



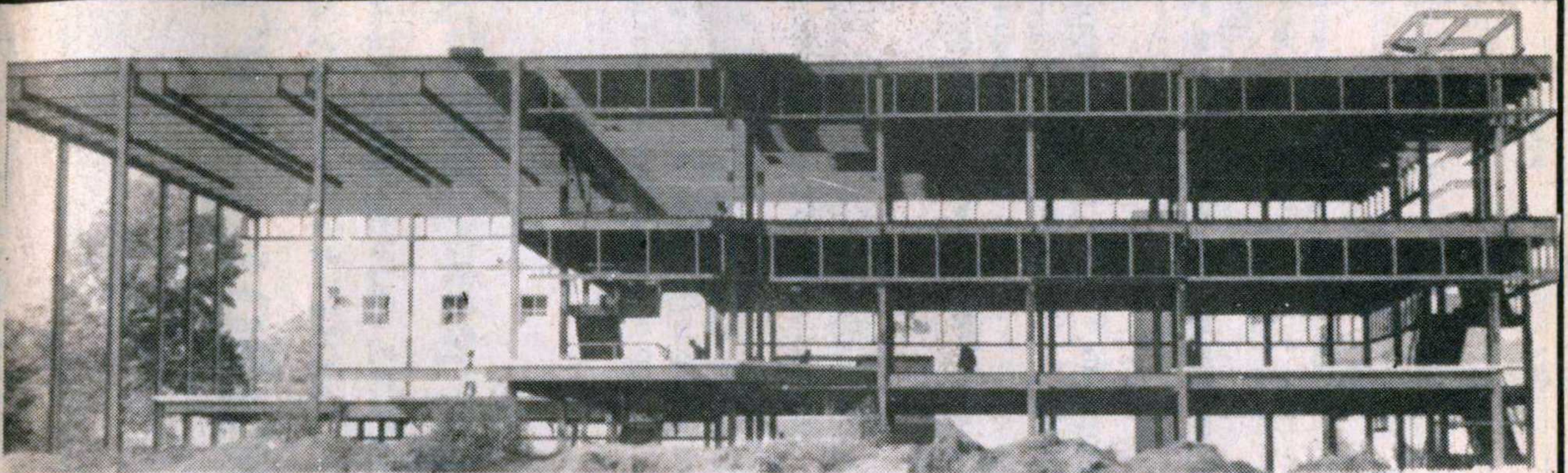
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Vol. 12 No. 3

November-December,
1984

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Graduation Speakers Suggested

by Eric Zucker

The Graduation Speaker Committee announced recently that it has forwarded its list of suggested speakers to Dean Schmertz who will use the recommendations to guide his own decision as to who will ultimately be invited to speak at the Spring graduation ceremonies.

Andy Luskin, the Chairperson of the Graduation Speaker Committee explained that while his was an appointed position, membership on the committee was basically open to anyone who was interested enough to show up open to anyone who was interested enough to show up at one of the two committee meetings. Although originally a list of recommended committee members was drawn up by some of the executive members of the SGA, the SGA and Andy felt that the committee should be left open. Committee members included: Loretta Ahlfeld, Joy Johnson, Neil Kurlander, David Katz, Howard Lipper, Sean Downes, Monica Sheehan, and James Stern.

The committee drew up a long list of potentially appealing speakers and distributed the list with a request for further suggestions to members of the third year class. For reasons that remain unclear, only about 35 students returned the list to the committee and the results were rather inconclusive.

Frustrated by the results, a second poll was considered, but after considering time elements and the fact that the committee was open to all third year students who wanted to have a say in the selection process, the committee decided to narrow the list themselves and submit it to the dean. The list included: Governor Mario Cuomo, Former Vice Presidential Candidate Geraldine Ferraro, Congressperson Bill Bradley, Leon Higginbotham (U.S. Ct. Appls., 3rd Cir.), Ruth Bader Ginsburg (U.S. Ct. Appls., D.C. Cir.), David Bazelon (U.S. Ct. Appls., D.C. Cir.), Judith Kaye (N.Y. Ct. Appls.), Julian Bond (Georgia State Senator and Civil Rights leader), Vice President George Bush, Bishop Tutu (Nobel Peace Prize Laureate,

1984), Former President Jimmy Carter, Barbara Jordan (Former Texas Congressperson), and any willing U.S. Supreme Court Justice. Two alternates were also selected: Jack Weinstein (U.S. Dist. Ct.) and Gary Trudeau (Creator of Doonesbury). The Dean has added the following names to the list of possible graduation speakers: Howard Baker; Dianne Feinstein; Daniel Inouye (U.S. Senator; Hawaii); Jay Rockefeller (U.S. Senator; W. Va.); and Harry T. Edwards (U.S. Ct. of Appeals, D.C. Circuit).

Dean Schmertz in an interview with the *Conscience* said that he wants to invite "someone who can bring attention to the school" based on "their stature and career of academic and professional excellence." Wanting to avoid speakers that are involved in "subject matters that are provocative", Schmertz stressed that he wants a speaker who will say "something that represents a contribution to the subject matter, will be an inspiration to the graduates, and will bring credible attention to the school."

Andy Luskin following his discussion of the prospective speakers with Dean Schmertz said, "The Dean genuinely desires to bring a speaker to campus who will both be appreciated by the students and will add to Hofstra's stature in the legal community."

Dean Schmertz will now narrow the list and propose 3 or 4 potentially attainable and desirable speakers to the University Provost who will then bring the list with his approval to a University-wide Faculty Committee that will then seek President Shuart's approval. As it is customary for the graduation speaker to receive an honorary degree, the speaker must finally be approved by the University Board of Trustees.

The January Commencement speaker will be James Warren. Mr. Warren is a senior partner in the firm Pillsbury, Madison, and Sutro one of the largest firms in the country which is located in San Francisco. Mr. Warren was a graduate of Hofstra Law School's first graduating class. Considering that this year marks the 15th Anniversary of the opening of the law school, the choice seems most appropriate.

Smoking Referendum

In a recent SGA meeting, the ELS proposed banning smoking from the second floor lounge. One reason for the ban is that cigarette smoke interferes with the enjoyment of eating food, an activity intended for the second floor lounge. However, a second less noticeable, but increasingly

recognized rationale for banning smoking in rooms without windows that open, appeared in the Saturday, November 3, edition of the N.Y. Times. An EPA study estimated that 500 to 5,000 non-smokers die each year of lung cancer caused by others' cigarettes.

Results of Second Floor Lounge Smoking Bar Referendum

203 — No Smoking
45 — No smoking during the hours of
10:30 a.m. and 3:00 p.m.
59 — No change in status
307 — Total voting

Class Voting Breakdown
60 — 3rd Year
115 — 2nd Year
132 — 1st Year

Judiciary Board Formed

By Eric Zucker

Recently the SGA announced the formation of the Judiciary Board. Presently the SGA is saddled with the conflicting roles of both issuing policy and reviewing its own policy when challenged. Soon it will be the Judiciary Board that will be the final arbiter of SGA actions.

Judiciary Board members will be appointed by the SGA president with majority approval of the SGA. The board will be comprised of five judges, one of whom will be designated as the Chief Justice. Three of the judges will be third year students and two will be second year students. Individual terms shall last through each member's law school tenure. Impeachment procedures will be the same for the Judiciary Board as for the Student Government Association officers.

On a practical level, application to the Judiciary Board's consideration will always have to follow action taken by the SGA or one of its recognized organizations. If an individual or an organization feels that they have been adversely affected by such action

they must submit a written complaint to the SGA in order to initiate corrective measures.

If an agreement cannot be reached between the party and the SGA, the aggrieved individual or organization may file a written complaint with the Judiciary Board. A hearing will be arranged and both sides will be allowed to present their respective arguments. The Judiciary Board may then overturn an SGA decision if by a majority vote it finds it to be a violation of the SGA Constitution.

In yet unapproved plans, the Judiciary Board will also have jurisdiction over students complaints with the administration regarding either disciplinary actions against the student or parking violations. In both cases appeals may be made to the Dean's office.

Any changes in the role of the Judiciary Board once passed, must be approved by 2/3 of the SGA members. Pending final approval by the SGA the first board members have been selected. To be congratulated are: Craig Heller, who has been appointed Chief Justice; Michael Dornbaum; Steven Gershbein; Jewel Palmer; and Ken Lewis.

THE INSIDE STORY Hofstra Law Alumni Association

by David Muskovitch

An informal poll of present students found that few knew anything about the Hofstra Law School Alumni Association (Hereinafter Association) or what it has been doing. Contrary to such findings, the Association has not been idle. It can be one of the primary links between alumni, students and the Administration, but for it to best serve such a function it needs to be better understood.

The association has been in existence for many years. It was incorporated just last year during Tom Stevens' ('81) tenure as president, which began in October 1983 and continues to this date. To accurately understand and evaluate the Association, the entire picture must be taken into account: not just where it is now, but also where it has been and what its plans are for the future.

In the past, according to Stevens and others, the Association was really a small group of people comprised mainly to grads from the strong '76 & '77 classes. The one big alumni event held by the Association was the annual cocktail party. All grads automatically became members of the Association, but despite this Stevens stated that in the year and a half of his going to the meetings before he became president there were no other new members attending other than himself. There was an optional annual membership fee of \$10 (100-150 people usually paid), with the bank account generally around \$300. Critics stated that the Association was "small scale" and stagnating as an active voice and forum for alumni.

The "modern age" of the Association, according to Stevens, began with its incorporation and the adoption of its new by-laws shortly thereafter. The idea of incorporation was first discussed during Marc Caruso's last meeting as president, and was brought to

fruition by president Stevens who was also the by-law revision committee chairman. Stevens proclaimed that the new by-laws open up the Association so that it can be much more effective.

The new by-laws have several very important provisions. For the first time ever, present students can become members for a fee

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Hofstra Law Alumni Association

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of \$5. Stevens' hope behind this provision is that if students become active while still in school, then they will continue to be active after they graduate. According to Stevens, 50-60 students have already joined.

Another provision has made payment of dues mandatory for graduates out over one year who want to be members of the Association. Further, the fee scale has been increased and graded according to how many years since an alumni has graduated (from \$15 to a maximum of \$35 after seven years). Stevens' goal behind these fee changes is to increase the amount of money available to the Association so that they can stage more events and generally be more active. At present, according to Stevens, there is approximately \$4500 in the Association account, which is far more than ever before.

Additionally, there are provisions to have committees comprised of both alumni and students to undertake various topics and activities. Unfortunately, at present there are only two committees (other than the alumni counsel) comprised of a total of three people.

Despite these apparently positive changes, several recent alumni are unhappy with the Association. Peter Shafran ('84) stated that around the time of incorporation there were "two camps" of people that wanted to do different things. He claimed that Stevens' group secretly incorporated and elected their own people. He also is very disappointed that to date there have been no activities for alumni since graduation last year. He states that there has not even been an open alumni meeting in that time (the last meeting was in August and was only open to the counsel). At present, Shafran and several other grads are considering starting up their own dissident alumni group if the situation doesn't improve.

In response to these accusations, Stevens stated that the incorporation of the Association was not done secretly, and that Shafran was even present at the reorganizational meeting in which the elections were held. He said that the only reason that Shafran might be angry is that he was on the losing side (13-2) of one of the issues at the meeting. The issue dealt with how student reps. for the Association should gain that position. The majority decided to make it appointed positions for six month terms, while Shafran wanted it to be elected positions held with S.G.A. elections.

Stevens further stated that the Association had been active in arranging alumni activities. He said that in addition to the Wine & Cheese reception for first-year students that was held at the beginning of the year, the annual fall Cocktail Party will be held December 4, 1984. Stevens stated that this was the first time ever that the Association held the Reception and it was a very big success. The fall Cocktail Party will be held at Columbus House at 8 East 69th Street, with an open bar from 7-9 p.m. and hot Italian hors d'oeuvres all evening. The fee is \$25 for Association members, \$35 for non-members, and \$20 for students. This is the first time that students are allowed at this

function, and Stevens stated that it is all in keeping with the Association's attempt to get students more involved now so that they will be more active as alumni.

In the April 1984 issue of Conscience an article was run on the Association's incorporation and its goals for the future. In the article the Association mentioned three specific goals: to start up eleven committees, to form a benefit package of discounts, and to form an alumni directory within six to eight months. To date (seven months later) only two committees have been formed with a total of three people. The benefit package is nothing more than a trifle. As to the alumni directory, Stevens stated that Dean Schmertz has said that the Administration might do it for free rather than charging, as the Association would need to do. The Association has therefore held back until now, but says Stevens, "The alumni counsel is getting impatient (with the Administration). We will have an alumni directory by the end of my term." A critic replied, "It remains to be seen."

Another controversy occurred last spring regarding an Association party at the Underground in Manhattan. Baird Jones, a professional party thrower, was throwing a party for Stevens due to his many affiliations. These affiliations included being president of the Association and a member of several Republican organizations. Included in the deal were "permanent" free passes to the Underground. These passes were supposed to be sent out to the alumni by the Administration, but this never occurred.

Assistant dean Douglas stated that there were administrative difficulties in getting the passes out because the Administration wasn't given the passes until the "last minute". He further said that a professor had brought up an issue (as an aside) of whether there might have been a conflict in having the Administration pay for sending out passes which also listed republican organizations. Stevens said that he didn't disbelieve the "administrative difficulties" reason, but he stated that he had delivered the passes to the Administration five weeks before the event.

The Administration's position toward the Association appears to be a bit guarded. Stated Douglas: "The Administration continues to be pleased with the strength of alumni from Hofstra Law, and it is hoped that as alumni develop the Alumni Association will also develop." At the suggestion of Conscience, Tom Stevens is considering having a regular article in Conscience telling the community what events are happening within the Association.

As to the Association and its record, Stevens stated, "I am proud of our record of accomplishment, but disappointed that things are going so slow". Student Rep. Andy Lusk stated that before evaluating the Association, "people should give it more time to do the types of things that it wants to do." He further stated that "We need to get more members who are willing to take the risk of investing their time and money for a strong organization in the future."

Public Hearing Held on Funding for Hazardous Waste Cleanup

New York State's Hazardous Waste Remedial Fund (Superfund) is running out of money. The State Assembly Ways and Means Committee and the Committee on Environmental Conservation heard testimony on October 24, at Kennedy Memorial Park Auditorium in Hempstead, concerning the inadequacy of the funds used to clean up hazardous wastes in New York. In attendance, representing Hofstra's Environmental Law Society, was Constance Vasilas and Carl Howard.

The New York State Department of Environmental Conservation, represented by Commissioner Henry G. Williams, endorsed Governor Cuomo's bill which offers a solution to replenish the Superfund. Presently, the fund is supposed to be maintained by assessments on the polluting industries themselves. Since this has proven to be unsuccessful, the new superfund bill calls for financing through a \$700 million bond issue, to be issued in separate installments annually, in addition to general funds and industrial assessments. Furthermore, the bill mandates that a (front-end) tax should be assessed on industrial polluters according to specified chemicals used in their operations. Originally, industry was only charged for these substances once they turned into hazardous (a waste-end tax).

Assistant Attorney General Kathleen Morrison supports the proposal's intent, but believes that industry should not be allowed to escape its responsibility. Instead, she proposed that industry should be required to repay the bond issue debt and thus relieve the public from all industrial pollution-related expenses. In addition, she had suggestions for keeping the superfund intact, such as strict liability for those who create and maintain hazardous wastes; she also suggested a public health angle by which to prosecute polluters; and finally, she suggested a mechanism whereby all damages obtained

from lawsuits would go directly into the superfund.

The New York State Legislative Commission on Water Resource Needs of Long Island, co-chaired by Assemblywoman May Newberger, and represented at the hearing by Sarah Meyland, agreed with the purpose and direction of the superfund bill, but argued that it should be expanded beyond hazardous waste clean-up. Landfills, they argued should be replaced by innovative methods of disposal such as resource recovery, recycling, and high temperature incineration.

Dr. Lee E. Koppelman and Peter F. Cohalen (both in absentia), representing the Long Island Regional Planning Board, were the least enthusiastic supporters of the Cuomo Bill. They believe that the polluting companies should be responsible for a small percentage of clean-up efforts, if any at all, since much of the damage was caused when their disposal practices were legal and technologically acceptable. They assert that it is up to the general public to bear the brunt of the financial burden through taxation. In addition, they believe that extra charges for specific hazardous chemicals should not be allowed until those chemicals actually turn into waste. The proposed preemption would, in their view, drive industry from Long Island, and would also be an "administrative nightmare." Their final criticism is that it is premature to provide a bond of such dimensions since there is a "dearth" of technology in the area.

