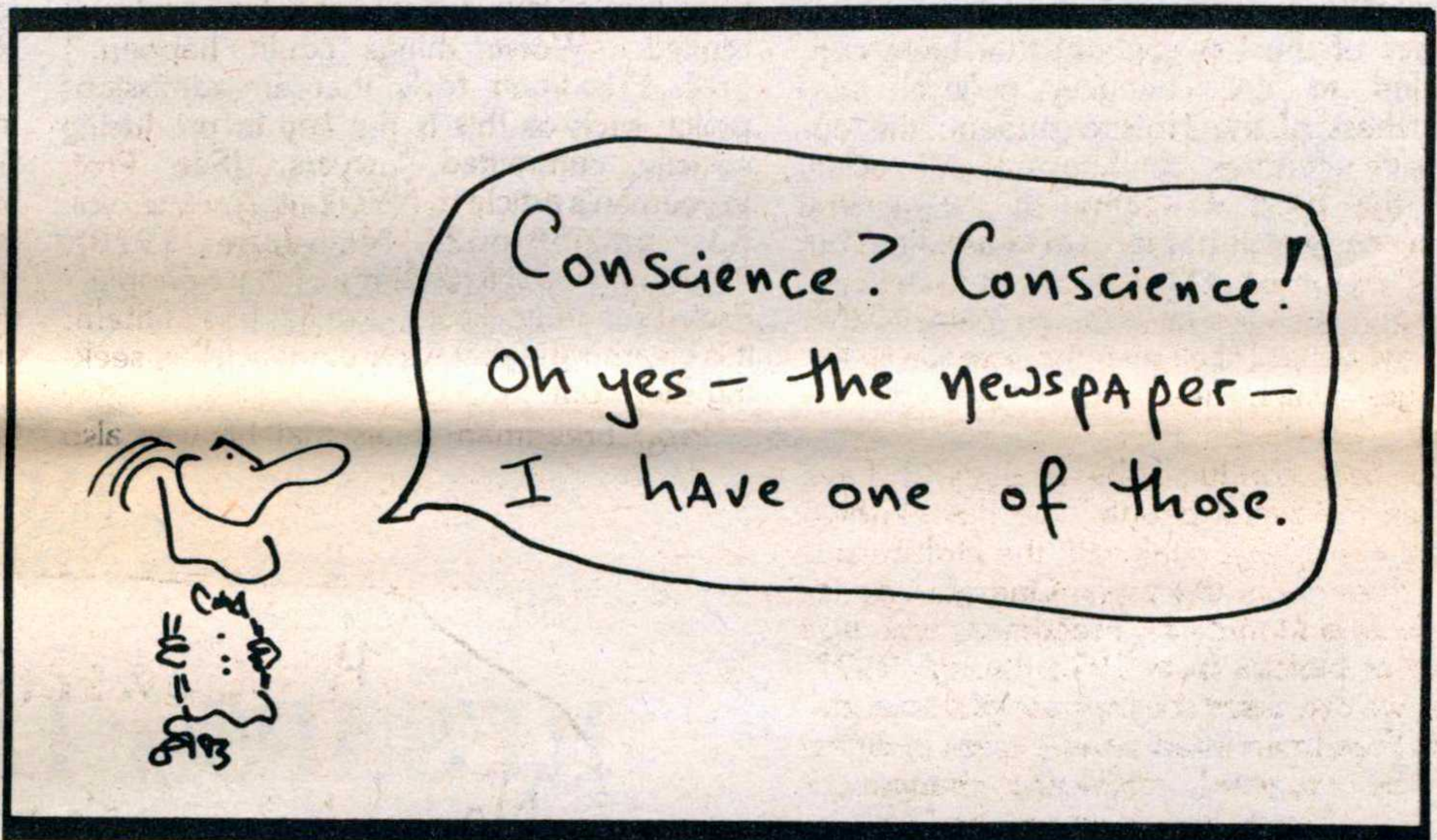
BETSEY PERRI, (3L) "Marvelous Coupons! I read it every week. The old editor forgot to mail it to me in Utah last semester and I had no news for a half year." (She's not resentful and she still reads "diligently.")

JOSE TEXIDOR, (1L) "I read it twice (there's only been 2 issues since he's been here). I particularly liked the upperclassmen's advice to the first year law student."

JOEL SHAFFERMAN, (2L) "It's a thrilling time to be a student here. (For the reason of the 10th year celebration)."

JEFF HERMAN, (1L) "Very informative. One of the best papers I ever read. I never read it."

MONICA SHEEHAN, (2L) "Mixed feelings. They do cover a lot of issues that are important to us but, though this may not be their function, I do not think that they fulfill the role of advocate for the student."



Former Editor Speaks Out

Here I am, a past Editor-in-Chief of *Conscience*, a practicing attorney, a mother and mother-in-law of children of assorted ages, and I find myself being asked and trying to answer the question of what is a law school newspaper all about.

Many thoughts have come and gone since I first wrestled with that question. Norman Kent, Chad Russell, and Josh Klapper are remembered, but are no longer part of my everyday living and working experiences.

I am sure that one or more of those past editors must have seen the New York Times Magazine of September 25, 1983, and the cover-page story entitled "The New Effort To Control Information". In that article, Floyd Abrams, Esq., speaks of a contract which has been released by the Reagan Administration and which has no precedent in our nation's history. That contract is to be signed by all Government officials who have access to high-level classified information. Those officials will be required, for the rest of their lives, to submit for governmental review newspaper articles or books that they write for the general public. Although the contract's purpose may be to prevent unauthorized disclosure of classified information, it may more often than not delay or suppress criticism by those most knowledgeable to express it.

As I read that Article, I recalled my courses in Constitutional Law at Hofstra, and the great emphasis that was placed on the First Amendment. I also remembered my tenure as Editor of *Conscience*, and the responsibility I felt for putting different views

before our readers. I remember faculty members and students who were most supportive. I also remember, however, that there was some question as to how independent the paper should be, and whether the administration should be able to review the paper prior to publication.

I am reminded that platitudes are easy, the reality is not. How many of us, especially those associated with a law school like Hofstra, and a great liberal tradition, will espouse freedom, first amendment rights, and specifically freedom of the press. When we are faced with reality, however, how many of us can truly countenance other points of view and consciously allow their promulgation, although we are uncomfortable with those viewpoints and have it in our power to squelch them. Can the liberal among us allow a true conservative to come and give a well-reasoned pronouncement? The law school environment must, I believe, reflect the judgment of our society that the free exchange of information is in the public interest and an integral part of our system of law and the democratic way of life. Finally, *Conscience* must be worthy of its name, "asking you to ask yourselves" whether you as lawyers, students, faculty, and citizens, will strive for the public's right to know, so that from an informed public there will emerge a stronger citizenry, indeed a key factor in our nation's security.

Margery Rosin

Ms. Rosin was Editor-in-Chief of *Conscience* in 1976.

Alumni Night Planned

by Fred Paine

The Hofstra Law School community owes a large vote of thanks to a concerned group of students who have just initiated the first Hofstra Law Alumni Night, Coordinating with the Dean's Office, Alumni Association and Student Government, Tom Leverage and Nora Hirschberger have put an excellent idea into action.

Invitations have been sent to all Hofstra Law Alumni to attend this event on November 1, 1983. Students and alumni will gather to share experiences, insights, and valuable information. This type of event is certain to add significantly to the school's sense of community and provide greater resources to each student's job search plans.

Tom Leverage indicated that the program wasn't really a job search forum, rather it is a way to utilize the resources inherent in the school's pool of talent and experience. "A big problem for law students is overcoming a limited real world view of the (legal) market place. This seemed like a very good way to

help make our expectations more realistic, to allay fears about the future and to find people with whom we may be working with later on," said Leverage. Nora Hirschberger added, "We don't want to frighten our alumni away, but at the same time, an atmosphere of mutual support and respect among Hofstra Law grads has to be a plus to us all."

Dean Schmertz has supported this initiative by providing funds for printing and mailing inquiries to our 2000 graduates. The Alumni Association has also supported this effort. SGA President Michael Zarin recognized the project as an important and constructive adjunct to the Law School's services to the students. Zarin included a letter of support in the request package sent to the Alumni.

The location of the event has not been confirmed, since the responses have only just begun arriving. Leverage said, "If we get 50 to 100 attendees, we'll consider the project successful for the first time around. If this works well this time, we'll be able to add to our organization and perhaps take on broader responsibilities."

Thoughts on Conscience ... from Prof. John DeWitt Gregory
(excerpted from a conversation with Conscience Editor-in-Chief Peter William Shafran)

...Conscience often has a warped view of what this institution does or wants to do. I really think that the majority of students want better than that — I think that students who have ambition and high esteem are not the students in Conscience.

...There is at least one journal in this school that is at least as good as the school...The institution I read about in Conscience is not the same place I work in with pride...but at the same time, I would be distressed if there weren't a Conscience around here... Why?...I think there ought to be a forum for general communication, for exchange of ideas. It also provides me with the opportunity to ventilate, castigate, excoriate as the spirit moves me. I hope that in time I'll be

able to do these things in fine company...

I wish Conscience another successful ten years in getting my dander up!

Although I'm not a parent, every parent wishes its child to be better — every once in a while, you have to tweek the kid's nose...for example, for a long time, either Conscience or Student Government, although at times I can't tell them apart, has complained about the physical condition of the school — which I think has improved a great deal. I would like to see Conscience, after addressing a negative comment, and it is addressed, Conscience should print positive statements.

