



ASKING YOU TO ASK YOURSELVES

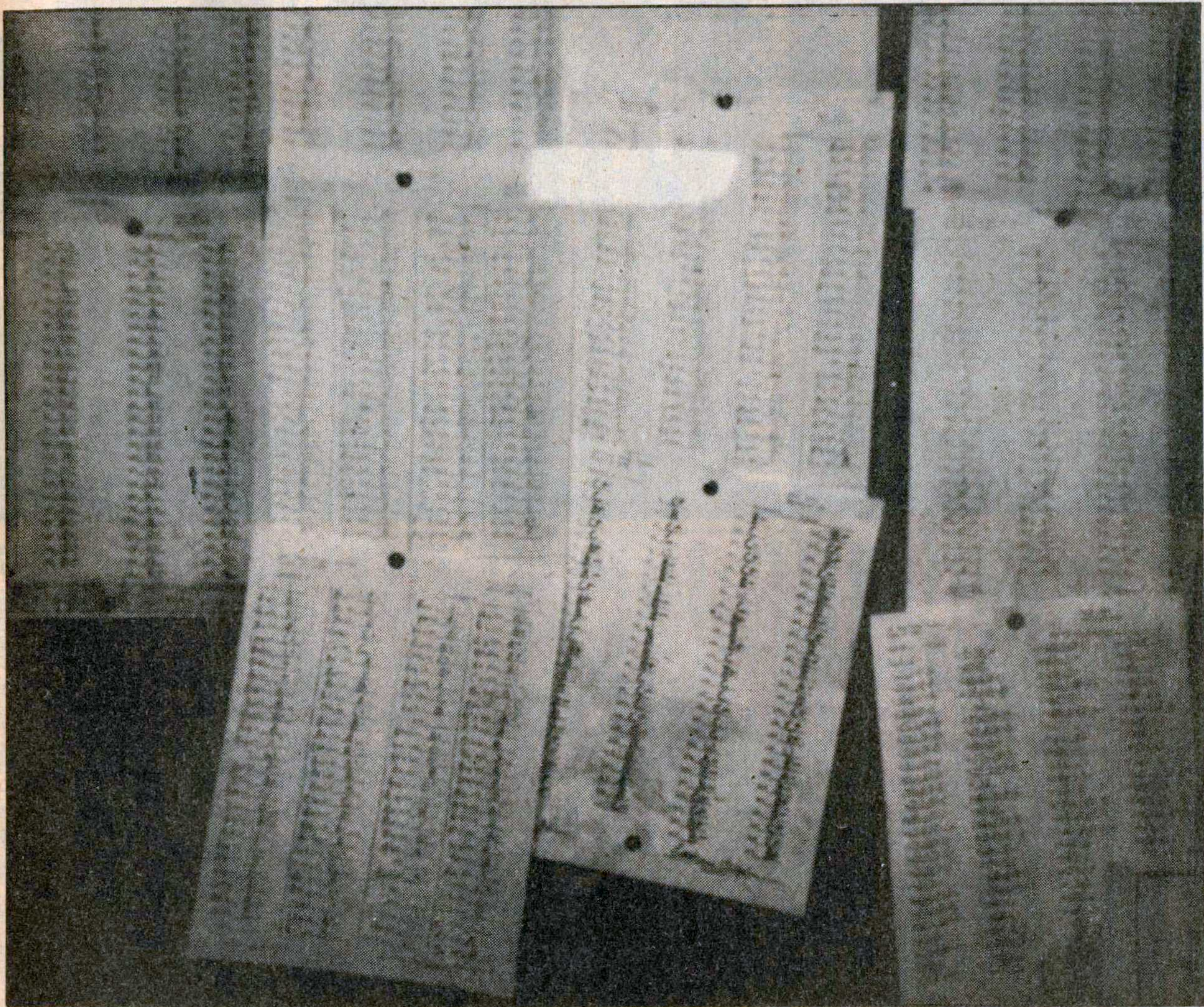
Conscience

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**WILL THE *REAL*
LEGAL WRITING GRADES
PLEASE STAND UP?**



ASKING YOU TO ASK YOURSELVES

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Hofstra University
School of Law
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Legal Writing Grades Questioned

by Claudia V. Grinberg

A controversy has arisen over the legal writing grades given to sections B-3 and B-4. As you may remember, legal writing instructors grade each legal writing assignment by giving the student from a number 1 to a number 4, assigning one of these numbers to three different areas of the student's work. A grade of 1 is the highest the student can receive. From the beginning of the course, students are told not to try and guess what their actual grade will be in the end, since it is impossible to do so.

As we all know from our own experiences, some professors are higher graders than others. Last semester, there were rumors that Professor Stahl, the legal writing instructor for sections B-3 and B-4, was grading too highly. Some students from these two sections say that they received a predominance of 1's and 2's for their work. When the legal writing grades were actually posted, they did not reflect the grades the students had been receiving throughout the semester. In addition, some of the students claim that Professor Stahl told them they would get a certain grade, but when the grades were actually posted a few days later, the grade they actually received was much lower.