The goal of this public hearing was met as there was testimony, recommendations, and criticism on the proposed legislation to refinance the Superfund. The State Assembly has already passed the bill in the hope that the Superfund will be replenished and remain stable. It is now up to the Senate to decide if it is a viable and realistic proposal.

Second ELS Digest Expected Soon

The Environmental Law Society will distribute the second issue (Vol. 1, No. 2) of the Hofstra Environmental Law Digest after the Thanksgiving holiday. Copies will be available to students in the library lounge.

The Digest gives active ELS members a chance to gain valuable writing experience in an important and rapidly growing area of the law. In addition to reviews of recent environmental cases, the Digest includes summaries of significant legislative and regulatory developments. In particular, the upcoming Fall issue address the regulation of leaking underground storage tanks, endangered species, biotechnology, hazardous

wastes, the coastal zone, and other pressing environmental concerns. The case reviews are national in scope and address such topics as the requirement of the National Environmental Policy Act to do environmental impact studies and the limits of liability under the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund).

The third issue of the Digest (Vol. 2, No. 1) will be published in the spring. Students interested in writing articles or case reviews should contact Gary Jones by leaving a note in the ELS mailbox (in the Admissions Office) or by calling the ELS office at 560-5007.

Guild Members Go To Conference

Karen M. Funk

The National Lawyers Guild Northeast Regional Conference was held on November 9 through November 11 at Yale University Law in New Haven, Conn. The Hofstra Chapter of the Guild sent two representatives: Karen M. Funk and Patrick Young. The Law Student Organizing Committee coordinated workshops all day Friday. There were approximately 50 law students from law schools all over the Northeast region including representatives from Harvard, Yale, University of Baltimore, Temple, University of Pennsylvania, NYU, New York Law School, CUNY-Queens, Fordham, Columbia, Rutgers-Newark, Boston University, Western New England, American University and the University of Connecticut.

Workshops included discussions on the activities of each Guild Chapter, such as, student run clinics; community education programs and other activities at the law school.

There were also workshops on developing strategies to build law school Guild Chapters; Coalition building with other law school organizations; the role of the law student in electoral politics and anti-intervention work for law students.

After dinner there were two speakers. Earl Tockman, Esq. (attorney for the Greensboro massacre trial) discussed radical law in the eighties and Professor John Britton (professor of Law at the University of Connecticut) talked about the future of the Courts and Constitutional Rights.

Other law school chapters share similar problems such as defacement and tearing down of posters and announcements of events, and potential Guild members being told if they join they will never get a job. Compared to other schools, however Hofstra's Chapter receives substantial support from the student government and the administration.

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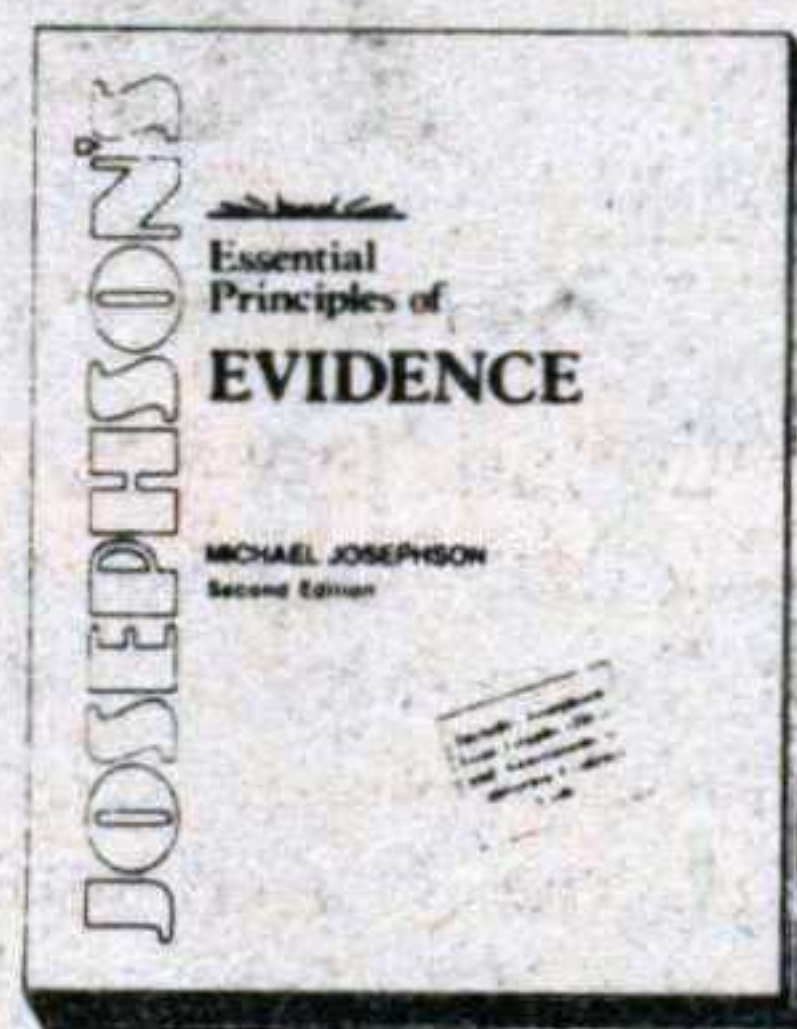
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GLA: Community Action

As part of its continuing effort to maintain a close network of organizations concerned with the development of gay rights legislation, the law school Gay and Lesbian Alliance has sent representatives to the following community forum:

On October 23rd, the State Task Force on Gay Issues scheduled a public hearing, in response to requests from the homosexual community for more input into procedures promulgated under Governor Cuomo's Executive Order 28. This order, signed by Cuomo in November of 1983, "prohibits discrimination in State employment, and in the provision of services by state agencies" based upon a person's sexual orientation.

Representatives of the American Civil Liberties Union, Lambda Legal Defense, the

State Division on Human Rights and Senior Action in A Gay Environment, were among the organizations who offered testimony. Four issues of concern had clearly emerged by the end of the hearing.

First, it was unanimous opinion of those testifying that the agency assigned to enforce the Executive Order be the State Division on Human Rights rather than the proposed designation—the Office of Employer Relations. Many reasons were offered for this change, including the relatively small size of the OER, and its infamiliarity dealing with such claims. It was noted that the State Division on Human Rights is sensitive to homosexual concerns, having resolved two cases of AIDS-related discrimination.

Second, it was suggested that the 90-day

period proposed for filing claims of discrimination be extended. Tim Sweeney, Executive Director of Lambda Legal Defense stated: "Federal legislation prohibiting discrimination based on other classifications presently provides for the 180-day time period and New York State Human Rights law provides for one-year within which to file complaints." Also discussed was the idea of making the filing date prospective from the "finding" of discrimination, rather than the termination of employment.

Third, the following questions arose as to the confidentiality afforded a claimant:

--Should a gay person have to reveal his sexual identity to address a claim of employment discrimination?

--Was it improper to proceed with an investigation where the claimant did not face his adversary? (The current rules provided

for an investigator to interview the employer and the employee separately.)

--How could one draft rules for proceeding with such a claim, that would adhere to our concept of an adversarial system and protect a claimants anonymity, without becoming mere cosmetic additions to the draft?

Finally, the procedures as drafted left no provision for appeal after a finding by the OER. To this, each representative objected.

Mr. Peter Drago, the Governor's Liaison to the Gay and Lesbian Community; the individual who coordinated this public hearing, will be speaking at Hofstra Law School Wednesday, November 28, during Dean's Hour (12-1 p.m.). Those wishing updates on the procedures (a copy is posted on the GLA's bulletin board), or having any questions concerning state legislation and homosexuality are urged to attend.

Trial Advocacy Club

The Trial Advocacy Club (TAC) is enjoying increased participation this year due, in part, to its two-fold approach. Under this approach of these trial skills, TAC usually meets on speakers on trial techniques as well as providing on opportunity for members to develop and practice trial skills.

Under the practicum format following demonstration and discussion, members are given a fact pattern to prepare for presentation at a later date (usually the next week). During the actual practicum, participants play the roles of examining attorney and witness while observers play the role of opposing counsel, objecting where appropriate. During any given practicum session, several different members have the opportunity to exercise their trial skills. To date, the practicum format has covered direct examination with the introduction of exhibits and cross examinations.

Speakers, presented by TAC, have included: Patrick McClosky from the Nassau District Attorney's office who gave a dynamic presentation on how to conduct a cross examination; Monroe Freedman, who discuss-

ed the role of the attorney in our adversarial system, with emphasis on ethical considerations' and Sab Caponi, last year's TAC president presently with the Nassau Legal Aide office, who discussed and demonstrated how to conduct a voir dire. TAC has also scheduled attorneys to speak in the near future on opening statements and summations. Watch our bulletin board for announcements for exact time and place. The next week's meeting following each of these speakers will be a practicum to exercise each of these trial skills. TAC usually meets on Tuesdays in Rm. 308 from 3-5 — watch the bulletin boards for our meetings. All students are welcome to come and to participate.

Michel F. Baumesiter, Esq., partner in Porzio, Blumberg, Newman and Baumeister spoke in opening statements on November 13. His 12 year trial practice has included both civil and criminal work. A former A.D.A. in Manhattan, former Assistant U.S. Attorney for the Southern District in Manhattan and former partner in Krandler and Krandler, Mr. Baumeister has tried numerous cases and is an expert in asbestos and aviation litigation.

Moot Court Finals

The first annual Tom C. Clark Center for Advocacy Moot Court Competition for second and third year students of the Law School has been successfully completed. Each participant was given the same problem, a constitutional law issue involving a twelve year old child with a surgically repairable heart defect whose parents refused to allow surgery on the grounds that their religious beliefs would be violated as they believed in divine healing.

The students were permitted to decide which side of the issue they wished to write their brief for. There were two preliminary rounds; the first being a practice round with no elimination and the sides for argument were drawn at random so that the competitors did not necessarily argue for the side which their brief was researched and written for. In the next round, however, each person was compelled to argue the opposite side they had argued in the first round. This was the first elimination round and six people were chosen to advance to the semi-finals.

The semi-finals were held on November 15, 1984, and two people were chosen to argue in the finals. The finals were judged by the Honorable David T. Gibbons, Honorable

Alfred S. Robbins and Honorable Arthur D. Spatt, of the Supreme Court of the State of New York/Nassau County. The other rounds were also heard by a panel of three, a faculty judge and two alumni.

Participants were Rosalind Bloom, Steve Brockett, Bruce Elstein, Lee Greenstein, Charles A. Heffner, Rosemarie Inziello, Alan Jurista, Dennis Pottinger, Anthony Sonnett and Kim Woodie.

The members of the Executive Board are Ann Kalish and Helen Meltzer. Faculty advisors were Prof. Burton Agata, Prof. John Gregory and Prof. Richard Neumann. Ann and Helene wish to thank the faculty advisors for their time, assistance, inspiration and patience.

All of the competitors will be writing and arguing another problem in the Spring semester. Students receive one credit and per semester they are graded on a pass/fail basis. They are also critiqued by the judges immediately following each argument.

This competition will be offered next year and all second and first year students now are urged to consider competing in next year's program.

We are pleased to announce that the winner of this Fall's competition is Kim Woodie.

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NLO: Practice Makes Perfect

by Nel Panzeca

Each semester, the law school provides students with an opportunity to earn school credit while practicing as legal interns. At the Community Legal Assistance Corporation (also known as the Neighborhood Law Office — "NLO"), located two miles from campus, students participate in three faculty-supervised clinical programs: General Practice; Federal Litigation; and Advocacy for the Elderly. Each program offers "on the job" training to law students who are allowed to practice law pursuant to a special order of the Appellate Division, Second Department. Students also practice in the New York State courts and in the United States District Court for the Eastern District of New York.

The law student-teacher ratio and practical "nuts and bolts" approach to the study of law is far removed from the abstract style of legal education that students encounter in the first two years of law school. As legal interns, students receive training in client interviewing and counseling, fact gathering, and legal research and writing. Students also participate in audio-visual simulations and a weekly general skills seminar.

The General Practice Clinic is offered each semester for 8-11 credits. Students are

assigned cases and handle a wide range of legal matters, including: consumer; tort; landlord/tenant; breach of contract; matrimonial; custody and support. Students also handle all stages of civil litigation, including motion practice; discovery; trials and appeals in state court.

The other two clinical programs are of one year duration, beginning in the Fall semester. The Advocacy for the Elderly Clinic offers five credits each semester. Students represent only elderly clients in all stages of litigation in both state and federal courts. Each student is assigned cases which may cover a variety of legal matters, such as: social security disability benefits; supplemental security income; will drafting and various civil actions. An addition, students are provided with an unique opportunity to gain valuable court experience when they conduct administrative hearings on behalf of their clients.

The Federal Litigation Program offers four credits each semester. Students represent clients in all stages of federal litigation including discovery; motion practice; trials and appeals. During the year, students appear in federal court on behalf of their clients.

Some personal viewpoints:

Alan Snider: I found NLO to be a good learning experience. Because of the wide range of practice that takes place at the clinic, it is especially useful for those students who are not sure of which career path they wish to take.

Vivian Hausch: The NLO in general and the Elderly Clinic specifically, provide a good opportunity to help clients while at the same time gives a good introduction to what it's like to actually practice law. Students are given responsibility for their cases, under the supervision of their supervising attorney, but at the same time get the immediate feedback that allows for personal and professional growth. Work is supplemented by such things as videotaped practice client interviews and drafting of interrogatories. Finally, NLO provides opportunities to take responsibility that might ordinarily take years to get in an law firm.

Seth Mininsohn: I strongly recommend that interested students take as many credits of the clinic as possible, since the work is very time consuming regardless. I was fortunate to come in with the superb new director, Norman Stein, and also get assigned an excellent supervising attorney, Ken Roths-

tein. My only complaint is that the full-time library staff at the Hofstra law library treats us like their adversaries; they're extremely uncooperative.

Craig Heller: I think the Clinic is a practical experience for any law student because you get to see how law is supposed to be practiced and you're given guidance that you couldn't receive in the outside world.

Pauline Constantino: My experience in the Federal Litigation Clinic, has, to date, been most rewarding. I have participated as our case evolved from a mere landlord/tenant holdover proceeding into a case with complex conflict of law issues, whether a federal rent subsidy program preempts the state tenant protection act. Most interesting has been the changing configuration of the case as we have proceeded with fact investigation.

Juan Gonzalez: Through the clinical program I have gained valuable insights of the realities of the profession which the regular classroom courses have failed to provide. In addition to the individual learning experience, you help in providing legal representation to people who might have not had it otherwise. I believe it is a must in legal education.

Comments by the new NLO Director, Norman Stein

The Neighborhood Law Office (NLO) is the focal point for the law student's clinical programs. It is a teaching law office emphasizing learning where students represent clients in a wide array of civil and criminal matters under the student practice rules of the local courts. The goal of the course is not merely to give students practice experience but to underscore the importance of reflection upon and analysis of the experience in and to construct a framework upon which to learn in the future.

This semester, students are working on a

number of complex cases: a challenge to the confiscatory practices of local law enforcement officials; a challenge to federal regulations which limit the rights of the retarded to certain health care needs; protecting the rights of a worker who was fired for being a "whistle blower". Other cases from zoning to Social Security disability have provided students with the opportunity to appear in courts ranging from village court to the United States Court of Appeals for the Second Circuit.

Since the NLO's inception in 1970, the

law school has devoted a substantial amount of monetary and faculty resources to its clinical programs. As a result, the law school has received appropriate recognition. In four of the last five years, clinical programs have been under grant by the U.S. Department of Education to find innovative projects. This year, the Advocacy for the Elderly Clinic has been funded to develop a computerized system in the drafting of wills. In 1983, the NLO received the President's Recognition Award for outstanding achievement in voluntary activities and community

sources. Yet much remains to be done.

With the support of the Dean's office, there is an effort under way to find new and better quarters for the NLO, physically close to the law school, to enable more effective integration of the NLO with other law schools courses. Of particular significance is the goal of creating a law office with modern technology and experimental office settings that will serve as a model for the practice of law into the twenty-first century.