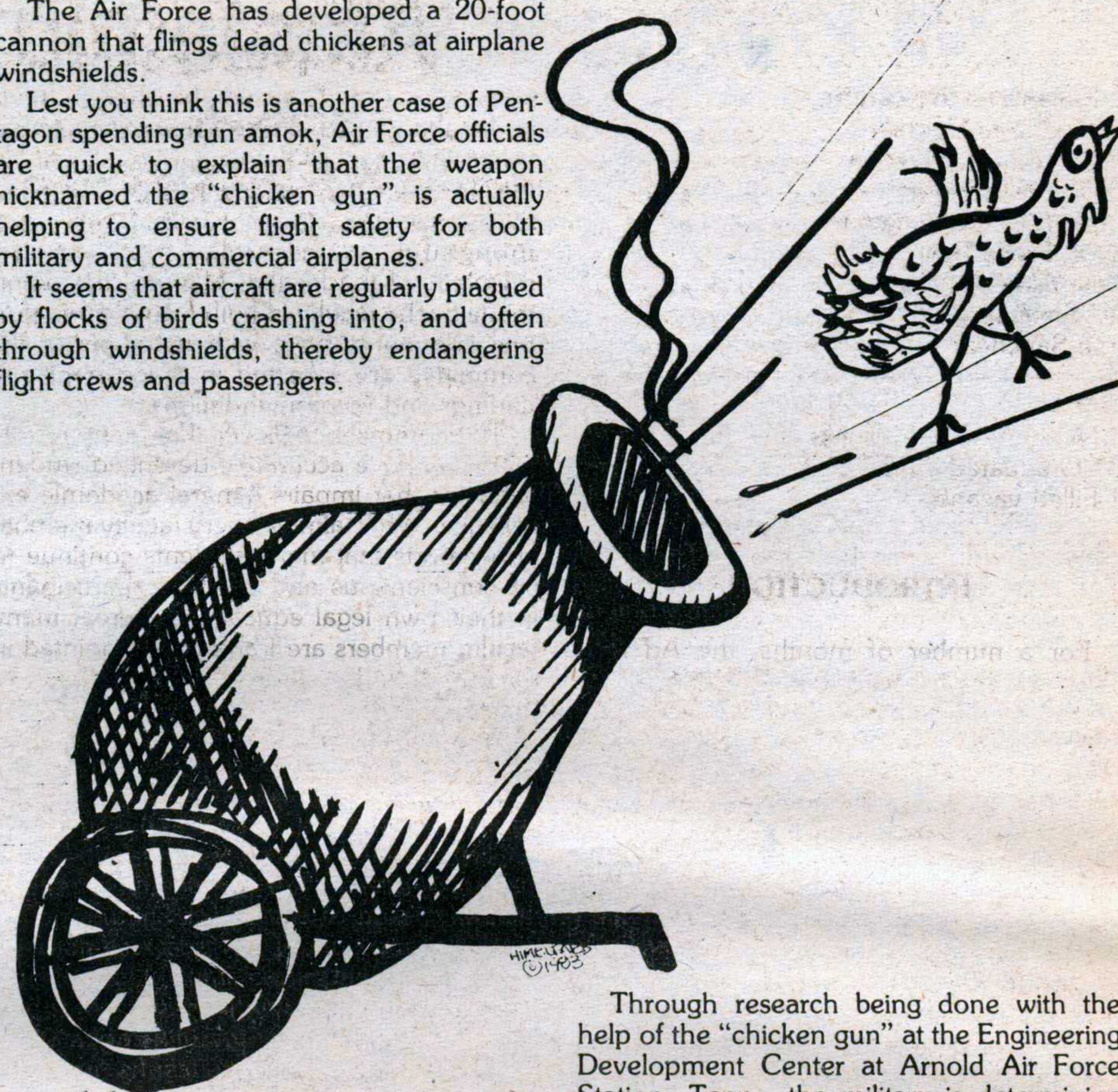
To sum it up, Conscience really tends to be negative, rather than positive. It should be balanced and truthful, rather than shrill.

CHICKENS HIT THE FAN

The Air Force has developed a 20-foot cannon that flings dead chickens at airplane windshields.

Lest you think this is another case of Pentagon spending run amok, Air Force officials are quick to explain that the weapon nicknamed the "chicken gun" is actually helping to ensure flight safety for both military and commercial airplanes.

It seems that aircraft are regularly plagued by flocks of birds crashing into, and often through windshields, thereby endangering flight crews and passengers.



Through research being done with the help of the "chicken gun" at the Engineering Development Center at Arnold Air Force Station, Tenn., the military is determining whether windshields prove structurally sound when assaulted by fast moving chicken carcasses.

A press spokesman at Arnold said that the facility purchases about 300 four-pound chickens a year, then puts them on ice until needed for testing. Once thawed, the birds are fired at stationary airplane windshields at a speed of 700 miles per hour.

—J.H.

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Interim Report by the Ad Hoc Committee on Academic Excellence

Committee Members:

Prof. Aaron Twerski
Prof. Ronald Silverman
Prof. Pat Adamski†
Prof. Richard Neumann
Prof. Freda Bein*
Pete Aloe**
Jill Sheinberg
Joe Sanchez†

* Resigned due to illness
** Graduated June 1983
† Filled vacancy

I. INTRODUCTION

For a number of months, the Ad Hoc Committee on Academic Excellence has gathered and discussed information on the general subject of "academic excellence and responsibilities." The issue first arose out of the view of many faculty members that a distressing number of Hofstra law students often did not adequately prepare for class, thus limiting the effectiveness of the classroom as an educational experience.

The professional literature and articles widely publicized in the media make it clear that the types of problems involved are widespread throughout legal education and are not limited to Hofstra. It is in fact to Hofstra's credit that faculty, administration and students have gone beyond mere dissatisfaction and have asked for concrete study and action.

After considerable reflection, the committee has come to the view that inadequate preparation is part of and inseparable from a student attitude that appears to have a multitude of causes. Although the committee believes that both the attitudes and many of its causes have a negative effect on the quality of education obtainable at Hofstra, the committee is optimistic that many — but certainly not all — of these causes admit of at least partial solution. An important element in our desire for self-examination is the deeply held belief that Hofstra can achieve a very high level of excellence. This sense of striving is a positive dimension that should not be lost on any of us. Each student, each administrator and each faculty member, must begin the process of improving the law school by reexamining his or her own performance.

Although the committee is prepared to address the complex problems presented to us, we believe it important to set forth a fundamental assumption. It is sometimes too easy to point to many factors in our environment which explain lack of preparation and participation. There can be no question that students in preparing for the practice of law cannot be relieved of professional responsibility for participating in their own education.

It is clear that the committee has discovered the issues within its charge to be much more complex than originally anticipated. We can thus only hope to provide an interim report which sets out a summary of the communications received by the committee from faculty (Part II) and students (Part III), as well as certain conclusions the committee has reached based on those communications and further study the committee believes necessary (Part IV).

Some may believe that the committee has overstepped its bounds. The simple fact is that, once the lines of communication were opened, students sought to have their voices heard on a wide variety of issues. We shall report that which we have heard. We have, however, not lost sight that the central charge of the committee was to focus on the goal of academic excellence and the enhancement of student involvement in the academic process.

II. Faculty Concerns

Various faculty members have expressed a variety of concerns related to academic excellence. Most, if not all faculty members have observed that too many students seem unprepared, contribute little to class discussions and are generally passive and too often irregular in class attendance. These are

serious charges. They are also charges made by faculty members elsewhere, at one time or another, against the student bodies of virtually every American law school. The committee has been favored with lengthy and thoughtful memoranda from several members of the faculty. Many of the points made by the faculty in both formal and informal communications with members of the committee are reflected in the committee's findings and recommendations.

The committee believes that many faculty members have accurately described student behavior that impairs general academic excellence. While almost every faculty member also reports that many students continue to be conscientious and energetic participants in their own legal education, a great many faculty members are frankly disappointed in the inertia and work product of the student body.

At the same time, we note that the committee's deliberations have brought to the fore student concerns relating to the issues of academic excellence that are worthy of serious evaluation by the faculty and administration. By addressing these concerns and by deciding their relative importance and susceptibility to change, the faculty will determine the nature and ambiance of the law school.

III. Student Concerns

Students are concerned over the present state and future prospects of this law school. Numerous students have submitted comments orally and in writing about virtually every important aspect of this law school environment. At the very least, these comments indicate that student motivation is affected by a complex set of factors and problems.

The committee has been struck by the fact that the bulk of student communications received by the committee agree that a problem of student motivation, preparation, and participation exists. Students appear to be as distressed as the faculty is about this problem, and the committee has been impressed by the effort and insight of many students in trying to understand the causes of their dissatisfaction.

Generally, students have communicated a view that weak motivation is caused by a complex of factors and problems, some of which appear to be structurally a part of the world in which students find themselves, while others are said by students to have causes within the faculty or within other parts of the law school in particular. A common thread that seems to underlie many of the students' comments is a sense of low self-esteem. Much of the problem may stem from the inevitable ranking of students after their first year. But the students also complain that the faculty often has low expectations of them and this in turn causes students to have low expectations of themselves. There is a highly competitive streak in our students; if it were otherwise, they would not have chosen law careers or done all the things necessary to get admitted to law school. But if the students in their second and third years no longer feel the pride of accomplishment that they have felt up until their admission to law school, they may suffer a lack of drive and a feeling of alienation that results in the problem of student motivation, preparation and participation.

A. *Motivation Problems - The Psychology of Reward:* Many Students have said that motivation in the second and third year differs from motivation in the first year. The latter seems more a function of curiosity, excitement at a challenging new endeavor, aggressiveness to prove oneself, and competition for career reasons. The first three will be greatly reduced after the first year for obvious reasons. The fourth decreases enormously, in view of students, because their career potentials appear to have been determined almost entirely by events in their first year: class rank (which students believe does not change substantially after the first year) and whether or not membership on a journal has been acquired. Students have communicated to the committee that, while there are obvious exceptions, motivation after the

first year is based primarily on the desire to become good lawyers (which students strongly believe is not the same as being good classroom students), on a professor's teaching skills, and on protecting whatever class rank has been achieved. Students have emphatically pointed out that motivation is increased with individual feedback and that such feedback is more difficult to obtain in a large or medium-sized class with a single exam. They have been forthright in asserting the belief that class preparation is less valuable than the faculty believes because, in the view of many students, neither final grades nor the amount learned can be correlated to the amount of participation and preparation done, while respectable grades can be obtained with almost exclusive reliance on the study aids now on the market.

There is little doubt that student observations with regard to the limitations of the grading process have some validity. We note that these observations with regard to grading should not be lightly transferred to the learning process. It may indeed be true that hard studying is not always reflected in significantly higher grades but one ought not to assume that it has little impact on in-depth knowledge of subject matter. Our intuitive belief is that the difference between the thoroughly prepared student and the last minute crammer is very real and that it is vital that we find ways to encourage the former. Nonetheless, we must come to grips with the limitations of the final examination art-form and seriously confront the feelings of students that the grading process provides too little in motivation after the first year of law school.

B. *Teaching Excellence:* Many students have asserted that a lack of student motivation is an understandable result of pedagogical deficiencies within a faculty that students recognize as doctrinally skilled. Students have stated that some teachers are poorly prepared for class, do not demand of or challenge their students sufficiently, are distracted and communicate little involvement in their classes or excitement about the subjects they teach, lack communication skills, refuse to explore the material in depth, and fail to attempt to teach analysis, merely repeating the case holdings instead. Students believe that in some courses, as a result, teaching adds little or nothing to what students could learn on their own. Moreover, students state that their own motivation is reduced by the extent to which they believe themselves to be the objects of faculty contempt, and a great many students have added that many faculty members forego opportunities to encourage motivation by disdaining participation in the community of which students feel themselves a part. In addition, some students believe the school does not adequately oversee the performance of adjuncts, and many students have complained of particular practices among the faculty, such as allegedly inconsistent, unfair and late grading, all of which have been claimed to foster alienation among students.

We believe that some perspective is in order. Although students complain about the performance of some faculty, there is little attention paid to the large number of truly outstanding classroom performers. It is clear that the emphasis on high quality teaching at Hofstra compares favorably with even the "prestige" law schools. No one who has reviewed the retention record of faculty at Hofstra can conclude that the faculty is unconcerned with below standard teaching. Poor classroom teachers have simply not been renewed. It should be noted, however, that although classroom performance is the most important criterion in retention decisions, it is not, and cannot be, the only factor in evaluation. Faculty contribute to the intellectual quality of a law school in a variety of ways, and a law school can ill afford to discharge a competent, though not outstanding, classroom teacher who makes special contributions to the law school's intellectual environment. In addition, it should be noted that a law school is made up of a diverse student body. Different students find their interest piqued by radically different teaching

styles, analytical techniques, and personality factors that are difficult to quantify. A law school has an obligation to create a rich mosaic in which many different students can explore their talents. Some balancing of a teacher's assets of necessity enters into every decision to retain or discharge a teacher.