The students in these two sections, quite understandably, felt a great sense of injustice. Soon after the grades were posted, they called a meeting to air their grievances, decide whether to take action, and decide what form of action they would take. Professor Neumann, head of the Legal Writing department, found out about the meeting, went to it, and took over by holding a question and answer session. The students raised the following issues: that three days before the grades were posted, their writing professor told them what grade they would

receive, which varied greatly from the actual posted grade; that students from other legal writing sections who got 2's, 3's, and 4's for their work received the same grade in the end as students from sections B-3 and B-4 who received 1's and 2's throughout the semester; that Professor Neumann read some of sections B-3 and B-4 papers; and that students from the other legal writing sections were upset that Professor Stahl was grading so highly throughout the semester, but their professors told them not to worry about Stahl's grades because they were going to be lowered anyway.

Professor Neumann told the students that the grades weren't changed because they hadn't been given yet and that nothing unusual happened to these two sections. He explained to them how all the legal writing grades went through a certain curving process called "harmonization."

After the meeting, Professor Neumann put up a sign on the Legal Writing bulletin board, to the effect that under no circumstances would Professor Stahl discuss the legal writing grades with the students, and anyone inquiring about their grades should see Professor Neumann.

We interviewed Professor Neumann to see what light he could shed on the matter. When asked to address the same issues the students had previously raised, Professor Neumann was very noncommittal. He would give us a general description of harmonization, which is done in the following manner. Each legal writing professor takes the 1's, 2's, 3's, and 4's of each student's work and comes up with a number for each student. There are six to eight ways of doing this, but it doesn't matter which method the professor chooses because the outcome will always be the same. That is, the students will always be listed (grade-wise) in the same

order, and the gaps from student to student, numerically, will always be the same distance, relatively speaking, to the others. Then the instructor applies some rational curve to that and separates the A's from the A's, etc. When this is done, the instructor computes an average grade. Then the instructors, as a group, sit down together and compare their average grades to make sure everybody is in a "rational ballpark" and "it doesn't seem that somebody is ready to penalize his class just because he wanted to give the lowest set of grades or benefit them in some other way."

When asked if Professor Stahl was in the same ballpark as the other professors, Professor Neumann answered, "I can't answer that question because I have not received a complaint about that, and I cannot respond before I have to make a decision on something." When asked if Professor Stahl's grades were higher before the harmonization procedure, all Professor Neumann would say was that once the grades were in the registrar's office, they were the same as the other professors'.

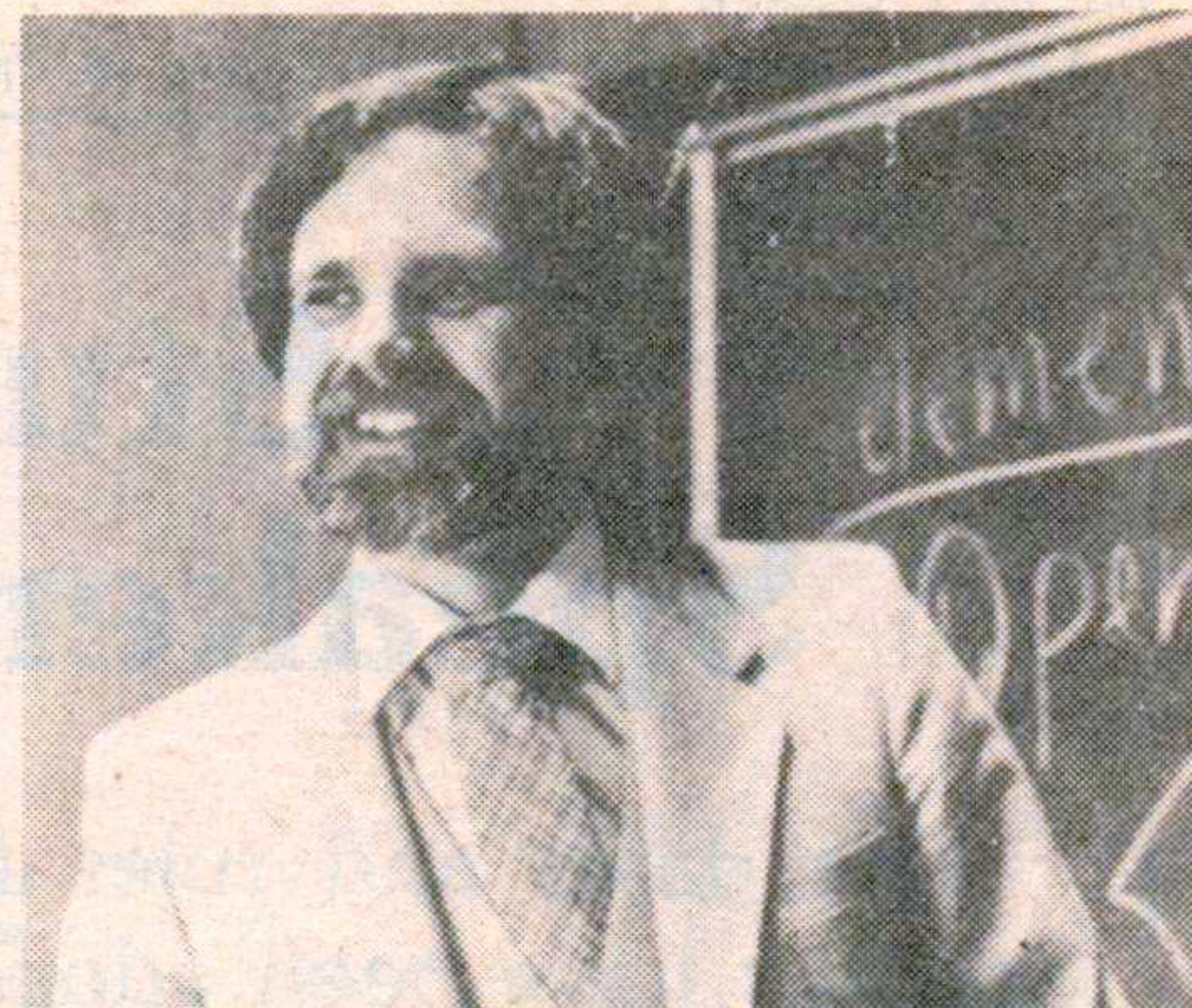
Considering that the students in sections B-3 and B-4 are alleging that Professor Neumann himself took an active part in bringing down their grades, we asked him what part he personally took in the harmonization process. He answered that he doesn't decide how much a grade will go down; it is done as a group. The instructor decides individual grades, "but if someone comes in with a grade system that is way out of the ballpark," all the instructors discuss it as a group.