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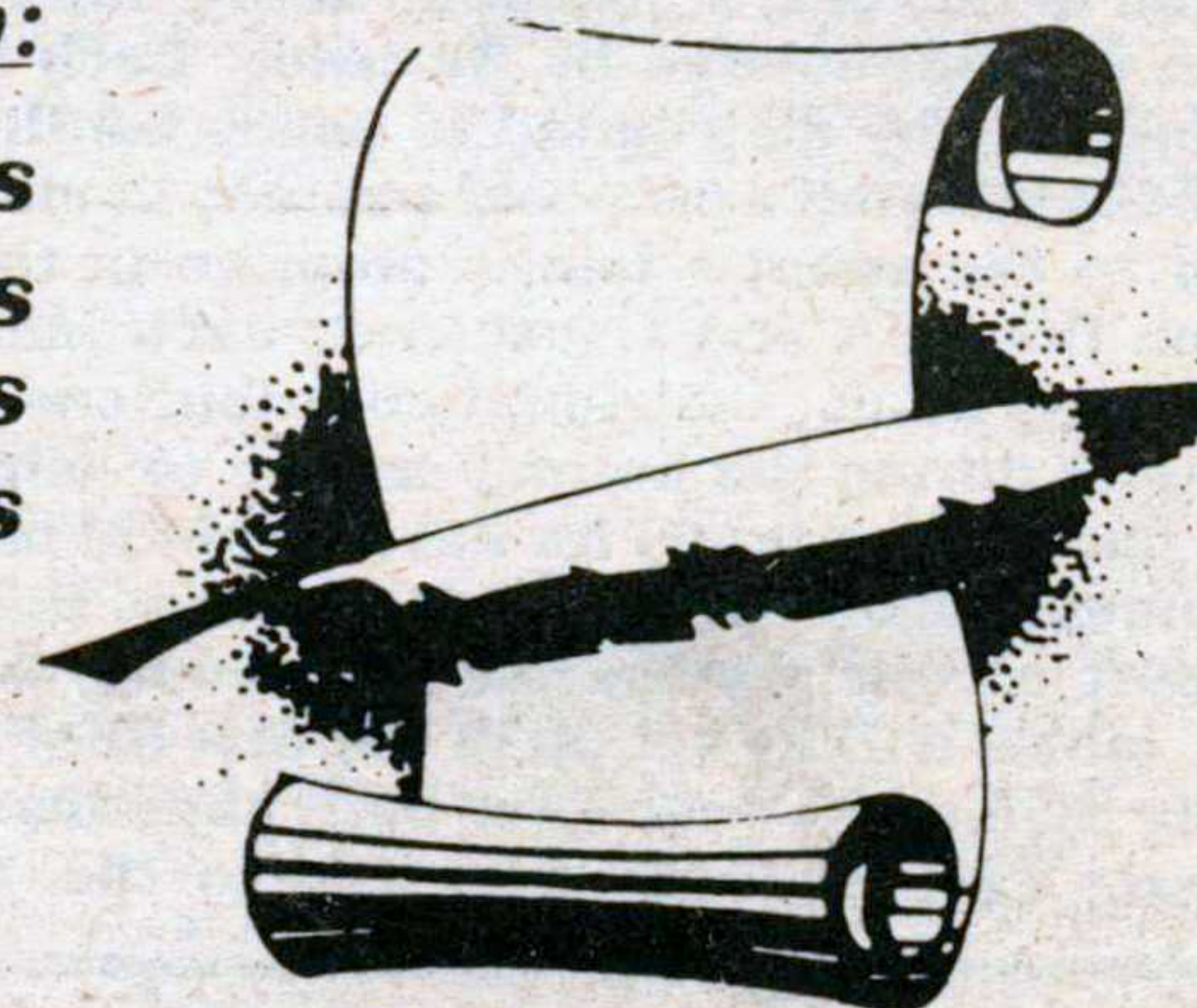
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COMMUNITY FORUM

EDITORIALS:

Are we mad to be worried in November 1984 about who might address the graduating class of May 1985? Not at all, time is running out because of the procedural hurdles which exist in selecting a speaker.

For the record, everyone should know the parameters of the speaker-approval process. After the student selection committee settles on speakers it would like to invite to commencement, the following administrative groups must approve the students' nomination: Law School Dean; University Provost; President of Hofstra University; and University Trustees. Without prior consultation among these groups, simple approval of a nominee could take several months. It is not hard to conceive of a situation where a speaker chosen by this time consuming process is unable to accept Hofstra's invitation because of a prior commitment. As a result, graduating students could be presented with a last minute replacement who hardly meets the students' expectations.

This situation raises two concerns that *Conscience* would like to address: First, the type of procedure which should be followed for recommending graduation speakers; and second, the type of speakers which should be recommended.

As to procedure, the *Conscience* would like to see instituted a standard process that would channel student involvement to a greater degree in speaking selection. Each fall a student graduation speaker committee composed of second and third year students should be formed to select speakers for the next commencement. It would permit second and third year student committee members to work together, and most importantly, allow second year student to experience the graduation preparation process first-hand. It would provide an opportunity for 3L's to pass along some useful tips to 2L's who will be planning their own exercise the following year.

The second major procedural innovation suggested is an early meeting (e.g. September) between members of all groups who have to approve a speaker-nominee. This would mean that students, the Dean, Trustees and University President must sit down and establish a consensus concerning the guidelines for approving a speaker. There's simply no sense in creating a student speaker-selection committee that never gets its nominees approved because they get vetoed at various, unpredictable points in the administrative oversight process. Instead, an early plenary meeting of the speakers-review network can launch the student committee on a course towards a mutually agreeable speaker.

And now for substance - the nub of any student graduation-speaker committee's task-what type of speaker do we want and need? Several general themes appear obvious and important. Tempered always by the ability to attract a selected individual, nominees should reflect something about the Law School as a whole. Therefore, we should seek speakers of natural prominence, whose views can represent a broad cross-section of a graduating class' interest, and who are not chosen as a personal or political favor. This probably means, at this stage in the law school's history, that although we want someone who is an important, newsworthy individual, we don't really want someone that represents a narrow special interest, or who is merely a media "sensational." Whatever your political inclination, Jerry Falwell would appear to be inappropriate. Hopefully, the graduation speaker selection groups should look at the current state of the law school and the law to try and select a speaker whose appearance would be most favorable to Hofstra.

Above all, the *Conscience* wishes to commend those students who diligently undertook the responsibility to work on this year's student selection committee. We view this as an important process, in which students can contribute meaningfully to expand and improve the national reputation of Hofstra Law School.

The *Conscience* commends the SGA for its present decision to sponsor participation in this year's "Adopt a Family" fund raising drive. The adopt a family program is administered by *Newsday*. Each year the Long Island newspaper raises funds to be distributed to needy families on the island.

The SGA adopted a proposal whereby funds donated by students will be contributed to the adopt a family program in the name of Hofstra Law School. Although the SGA and *Conscience* each plan to make donations from their discretionary funds, individual contributions directly from students would be appropriate during the holiday season to help the underprivileged.

SGA hasn't set a target for the amount of money it would like to raise, but it is not unreasonable for students to forego the money spent on a cup of coffee in support of this worthwhile community effort. For those willing to contribute, tables will be set up in the first floor lounge on Mon. thru Wed. (Dec. 3-5). The SGA and *Conscience* both hope that you will support and contribute to Hofstra Law School's donation to the 1984 Adopt a Family program.

Whose Alumni Assoc. Is It?

An open letter to Tom Stevens, President
Hofstra Law School Alumni Association,
Inc.

Dear Tom:

As a charter member of the newly-incorporated Alumni Association, I must tell you how disappointed I am with the rather dismal record of achievements your administration has tallied thus far in the Association's inaugural year.

Last Spring, I attended the Association's "incorporating" meeting and signed on as a charter member of the "new" Association with the feeling that with new leadership, the Hofstra Law School Community would recognize the Association as something with more than just a name. At that meeting you stated your goals and directions. However, as the semester drew to a close, the realization of those ideas seemed just like other pipe dreams I've heard before.

But I did not give up all hope. I gave you the benefit of the doubt that because it was the first year, you must be laying the groundwork for future events and activities. Indeed, I would think that if such work was being done behind the scenes, help would surely be needed from the Association's members.

However, I wondered why, as a charter member, I had not been notified of any subsequent meetings nor been asked to contribute my ideas, time or effort toward these goals. Was it perhaps that my help/input was not wanted or was it that nothing was being done.

The first notice that the Association still existed appeared last month in the form of an invitation attend a cocktail party at a club

in Manhattan. Notwithstanding that I already had prior commitments, I probably would not have attended because of the prohibitive price of \$25 for two hours of drinks and hors d'oeuvres. I highly doubt that many of my classmates will attend this "coming out" party for the Association. And I further doubt that any of the future alumni reading this will be willing to venture into the City to part with his hardearned twenty.

If this evening was planned as a fundraiser, based on the Association's need to attract new blood, I think that this idea is ill-conceived and will only serve to foster the notion that the Association is not a serious organization worth joining.

In that vein, I am disappointed in the apparent lack of activities the Association has held since its "incorporation" last Spring. From your speech to the assembled, myself included, one was under the assumption that plans would be soon underway to promote the organization and its activities. The only things I ever saw was a note to me in the summer and your address at the June commencement.

I write this letter both in an effort to vent my anger and frustration and in an effort to spur you and the Association onward, to forge the bonds needed between and among the alumni, future alumni and the faculty.

I sincerely wish you all the luck with the upcoming cocktail party and hope that my assumptions about it are wrong.

Very truly yours,
Peter W. Shafran
Charter Member
Class of 1984

Mr. Shafran is a former Editor in Chief of *CONSCIENCE* and will be a frequent contributor to this paper. He is an Associate with Hecht, Stall, Ritter, Hankin & Hanig in Danbury, Connecticut.

Student Input And Graduation Speaker Selection

Dear Dean Schmertz:

In an effort to achieve student participation in the process of selecting a speaker for graduation, a student committee was formed. A major issue raised in the committee meetings was the role of the Dean in the selection of a graduation speaker.

The undersigned believe that the graduating class should have the ultimate authority in choosing the individual who will address us at our graduation. As Hofstra students we have a vested interest in the law school's continued success and reputation. Our choice of a speaker will reflect our commitment to the law school but will also represent the values and ideals of our graduating class. Only the students can properly determine what these values and ideals are. We have received an excellent legal education and are aware of the important factors which should go into the decision-making process — including the desire to attract a

speaker who would bring Hofstra the national recognition which it rightfully deserves.

There are those who believe that the student body should not be permitted to exercise its right to make this important decision. We strongly disagree and can only respond that such thinking represents a lack of confidence in the student body and fails to acknowledge the decision-making skills we have acquired through our legal training at Hofstra. We are certain that as Dean you recognize the value of these skills. As is the practice at other law schools, we hope that you will provide the students with the opportunity to select our graduation speaker.

Respectfully yours,
Sean Downes '85
Howard Lipper '85

MORE LETTERS

on

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October 1984 © Conscience 1984 Vol. 12 No. 2

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.

CONSCIENCE is distributed free to the Hofstra community including students, faculty and alumni. Funding comes from advertising revenue and the student activity fee. Postmaster, please return undelivered copies to the above address. Subscriptions for others cost \$8. Re-publication of any article is prohibited without the consent of the editor-in-chief.

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COMMUNITY FORUM

THIRD WORLD PERSPECTIVE

Constructive Engagement in South Africa: U.S. Policy of Deception

By Dennis Warren

The recent award of the Nobel Peace Prize to Bishop Desmond Tutu of South Africa is long overdue.

Armed with his Bible and a faith too often put to the test by the racist apartheid minority that rules his country, Tutu has led non-violent opposition to that system, and the award is a recognition of that struggle he has so courageously waged.

Many African radicals feel, however, that the 53-year-old Anglican Bishop will need more than the Bible and non-violent ideals to overcome the oppression of the racist South African Regime.

The nomination and subsequent award to Bishop Tutu, has come at a time when the struggle in South Africa seems to be reaching critical proportions. Recently the Afrikaaner regime has sought to legitimize a fraudulent constitution - denying rights to the Black majority, and has been using increased violence against an indigenous population seeking equal rights and justice in that land.

What seems evident, however, is that the racist regime cannot be felled without the active participation of the United States; and, further, that it could not have survived without the economic and diplomatic support rendered over the years by the United States.

This assistance has been tangibly rooted in the large U.S. owned multinational corporations situated in that country; corporations which exploit the cheap labor of the African population for huge profits.

Unfortunately, under President Ronald Reagan, the racist South African regime has been strengthened considerably by his policy of so-called "constructive engagement."

One of his first diplomatic maneuvers as President was to forcefully signal a reap-proachment with the Apartheid Government of South Africa to the chargin of all - Third World and European Countries alike.

In a "Scope Paper" prepared in 1981 for then Secretary of State Alexander Haig by Assistant Secretary Chester Crocker, proceeding a series of meetings between State Department officials and top-ranking members of the South African Regime, Crocker made clear some of the objectives of "Constructive engagement."

If the Soviets are willing to help end Apartheid, instead of upholding it in South Africa, it naturally follows that their influence must necessarily increase in the region.

But it is indeed ironic, that the United States, sworn to defend freedom and democracy as evidenced by the recent invasion of Grenada, has not sought to similarly invade South Africa. Surely the situation there warrants an invasion. Unfortunately, apart from an occasional tongue-lashing, the bastion of democracy has remained mute while each day the atrocities are compounded against the Black African population of South Africa.

This points to a serious contradiction in U.S. foreign policy, one that is not unnoticed by Third World spectators. The notion of freedom, touted by the U.S. seems to ring hollow in the face of the crises in Southern Africa.

It seems the objective of the U.S. in this area is best spelled out in the words of Crocker: "To end South Africa's polecat status in the world and seek to restore its place as a legitimate and important regional actor with whom we can cooperate pragmatically."

But this can only be achieved when the system of institutionalized racism ends. And if Tutu's non-violence method is to prevail, it can only be with the support of the U.S.

Otherwise, the people there are sworn to win their freedom and independence like so many other nations historically, including the U.S. They are willing to fight and die for it.

"To tell; the South Africans that we are willing with them to open a new chapter in our relationship based upon strategic reality and South Africa's position in that reality."

Crocker continued: "You will need to make it clear to Pik (BOTH) that he share the South African hope that, despite political differences among the states of Southern Africa, the economic interdependence of the area and constructive internal change within South Africa can be the foundations for a new era of co-operation; stability and security in the region."

Based on the premise of constructive change, the U.S. has continued to support South Africa economically, while paying lip service to opposition to the Apartheid System of Legal Separation.

It's interesting to note that this support has been given despite the glaring absence of evidence demonstrating any "Constructive Change" in the conditions of the people of that country. In fact, things have changed only for the worse in South Africa, with the advent of the Reagan Administration.

Sanctions imposed by the United Nations against trade with South Africa, for the most part, have been ignored by this administration, while the trade between both countries have increased tremendously. With the policy of constructive engagement as come a greater buttressing of the Botha Regime, while the rights of the Africa majority has increasingly diminished, forcing nationalists to elect the military solution as a realistic option to non-violence.

The Reagan Administration has sought to justify its support of apartheid on geopolitical considerations - the so called Soviet threat to the region. But there has been no tangible proof of the nature or extent of this threat. It seems, indeed, that the "Soviet Threat" may just be an expedient way of justifying the its inexcusable actions in southern Africa, as has been the case in other areas of the world, particularly, Central America.

Besides, there must be a direct relationship between the Soviet's expanding influence, if it indeed exists in the area, and the brutal and insensitive actions of the South African Government heaped upon the indigents with the aid of its western apologists.

As long as the injustice continues, the people, organized by the ANC, the Military Wing of the Nationalists, will fight against Apartheid.

DEAN'S CORNER:

by Eric J. Schmertz

On October 21, 1984 I was the luncheon speaker at the meeting of the Phi Beta Kappa Society of Long Island. The following are excerpts of my talk on the subject "Is There a Glut of Lawyers, And If So What Shall We Do About It?"

I am depressed about my prospects for employment as a lawyer. In every county of the state, there are too many lawyers.

A statement by a new graduate of the Hofstra Law School? No, the remark of John Adams in 1753 - about the Commonwealth of Massachusetts.

"The law is uncertain because the overcrowded bar encourages law suits." A contemporary statement by Chief Justice Warren Burger? No, an observation by George Strong in 1839 about litigation in New York State.