We believe that the entire law school community should be aware that the faculty has already set demanding standards for retention and hiring of faculty. These goals will be implemented over time, and there is little place for conflict on the issue that the strength of the faculty is the strength of the law school. The faculty has already instituted a demanding and rigorous review process for all candidates for faculty positions. All candidates are now required to make a formal presentation to the faculty and the interview process has been extended so that many candidates spend almost twice the amount of time at the law school as was previously the case. Arguably, the most important criterion of a law school's academic excellence is consistently effective teaching which continually adds to what a student gets for him or herself from assigned materials or from hornbooks and other supplementary printed aids. That type of teaching grows out of the deep and special insights of experienced professionals who illuminate through their ability to communicate and ultimately empower students to teach themselves. What tends to distinguish the better law schools, however, is a collective critical energy which causes honest and periodic self-examination. At Hofstra, that critical energy has become manifest both in the hiring and retention standards and the work of this committee. We believe it important that this attitude toward critical self-examination become a regular part of the institutional structure of Hofstra.

C. *Placement:* This committee has heard intense criticism of the placement office. Many students believe that they are not receiving adequate career guidance and placement assistance. It is understandable that the placement office is a rather readily available target for student dissatisfaction. The end goal of a fulfilling legal position upon graduation is uppermost in every student's mind.

The committee has not undertaken an independent evaluation of the placement office. We also note that the faculty and the administration have expressed high regard for the professionalism of the placement director. Indeed, several major metropolitan law schools have sought to "raid" him away from Hofstra. The administration believe that Hofstra was fortunate to retain him.

Nonetheless, student perception about the placement performance of Hofstra can be critical to student motivation because students without faith in their future may lack the desire and confidence necessary to perform up to their full potential.

The students' perception may be affected by several external factors. The economy is in a major recession, and it is possible that there are too many lawyers for the shrinking legal market to absorb. Hofstra is also a young school, deprived of the help of an established alumni. These factors require this school to make extraordinary efforts to help and guide students in their employment efforts.

We recommend that a special committee of faculty, alumni and students working together with the placement director be charged to clarify the issues. This committee should commission a random sample survey of all graduated classes to determine how many of our graduates are employed, what types of employment those graduates obtained, how much those graduates are earning, and how those graduates obtained their employment. The special committee should also consider whether Hofstra is doing all it can to sell itself and its graduates to legal employers. Every avenue for expanding the placement network should be explored.

D. *Law School Environment:* In general, we believe that the complaints we have heard with regard to parking, building facilities and maintenance and library conditions are tangential to the charge of this com-

Ad Hoc Report Continued

mittee. Admittedly, ambience has some effect on all members of this community, but that hardly serves as an explanation for anyone's inadequate performance. There may be an exception in the case of the library. Students report that the school permits the library to be used as a place for socializing to such an extent that noise is incessant and research and study there are difficult. Students add that the work the faculty wants done is thereby less likely to be done well, and, perhaps more importantly since the library is the core of a law school, that students are less likely to believe faculty assertions that the work is important. Students say they are further alienated from work by library ventilation and temperature that ranges from uncomfortable to unbearable and by an outraging frequency with which books in the library's inventory are unavailable. We agree that a well-functioning library is essential to the academic excellence of a law school. Although we note that the ventilation problem has been addressed before, these complaints are sufficiently troubling to cause us to recommend that a special library subcommittee be charged with investigating measures that could alleviate the conditions described.

In addition, students have noted the lack of adequate support staff to permit for the proper functioning of such programs as moot court, law review and other student publications. It should be noted that the problems created by the lack of adequate support staff affects the productivity of all segments of the law school community. The high rate of secretary turnover and the lack of adequate word processing equipment and personnel are two examples of this problem. Faculty and students alike urge that this area be given high priority consideration by the administration.

E. Cheating: Students have stated to the committee that in the past the existing proctor system has been easily defeated and that cheating has not been an unusual occurrence. Students have added that they consequently draw the inference that the school does not take its grades as seriously as students would like. The committee recommended to the administration that the proctoring system be strengthened for the examinations that were given at the end of last term. Attached as Appendix A is the committee's memorandum to Dean Schmertz on this subject. The administration put in place a strengthened proctor system for the Spring 1983 exam period. There is a need to evaluate the efficiency and fairness of the new proctoring system. Although we have urged significant commitment to an effective proctoring system, we also recognize that students bear responsibility for making the proctor system work. This is a joint problem which can be solved only by the combined efforts of the administration and the student body.

F. Findings and Recommendations: We believe that the Hofstra Law School is alive and well. It is healthy enough to look critically at itself and its programs. Dean Schmertz has embarked on a program to strengthen the school by developing the resources to build an innovative program. Unless such resources are made available, the quality of education at Hofstra cannot improve. The focus is now clearly on the future. We believe that the following suggestions provide an outline for substantive improvement. The committee believes there is a need to examine the school's educational program for ways to make structural alterations that would give students more motivations, more challenge, more opportunities to feel engaged rather than passive and ultimately more of a stake in their own education. Certainly, there are difficult issues of resource allocation and the availability of specific pedagogical skills within the law school, but the unifying dissatisfaction of both students and faculty, with the present mood has shown that an inquiry is both necessary and widely desired. Some of the ideas the committee believes worthy of consideration are the addition of writing or simulation components to some courses already in the curriculum; a more substantial writing require-

ment; a schoolwide elective moot court competition culminating in selection of the national moot court team; a trial competition for credit; new courses that are either clinical or simulation or integrate those teaching methods with others to teach substantive law as well as practice; and means by which teachers can improve one another's teaching skills. Consideration should be given to mini-courses which would compress a semester's work into a 4-6 week period. Shortening the time frame might heighten student motivation and allow for experimentation with other forms of evaluation of student work which could provide students with more individualized and meaningful feedback. A mark of a superior law school is its openness to curricular innovation. It is an area which demands constant attention from both faculty and administration. The committee contemplates no radical redirection of the school's present educational program, but the committee's inquiry to date has shown that the faculty itself is unhappy with the results of a program that encourages student passivity.

There is little question, in our opinion, that class size is a problem. It is not a problem for each professor or each class. Many courses and many professors are ideally suited for large class size, but the repetitive exposure to oversized classes which hampers classroom participation is a problem. Patterns tend to set in and passivity becomes a fact of life. The cumulative effect of three years of large classes tends to encourage the very passivity which the faculty find so incompatible with high level student performance, and the occasional seminar is simply not enough to break the pattern.

We are painfully aware that mere exhortation will not bring resources to the law school to resolve this problem. We do believe that it is worthwhile exploring small sections to the major second and third year courses or the splitting-off weekly of smaller sections to accomplish greater student participation. Although this too will tax resources, it might do so at a level which would be less onerous than the addition of several full-time members to the faculty.

The committee has neither the authority nor the financial date to make reasoned recommendations in this area, but there can be little question that without additional teaching strength the problem remains almost intractable.

G. Grading and Student Evaluation: The committee believes that changing grading policy is not a "quick fix" to the problems articulated by the faculty and students. On the other hand, it is important that we examine grading structure and the impact of student classroom participation on the grades they receive.

It is clear that at Hofstra (as well as at most law schools) there is an enormous bunching effect. There are very few grades given below C. The B's and above grade is for most students an infrequent occurrence. It may be that this reflects the true state of being and that most law students fall within the narrow B/C range; however, that premise needs examination. We may be victims of habit. It appears to us worth the effort to examine whether our grading system properly rewards strong performance and appropriately punishes inadequate performance. It has been suggested, for example, that opening up the realistic grading spectrum at both the high and lower reaches would more accurately reflect actual performance and would simultaneously encourage stronger preparation. Again, we repeat that we reach no conclusion on the merits, but believe further study is in order.

We also note that few professors take classroom performance into account when submitting final grades. This might certainly be considered by professors depending on the nature and size of their class.

In view of all the above, the committee recommends the following:

1. The life of the committee should be extended through the 1983-84 academic year with a charge consistent with the contemplated further study outlined above. In light of the administrative implications of

some of that study, a regular means of consultation should be established between the committee and the law school administration.

2. A special sub-committee should be appointed to deal with the library and placement studies outlined above. These sub-committees should report to the Ad Hoc Committee.

3. The law school administration should monitor the new proctoring system for the 1983-84 academic year to determine its efficacy. A special sub-committee of faculty and students should be appointed to evaluate the proctoring system and to investigate once again the desirability of instituting a true honor code in the law school.

CONCLUSION

We have attempted to set forth honestly many of the vexing problems facing the law school. It is important for all to recognize that administrative instability has exacted a high cost in the law school. Long-range planning and continuity in relationship within the law school and without was next to impossible to accomplish. We have hopefully entered an era of stability in which we can turn our attention to educational innovation, strong faculty recruitment and a broadening of the financial base upon which a fine law school must rest. The new administration has already established four endowed chairs and is seeking to expand this effort so that the law school can retain and attract the finest faculty in the country. We believe that emphasis on educational innovation must be part of the Hofstra future. It is the cornerstone for an exciting law school since only a creative faculty can stimulate the entire law school community to greater achievement. Ultimately what we have heard is the desire of all constituencies to create an intellectually charged

academic community. It is a goal worth the efforts of us all.

To: Dean Eric J. Schmertz
Chairman, Ad Hoc Committee on
Academic Excellence.

Dear Dean:

The Ad Hoc Committee is in the process of preparing an interim report. Hopefully it will be available within the next ten days. There is, however, one matter that the Committee thought important to share with you immediately.

Students have expressed serious concern about cheating during exam taking. It would appear that there is a need for more proctors and more intensive scrutiny by those who are proctoring. We are told that the bathrooms are areas that are especially vulnerable during exam taking time and that it might be wise to have attendants monitor the facilities during the exams.

We believe that eliminating cheating can only be accomplished through the joint efforts of the student body and the administration. Students must recognize their obligation to the honor system and must be prepared to report cheating to the administration for action. We believe, however, that the students' concern in this area warrants greater administration of the proctoring system by the Law School administration.

Since the exam period is upon us, I thought it wise to communicate with you regarding this problem in advance of the Committee's interim report.

ADT:ap
cc: V. Dean Stuart Rabinowitz

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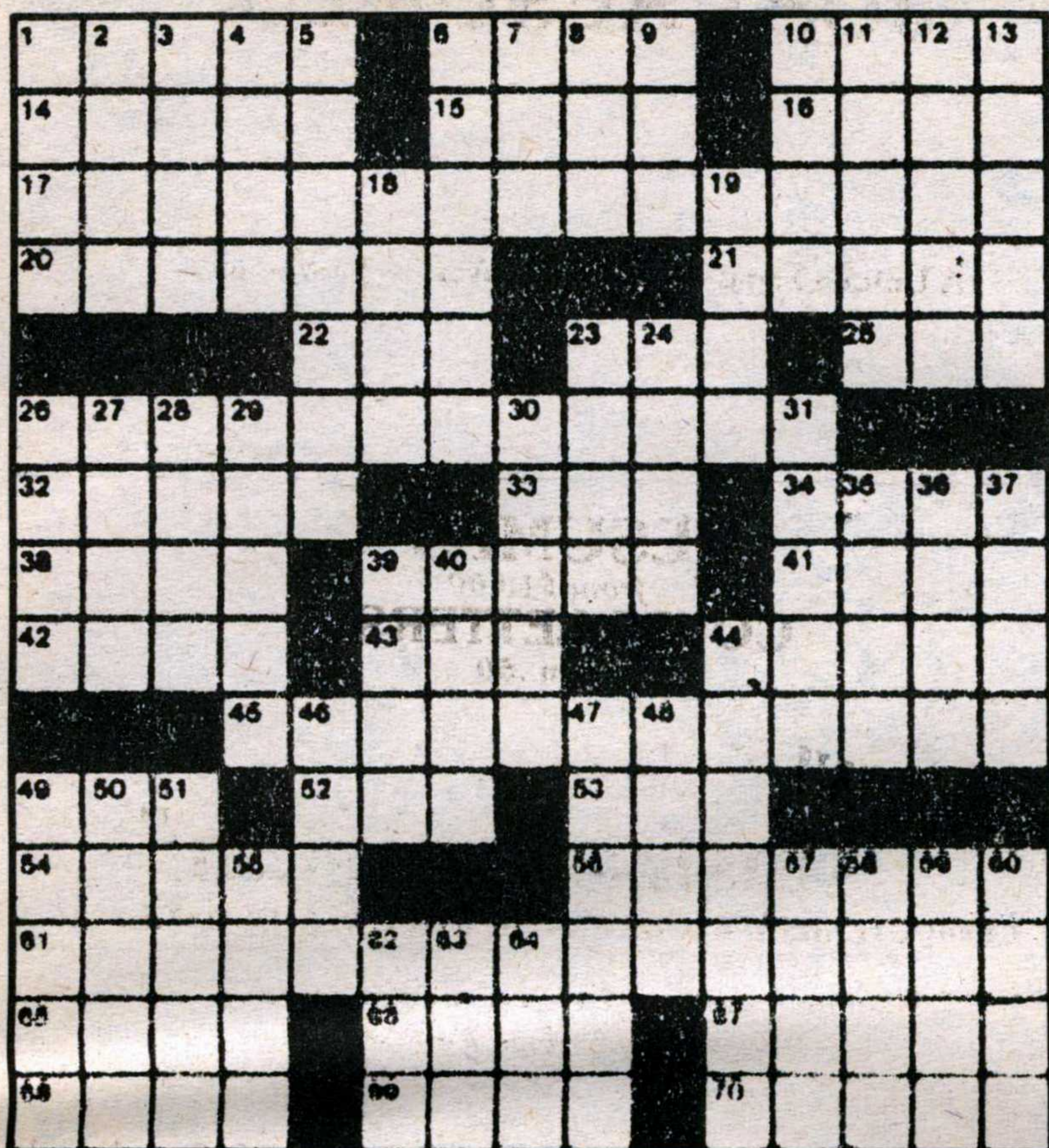
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Hofstra Law Graduates

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22 Driver's aid
23 Tse-Tung
25 A lawyer's thing
26 Broker's wares
32 Walking _____ (elated)

- 33 New Haven scholar
34 Mauls
38 Van _____, California
39 Scored
41 Concerning
42 Being
43 P.L.O.'s foe
44 Impassive
45 What the elders offer?
49 Job most 3Ls seem to want
52 Oriental architect
53 Shrinks org.
54 Refer to a lower court
56 Bugs
61 Job they may have to settle for

- 65 Prompted
66 Noble illuminator
67 Map feature
68 Goofs
69 Pup follower
70 Despots

- 60 A grp. of Spanish women
62 Colonizer
63 formerly
64 Lifer

Answer to Crossword on page 21.

By Seth B. Lipsay

LTEBELBP DNC REAC NCJXVSP,
COCNQHLMQ UDP LPC.
-D PCDPLBCM JRCNA.

DOWN

- 1 Racers edges
2 "I Smell _____"
3 Rail to N.Y.C.
4 Tool for a duel
5 C-Span star
6 Lets
7 Leather punch
8 Insider trading watchdog
9 Full house on Bway.
10 Plush
11 What friends often lend
12 Class
13 These, to Felipe
18 Uncle Sam's collection agents
19 Cranny's partner
23 Soap opera spy
24 Word with rain or test
26 Highway prop
27 Burden
28 Baseball great
29 Tightwad
30 Four; prefix
31 "...to _____ your face."
35 Soon
36 Court order
37 Time units; abbr.
39 Stand
40 Wine region
44 Demolition derby Ultimatum
46 N.Y. Law re: wills
47 Ability
48 Grandiose
49 "_____ to the finish"
50 Complain about a complaint
51 Traffic signal color
55 "Contraceptives"
57 Catches rays
58 That, to Juan
59 _____-do-well

Answer: OPINIONS ARE LIKE REC-
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Conscience?
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Football Follies

by Jane Himelfarb

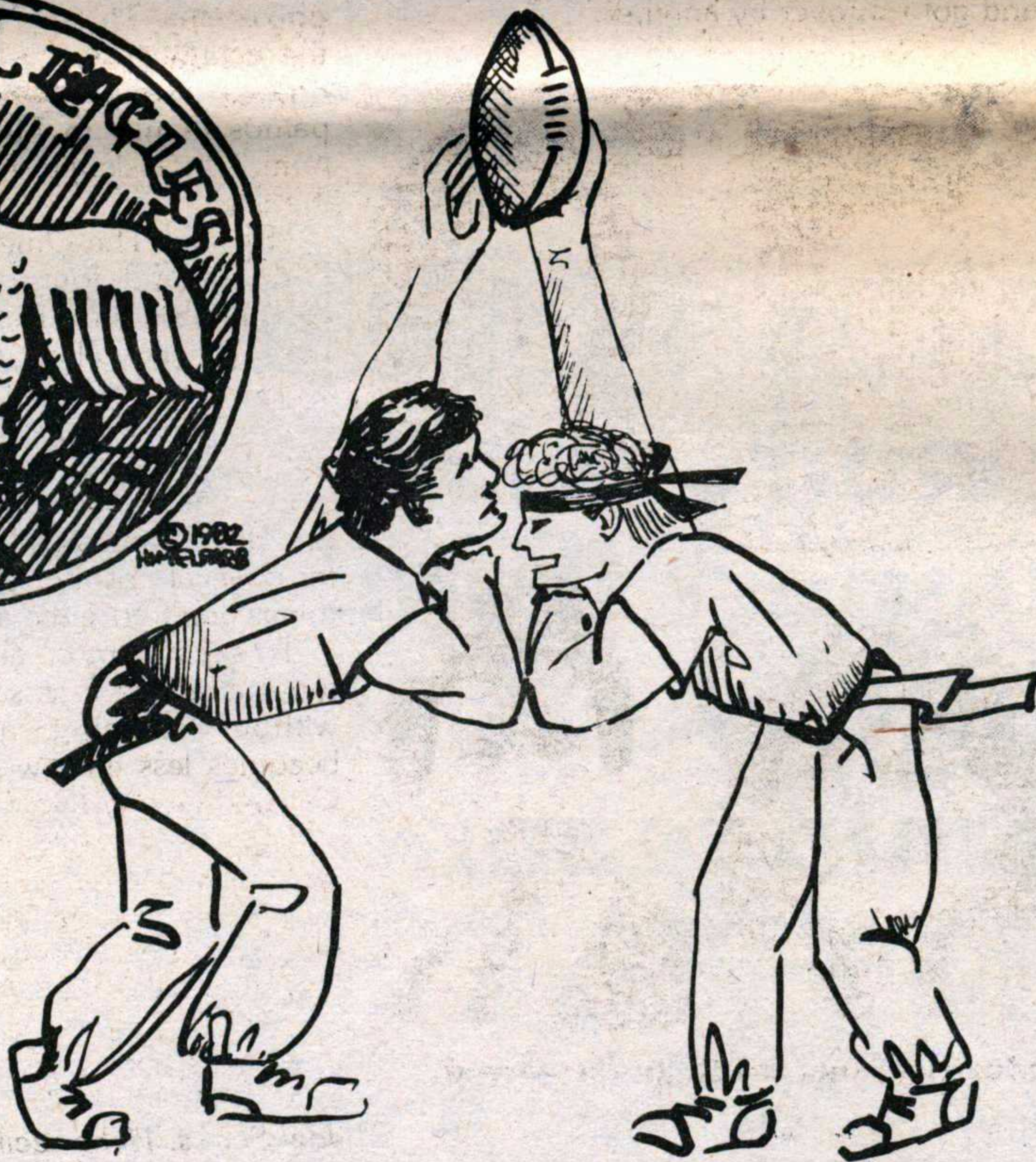
The natural release of pent up aggression is exercise. The perfect way to acquire pent up aggression is to study law, and the ultimate exercise is a football game.

This year, the Law School proudly presents two exciting teams-the swiftness of the Legal Eagles, and the fleetfooted newcomers, the Bombers, our first-year team. Both teams have demonstrated athletic prowess and alert strategies on the field. The real competition is between the two teams. Like plaintiff and defendant, they study in the same library, but once in the courtroom, the battle begins.

Ego is a requisite of a good fight. And who could have a larger ego than a football player? A lawyer. And even larger than that? Impossible! Except, imagine a football-playing lawyer! Thus ego matches ego on the field.

Last week the two teams locked horns. Luck was apparant as fumbles turned into saves. When the ball would be tipped into the air a Bomber would be there to catch and carry it to safety. The game was close with tight plays, long passes and strong defensive moves - on both sides. The Bombers took that game, but both teams look good this month.

The playoffs begin as you read this article, but there is still time to see football at its best when the real test begins. The answer to Law School superiority of this campus, would be for one of our teams to take the championship. Perhaps a settlement whereby both our teams could come in first. Show your support. No liability, no damages-simply an award (which is included in gross income under I.R.C. Section 74-6).