Roscoe Pound and Henry Bates said similar things in 1914 as have others regularly through the years. So contemporary views on a "glut" of lawyers is nothing new.

The present stereotype of the size of the legal profession in the United States is evidenced by the cartoon in the *New Yorker* magazine with which I am sure you are familiar. It shows a doctor in the maternity ward of the hospital. He states to the lined-up bassinets of new-born infants "Attention, on this day in the year 2008 you will all be taking the New York State bar exam."

Writing in the publication entitled, "The Lawyer's Profession Independence" Peter Megaree Brown a New York City Lawyer and a Fellow of the American College of Trial Lawyers states:

The American Bar Association estimates that there are at least 600,000 lawyers in the United States. Every year more than 35,000 new lawyers are added to the rolls. At the current rate of growth, by the year 2000 America will have a million lawyers. One hundred years ago in 1878, 60,000 lawyers served a United States population of 50 million. Today's census of ten times that number of lawyers service a nation of 233 million. For the half century from 1920 to 1970 there was one lawyer for every 750 persons. There is now one lawyer for every 388 persons. It is estimated that about half the lawyers in the United States have practiced less than ten years. About one-third American lawyers probably have been in practice less than five years.

Chief Justice Warren Burger issued an early alarm in 1977:

"We may be on our way to a society overrun by hordes of lawyers, hungry as locusts and brigades of judges never before contemplated."

In 1963 there were about ten law firms in the country with more than 100 lawyers. Today about 50 law firms have over 200 lawyers. Corporate legal departments have grown dramatically. American Telephone and Telegraph has 914 lawyers in house. Exxon has 447 lawyers. General Electric has 318 lawyers.

In April of 1983 Harvard President Derek C. Bok, in his general criticism of the legal profession and legal education, noted that the supply of lawyers has doubled since 1960. Specifically, he said:

The United States now boasts the largest number of attorneys per thousand of population of any major industrialized nation, three times as many as in Germany, ten times the number in Sweden and a whopping 20 times the figure in Japan.

There have been all kinds of ideas on how to cope with the increase in the number of lawyers. Russell Baker suggests that we export to Japan one lawyer for each Japanese automobile imported into the United States. There is a story making the rounds that for laboratory experiments lawyers should be

Dean Eric J. Schmertz

substituted for the white mice. This would result not only in a reduction in the number of lawyers, but, as the story goes, would prevent the scientists from becoming emotionally attached to the specimens on which the experiments are made. Others identified as "elitists" have suggested that the number of law schools be reduced; that the rules for admission to the bar be made more stringent; that the old-time apprenticeship requirement be reestablished. Bok even suggests that prospective law students be diverted (apparently involuntarily) to other professions and occupations such as engineering, medicine and general business studies, as part of his complaint that the law schools attract the "best and brightest" to the detriment of the other professions and occupations. We know what Shakespeare advocated. Others, of course, propose the use of lawyers in new adjudicatory and dispute settlement undertakings, such as a much wider application of negotiations, conciliation, mediation and arbitration, and to different sectors of society.

In my remarks to the graduating class of the Hofstra Law School in June 1983, I quoted Professor Harold A. Larabee who taught me logic and philosophy at Union College. He told me "to become a lawyer so that you will not be intimidated by lawyers." He did not mean that lawyers are arrogant, overbearing or elitist, but rather that the essential fabric of our society is based on the law. He meant that because our rights, our obligations, our security and our opportunities are founded in the law, one who knows the law or who practices the law is closest to the heart and soul of what we consider to be the best society developed by mankind. I went on to say "we must not lose sight of the fact that our democratic society is founded on rights which are expressed by contracts, by property ownership, by civil liberties, by protection from injury and damages and by security from crime to name only a few. And if these rights are not defined, established and protected by a system of jurisprudence, what would become of our "society of law rather than men?" Indeed, I said if and when the commendable "gentler arts" of reconciliation and accommodation (as advocated by Derek Bok) failed, the lawyer must be ready to litigate not only to defend his client's rights but to uphold our societal framework. And that, therefore, litigation is hardly anything to be ashamed of.

I also observed, with regard to the so-called glut of lawyers, that the study of law was not simply to produce lawyers for legal practice but that law was also an education, a rigorous intellectual exercise, and that by educating students in the meaning and application of due process, fair play, and the adversary system, we were protecting our society from lawlessness.

Comparing my commencement remarks with the earlier stereotype portrayal of the legal profession and more particularly the quantity of lawyers, one can and should readily conclude that I think our critics have overreacted and that the situation is nowhere near as alarming as they suggest. Indeed, I have gone so far as to characterize their concern as "naive and superficial." I think the critics are dealing with symptoms not causes, and are decrying conditions for which our type of society has no better or acceptable alternative.

I should like to try to make the following points:

1. There is not a glut of lawyers but rather a large amount of litigation requiring the service of lawyers.

2. The large quantity of litigation is generated by laws reflecting both the needs and apparent desires of our particular societal and political system.

LET YOUR CONSCIENCE BE YOUR GUIDE

COMMUNITY FORUM

Dean's Corner Continued

Continued from page 7

3. A large quantity of litigation is characteristic of a free society and therefore its curtailment would be more autocratic and counterproductive than we would wish.

4. Litigation or the adversary process is the best method devised to resolve disputes civilly, on the merits, and in accordance with sensible rules and procedures. Its ready availability to the citizenry in general is the best safeguard against self-help, rebellion, violence and other forms of "taking the law into one's own hands."

The caseload in the federal district courts of the United States increased from 139,000 in 1978 to 242,000 in 1983. The caseload of appeals taken to the federal circuit courts of appeal increased during the same period from about 19,000 to 30,000. If we add in a caseload of other specialized federal courts, the courts of original and appellate jurisdiction in each of the 50 states, the caseloads of the courts of counties, cities and municipalities and the federal and state regulatory agencies we would calculate an annual caseload in the millions.

Setting aside in this discussion, the meritoriousness or non-meritoriousness of some of those law suits, it should be obvious that this large quantity, which accord litigants an opportunity to assert what they believe to be their legal rights, simply requires the services of a large legal profession in this country. The charge that the large number of lawyers generates the large number of law suits is nonsense. It is the reverse - the size of the legal profession is a reflection of the caseload.

In my view it is not difficult to pinpoint the reasons for the magnitude of the caseload in this country. A part results from the significant differences between our society and that of other countries, including those of the Free World. First is our unique federal system, under which duplicate laws and regulations are enacted by the federal government, the states, the counties, and the municipalities. So that a problem is dealt with on all levels of government, both interstate and intra-state, more than one law or regulation is needed. Consider the federal laws and regulations in the labor field, for environmental protection, for civil rights, for product safety, for transportation, for communications, to name only a few, and we can see that unlike most other countries, our federal system requires an overlap or duplicity of legislation so that the various jurisdictions can be uniform. Next is our uniquely heterogeneous society. Unlike many others we are made up of a diversity of nationalities, races, and differing cultural backgrounds. Students of litigation have identified a quantity of legitimate law suits which arise out of that diversification. Most significant, however, is the explosion in the last few decades of the regulatory agencies. We have decided that in the interest of protection and fairness, we want to regulate, for example, the quality of our food and medication; we want to maintain an orderliness and logic in our transportation system; we want to preserve fair and free competition in our business enterprises; we want to ensure equality and other civil rights for all of our citizens; we want to make prudent use of our natural resources and protect the environment; and we want to do these and similar things on as uniform a basis as possible. As our society has become more complex and faced with conflicting interests and activities of divergent but legitimate groups and forces, the need and desirability of some forms of regulation to maintain the requisite delicate balance in the public interest becomes more acute.

Let me call attention to something else which I think is unique to our system. Here, as distinguished from other countries, we have a greater opportunity and right to protest the actions of our government by law suits against the government. So, for example, the right to sue the government, sanctioned by such things as a Tort Liability Act, reflect the freedom of our society, but swell our caseload and the need for lawyers.

Considering these foregoing examples of the causes of our large legal caseload, I ask you whether any of it could or should be eliminated or significantly reduced.

I am convinced that our large quantity of litigation, though a matter to be assessed, and in some respects handled in a better way than at present, is nothing to be ashamed of. Where citizens have not only the right to sue but are *unafraid* to do so is, I think, characteristic of an unfettered political and economic system. I do not think we want to change that in any radical way.

Let me give an example of litigation as an ingredient of a free society, contrasted with restrictions on such litigation imposed by others without the same depth of democratic experience. When I built my house in Riverdale I had trouble obtaining approval from the New York City Department of Environmental Protection for my sewer connection. I asked various city officials what rights I had to either obtain approval or expedite my application. I was told that I could begin a law suit against the city officials involved; or a suit to demap a particular street involved; or a suit to change a certain zoning restriction. I was told that it was probably take about a year before I had a final decision. When I complained about the slowness of the process I was told that I was lucky I was not in West Germany. There, it was explained to me, the decisions of the counterpart of our Environmental Protection Agency are absolutely final and incontestable. Clearly, my right to sue, a right which fortunately I did not have to exercise, is a reflection of my greater freedom to challenge my government than the rights of litigation accorded a German whose historical, and political legacy has been different, and only recently democratic.

Do you think that the situation in Great Britain is significantly different than here? The New York Times reported on July 27, 1980 that the backlog and delays in Britain courts, particularly in criminal matters, are causing problems similar to the same conditions in the United States, not surprising, considering our common legal heritage.

I don't think the Japanese Model is at all applicable. Its relevance is only to underscore the difference between a long term free society and one with an autocratic history. The same holds for the limited amount of litigation in the Soviet Union and further points up the distinction I am trying to make. Contrariwise, we tend to advertise litigation as a way of handling protest and disagreement. You all remember the movie Network in which Network in which Peter Finch as the unbalanced television announcer asked his audience to open their windows and shout out for all to hear "I'm mad as hell and I am not going to take it any more." Was he advocating revolution, or violence in the streets, or destruction of property or injury to persons? No, I think he was telling people not to be afraid to voice their frustrations and complaints. In my view he was sanctioning litigation as a way of venting that protest. There is a new television program entitled, "Don't Let Them Rip You Off." Its theme is to urge consumers not to be hoodwinked and to take action if they are. What action is proposed? Obviously, it

is not self-help but rather litigation or some other adjudicatory system through which the "rip off" can be rectified. Both represent to me a fundamental characteristic of our society, namely the importance of the individual and the individual's right to attain justice, no matter who or how powerful the adversary may be. The recent Agent Orange suit and settlement is an example of success achieved by ordinary sedrvicemen against some of the most powerful institutions in our country.

We should be proud of the litigation system. It is the most civilized and sophisticated way of getting as close as we can to the truth. The adversary process tests credibility, and the value of evidence and testimony in support claims. It provides a consistency of law upon which the stability of a civil society rests. The heart of the American adversary system and hence our entire system of litigation is that critical concept "due process" which separates the free society from a tyrannical society. It is the lawyer who is especially trained to understand and apply the principals of due process.

My research turned up an article in the first edition of the Yale Law Journal in 1891 by Professor George A. Kellogg of the Yale Law School. It is entitled "The Dignity of Litigation." Let me quote some of the things he said:

As in the domain of nature there is dignity in obedience to the law by which society lives and progresses. The real laws of society are the ways by which communities live and thrive, and thus constitute the best expression which humanity has been able to give of the principals of the right relationship between man and man, and in obedience to them lies the path to the fullest freedom and power in human relations. From this point of view we are able to discern the true dignity and worth of litigation. It is more than a strife between parties, a battle wherein one man's selfishness. The word litigation does indeed mean a strife, a dispute; but it is a strife carried on in court under the protection and guidance of law; it is a dispute that is to be settled by no arbitrary tests but by the fixed principals of equity. Its dignity then is the dignity of liberty; for law rightly administered secures to each individual the largest personal freedom.

In the absence of some better system which does not yet exist, we should prefer litigation, even in quantity and even in the giant number of lawyers engaged in that process, to any less orderly, less predictably, and less free alternative. If there be a glut of litigation and a glut of lawyers it is in no way as serious a threat to a democratic society as would be a scarcity of persons who understand due process and diminution of that process itself.

Of course there are problems and there are things to be done. Not enough lawyers or legal attention has been directed to the needs of the lower middle-class and the poor. We have made some strides. Legal aid societies have been strengthened, public defenders have been instituted, pre-paid legal clinics and legal insurance are beginning to flourish; practicing lawyers, especially law professors, continue to devote a larger portion of their time for pro bono activities and more resources are being made available to address legal matters of the less privileged in our society.

Also, because of extensive backlogs in some areas of traditional litigation, we are undertaking serious experimentation with alternatives to litigation. Conciliation, mediation and arbitration procedures and forums are developing in a wider spectrum of American life. Law schools, including the Hofstra Law School, have introduced alternatives to litigation disciplines in their curriculum and are beginning to train new

lawyers in methods to resolve disputes other than by law suits. New lawyers will be exposed to philosophy which encourages the use of those alternative methods whenever and wherever feasible. And herein lies what modest suggestions I have regarding the so-called glut of lawyers. We will not have too many lawyers if they are utilized on a broader scale and for new or presently under-utilized purposes. The law schools, which are the exclusive source of new lawyers, should neither close nor curtail their enrollment, but rather train and encourage a portion of their students to practice law in areas and disciplines in which there is a lawyer shortage -- namely as part of pre-paid legal clinics; as part of the work of community and social organizations; as part of legal aid societies and offices of the public defender. But the greatest contribution I think to a more broad based use of lawyers is for them to expand their practices by encouraging clients and others with whom they become professionally associated to try a system of conciliation and mediation and even arbitration as alternatives to traditional law suits. By doing that they will not only expand their own activities and professional usefulness but they will open up other forums for dispute resolution, thereby relieving the burden on the courts. Lawyers also should become skilled not only as advocates in alternatives to litigation, but they should serve as mediators, conciliators, fact finders and arbitrators. The country has a dearth of private, skilled, and experienced mediators, even in the labor law field. It seems to me that if various industries and organized trade associations built into their commercial contracts and practices an institutionalized system of conciliation, mediation and even arbitration as alternatives to litigation, an enlarged field for the use of the particular talents and skills of the lawyer would be developed to everyone's advantage. Some of this is being done now by organizations like the American Arbitration Association and by various commercial and professional institutions. What I propose is a *dramatically enlarged, privately agreed to system under which a bulk of cases that now go to the courts can be disposed of in these alternative ways. But I do not want to be overly sanguine. I am not among those who think that the alternatives to litigation are not forms of litigation. They are. Mediation or arbitration can be as adversarial, as contentious and as confrontational as any law suit in court. Rather, what I am saying is that there should not be a deprivation of anyone's right to litigation or anyone's right to become a lawyer. What we should be doing is expanding the use of our lawyers into new areas of dispute resolution and into new roles for which legal training is most suitable. We should be developing a wide network of private, voluntary forums for dispute resolution paralleling and companion to our court system.*

Let me assure you that lawyers speak the language of our society and are dedicated to it.

**LOOK FOR
CONSCIENCE
NEXT
SEMESTER**

COMMUNITY FORUM

Is It The Beginning Of The End Of The Republican Party?

by Randy Montellaro

That's right, you're not seeing things. I meant to question whether the Republican party has a solid future in American politics. Some of you (mistakenly) think it's a foregone conclusion that the Democratic party is on the decline and that it does not represent the majority of Americans. In reality, the opposite is true and it is the Republican party which stands on rather precarious ground.

Before you think I'm crazy consider a few facts for a moment. President Reagan won by an overwhelming 16 million votes, which translates into a 17 percent point (58-41) victory over Mondale. Reagan carried 49 states while Mondale was only able to carry one, his home state of Minnesota. (Last time I looked, Washington, D.C. was not a state.) 49 states means 525 electoral votes for Reagan and only 13 for Mondale. Now you can forget all those numbers because they do not constitute a Republican party success. I realize that you may now definitely think I'm crazy but I assure you that I am in full control of my faculties. (I know some of you will debate this but I'll ignore those remarks).

Reagan's victory was a great personal victory but that is all it was -- a personal victory. Lets consider some more numbers. The Democrats picked up two Republican seats in the Senate, narrowing the previous Republican 55-45 advantage to a slim margin of 53-47. The Republicans had hoped to pick up 25 to 30 seats in the House but they were only able to obtain a modest gain of 15 or 16 seats. The Democrats still maintain a sizable advantage in the House with roughly 267 Democratic seats to 168 Republican seats. Any pre-election hopes of achieving a working majority in the House consisting of Republicans and conservative Democrats to railroad Reagan's policies though Congress was effectively quashed by the elections outcome. This does not mean to say that Reagan won't have any early success with Congress, but the honeymoon won't last long. The mandate this election gave Reagan is hardly a mandate for the Republican party or its policies. As Bob Dole indicated: Reagan's victory was not a mandate but a Mondale.

The realignment the Republicans have been waiting for has failed to materialize. In the 1982 Congressional election, the Republicans lost 26 seats in the House, so even when you consider the gains made by the Republicans in the House this November, they are below their 1981 strength. In the 1986 Congressional elections, the Republicans can be expected to lose even more ground. Don't just take my word for it, look at history.

Traditionally, the party that occupies the White House loses seats in off-year elections because of the electorate's increasing dissatisfaction with the president. It has happened in the past, it will happen in 1986. The Republican party will not become this country's majority party in the foreseeable future. The Democrats can be expected to increase their hold on the House in 1986 and possibly regain control of the Senate that same year.

Conservative columnists such as George Will tend to disagree with my prognosis and explain away Republican losses in 1982 as a result of the economy's poor shape at the time. The scenario as Will envisions it is that because of the economic down turn, Republicans voted into office in 1980 took the blame and were voted out of office in 1982. Logical, right? Wrong. It is true that voters do tend to vote their wallets but then why weren't more Republicans elected this year when the economy was doing well especially in light of Reagan's landslide victory? Looking at it another way, why weren't Democrats the losers in 1982 since they were in control of the House and the voters would be more likely to perceive them more at fault for an ailing economy because they had stymied the Presidents economic legislation? In any event, this brings us to 1988 and the next presidential election.

To determine which party will occupy the White House in 1988, it first must be determined why Reagan was elected to the presidency in the first place. In 1980, Reagan defeated then President Carter to become the 40th President. It can safely be assumed that Reagan's win in 1980 was not so much a victory for Reagan but a repudiation of Carter, one of the most unpopular Presidents in recent memory. In the same

vain, President Reagan's re-election in 1984 is more attribute to his personal magnetism than to the voters acceptance of his policies. His stage presence so to speak. (Sorry I could not resist.) Reagan told the public what they have been wanting to hear since Vietnam, that America is No. 1 and that they had every reason to be proud of their country. Ronny and Nancy restored the regal status to the office of the presidency. If his policies during the first four years of his tenure were not always correct, then so be it, he is the "teflon" president. None of his administration's misdeeds (Secretary of Labor Donovan; Sec. of Interior Watt; EPA's B. Ford; loss of 250 marines in Beirut; 275 billion dollar deficit, etc.), were thought to be attributable to him. No matter what went wrong he was able to rise above it. He was blessed with an improving economy and as I alluded to earlier, voters tend to predicate their vote on how the economy is going. (I defy anyone to convince me that Reagan's tax policies were the cause of the economy's improvement and not the cyclical nature of a market economy.) In addition, the mighty U.S. military was able to show its dominance over the small island of Grenada (the invasion of Staten Island would be more of a challenge).

Mondale suffered from being linked to the Carter administration. Furthermore, Mondale's noble efforts to salvage the election were futile and hurt more than they helped. Mondale committed himself to raising taxes in an attempt to slash the budget deficit. Even Republican economists privately admit that tax increases cannot be avoided but such a promise by Mondale only scared the voters. (By the way, taxes will go up. Reagan's tax simplification program is a crock. Tax rates may stay the same but if deductions are disallowed it has the same effect, someone pays more taxes.) The Ferraro nomination was a history-making event, but it lost as many chauvinistic voters as it added women voters. Ferraro's husband and his business dealings didn't help either. The conclusion I draw from all this, is that no conclusion can be reached from the outcome of the 1984 presidential election to help predict whether a Republican or a Democrat will be the next president. An

analysis of where the parties lie ideologically is necessary to determine who the American people will embrace in 1988.

Republicans would like you to believe that the country is becoming more conservative, it's not. If it is, the election results fail to show it. In 1984, long term conservative Republican Senator Jesse Helms had difficulty with re-election. Locally, conservative William Carney barely held on to his congressional seat even though opposed by an unknown. The truth of the matter is that, as a whole, Americans are fiscal conservatives but they are also social liberals. This has always been the case it always will be the case. It is for this reason the Republican party will encounter trouble ahead. The Republican party is deeply riven by ideology, and held together only temporarily by the President's personality. As the new right fundamentalists become more and more entrenched the moderate liberal wing of the party will be further alienated. More importantly, the party will be separating itself from mainstream America.

If the Republican party continues in this rightward direction, a Democrat will be sworn in as our 41st president. Trent Lott and the rest of the Republican young turks will look like young turkeys. Traditional moderate-conservative Republicans such as a George Bush or a Bob Dole, are considered too "liberal" for the new right. Republicans such as these who have a chance for victory in '88 will find it more difficult to get their party's nod than winning the general election if they do not get the nomination.

This is not to say the Democrats don't also have their troubles. The 1980 and 1984 presidential elections saw a deterioration of the traditional Democratic coalition, but it can be revived. Registered Democrats outnumber registered Republicans by a substantial margin. Americans still believe in traditional Democratic party values. The Democratic party should still be able to draw upon the poor, middle class, blue collar workers, labor, women, minorities, and ethnics.

Admittedly, the solid south may not be solidly Democratic any longer. But this does

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Ron Romps But Fritz Wins Law School

By Anthony Giancana

On November 6, 1984, Ronald Reagan coasted back into the White House. He won everything there was to win with the exception of Minnesota, Washington D.C. and perhaps most importantly Hofstra Law School.

On his way to a second term, President Reagan collected 525 electoral votes, the most of any president, 49 of a possible 50 states and 59 percent of the popular vote, the third highest in presidential elections history.

When the numbers are broken down they indicate the president won 62 percent of the male vote, 54 percent of the female vote (so much for the Ferraro factor & the N.O.W. endorsement). He received 94 percent of the vote of those indicating they were republican, 61 percent from independents and 24 percent from democrats. The president received 63 percent of the white vote and (a very low but not unexpected) 11 percent of the black vote.

When examining some of the broader based demographic categories such as age, income and education, we again find clean sweeps for the president. The president receive at least 56 percent of the vote from every age category, and 60 percent from those 18-24.

He received a majority of the vote from people earning \$10,000 per year and up, and won a majority of the vote from all people possessing at least a high school diploma.

In other miscellaneous categories we find the president receiving 68 percent of the farm vote (I guess they didn't forget the grain embargo); 69 percent of the vote of Born-again-Christians; 62 percent of the vote of "young professionals"; 41 percent of the vote of people who stated they were strong environmentalists; 57 percent of the vote of retired persons and perhaps best of all for the republican party 61 percent of the vote of first time voters.

As for what the president lost: The District of Columbia, who cares, it always goes for the Democratic nominee, it only has 3 electoral votes, and it's not even a state. Minnesota, if you can't win in your own backyard, you can't win anywhere. Besides it showed people where Minnesota is, on election night it was the only thing colored blue on the ABC map of the country.

Hofstra Law School, this is clearly what Walter Mondale was referring to when he said on election night "In every victory are the seeds of defeat and in every defeat are the seeds of victory." Hofstra Law School was Walter Mondale's greatest victory. The Law School poll conducted during the two

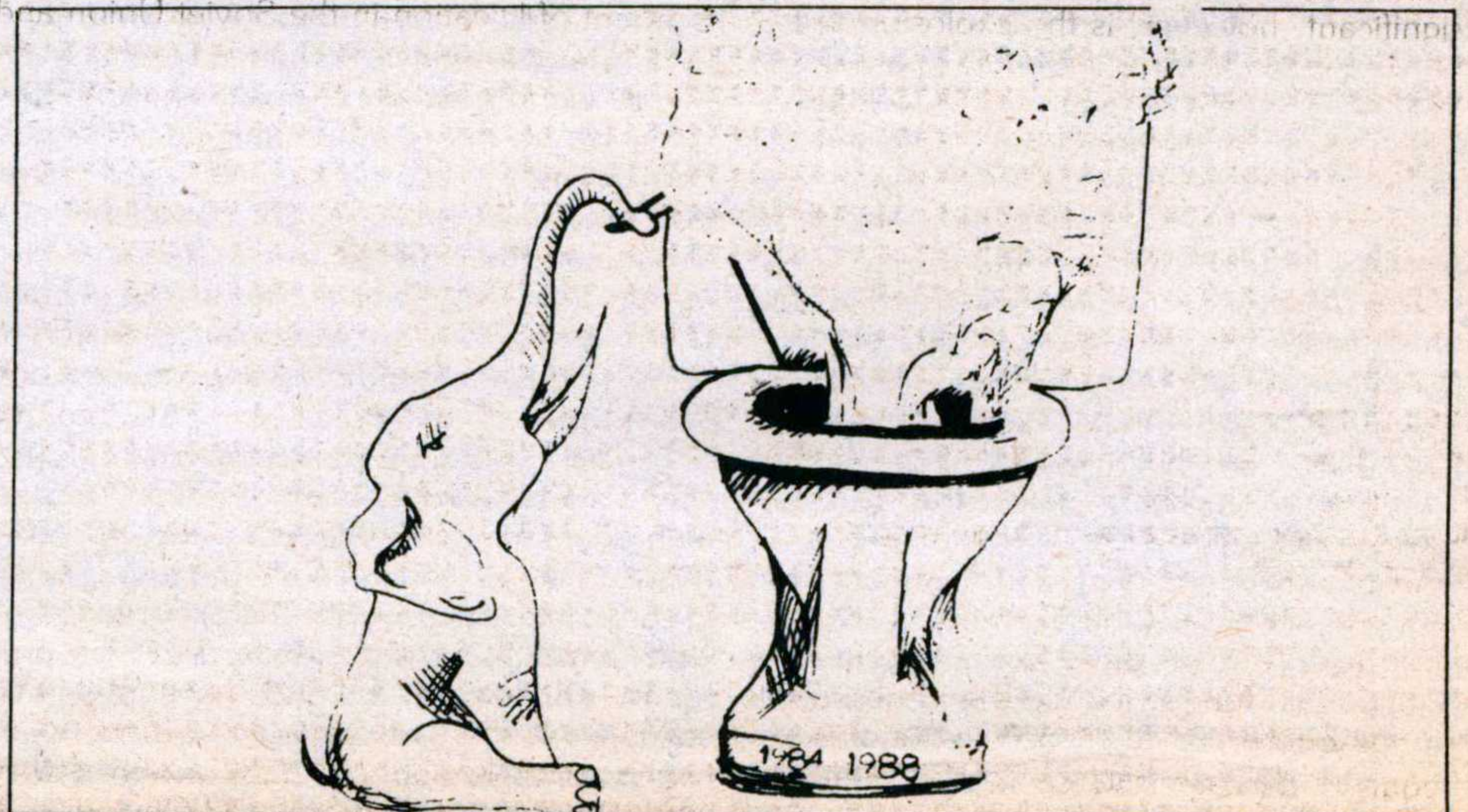
weeks before the election show(ed) Walter Mondale the overwhelming choice of law school students.

When asked who(m) do you plan to vote for on election day, 76 students said Walter Mondale, while only 27 said President Reagan, nearly a 3 to 1 margin. Of Walter Mondale's 76 votes, 53 were cast by males and 23 by females, of the president's 27 votes; 21 were from males and 6 from

females.

While Walter Mondale's victory is clearly one sided it doesn't appear to be based on anything he did, rather it was based on dislike for the president. When asked why you selected the candidate you did and given the choice(s) because I believe he will make a good president or I can't in good conscience vote for Ronald Reagan/Walter

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COMMUNITY FORUM

GLA REPORT:

The Gay Family

"Why would a man want to marry another man?"
"Security."

—Tony Curtis to Jack Lemmon in the movie, **Some Like it Hot**.

At one of the major political conventions this summer, a spokesperson for the religious right was speaking to a newsmen on television about the emergence of gays as a political group. The spokesperson contrasted gay people to the majority of Americans, which he described as family oriented individuals. Like many other gay Americans, I was stunned and deeply hurt by this common perception of gays as being anti-family. Did the spokesperson believe that gay men and women are found in cabbage patches and raised in orphanages? Just as everybody else is, gays are born into typical American families, complete with parents, brothers, and sisters. To the gay man who has to deal with the tragedy of a parent dying slowly of cancer, or the lesbian mother who must fight to retain custody of her natural children, the above remark is a sign of cruel ignorance. Gay people certainly do have a sense of family. But because in the United States discrimination against gays is the only form of discrimination that is still given widespread legal support, gays are very often denied the means to express their desire for a family.

A major aim of the Hofstra Law School Gay and Lesbian Alliance is to sensitize the Hofstra law student to the many legal issues

inherent in being gay. During the month of November the GLA is sponsoring a series of speakers and films exploring the topic of the Gay Family. The major issues to be covered include child custody and visitation rights, adoption, wills, and cohabitation agreements. Gay legal issues are gaining more importance as America's ten to fifteen million gays increasingly demand fair and equal treatment under the law. Many students as lawyers will be facing these issues in their future legal careers. Here in question and answer form is a brief survey of the many legal issues involved arising under the topic of "The Gay Family". (The ACLU handbook "The Rights of Gay People" was used as a source of much of the following material).

Q. Since there is no legal institution for gays that is analogous to heterosexual marriage, is a gay couple deprived of any rights or benefits?

A. Yes, when a state refuses to recognize a marriage the couple may not gain any of the legal benefits that are conditioned upon marriage. Married partners have certain advantages in paying their income, gift and estate taxes. They may inherit from one another without a will; they may own their own property in tenancy by the entirety; they may run businesses at a lower cost in taxes; each may recover for the wrongful death of the other; they may adopt children more easily than singles; and they may lawfully have sexual relations. Most of these and other benefits are denied to gay couples. Also private organizations such as airlines, insurance companies and banks offer their goods and services on terms that discriminate in favor of married people.

Q. Does a gay couple living together have rights of inheritance from each other?

A. No, a frequent tragedy in gay life is that

when one partner dies, the other partner must contend with the deceased's family helping itself to the couple's possessions. Gay people living together should have wills with each other listed as beneficiaries.

Q. Would such a will be enforced if contested by the deceased's blood relatives?

A. Of course all wills are subject to challenge. Gay wills would probably be contested on the grounds of undue influence. Undue influence is a question of fact decided by a fact finder which could easily be swayed by cultural prejudices. In **Matter of Kaufman**, the court considered an affectionate relationship between two gays so improper as to constitute undue influence. But ideally, an affectionate relationship should be viewed as good evidence for sustaining a will.

Q. Can gays use adoption as a way of legalizing their relationship?

A. Adoption is a method that makes sense for many gay people who want to solidify their relationship. In **Matter of Paul P.**, a 57 year old man had sought to adopt his 50 year old lover. The men having lived together for twenty-five years, wanted to link themselves legally to ensure they would each have the power to make decisions for each other in case of death and illness, to prevent eviction from their apartment, and to facilitate disposition of their estates upon death. They also stated they would like to be recognized as a family for emotional and sentimental reasons. The men sought adoption because there is no legal institution afforded gay couples that would grant them benefits as marriage does straight couples. However, on October 16, of this year, the N.Y.S. Court of Appeals by a 4-2 vote held that adoption can only be used to legalize a parent-child relationship not a sexual relationship.

Q. Can a gay parent retain custody of his

child?

A. It is possible, but it is not often done. Many courts make the unjustified inference that custody by a gay parent would be harmful to a child. In **Re Jane B.** A New York court ordered a change of custody from the mother to the father, even though the mother cared for the child for the seven years since the separation, because the mother was a lesbian. The court reasoned that the child would be exposed to a lesbian relationship and therefore would suffer "serious adjustment problems." The court also severely restricted the mother's visitation rights, forbidding her to keep the child overnight, or to see her while in the company of any other gay person.

Q. May a gay person adopt a child?

A. No state expressly prohibits adoption by gays, but such adoptions are still very controversial. The court must find that the adoption is in the best interests of the child. In a 1979 New York case, a man was permitted to retain custody of a 13 year old boy he had adopted a year previously, even though he had subsequently declared publicly that he was gay and living with another man. Recently New York has amended its adoption regulations to explicitly state that homosexuality by itself can not bar one from adopting.