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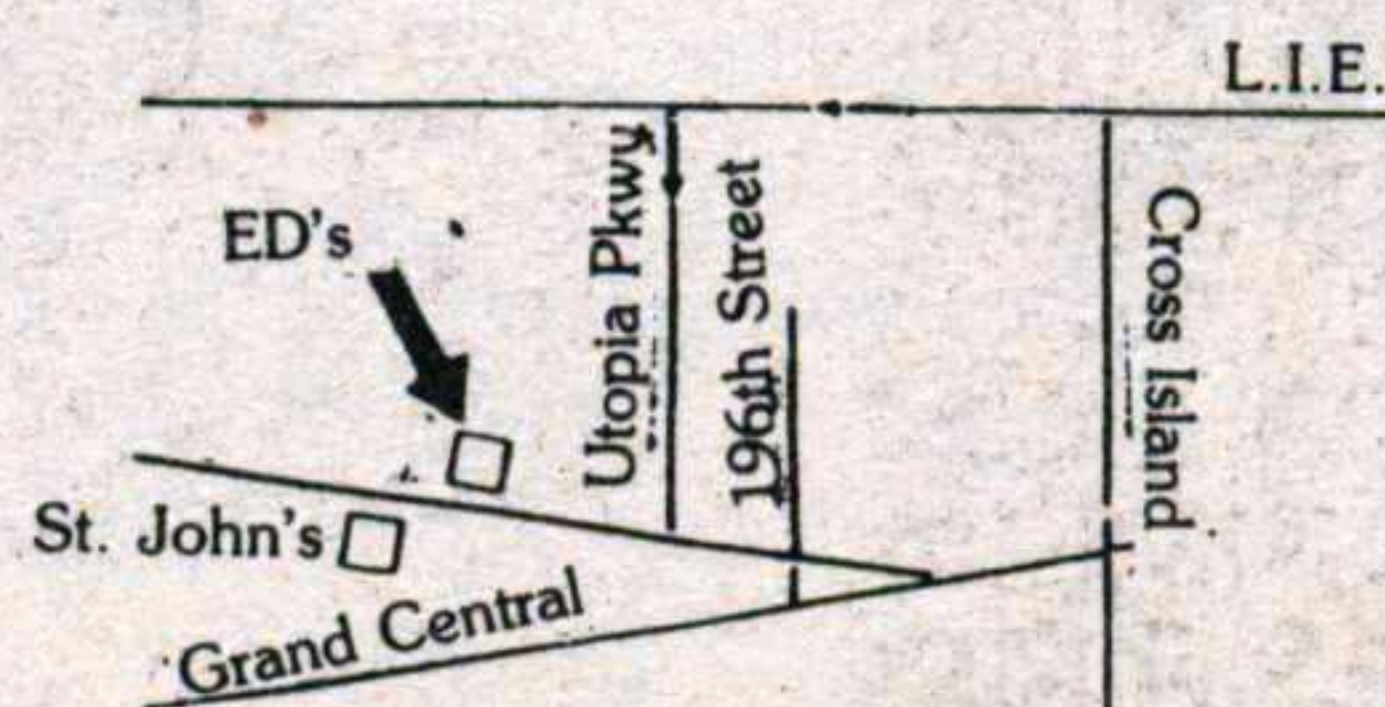
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Creative Cooking



Festive Foods for Fall

by Jane Himelfarb

October brings the true autumn clear skies and piles of crisp golden leaves and apple cider. A perfect party month ending with a costume gala on Halloween. Thus, to make for interesting parties, the following recipes will add a touch of class to any event. An entire selection of hors d'oeuvres that are easy, impressive and delicious. Try them!

Breaded Cauliflower

Wash a head of fresh cauliflower and break into bite-sized peices. Pat dry and dip into flour, covering each peice. Next, dip each peice in beaten egg and finally, roll in bread crumbs. In a shallow frying pan, fry dipped cauliflower in oil until golden brown. Drain on paper towel and serve hot.

Fried Wonton

Chop one carrot and one can of water chestnuts into fine pieces. Soften tofu (bean curd)* and mix in chopped vegetables. Add soy sauce and ground ginger, pepper and mix until smooth. Place one teaspoon of mixture in center of wonton skin* and fold one corner over the other. Take two remaining corners and tuck into center leaving pointed end up. Stir-fry in wok or shallow frying pan until gold. Serve hot with sauce made with soy sauce, ground ginger and pepper.

Chicken Wings

Blend chinese duck sauce, mustard and dash of horseradish in bowl. Add soy sauce, ground ginger and pepper and brush mixture over chicken wings. Bake in oven set at 400 for twenty minutes...Serve hot.

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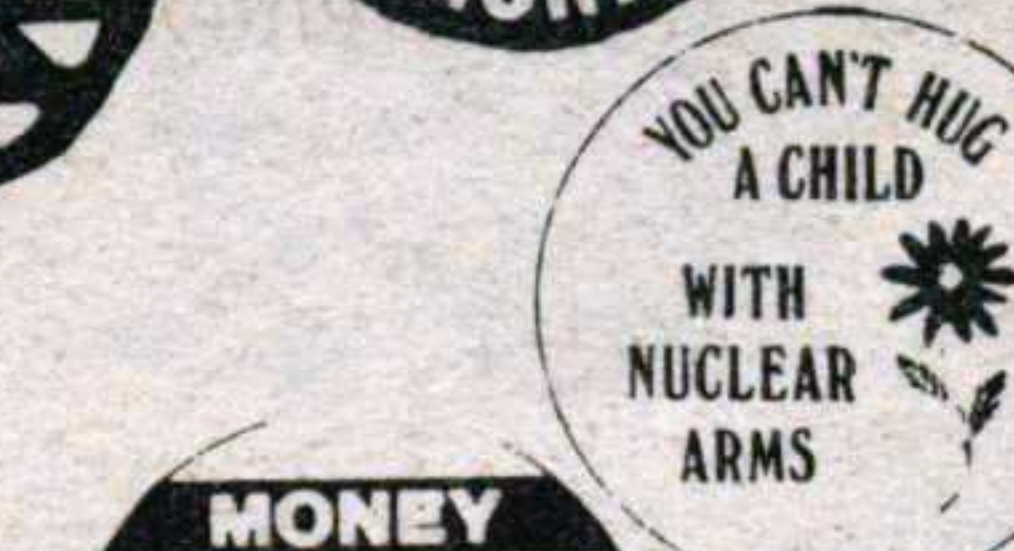
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CONSCIENCE THE MOVIES

by Joel Sands

In the past "The Conscience" brought you the good and the bad; the exciting, the boring; but now comes something really different because . . .
"I'm Joel Sands, and I've been to the movies!"

DANIEL

"Daniel" is based on E.L. Doctorow's fictionalized account of the incidents that led to the infamous "Rosenberg Trial" of the 1950s. By virtue of Timothy Hutton's craftily conceived performance, Daniel, the film's central character, is a young and troubled graduate student attempting to reconstruct the facts behind the imprisonment and subsequent execution of his parents, the Isaacsons, for espionage during the early 50s. Over the years Daniel has come to generally accept what he has been told of those events until a near fatal suicide attempt by his younger sister galvanizes him into intense action.

Daniel, as the movie's major character, is a late 60s idealist who lost his direction, his drive in life. Of major concern to the story is Daniel's search for the meaning to those past events, the causes of the maladjustment of both his sister and himself, and an answer to the almost insoluble question of "why?" Many of the questions which the story raises go for the most part unanswered, perhaps owing to the fact that "The Rosenberg Case" has never been truly resolved. Amanda Plummer's quietly moving portrayal of Daniel's sister deserves special mention, but viewers may well be disturbed by "Daniel" and its ambiguous ending. In and of itself, as a mirror of past societal concerns, "Daniel" is indeed a film that is well worth seeing.

MR. MOM

Here's a pleasant little tale that we've all seen before, but now it has a contemporary twist. Michael Keaton, one of the funniest young actors in films today, plays a successful automobile designer who suddenly is "indefinitely furloughed;" translation, he's been laid off! Teri Garr ("Tootsie"), plays his supportive, modern wife who just manages to find new employment before he does. The result? Keaton agrees to assume the housework and care of their children. Hence the title, "Mr. Mom."

Keaton's comic timing is perfect as he tries to cope with his new "job," while the delightful Garr, as "breadwinner," is fun to watch as an advertising executive who occasionally forgets herself and displays "motherly" actions, like cutting up her boss' steak while at a business lunch. It's not so easy, this role reversal, for either of them, and that's the simple charm of "Mr. Mom." The film is not an ode to feminism, but it is also not a diatribe against it either.

In time Keaton's character begins to adjust to the new situation, owing to the fact that masculine pride in a job well-done transfers in "Rocky-like" fashion to his role as homemaker. Concurrently, Miss Garr's character develops a special feminine pride when her "housewife" knowledge gives her the ability to save her company's biggest account by developing a new advertising concept based on realism for that client. "Mr. Mom" never takes itself too seriously though, as it continually has charming fun with repair people, soap operas, supermarkets, and gossiping neighbors. Especially attractive divorced neighbors! Look for the delightful scene as Keaton sits waiting for an interview with two long-time house-husbands, and the amusing take-off on TV's "Young and Restless." Martin Mull, as Miss Garr's superficial employer, and Ann Jillian as a saucy divorcee with eyes for Keaton, are splendid in their lesser roles. Now if you're wondering what the outcome is, you'll just have to see "Mr. Mom" to find out. I think you will be pleased with what you see.

THE BIG CHILL

Here's a hot new film whose central theme is a reunion of a clique of "60s babies" after one of their mutual friends has killed himself. They decide to spend a weekend together to reminisce about what's happened in their lives and remember their friend. Interestingly, the title is a euphemism for death but also refers to the actual suicide, their ideals, illusions, and perhaps, their delusions.

What you get out of "The Big Chill" depends on what you choose to read into it. These well-educated, sleek, and sophisticated characters, all in their 30s, grieve not only for the loss of their friend but for the way they were. We become privy to their confusions, their angst, their dissatisfaction with life and of course, their recalibration. It "stands as a framework to look at your own life. By use of a slick Hollywood vision of our times, the story's context deals with the guilt of having made it." Its audience will undoubtedly be those persons out of the mainstream of life whose own lives are in a holding pattern. Yet "The Big Chill" owes much of its success to the graceful performances of a nimble ensemble of classy actors, whose very interplay is at the heart of the film. They include Kevin Kline ("Sophie's Choice"), Glenn Close ("Garp"), JoBeth Williams ("Poltergeist;"), William Hurt ("Body Heat"), Meg Tilly ("Psycho II"), along with Jeff Goldblum, Tom Berenger, and Mary Kay Place.



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Director Lawrence Kasdan immerses us in a kind of materialism that's so crassly sensual it seems totally at odds with these over-aged radicals. Objects serve as co-start with the actors. Although the implication that some of them were radicals is never substantiated, it is clear that all they wanted to do was "to change the world for the better." Perhaps they were deluded. Now they've gotten a peice of the action; they've adapted to the system they wanted to change. The film ends as it began, as a story in progress. We all don't know how the whole thing will turn out, and neither do they!

"The Big Chill" moves like an elegantly choreographed play that reveals character through action and conversation. It doesn't make any overt conclusions, but it does serve as an opportunity to find an ideal starting point to debate the lessons of the 60s. Add a terrific soundtrack that compiles some of that decade's best music from both Motown and other sources. It serves to accentuate the film's many moods, and what

HELLS ANGELS FOREVER

This film tries hard to use the impression that it is a definitive glimpse into the lifestyles of the socially outcast motorcycle fraternity. We are supposed to be viewing some revealing first-time peeks at the rites and rituals that comprise an accurate depiction of the subculture. It has the flavor of a semi-documentary although the producers and director carefully omit that word throughout the narrative. I guess the only way to ascertain just how true the whole thing is would be to ask your local Hells Angels representative.