Book Review: The Threat

Review by Pat Young.

The Soviet Union, a country we Americans fear and distrust, is also a place we know shockingly little about. What little we do know most likely comes from the popular media, T.V., newspapers and radio. The American media has always presented us with two contradictory images of the Soviet Union. As every American school child knows, the Russian system is on the whole bureaucratic, inefficient, and corrupt. On the other hand, the Red Army is depicted as a model of efficiency, made up of semi-robotoid soldiers willing to obey any command unhesitatingly and officered by trained professionals steered in the cauldron of the Second World War. The threat posed by this army, we have been told for more than a generation, can only be met by incredible expenditures by the United States on counterforce measures. While there was some probing of this dualistic construct during the last decade, with the rise of Reaganism this myopic vision of our adversary has again been enshrined as part of the national worldviews. Andrew Cockburn's *The Threat* (Random House, 1983) is a useful antidote to the kind of irresponsible threat mongering which has had such great currency in this country of late.

The Threat is a detailed look at the Soviet armed forces. Everything from the training of Russian foot soldiers to the condition of the Soviet anti-ballistic missile system is examined within the pages of this book. Everywhere Cockburn finds the Russian forces lacking.

Cockburn admits that on the surface the forces available to the Kremlin look impressive. In the course of a single year, for example, 1.8 million youths are conscripted into the Soviet armed services, enough new Red soldiers to give any American nightmares. In toto, Russian defense forces

total nearly six million men. These numbers do not tell the real story, however. The vast majority of Russia's soldiers are deployed in rail road construction battalions, in internal security divisions, as border guards along the Chinese frontier, or in performance of tasks routinely done by machines in the U.S. Excepting such forces, the real military strength of the U.S.S.R. is less than three million men.

According to Cockburn, these three million men are of questionable value as soldiers. The Soviet conscript soldier receives little training. He is subject to harsh treatment at the hands of his superiors. His pay amounts to less than \$7.00 per month. The average soldier spends a large part of his tour of duty in enforced physical inactivity cooped up in an overcrowded barrack at a military post located in the Russian wilderness. Responding to the desolation of military life, nearly one in three Russian soldiers has an alcohol problem. Even more damaging to Soviet military readiness, these Russian unfortunates become so disgusted with army life that few re-enlist when their two years of mandatory service is up. In the U.S., where the re-enlistment rate is about 33 percent, military experts worry about the loss of trained soldiers. By contrast, only about one percent of Soviet draftees re-enlist. This fact leaves the army of the U.S.S.R. without an experienced corps of non-commissioned officers, the backbone of any army.

In *The Threat*, Cockburn describes an officer corp savaged by internal politics, and a high command of generals who make Ronald Reagan look like a strapping youth. He also details the Soviet Civil Defense Plan, a plan given much attention by the American media. Alarmists in the U.S. have contended that the Russian Civil Defense program would give that country the ability to withstand a nuclear attack, thus obviating the

deterrent value of Mutually Assured Destruction. The reality of Russian civil defense, however, does not correspond to the media image of bombproof factories and dormitories deep beneath Moscow and Leningrad where life would go on as usual after Armageddon. Russia's actual civil defense plans are much more prosaic, involving the rudimentary process of moving Russia's urban population to rural areas in trains, motor vehicles, and on foot. Cockburn says this "immediately presents a host of practical difficulties. These are 2 million cars, 2 million trucks, and 200,000 buses for the entire U.S.S.R. ... Most of the population would have to evacuate themselves on foot. Even if these hordes were to move at an average speed of 1 1/2 miles per hour, which is highly unlikely as far as the very young, old, and sick are concerned, they would still be no further than 30 miles from their starting place at the end of a day and exposed to the effects of warheads exploding over their former homes. ... Once the evacuees have walked a safe distance from likely target areas they must proceed to the construction of their 'expedient shelters'. These are intended to be little more than reinforced holes in the ground, but even so it is hard to understand how people accustomed for the most part to living in apartment houses could be expected to find the requisite materials [to build the shelters], much less carry them on their desperate forced marches from the doomed cities." The absurdity of Soviet civil defense doctrine has prompted this joke among Muscovites:

"What do you do in case of a nuclear attack?"

"Wrap yourself in a sheet and crawl slowly to the cemetery."

"Why slowly?"

"So as to avoid causing a panic."

Cockburn's book also provides an excellent critique of Soviet naval and nuclear

doctrine, too detailed to go into here. Finally, he points to the Arab-Israeli wars of the last two decades as proof that American-style training and weaponry is far superior to that of the Soviets. In the Middle East, he says, "the inferiority of Soviet Weapons to American high technology has been vividly and undeniably demonstrated in combat."

Given the deficiencies in the Soviet military machine, how can we explain the vast over-estimation of Russian power by our media? This *phenomena* can be accounted for, says Cockburn, "by a deliberate and continuous inflation of the threat by the American military. This has resulted in the emergence of a war economy in the United States, with wide sections of the community directly dependant on a high rate of defense spending, as well as on an ongoing atmosphere of fear, fear of the Soviet Union and fear of universal nuclear immolation." Similar threat inflation of American military power is used by the Soviet military bureaucracy to increase its power within the U.S.S.R. In both the U.S. and Russia, considerable economic and political control has been delegated to a permanent military caste, a situation similar to that which existed in Europe in the years prior to World War I. Cockburn concludes chillingly:

"Today we see militarism in the ascendant both in the Soviet Union and in the United States. ... While the Soviet generals, like those of the United States, may be more interested in governing soldiers in peacetime rather than deploying them in battle, in buying weapons rather than in using them, the events of 1914 show how helpless they are to control the monster they create."

(Note: for those interested in the dire consequences of threat inflation, the National Lawyers Guild is holding a series of lectures and films on American militarism this month.)

LETTERS

Black's Administration: Hiding Behind Closed Doors

To The Editor:

In October's *Conscience* article, "SGA budget meeting; behind closed doors," SGA representatives Neil Kurlander, Jim Black, and Doug Lieberman tried to justify their decision to close this year's budget meeting by attacking last year's open budget meeting. Having been a member of last year's SGA myself, I resent Neil and Jim's stories because they were filled with misconceptions and insulting lies intended to divert attention from the embarrassing implications of this year's closed budget meeting. Those implications are that Jim's student government association views the students as a nuisance not entitled to oversee how their money is spent. But, then again, what difference does it make, the most they could spend each semester is a paltry fifteen thousand dollars!

First, Neil Kurlander had the audacity to use his position as 3rd yr SGA rep. to publicly pass judgment upon last year's open budget meeting as a "fiasco" thereby implying that last year's reps. were incompetent and incapable of running their own meetings. In the article, Neil gave the impression that he sat in on that meeting; however, despite Neil's official and informed tone, the fact is that Neil Kurlander never attended last year's budget meeting. When student representatives speak on an issue, the students trust them to speak honestly and to accurately represent the extent of their knowledge. Thus, Neil's comment is nothing more than self-aggrandizing, and ignorant hearsay. Why did you misrepresent your knowledge about last year's meeting and why put down your fellow students when you actually know nothing about what they did?

Perhaps Neil, you wanted to get your name in the paper but, more likely, you were rightly embarrassed that your primary rationalization for closing this year's budget meeting is that you regard your constituents as a distraction, an organizational nuisance. Certainly you weren't foolish enough to say exactly that, but your other comments all but spell it out for us.

With one quick turn of a phrase, Neil Kurlander demonstrated arrogance unparalleled by any SGA representative before. The quotes all but speak for themselves: "The budget hearing is a public forum, our (the SGA's) decision is not," and furthermore, Neil also stated that, "It does not matter what an individual says." Neil and the SGA can apportion up to fifteen thousand dollars per semester, and yet Neil has the unharnessed gall to say the students don't have the right to oversee that process. Unfortunately Neil, Halloween is over, but you're still playing Queen Victoria or perhaps The Man Who Would Be King. You are a student representative who serves the students; you are not a czar who reigns over them. Your decision to close the budget meeting was an exercise in poor judgment, but poor judgment is excusable. However, pompous, arrogant conceit is unfit for any democratically elected representative.

Second, Jim Black the SGA president, revealed that last year's budget meeting was a pretentious mockery filled with "fake votes" and "secret meetings", but then, in one of the most hypocritical reversals so far this year, Jim nevertheless supported a closed budget meeting this year, which by definition is entirely secret. It does sound strange,

Jim! Even more alarming is that Jim's allegations about last year's meetings are either misconceptions from a fatigued mind or lies. Let's examine the facts.

Before last year's meeting, the SGA established uniform funding criteria for standard items requested by all clubs. For example, stationery and office supplies are allotted \$30, conferences were given \$50, and refreshments for lectures and movies were given \$25. Then, during the public budget meeting, these criteria were used for deciding each club's budget, and the club representatives themselves were there watching the process (not permitted in this year's budgetary deliberations). Projects each club thought were especially important were given any remaining funds. Thus, no fake votes. No secret final budgetary decisions, and on a positive vein, full budgetary deliberation in front of *Conscience* and the students themselves. Your budgetary deliberations were entirely secret, Jim.

As I see it, there are two reasonable explanations for Jim's erroneous stories. First possibility, Jim wasn't paying attention during the interview and accidentally said something he didn't mean to say. The second possibility is that Jim fabricated these snide accusations about last year's SGA to divert attention from his administration's poor decision to close this year's budget meeting. However, since no SGA president could ever be so stupid as to ridicule and defame one administration for having secret meetings and then actually support his own administration's secret meeting, we'll assume Jim merely slipped up in the interview. You'll admit it Jim, no one could be that

stupid! Thus, any insult to previous SGA members and the loyalty they showed to their constituents must have been entirely unintentional. Thank you, Jim.

Finally, Doug Lieberman said that students at last year's meeting were "loud" and "boisterous" instead of being silent on lookers. Doug is almost exactly right. Students last year interrupted, offered suggestions, and occasionally argued with the SGA, but many of those interruptions began with the SGA reps asking the students for suggestions, supplementary information and clarifications of requests that seemed unclear. In short, the students and the SGA interacted with each other during the deliberations, and the final budgetary decisions were better because of that interaction. Each side came to a better understanding of the other's position; the unique needs and priorities of each club on one side, and on the other, the SGA's efforts to satisfy budgetary requests totaling 2 1/2 times the funding available. The students were not a nuisance; they were a resource to us, and this year's SGA was foolish to shut out and ignore that resource. Furthermore, attacking last year's open budget meeting with false accusations and lies was a cowardly way of hiding from public criticism.

In a situation such as this, the lesson is simple. Explain your decisions, evaluate your criticisms, and unless you really know what you're doing and talking about, be quiet; people will generally give you the benefit of the doubt. Basically, silence can be golden. But then again, maybe the SGA followed that rule; after all, they did close the budget meeting.

Joe Lee

LETTERS

Hofstra Ranked 1st in Course Selection

To The Editor:

"Magoo, you've done it again!"
Yes, this grand learning institution of ours seems to be following in its own footsteps that were laid down by the "Non-Existent Tax Clinic." For those of you who don't know what I'm talking about, go get your Hofstra catalogue and I'll explain. Have it? Good. Now, thumb through the "Classes Offered" section. When you get to the "T's", stop and you'll see a class called "Tax Clinic." Take a good look at the description since that's the extent of the course - it no longer is taught. It wasn't being taught when the catalogue came out last year. And what of those who come to Hofstra just to take the Tax Clinic? Labor Law is a nice field.

This time, the powers that be are at it again, with one and possibility two classes. Entertainment Law is definitely not being taught. Communications Law is still up in the air, as of this writing. The reason given is that nobody could be found to teach either course. They can't be looking very hard. It boggles my mind that nobody in New York wants to teach. I mean, with all the theatre, and agents, and networks, and movie companies, and law firms specializing in entertainment and/or communications, a scant train ride away, I can't really believe NOBODY will teach either course.

Communications is a "come" course. It's hard to be a communications lawyer without taking a communications law course. The equivalent would be trying to be a labor lawyer with ever taking labor law - or better yet, going to a school that didn't even offer the course.

Communications is an explosive field. Just look out the library lounge window. That's a communications center (maybe the undergraduates will offer a communications law course). Not only that, but our money is helping to pay for the building (will they give me back the girder I paid for?). The October issue of the *ABA Journal* listed Communications as one of the five hottest fields for the eighties because of the divestiture of AT&T and the proliferation of cable. Hofstra, which keeps strutting its ranking is now not even going to offer a course in the field. It's a field where jobs will be now and in the very near future, and since every student I know wants a job after graduation, it seems giving them another avenue to pursue is a good idea.

Now comes the question of what the poor sods who came to Hofstra because they wanted to take communications and entertainment courses as prerequisites for their career will do. They can transfer, but they would lose too many credits to make it wor-

thwhile. What they'll have to do is take these classes somewhere else, which would mean the city. They then will be called "Transient Students." Think about that. Doesn't it sound like what happens to you when Scotty doesn't beam you up, right? Doesn't it sound like the students didn't know what they wanted? But knew they'd rather be on a train than in school? Doesn't it sound ridiculous?

Not only that, they'll have to pay extra for the privilege of taking these classes. That seems fair to me - paying a school \$20,000 for an education you have to pay an additional \$3,000 to get. Isn't equity still a valid doctrine? Isn't fairness?

Though my fate is determined, I hope the muckity-mucks realize what they've done is wrong and take action to correct it. Hopefully, they'll get somebody to teach the courses next year, even in the fall if they have to. If not, I sure hope they take the listings out of the catalogue. Otherwise, I feel sorry for the person who wants to be a tax lawyer for a movie studio and decides to enter these hallowed halls.

Doug Lieberman

(Editor's Note: Another "new" course being offered this Spring will be 'Anthropology and the Law'. Sign up soon before the class closes out).

Recruitment:
A Never Ending Process

The never ending search for qualified applicants for Hofstra Law School has intensified with the school's recruitment efforts. Since the first week of September Asst. Dean Douglas has been visiting colleges and law fairs to spread the name of Hofstra Law School in the hope of attracting qualified incoming students to the school. In addition, other members of the faculty such as Director of Placement, Hugh Christenson and Professors Bein, Colbert, and Hickey, to name a few, have traveled to different schools on the same crusade.

According to Douglas, the school is "making every effort to initiate the recruiting process instead of sitting back and relying on external forces." Approximately 16,000 letters and brochures have been sent to potential students who registered with LSDAS. Dean Schmertz has written college pre-law advisors and enclosed catalogues and posters extolling the virtues of Hofstra Law School. Additionally, the school makes an effort to send a representative to conferences held by the five different organizations of pre-law advisors to increase Hofstra's name recognition.

Hofstra's "name" seems to be growing due in part to the recent Gourman report rankings of law schools. As you may remember Hofstra was ranked 28th in the nation among law schools. Hofstra is viewed

in a "different light" by pre-law advisors when they are told about Hofstra's ranking, remarked Douglas. Furthermore, the increasing numbers of Hofstra Law alumni also is an aid in the recruitment process. Douglas stated that is is "pleasant to recruit because evidence that can be conveyed can be supported by our alumni."

Unfortunately, recruitment in the past has not been a complete success in the area of minority recruitment. Presently, about 5% of the student body consists of minority students, a fairly low figure which Dean Schmertz is "not very satisfied" with. The Dean attributes the law minority enrollment to the fact that there is great competition from other schools for qualified minority students. Nonetheless, the school has not given up hope of increasing the enrollment of qualified minority students at Hofstra. Balsa is reputed to be actively involved in the recruitment of more minority students Hofstra is also expecting increased federal aid for minority students through the GPOP program.

Last years recruitment resulted in a 1L class which is 55% female, with our 90% from the NY metropolitan area. This year's first year class has a medium grade point average between 3.2-3.4 and a medium LSAT score of 35-36 (equivalent to low 600's under old three digit scoring).

The Hofstra University Alumni
Singles Club

is looking for new members. The club meets once a month at the Student Center. Membership includes a calendar of exciting events. If you are single and a proud student, alumnus, or honorary alumnus of Hofstra University, this club is for you. For further information regarding meetings and activities, call:

Toby Goldstein, Hofstra Class of '74, at
938-8619

Repub's Continued

Continued from page 9

not trouble me too much as the south became Democratic under questionable circumstances. Ever since reconstruction, the south has voted Democratic because of the civil war and President Lincoln, a Republican. The south had always identified the Republicans with Lincoln, now they are identifying the Democrats with Jesse Jackson, a black. Racism runs deep. If what I have said is correct, their departure from the Democratic party has my blessing. If I am wrong, I apologize for doing the South a great disservice. I hope I am wrong.