"Hells Angels Forever" is a mess. A crazy paste-up of as much stock news film depicting Hells Angels social activities as could be found. Somehow I really can't believe that orchestras play at their functions, but I do believe that some of these "Angels," with their tattoos, nose rings, chains, and mountain-man appearances could well make a formidable defense ring in case we are ever attacked from outer space.

There is a superficial presentation of the Angel's side of legal issues as well as interviews with Hells Angels members serving prison terms for drug charges and murder convictions. The audience will get some minor insight to Angel mentality, if you choose to call it that, by virtue of some statements by the bikers' women. Many of those who appear tell us quite frankly that they don't mind being beaten up and abused by their chosen men, their studs, "especially if they deserve it." They're a fun group, you know!

In spite of this, there is one stunning scene feturing a high view of what had to be hundreds of Hells Angels roaring down a road in unison, resembling an approaching horde of killer ants. But after the clouds of dust settle, "Hells Angels Forever," looks and comes across like it fell off of a Harley-Davidson; and got run over by another.

THE LONELY LADY

Another Harold Robbins potboiler comes to the big screen in "The Lonely Lady." Like the pulp novel on which it is based, this film is a leeringly obtuse study of how a young, innocent girl becomes just a little older and a tremendous amount wiser. It plays as Robbins likes — a giant marionette show where sooner or later everyone is manipulating someone.

Jerilee Randall is a talented high school writer who graduates with an award in creative writing. The trophy is hardly on the mantelpiece when she's sexually abused during an evening of youthful partying. It's a metaphor of what life has in store for her. This is a movie where abuse of all types runs rampant, and chronicles Randall's 10 year descent from a sweet young girl to an embittered and desperate woman who ultimately has a nervous breakdown. Along the way we meet Robbins' usual assortment of debauched characters whose seamy lives are laced with lust, alcohol, and drugs. It's a soap opera that's been puffed up with graphic sex and no deleted expletives.

Pia Zadora is Jerilee, and she does manage to keep a grip on her character. Her petulant pouting casts her at times like a nubile, wet-lipped Barbie doll. Little Pia's first film, "Butterfly," did become one of the best-selling videocassettes ever, and "The Lonely Lady" will probably go the same route. If you've got a VCR, you might want to wait for it. On second thought, better see it at the two dollar theater, in a double feature.

BEYOND THE LIMIT

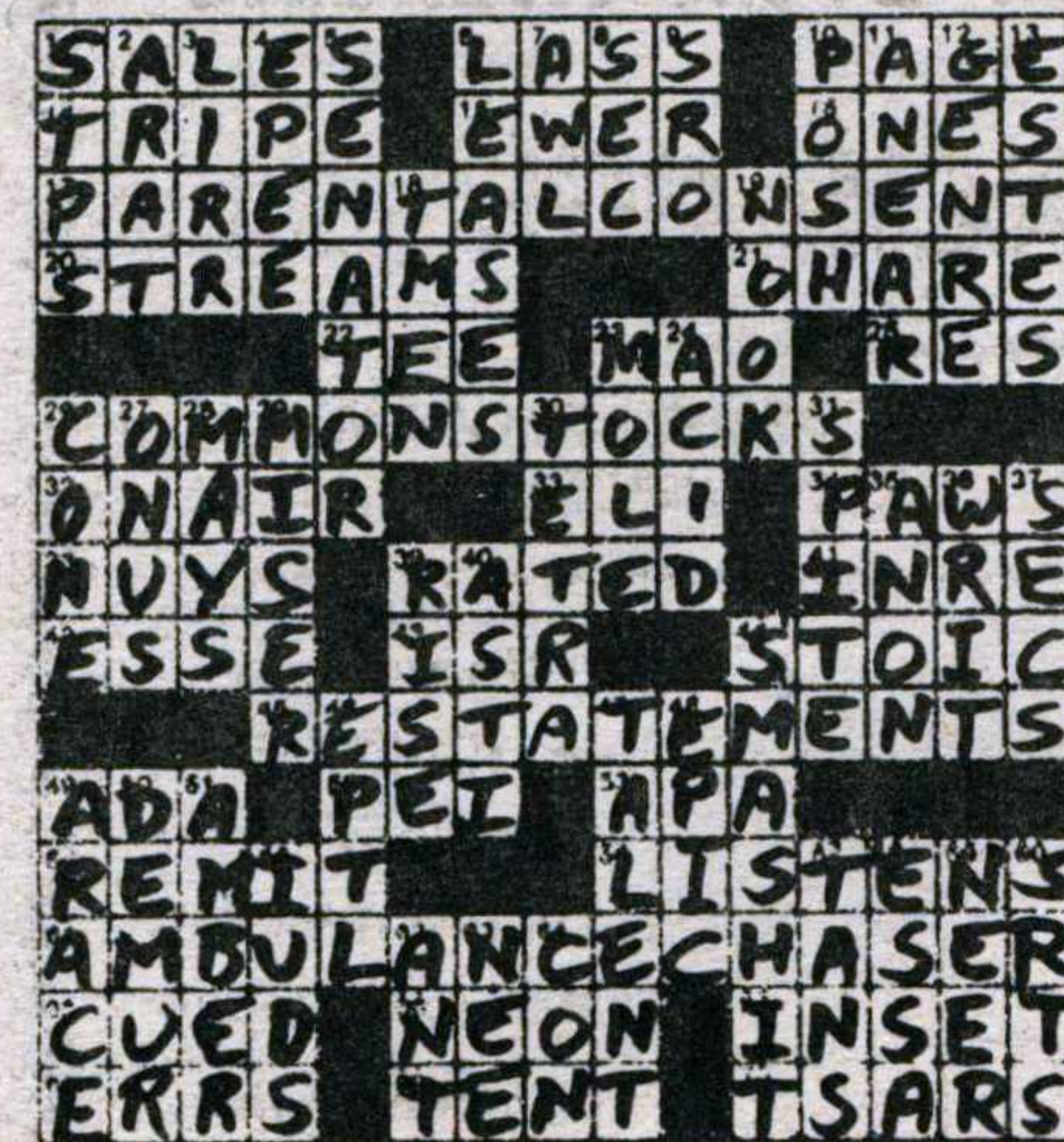
Graham Greene's novel, "The Honorary Consul" comes to the screen in briskly slick fashion complete with all of its political, sexual, and moral intrigues. We enter a South America of repressive military regimes, torture, and the rooting out of subversives. But, where the Greene novel was prone to much philosophizing, director John Mackenzie and script-writer Christopher Hampton have managed to excise much of the overblown philosophy. This film is more concerned with the actual story. It's a droll and existential drama coupled with suspense and wry pathos thanks to Michael Caine as "Fortnum," the insignificant British functionary of the title.

"Beyond The Limit" relates a tale of how Fortnum and four other characters affect each other's lives. Richard Gere is Eduardo Plarr, a doctor; Fortnum's new young wife, Clara, a former prostitute, is the lovely Elpidia Carrillo; Bob Hoskins is Col. Perez; and there's a defrocked Paraguayan priest, Leon. The plot deals with the plan to kidnap the British ambassador and exchange him for political prisoners, but as often happens, things don't go quite as planned.

To say any more about it would spoil the fun but suffice it to say the narrative twists without straining and each character becomes less than what they hoped to be. Caine's serio-comic talents carry his role, while Gere seems just along for the ride, with no real energy. "Beyond The Limit" develops unevenly and begins to lose some direction. See it only if you've seen most everything else that's playing.

Well, it's back to the movie theater for me, until next month. In the meantime. This is Joel Sands. I'll be seeing you at the movies!

we have here is a film that should not be missed!



Sands' Review

Continued from page 21

NEVER SAY NEVER AGAIN

Welcome back, Mr. Bond! It's good to see you too, Mr. Connery! This new James Bond adventure resurrects not only an older Sean Connery, but a mellower, more serious Bond. Comparisons are bound to be made with Roger Moore, whose most recent portrayal of James Bond was in last summer's smash hit, "Octopussy." Notwithstanding, it is well worth remembering that Moore never intended to copy Connery's style and has not in any of Moore's Bond films. Their respective styles are quite different. Connery's Bond is more controlled, less smugly flippant, with a darkly resonant timbre around some rougher edges. He plays it straight, as if the usual 007 double entendres and jokes are between Bond and the other characters, instead of Connery and the audience.

"Never Say Never Again" is essentially a crafty remake of the earlier "Thunderball," with its Bahamas locales and underwater skirmishes. It seems that the rights to the majority of all the Bond novels are still controlled by United Artists, with the exception of "Thunderball" and "Casino Royale." Those

two novels were never fully purchased by U.S. and that opened the way for Connery's return in the Warner Brothers 007 adventure.

It seems SPECTRE, that nefarious multinational combine bent on global domination has managed to appropriate two U.S. cruise missiles. One will be detonated in North America and the other in the Mideast oil fields. It's a dire situation that's being kept secret and it calls for "special" treatment. So British Intelligence is called on to reactivate James Bond. We are told that all of the "double — O" number agents were previously retired and relegated to the training of new agents. Now reality puts in an appearance as the somewhat out-of-shape 007 is first sent to a British health clinic for an overhaul. In glamorous fashion, Mr. Bond manages to turn the place upside down with his "special" exercising and their "tender care."

After he's ready to take on the assignment, there's the obligatory visit to Section Q for those specially prepared goodies to get him out of tight situations. Young persons will get a real charge out of the world-domination video game played in 3D with holographic images. It is part of a simple but major metaphor of the film's there wherein Bond is challenged to play the game with Max Largo (Klaus Maria Brandauer), his deliciously sinister, yet gracious host. Largo just happens to be the SPECTRE operative

in control of the missiles. Max Von Sydow is also on hand as SPECTRE's leader, who is coolly confident as to their success this time.

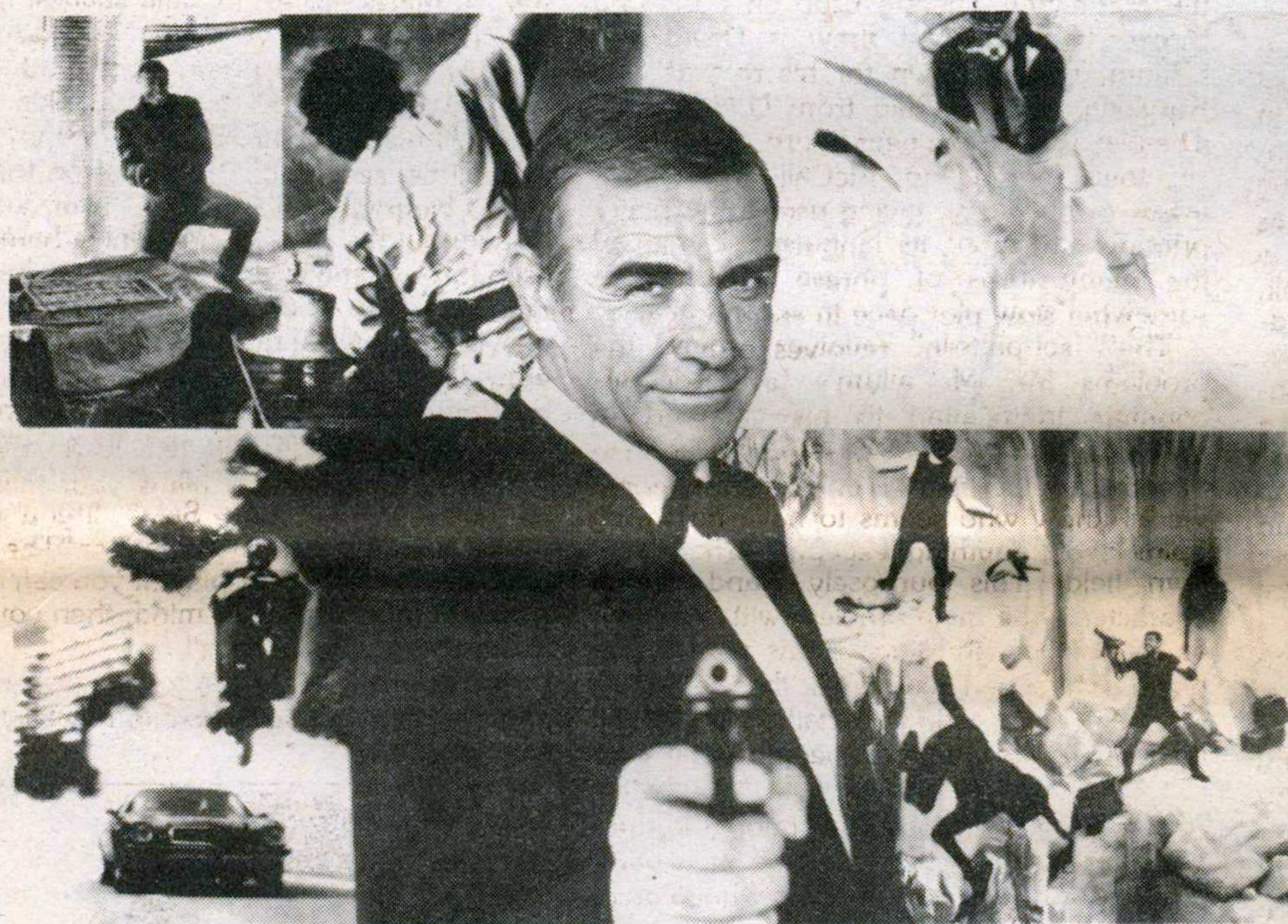
Now for the two newest "Bond girls." I wouldn't forget them. Perish the thought! The lusciously beautiful Barbra Carrera is Largo's dragon lady, "Fatima Blush." She wears sensually alluring outfits and furs as comfortably as she wears a live boa around her neck. As a more realistic than usual female villain, Fatima is marvelously amusing while enjoying her work with sangfroid, especially when she goes giddy with song and sexy shimmy at the prospect of a murder. Fatima sees herself as the "ultimate female" when it comes to erotic bliss; sensual, and sexual; as she exhorts when Bond is at her mercy; "Once you've been with 'Fatima Blush', there is no one better!" If she has her way, Bond will agree to that, in writing!

Largo's unwitting girlfriend, and the other "Bond girl," is "Domino," and she's played by the stunningly gorgeous Kim Basinger. Her brother, an air force communications officer, had been used by Largo to obtain the missiles. Then Largo disposed of him, unbeknown to Domino. The two women are ideal opposites, and Miss Basinger deserves a special round of applause since she is able to inject Domino with just the right amount of wide-eyed innocence to endear her to the audience and of course, to 007. Then there

are the other "lovelies" who Bond just happens to meet, and be with, along the way. They're all enough to make every male in the audience wish that he was 007!

"Never Say Never Again" was directed by Irvin Kershner who previously directed "The Empire Strikes Back," from a script that tends to sag just a bit as it nears the climax. But there's still an exciting "shark and mouse" game at an underwater wreck, a slightly subdued "action overture," a high speed chase featuring a rocket-powered motorcycle, and excellent special effects. There's also a unique touch in the casting of Bond's friend in the CIA, Felix Leiter. In the past, he was portrayed by actors like Jack Lord and David Hedison, but Connery himself felt there was no reason why he could not be a black character, and so Bernie Casey was given the role. He does a good job with it! Watch for the dance number between Bond and Domino, as well as their high dive while on horseback.

So to sum it all up, this latest Bond issue follows the standard formula, but skillfully manages to remind us of the vicarious pleasures in all that Bond does. This second coming of Sean Connery, with its more personable villains, is a pleasantly diverting, refreshing bit of movie *deja vu*. In a recent interview, Connery stated that this was indeed his very last James Bond film. He will never do another. But remember this film's title, "Never Say Never Again!"



A MAN OF ACTION—James Bond (SEAN CONNERY) is a man of action in the 007 action-adventure film "Never Say Never Again", a Warner Bros. release.

by Rick Collins

Twenty-one years have passed since Sean Connery first challenged the celluloid forces of evil as James Bond, agent 007 for Her Majesty's Secret Service, in "Dr. No." Producers Saltzman and Broccoli introduced the so-called "girls, guns and glamor" format which would become the standard Bond fare in the many years to come. It should be noted that Ian Fleming, the British novelist who created the character, was not happy with their casting choice, perceiving Connery, a rugged Scotsman and former body-builder, as sadly lacking the urbane sophistication required for the role. But Fleming later changed his tune, conceding that the blend of slick charm and raw machismo that Connery brought to the role added an intriguing dimension to the character.

With Sean Connery as 007, the popularity of the Bond movies soared. But at the peak of his reign Connery bowed out of the role, expressing concern over his becoming so associated with the character that the public would reject him in other types of films and in theatre (he wanted to develop as a Shakespearean actor). The producers considered numerous Hollywood actors, including Burt Reynolds, as possible replacements, but after a brief appearance by, and lukewarm reception to, George Lazenby in the role, British actor Roger Moore was chosen. Although two years older than Connery, Moore looked much younger, with thick golden hair and handsome, almost pretty features. Moore has

presented a much lighter interpretation of the character, washing away the dark undercurrent, cold and threatening, which always lay just below the surface of the Connery version. Instead, Moore added more humor and aristocratic charm to the role, giving Bond a good-natured sense of humor to replace Connery's fierce, wry sense of irony.

And now this year we finally have a "battle of the Bonds" with both actors going forth for Queen and country to battle the baddies and save democracy. The Moore movie, "Octopussy," pits Bond against a blandly villainous Louis Jourdan, his Indian henchman, and assorted knife-throwing circus thugs. Connery, stepping back into the role after what seems an eternal hiatus, stars in "Never Say Never Again" (hereafter, "NSNA"), the title of which is an unabashed reference to Connery's vow never to play James Bond again.

Neither film was completely satisfying. Both were far too long and tended to drag at times. The music on both was below par: the Rita Coolidge title track in "Octopussy" was barely adequate and the Herb Alpert/Lani Hall title theme in "NSNA" was insipid and dated, an unsuccessful attempt to pay homage to the themes of the 60's Bond flicks (i.e., "From Russia With Love" and "You Only Live Twice").

Aside from the less than tasteful title (which prompted ticket box office communications such as, "Two for the 'Bond film' please"), "Octopussy" was essentially a minor variation on the last Moore outings, with a gracefully aging Moore going through



Roger Moore as James Bond 007

the motions to justify an extended presentation of impossible stunts and silly gadgets. The subtle irony and dry black humor of the early films with Connery have been developed in the most recent Moore movies into full-blown farce (in fact, in one of the lower moments of the film Bond is actually dressed up in a clown's costume and makeup!). The film is more comedy than action drama, sort of an English "Dukes of Hazzard Go To India and Germany."

"NSNA" was vastly better, in that it is an action fantasy that manages to stay just within the realm of possibility, and therefore facilitates the suspension of the viewer's disbelief. While the gadgets might be criticized as less spectacular, I found them far more believable and infinitely less silly. In fact, I found the whole movie more believable and enjoyable because it was not just another lunatic farce a la Moore but rather a throwback to the look and feel of the old Connery movies (admittedly, the film is actually an updated and slightly reworked remake of "Thunderball," a Connery-as-Bond film of some fifteen years ago). There is a welcome return of SPECTRE, Bond's arch-nemesis (although they should never have shown the face of the man with the white cat, SPECTRE's "Number One"), and Barbara Carrera is an unusual villain (although the other villains in both this film and "Octopussy" are all trite and dull, with the sole exception of a hulking, nameless leviathan in "NSNA" who engages Bond in a vicious and energetic battle in a hospital setting -- although this violent interlude seemed to have no real plot ties to

the rest of the film).

While neither film measures up to the early Connery classics, at least "NSNA" offers believable action, gadgets and stunts. And best of all, it offers Sean Connery in the leading role where he belongs; an older, grayer Sean Connery, but Sean Connery nevertheless. Perhaps he is a bit off form as compared with his earlier efforts, but at least he is believable. Connery imbues Bond with a quality which goes beneath the tailored suits and haughty charm: a trace of menace, an icy heart working with a calculating mind to get the job done at any cost. He exudes competence and confidence; he gives the impression that he is Bond, and not just an actor playing Bond. In essence, Connery has played the part as realistically as a larger-than-life fantasy figure of this type can be played; Bond is a spy, licensed to kill, living in a world of blackmail, murder, and constant danger, and Connery has armed him with just the qualities necessary for survival. Bond, as interpreted by Moore, wouldn't last a day out there.

So, despite the flaws in "NSNA," let us welcome the return of Sean Connery to the role that made him famous. Perhaps his parting wink to the camera heralds more to come. If so, then let Queen, country and democracy rest a little easier. With Connery back in action, at least things are back on the right track. SPECTRE beware.

Rick Collins, a third-year student, has been an ardent movie fan for many years and his reviews will be appearing regularly in upcoming issues of CONSCIENCE.

Continued on page 27

SPY vs. SPY

by Bob Cerro

It all began as a simple vacation in the summer of 1953. Ian Fleming, a British intelligence officer working as a peace-time journalist for a London newspaper, sought an exotic retreat from the hectic bustle of urban London everyday life. He and his wife decided to travel to the Caribbean island of Jamaica, and rent a summer cottage. Although enticed by the serenity of the beautiful island, Fleming soon found himself doodling with his pen and paper. The result of his scribbles was the first James Bond novel, "Casino Royale." An international legend had been born.

James Bond, Agent 007 of Her Majesty's Secret Service, has undergone many changes since his character was first introduced to literature in 1953. The most obvious changes occurred during his transition from the paperback novel to the silver screen in the form of four actors, each of whom portrayed a different kind of James Bond.

How many true James Bond fans can actually recall the name of the first actor to portray Bond? Most movie-goers will probably answer Sean Connery, of course. But if you're really good at trivia, then you will remember a man by the name of Barry Nelson, the very first James Bond. He appeared, along with Peter Lorre (the very first James Bond villain) in a 1954 CBS televised version of "Casino Royale."

Nelson portrayed James Bond in much the same manner as James Dean or Marlon Brando would have — a typical 1950's heavy, fast with the cards, the ladies, and the wine. If CBS would run its version of "Casino" again today, most Bond fans would have difficulty relating to this type of Bond. (They would also find the 1950's definition of "sexy" to be far different from our definition of the word today, as evidenced by the typical James Bond girl in "Casino.")