In summation, the Democrats can, if they do it properly, reconstruct the Democratic coalition. This, coupled with the rightward tilt of the Republican party, may assure a Democrat in the oval office come 1988. Mark my word: Mr. & Mrs. Republican, if you nominate a moderate-conservative, you stand a chance: A Jack Kemp type of candidate spells defeat. I doubt you will listen. I can almost hear Ronny saying, "There you go again." One last thing to remember: this country has always liked Kennedys—John, Bobby ... you get the idea.

Ron Romps Continued

Continued from page 9

Mondale, of the 76 Mondale votes 56 said it was because they couldn't vote for Ronald Reagan and only 20 said their reason for wanting Mondale was because he would make a good president whereas if we look at the president's 27 votes, 18 said they chose the president because he has been a good president and only 9 said they chose the president because they couldn't vote for Walter Mondale.

On some specific social issues, when students were asked do you favor the death penalty: Overall 60 students said yes and 40 said No. When the responses are broken down into gender they reveal 42 males support the death penalty and 31 are opposed and 18 females support the death penalty with only 9 opposed. Of those students who supported Walter Mondale, 34 favored the death penalty with 39 opposed; while Reagan supporters favored the death penalty 26 to 1.

When asked the question: On the issue of abortion, are you pro-choice or anti-abortion, 89 students answered they were pro-choice with only 13 students stating they

were anti-abortion. 27 females stated they were pro-choice while only 2 said they were anti-abortion. Among males the response was 62 pro-choice and 11 anti-abortion. 69 Mondale supporters stated they were pro-choice with only 7 saying they were anti-abortion. Reagan supporters also stated they were pro-choice by a 20 to 6 margin.

When asked the question: Do you support the nuclear freeze resolution, 67 students said yes and 33 said no. Females supported the resolution by an overwhelming 24 to 5 margin. Males were slightly less supportive, with 43 supporting and 28 not supporting. Of students voting for Mondale 56 supported the resolution and 18 opposed it. Among Reagan voters the freeze was opposed by a 15 to 11 margin.

Lastly, when students were asked to rate themselves on a scale of 1-10, with 1 being very liberal and 10 being very conservative, we find that the average Hofstra student is about a 4.8.

The average male & female Mondale supporters are a 3.9 and a 4.8 respectively. While the average male and female Reagan supporters are a 6.9 and a 5.8 respectively.



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TAKE OUT ORDERS AVAILABLE

Film Clips

by Joel Shafferman

American Film goers may not be aware of this, but hidden beneath the usual heap of trash and tearjerkers which are occasionally sprinkled with a gem or two, an artistic massacre occurred. Sergio Leone, the heralded king of the unique film genre known as the "spaghetti western", rode into the states on the saddle of nothing less than a brilliant epic about the lives of five bootleggers during the era of prohibition in "Once Upon A Time in America". This tremendous work has all the elements that make for exciting drama mystery, violence, sex, intrigue and love. In addition, this film tackles such provocative issues as the myth or reality of the American dream and the choices we must make in our lives.

So what is the massacre that I was just alluding to? When Mr. Leone made this film he intended it's running time to be just under four hours and he also employed the flashback technique to help underscore the sense of mystery and profound sadness that pervaded the entire film. However, when

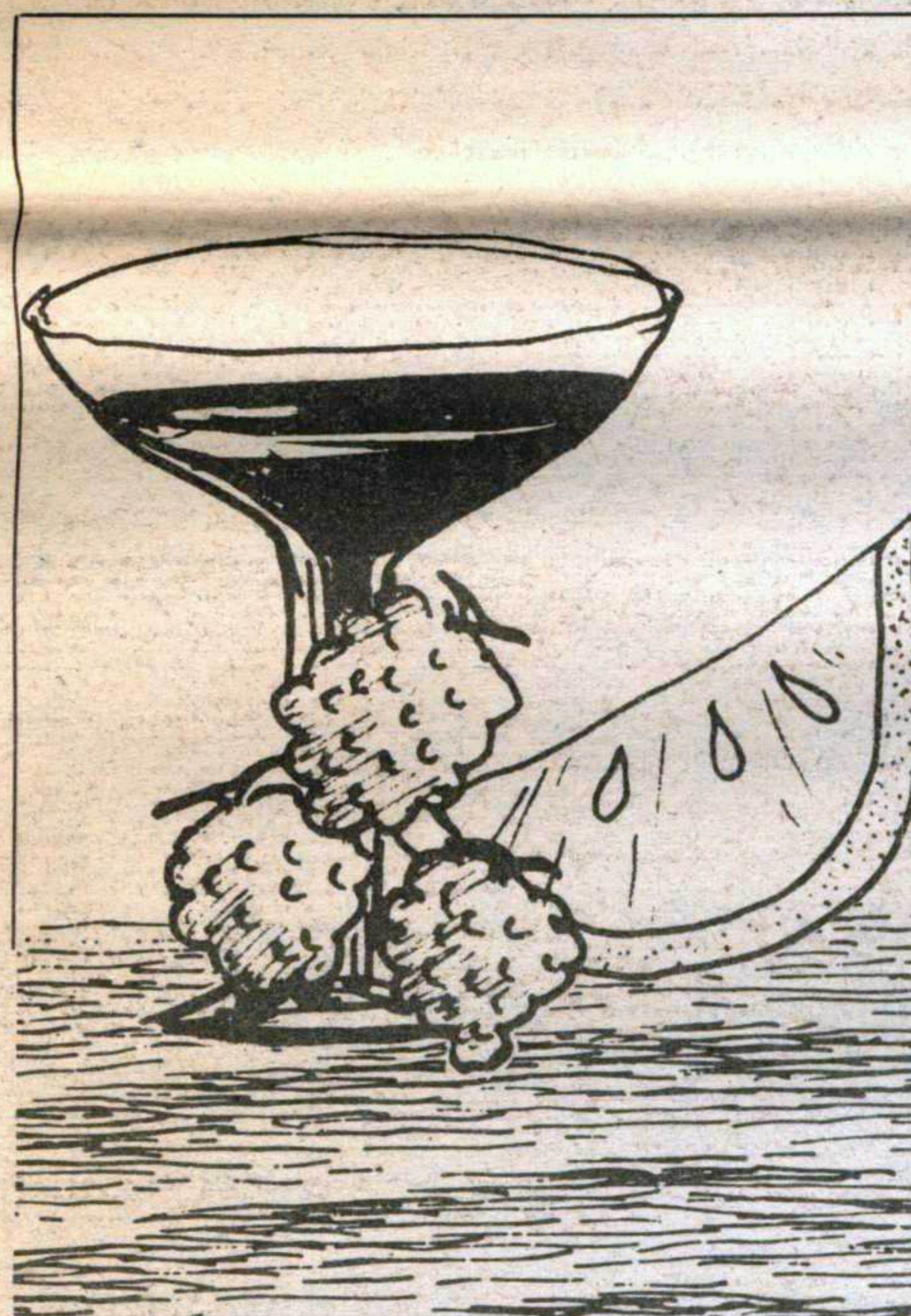
this film reached our shores, the American studios felt it was more commercially expedient to have the film edited to run for only 2 1/2 hours and to be rearranged in chronological order. This abbreviated version not only took away much of the elements of mystery and drama that make the original version sparkle, but ironically also made the plot virtually incomprehensible. This alas is the massacre. I have seen both versions of the film and can truly say that the studio's editing did a great disservice to Leone and the message he was trying to convey with this film. When a great author writes a novel, we do not often see the publishers completely restructure the book, nor do we see record producers dictating to great artists how their music should be made. Why, then, should it be any different for the American film industry? Fortunately, the original uncut version of "Once Upon A Time in America" has been playing in Manhattan.

I recommend this film to any serious filmgoer and especially those who have only seen the two-hour version.

Creative Cooking

By Jane Himelfarb

The holidays are upon us, yet rather than serving the traditional fare of roast turkey, sweet potatoes and stuffing, try something a little unique this Thanksgiving: Chicken raspberry or my specialty Chicken Kiev (printed by special request). Serve either dish with wild rice and peas with dilled cream sauce.



Chicken Kiev -

Sprinkle four chicken cutlets with salt and cover with wax paper and refrigerate. In the meantime, cream 1/4 lb. of butter or margarine, 1 Tablespoon of lemon juice, 2 teaspoons of minced parsley, 1 clove of minced garlic and refrigerate mixture for 20 minutes. Pound chicken and roll each breast around a stick or finger of the butter mixture and tuck in the ends of the chicken. Dust the breasts with flour, dip into beaten eggs and roll in seasoned bread crumbs. Refrigerate for 2 hours. Fry in peanut oil for 10 minutes or until gold. The butter inside will have melted and would have cooked the inside of the chicken. Drain and serve hot.

Chicken Raspberry -

Sprinkle salt and pepper on chicken cutlets. Spread raspberry preserves in a thin layer evenly on both sides of the chicken. Sprinkle with lemon juice to taste and bake in 350° oven for 30 minutes. In the meanwhile, drain 1 package of frozen raspberries and reserve the liquid. In small saucepan, combine 2 tablespoons sugar, 2 tablespoons of cornstarch and the reserved liquid from the berries. Cook over low light and stir until smooth. Bring to a boil, stirring, for one minute, until mixture is thickened and translucent. Remove from heat, let cool slightly, and add 1 tablespoon of lemon juice and the raspberries. Stir in grand marnier to taste. Pour sauce over chicken when cooked and bake for 10 more minutes. Serve hot.

Gripe Of The Month

I'm mad as hell and I'm not going to take it anymore. This is in regard to the situation which confronts each library user on any given day—you have a cite, you go to where the book is supposed to be located on the shelf, and alas, the book is not in its place. Chances are that the book is not currently in use. Rather, the book is probably lying under a pile of other books (ones you probably will next try to find), because the last person who took the book from the shelf "Neglected" to return it to its place.

It is the duty and responsibility of every library user to reshelve the books after he or she is finished with them. Not only is it unfair and burdensome to the other students who may need the book for a school project or work assignment, but a library which looks like a tornado hit it does not reflect positively on the image of this law school—or its students.

STEPS TO TAKE TO FIND A BOOK IN THE LIBRARY:

STEP 1: Scan the entire shelf for your

book; consecutive numerical order is never a guarantee.

STEP 2: Check the surrounding shelves with books of similar color. Your book may have mistakenly been placed there.

STEP 3: Check the pile of books you tripped over as you started your search. Your book could be there!

STEP 4: If still no luck, check the cards where "cite checks" (hmmm) are in progress. Bring your lunch, this may take some time.

STEP 5: Next check the lounge and photo copy machines. While there, ask the library staff for assistance and don't take "no" for an answer.

STEP 6: Check the journal offices and faculty lounge and faculty offices for books removed from our "noncirculation" library.

STEP 7: Finally, check the area where first year students are doing their research projects. (Proceed with caution).

STEP 8: If your search has not yielded the desired book, go to the next cite on your list and begin with STEP 1. (or go to Falstaff's)

The Outside World

by Laura Detweiler

If the word "voluptuous" may properly be used to describe a film, then it is the perfect description for Peter Shaffer's "Amadeus". The work, which relates the life of Mozart through the eyes of a too ardent admirer, is a rarity among the usual "big movies" dished out by Hollywood. Through its use of rich visual and emotional appeals, the film seduces and hypnotizes the viewer.

On the visual level, the movie's sensual appeal derives from a sort of robustness evident in everything seen on the screen. Color is rich and heavy. Costumes are detailed and romantic. Lighting is warm and soft.

The time and place in which Mozart lived (eighteenth century Europe) treats us further to incredible sets. For much of the film, the action takes place in the Viennese Emperor's palace. Having no knowledge of period decor, I can only describe these surroundings as gilded, colorful and almost gaudy. The abundance of Oriental rugs, chandeliers, furniture (etc., etc., etc.) do not distract, however, but lull the viewer into a sort of hypnotic fantasy state.

Contrasted with these wealthy surroundings, scenes depicting a mental institution are just as robust. Instead of being lulled, here the viewer is slapped with chaos, desperation and terror. Men are chained to walls, lie in coffin-like cages, or bombard a visiting priest only to touch his divine sanity.

To adequately describe the plot and its nuances would take pages. On a superficial level, it is the story of a mediocre composer (Salieri), his adoration of music, and how that adoration drove him to destroy the "most gifted composer" he knew.

Through flashback, we see a youthful Salieri ask God to make him a gifted composer. He wanted to sing the praises of God's name through his music and to be remembered forever. In return, Salieri promised him industry and chastity. When he was chosen to be the Court Composer for the Viennese Emperor, Salieri knew it was by God's divine will.

But then something happened: Wolfgang Amadeus Mozart arrived on the scene. In contrast with the priest-like Salieri, Mozart was lusty, full of life, arrogant yet innocent. Most of all, he was a musical genius. Salieri's initial dislike for the composer was compounded upon first hearing one of Mozart's pieces. Here was a man, Salieri thought, truly gifted with "the voice of God".

Salieri's appreciation of Mozart's music turns to envy. Envy turns to anger at a God who would so ill-choose the voice of divine inspiration. Anger turns to a double-edged obsession: while Salieri fantasizes and eventually plots to destroy Mozart, he cannot pull himself away from the pure beauty of his music.

Without revealing anything more, let me add that screenwriter and cast have achieved a chemistry that is a delight to watch. The film succeeds largely on its dependence on emotions. Here, emotions are not flat, humdrum or cardboard. They are rich, intense controllers of the characters in which they inhabit. Believability is achieved by making characterizations multi-level. For example, while Salieri is "the bad guy", one cannot help but pity him his sense of failure and frustration. (We also see a little of ourselves in his envy). It is this chemistry between excellent writing and acting that emotionally seduces the viewer.

I truly wish I could praise "Places in the Heart", starring Sally Field, for its ability to seduce through richness and complexity. This film, while sometimes shocking in its depiction of racial prejudice in the 1930s, simply fails when considering quality characterization. While the acting was wonderful (given the limited material to work with), and the premise admirable, this project never made me believe any of the principal characters. Worse yet, I started resenting "the good guys" for their sappy, saccharine "get up and go" attitude. This movie would more appropriately be titled "The Waltons Meet the KKK".

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SPORTS

Sports Corner

By Roy Mirro

Perusing through the NFL record book, I was surprised to discover that the New York Giants were in the NFL Championship Game for three consecutive years from 1961 through 1963. All three years, they lost but nevertheless the Giants were still good enough to be there. Since then, the Giants have had three winning seasons (above .500) and have made the playoffs once. Not many NFL teams can claim such futility but then not many NFL teams have been rebuilding for the past twenty years either.

A few weeks ago, the Giants lost to the Philadelphia Eagles in a game they were supposed to win and I could not help but think that this season would follow the recent trend of losing seasons. However, the Giants came back a week later and played one of the greatest games a Giant team has ever played and defeated Washington. The following week the Giants beat the Cowboys in Dallas for the first time since 1974. The win gave the Giants a sweep of the season series from the Cowboys for the first time since 1963.

The season was beginning to shape up like no other. After all, the Giants were in first place after ten weeks. They had a chance to win their division and to become the new beast in the NFL East. But, the next week the Giants lost to Tampa Bay and dreams of a division championship now seem remote as does a playoff berth. However, the Giants may still have a winning season and that is no small accomplishment for them.

Hofstra's Perfect Season Ended

St. John's defended Hofstra 19-16 on November 10, to end the Flying Dutchmen's pursuit for a second straight undefeated season. Also in great jeopardy seems to be Hofstra's chance to make the playoffs. The Dutchmen were hoping to get in the playoffs against Union College again and avenge last year's 51-19 defeat. Hofstra finished the season with a record of 9-1 and 19-1 for the past two regular seasons.

Fans to Vote on the Designated Hitter

This spring the fans will be asked to vote as to whether or not they prefer the designated hitter (D.H.). If the fans show strong disapproval, the D.H. will be abolished. If the fans show strong support for the D.H., the National League will be forced to adopt it. It there is no clean preference, the leagues will remain as they are now with the American League having the D.H. and the National League remaining without it. Although I do not believe there will be a clean mandate either way, I think it is great to get the fan's input.

Can Peter Ueberroth Prevent a Baseball Players Strike?