007 hit the big screen in 1962, when, after trying to bring Bond, unsuccessfully, to the motion picture audience for five years, producers Albert R. Broccoli and Harry Saltzman delivered the first bond film, *Dr. No*. Fans have been treated to the further adventures of James Bond, from that year on, in the form of sequel bond films, which are, to date: *From Russia With Love* (1963), *Goldfinger* (1964), *Thunderball* (1965), *You Only Live Twice* (1967), *On Her Majesty's Secret Service* (1969), *Diamonds Are Forever* (1971), *Live And Let Die* (1973), *The Man With The Golden Gun* (1974), *The Spy Who Loved Me* (1977), *Moonraker* (1979), *For Your Eyes Only* (1981), *Octopussy* (1983), and the latest entry, a *Thunderball* remake, *Never Say Never Again*, playing locally.

Sean Connery was the first actor to play James Bond for producers Broccoli and Saltzman. Altogether different from Fleming's vision of his suave super-hero, Connery walked into the Bond audition in 1961 with tattoos and very casual clothing. It was his manner that won him the part of the world's most famous secret agent. As the story goes, Connery rammed his first down on Broccoli's desk, and told him he would not audition for the part — either "take him or leave him." As he turned to leave, the two producers noticed the proud way in which the man walked across the parking lot. They both simultaneously exclaimed, "That's our Bond."

Connery was indeed proud. As an actor, he was famed for Shakespearean roles throughout his native Scotland. An outdoorsman, his rugged features became the passion of 1960's female movie-goers. Men admired him. James Bond and Sean Connery became one. Almost overnight, an international star was born.

As James Bond, Connery portrayed a tough, animalistic spy. He frequently found himself in a tight spot, and would often suffer physically. He bled the same blood as his enemies; he was, in essence, a real spy. Although an experienced dramatic actor, very little drama was ever demanded of him. He wore the shoulder holster for the first five

Bond films.

Tired of his stereo-typed image of a rough-and-tough actor, Sean Connery quit the Secret Service in 1968, and was replaced by rookie George Lazenby in *On Her Majesty's Secret Service*. It was in this novel, Bond fans will recall, fast-lover James actually finds a suitable companion, Tracy, and for the first time in his life falls in love. Contrary to what the majority of the critics at the time said, George Lazenby was a perfect replacement for Connery, and did a fine job carrying on the role of 007, especially in the romantic scene where Bond proposes to Tracy (played excellently by Diana Rigg). To date, folks, this is by far the best-acted, most touching James Bond film. The audience feels a lump in its throat at the end scene, where the newlyweds, bound for their honeymoon, are traveling on the German Autobahn when the sinister Blofeld murders Tracy.

Sean Connery returned for another, supposedly last stint as James Bond, in *Diamonds Are Forever*, wherein Bond is out to avenge the death of his wife, seeking out the wicked Blofeld, keeper of white cats. The continuity of the series was lost at this point, as Sean Connery as Bond was out to avenge the death of a wife he never married.

Roger Moore, the former Saint, picked up the Walther PPK that Connery again had dropped in 1973, appearing as Bond first in *Live And Let Die*, and then in five consecutive Bond films, the most recent being *Octopussy*. Rumor has it he will return as 007 in the next Broccoli Bond, *From A View To A Kill* in 1985. Moore as Bond is, well, fun. While he lacks the rough-and-toughness of Connery, he delivers a witty, almost sarcastic James Bond, who is constantly worried about wrinkling his Sea Island cotton shirts. His method of dealing with sticky situations is to pull out a convenient Q-toy, one of those life-saver James Bond gadgets, like the Lotus Submarine Car, and the magnetic watch. Roger Moore's best Bond effort was *The Spy Who Loved Me*.

Sean Connery, vowing to play Bond never again in 1971, has returned in *Never Say Never Again*, an expensive facelift of *Thunderball*. The film delivers just the right stuff to the old James Bond fans, those who grew up on Bond during the 1960's. Connery, his toupe a little thinner, portrays Bond with the grace of an old pro. This, folks, seems to be the right way to bring Bond into the 80's. Although Bond looks a bit ancient next to some of his lady counterparts, he still retains his tastes in dress and style. It may be time for him to cut down on his vodka martinis, but give him a cause to fight for, be it against the foes of democracy, or the shape of a beautiful woman, and I can assure you, he'll be there.

Schecter on Music

by Jeffrey S. Schecter

Hello there eager readers, I'm sure you've been waiting in heated anticipation for my next column. Well rest at ease for here it is. The 1Ls will not be anticipating this column for obvious reasons, but that doesn't really matter. They probably won't have the time to read it anyway.

This article will not discuss record reviews because, well, I'm not sure why, but I don't have to justify my actions or topics to you anyway. Who are you? I'm off the topic again and my mind seems to be meandering a bit. So here we go, bringing it into focus...from the shadow of the penumbra...flash of glaring light and we burst into, albeit metaphysically, the vinyl reality. What I will endeavor to do is list the songs that comprise the perfect party tape. Now you may ask, how the heck does he know the perfect party tape? Answer obviously, through a comprehensive analysis of the psychophysiological behavior and actions



by Steven Orbach

Since graduation, I have had the pleasure of seeing a wide variety of plays, Broadway, off-Broadway and off-off-Broadway. This column will be devoted to plays I have recently seen, with the hope that the reader may have additional information in making a choice among theater productions. My bias is "pro-theater", in that I think most plays have some modicum of entertainment; I have rarely stayed for the second act of those that don't. A play need not have an important message to deliver to keep my interest; thinking back on some of the more strident and heavy-handed productions that I have seen, it is often preferable that they don't.

One such play without a message (or with a muted message) is "The Philanthropist" by Christopher Hampton, presently playing at the Manhattan Theatre Club on East 73rd Street. Its main cast draw is David McCallum, better known for his role as Illya Kuryakin in "The Man from U.N.C.L.E." The play is set in the near future, in a university town in England. McCallum is a professor of philology, giving rise to the play's primary attraction: its language. I enjoyed the many turns of phrase that kept a somewhat slow plot pace in second gear.

The "fact-pattern" revolves around the problems Mr. McCallum's professor encounters in relating to his girlfriend (a graduate student), his peers and the world in general. The professor is one of those people we all know who seems to have no strong opinion on anything except, perhaps, his own field. This purposely bland central character is the main problem with the play, as his conflicts and interactions are likewise bland. He has been given the additional feature of being at times socially graceless, by innocently explaining to people what they

mean, as opposed to what they say. The play strives to be a poignant and off-beat comedy, but fails to achieve the necessary level of drama. A further and initial problem is the age discrepancy between a 45-ish McCallum and his supposed peers, whom seem to be in their early 30's.

Mr. McCallum gives a good if not moving performance, and the rest of the cast is good to excellent, especially Robin Bartlett in an especially meaty role. In "The Philanthropist", however, the language's the thing, with the biting lines and verbal interplay of high calibre. The play has not opened as of the submission of this review, so I cannot report upon the opinions of others. With the above reservations, I would recommend a trip to the Manhattan Theatre Club.

For those familiar and appreciative of the Mabou Mines group, I would suggest a visit to the Public/New York Shakespeare Festival, near Astor Place, for a production of "My Uncle Sam" by Len Jenkin. Mr. Jenkin's play, similar to Mabou Mines, is a surrealist search by the narrator for the "true" biography of his Uncle Sam, known throughout the play as "My Uncle Sam", as seen through the eyes of a youngster heavily influenced by the adventure serials and television shows of the 1940's and 50's. This episodic play is generally amusing, if overlong, and is sometimes downright hysterical, especially the scene with the Mexican doctor. You must allow your mind to wonder with "My Uncle Sam". If you judge all plays against "Sugar Babies" or "The King and I", this is not your play; if you can allow a play to mess with your mind, then you can relate to "My Uncle Sam".

Steve Orbach (1L) is a former member of Conscience who would like to reactivate his status.



Sally Can't Dance — Lou Reed
 Lets Dance — Silicon Teens
 Side II
 Sleepwalk — Ultravox
 Nightclubbing — Grace Jones
 The Harder They Come — Jimmy Cliff
 Country Road — Toots & The Maytals
 Get up, Stand up — Toots & The Maytals
 Watching the Detectives — Elvis Costello and the Attractions
 Nipple to the bottle — Grace Jones
 The Man w/the 4 way Hips — Tom Tom Club
 Atomic Dog — George Clinton
 Hobo Scratch — Malcom McLasen
 Buffalo Girls — Malcom McLasen
 Modern Love — David Bowie
 No one like you — Pete Shelly
 Enola Gay — Orchestral Manouvers in the Dark
 Baby's on Fire — Brian Eno
 Burning down the house — Talking Heads
 Mesopotamia — B 52s
 Tainted love/Where did our love go — Soft Cell
 Fashion — David Bowie
 Homicide — 999
 Stepping Stone — Sex Pistols
 California Sun — Ramones
 Until whenever — Happy Tunes

of moderate sized groups of people in their mid-twenties. I played this tape at a party and everyone was commenting what a great mix it was and throughout the party mass undulations and gyrations were observed. Before the list there, a brief digression. 1) The safety dances aka Men w/out Hats Contest at Hofstra is postponed until Nov. 13, 1983, tickets are still on sale. 2) THE GANG OF FOUR is appearing at Hofstra on Oct. 22, 1983, if you like a very political new wave band go see them. They are very danceable and cerebral and put on an excellent show. I highly recommend it. 3) This party tape was made on a reel to reel and therefore is 3 hrs. long. Now, on to the mix.
 Side I
 Shock the Monkey — Peter Gabriel
 Life During Wartime — Talking Heads
 Cat People (putting out fire) — David Bowie
 Angels — Lene Lovich
 Star Crossed — Pam Window & The Shades
 White Wedding 1&2 — Billy Idol
 Telephone Operator — Pete Shelly
 Hiding in Cambodia — Dead Kennedys
 Soldier Soldier — Spizz Energy
 Overpowered by Funk — Clash
 Thank You For Lettin Me Be Myself — Sly & the Family Stone
 I Heard It Through the Grapevine — Gladys Knight and the Pips
 I 2nd That Emotion — Smokey Robinson and the Miracles
 Get Ready — Supremes
 ABC — Jackson 5
 Beat It — Michael Jackson
 Burning Up — Madonna
 Alone in the Dark — Pearl Harbor
 Red Hot — Robert Gordon
 Blue Suede Shoes — Link Wray
 I Hear You Knocking — Dave Edmonds & Love Sculpture
 Its Only Rock n Roll — Rolling Stones
 Gloria — Patti Smith

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1984

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Sara Keenan

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Dolores Gebhardt
Lori Goldberg
Richard Kaufman

1985

Mindy Aaron
Peggy Gartenbaum
David Rabbino
Jill Weinberg
Jamie Stokel

Alan Kaye
Laurie Lubetski
Jeanne O'Niell
Robert Fleischman
Stuart Schoenfeld
Joseph Natoli