Baseball Commissioner Peter Ueberroth's first major ruling as the arbitrator of the umpire strike may have more of an impact than it appears on the surface. At the request of the owners and umpires, Peter Ueberroth agreed to arbitrate the dispute. His decision was in favor of the umpires who were requesting a pool fund of post season money that would compensate all umpires, not just those chosen for the post season. The

significance of this decision may be seen during the upcoming contract negotiations with the Players Association. The owners figure to take a hard stance in this dispute again. If the Players Association is satisfied that Peter Ueberroth can be fair maybe he will be allowed to arbitrate this dispute also and prevent a strike. Baseball fans hope so.

Sports Trivia

1. Who was in the on deck circle when Bobby Thompson hit the "shot heard around the world" to win the 1951 pennant for the Giants?
2. What batter made the last out of the 1973

- World Series between the Mets and the A's?
3. What three players made up the N.Y. Ranger's "GAG" (Goal A Game) line of the early 1970's?
4. What team did Billy Smith start his NHL career with?
5. What was the last year the Giants won the NFL Championship?

Answers:

1. Willie Mays
2. Wayne Garret
3. Vic Hadfield, Jean Ratelle, Rod Gilbert
4. Los Angeles Kings.
5. 1956.

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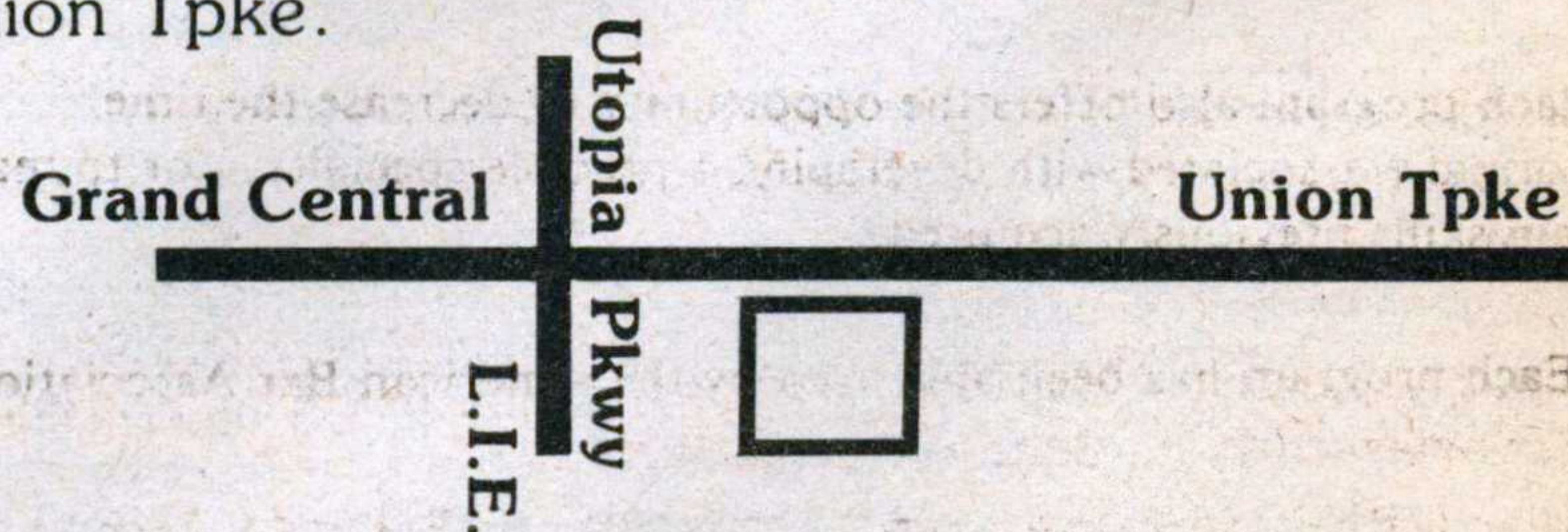
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SPORTS

Eagles Goose Cooked in Championship

By Steve Moll

In what may have been the upset of the year, the third year law school football team, the Legal Eagles, were defeated in their quest for Hofstra's intramural football championship. Despite a fine performance, the Eagles lost to Epsilon Zeta, an undergraduate team.

Over the past three years, the Eagles have consistently appeared in the playoffs. In their first year of competition, the Eagles lost in the championship game. Last year, the Eagles lost in the playoffs. This year the Eagles brought an impressive 9 and 0 record to the championship game. The prestigious Banks Cup which had thus far eluded them finally seemed within their grasp. The fans who packed both sidelines witnessed an emotionally charged and exciting game.

Three year veteran "Captain" Lou Ruggiero, in his second year at quarterback was at the helm of the Eagles' offense. The offensive line included Chris "Fred" Flintstone, Barry "Boom Boom" Cohen, and Denis "Irish Curse" O'Leary. Elliot "Spider" Schwartz, Al "Kid Concussion" Lustrin, and Billy "the Kid" Condon rounded out the offensive attack. The defensive line, often plagued by injuries, featured Steve "Bam Bam" Norman, Dave "Mangohead" Rabbino and newcomer Mark Cohen. The defensive unit was rounded out by player-coach Dave "Jerry Faust" Abrams, Neil "Crazy Legs" Herman, and newcomer Rob Kelly.

The game was hard fought as the two

teams were evenly matched. The Eagles received the opening kick, but had to punt after Ruggiero was sacked. Epsilon Zeta (EZ) then scored on a long pass during their first possession. On the Eagles next possession, on third and fifteen, a scrambling Ruggiero connected with line man turned receiving sensation Denis "Irish Curse" O'Leary. O'Leary then rumbled in for the score. EZ then scored again on a ten yard pass. The Eagles were forced to punt on their next possession and the half then ended. The Eagles did not come to life until the end of the second half. With less than three minutes in the game the Eagles move all the way up field on three quick passes to Schwartz and one to O'Leary. Ruggiero then passed to O'Leary again for what appeared to be an easy touchdown, only to have the pass intercepted. The Eagles got the ball back, but could not score and the game was over.

Despite a tough loss, the Eagles managed to maintain liquidity and their spirits at the traditional post-game festivities at Falstaff's. Just before the ceremonial butting of heads to signify the end of another season, lineman Chris "Fred" Flintstone had high praise for the Eagles' most loyal fan-player Curt "Butter" Rubin. Steve "Bam Bam" Norman was heard to remark that it is up to the third year hockey team, affectionately known as the Mangoheads, to bring a much deserved and long-awaited intramural championship to the law school. When asked to comment on the Eagles' 12 to 6 heartbreaker, "Captain" Lou Ruggiero put the loss in proper perspective, quipping "the Bar Exam is our Super Bowl."

Law Students Go For The Gold In N.Y. Marathon

Noted sports physician Dr. William Weir once remarked that watching the procession of runners pass by in a marathon always reminded him of the endless flow of water over Niagara Falls. This year, Dr. Weir was one of thousands who lined the streets of New York to watch the New York Marathon. Several students from Hofstra Law School were among the people who participated in the marathon this year.

Marilyn Milligan, a first year student from section B, carried the day for the law school. Marilyn finished the gruelling 26 mile race in just three hours and five minutes. She was the fortieth woman to cross the finish line. The New York Marathon was Marilyn's third marathon. Marilyn's best time was recorded last year at the Empire State Games in Syracuse. In only her second marathon, she posted an impressive time of 2:56. Marilyn was enthusiastic when she talked about the support of the other runners and of the crowds along the course. Marilyn was back running two days after the marathon and plans to train for the Long Island Marathon in the Spring.

Third year student Fran Moskowitz, a veteran runner, ran in her second consecutive N.Y. Marathon. Fran, who competes in marathons and other long distance races throughout the year, called it "the toughest race of a lifetime." She added, "it was distressing and frustrating because even though most runners did a lot of training, the incredibly impressive heat prevented them from doing what they were able to do." Fran, however, appreciated the support of

the crowd because it was the crowd who pulled all the marathoners through.

Steve Brockett and Eric Zucker, two second year students, also ran in this year's marathon. This was Steve's second marathon and Eric's first. They posted times of 3:40 and 4:43 respectively. The two Twin Oaks residents trained together until Eric came down with Bronchitis a few weeks before the race. Steve first became interested in running in grade school to alleviate the boredom of having to walk seven miles to school each day. Eric, on the other hand, according to a disreputable source, wanted to run in the marathon to meet girls. Eric's bout with Bronchitis took its toll as his last six miles were hard fought. Brockett, who had been up with the race leaders, became so concerned that he ran back to look for Zucker. The only sour note that Brockett and Zucker mentioned was a remark that they heard while passing through Brooklyn. Long-time Brooklyn resident L. "Basement" Barenkopf was heard muttering in disgust that everybody shits on Brooklyn, even Grete Waitz.

Apparently the law school is filled with runners and many are planning to compete in various five mile races on Thanksgiving Day. Good luck to the "Learned Feet"—Michelle Leberfeld, Karen Newman, Jeff Williams, Art Simuro, Jim Markotsis, and Doug Lieberman along with Steven Brockett, Steven Candido, Juan Gonzalez, Howard Rudolph and Eric Zucker in Garden City, and "Wild" Bill Condon and crew in Rockville Centre.

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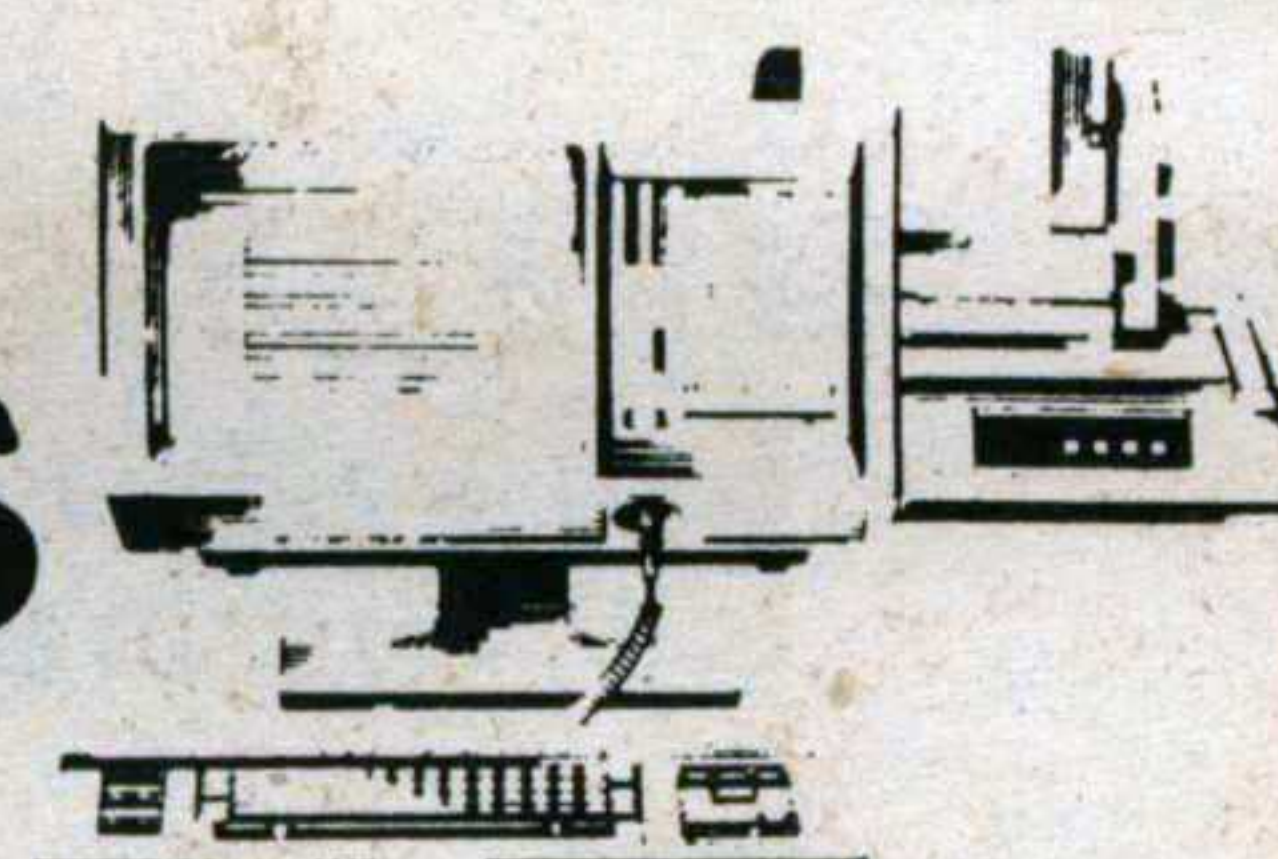
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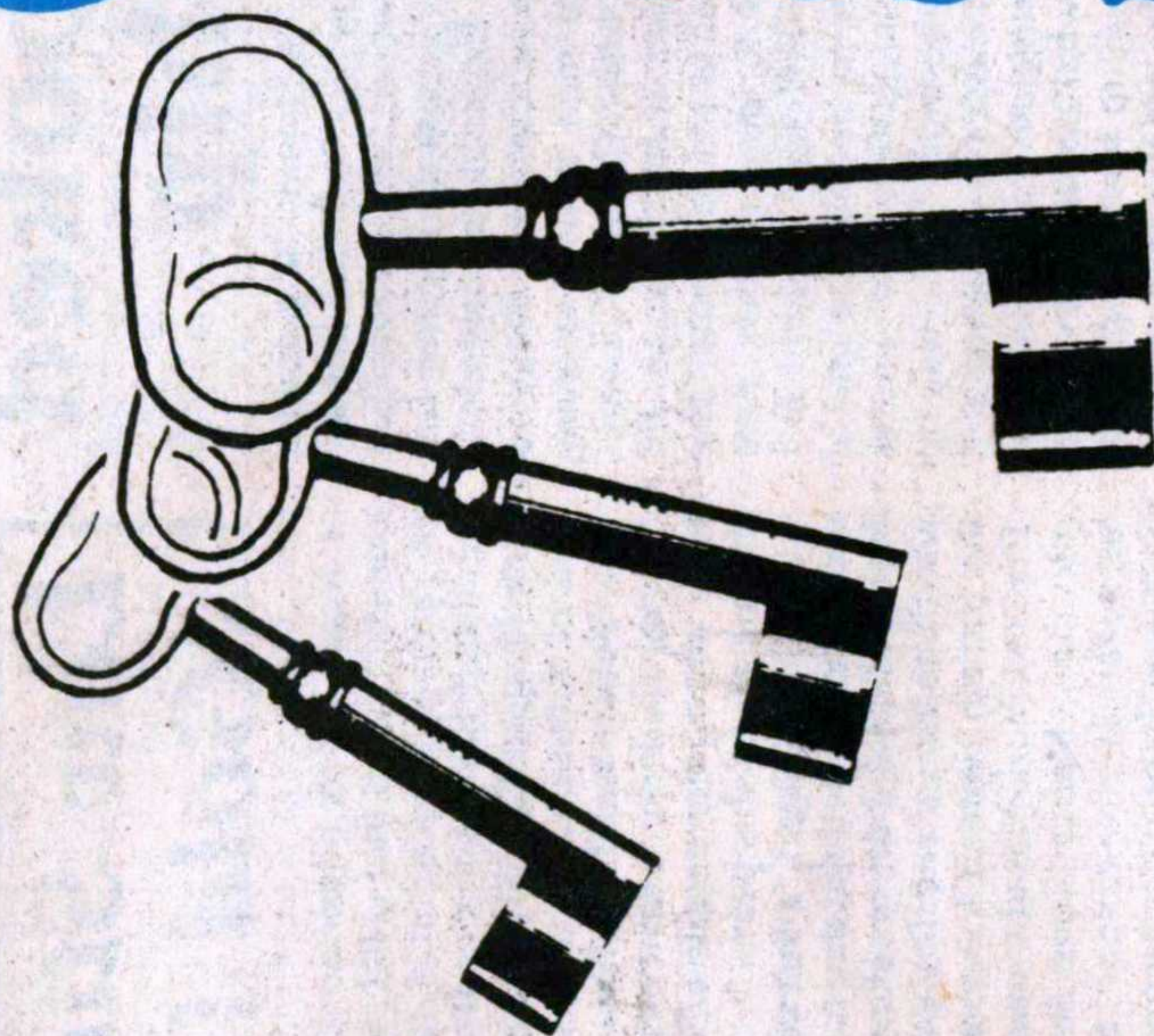
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