When asked if he personally read any of sections B-3 and B-4's papers, Professor Neumann first answered, "For what purpose?" He then acknowledged that "from time to time all the professors show the

papers to each other and to himself, because it is sometimes a wise thing to seek guidance when you are grading." He told us that the bottom line was that all the sections were treated the same way.

In May of 1981, the faculty voted to repeal the procedure of grade equalization as between sections. Recently, Section A of the Class of 1987 signed a petition to get their average grade point average raised because of the inconsistency in contracts grades. Last month, the Academic Standards Committee looked at the petition and voted unanimously not to return to the process of grade equalization. In light of this, we asked Professor Neumann why the Legal Writing department is allowed to use this "harmonization" procedure and whether it was an exception to the rule. He answered that the Legal Writing department was first asked to do it in 1978 by the dean's office. The department was told not to use the equalization process then in use, but was left to devise their own procedure, to make sure that the legal writing grades had some consistency. The "harmoni-

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Professor Neumann

Graduation Speaker Picked

by John Gentile

Mystery surrounds the choice of Arnold Burns as this year's Hofstra Law School graduation speaker. Who is Arnold Burns? How was he chosen? Who was he chosen over? These are just a few of the questions raised by the choice of Arnold Burns.

Burns, the newly appointed Associate Attorney General of the United States, is a former partner in a major Manhattan law firm. Burns is in charge of the Civil Division of the Justice Department. Burns is the third highest ranking official within the Justice Department. He was appointed to Associate Attorney General only after Congress' rejection of William Bradford Reynolds. Arnold Burns will also represent the highest ranking official to ever speak at a Hofstra Law School graduation. While Burns' credentials are formidable, it is the process by which he was chosen, and his virtual anonymity among the students which has them in a quandry.

In an informal poll of graduating law school students, only eight were aware of

Burns' appointment as Associate Attorney General. Such low visibility among Hofstra students has led them to question the choice of Arnold Burns as their graduation speaker.

An interview with a member of the Advisory Committee to the Dean provided some answers. This Committee was formed by the S.G.A. in an effort to assure more student input into the choice of graduation speakers. This six member committee held a poll back in October, as a method of narrowing down the choices for speaker. The names on the poll were chosen solely by the committee and totaled 30 choices for the students. Write-in choices were allowed and acknowledged by the committee. The committee then took all those who received a positive rating based on the poll, and formed a final list of 15 from which the speaker was chosen.

When asked about student participation in the poll, a member who asked not to be named, replied, "There was very low student participation, I would guess it was

around 30 percent." Such a low turnout may have been due to the lack of exposure for the poll, which was limited to the library lounge. Students were only able to get their choices counted through the underpublicized existence of a 1' x 2' box located on the library counter. However, the committee's seemingly half-hearted effort to inform all 1986 graduates of the poll may also be viewed as typical student apathy. Irrespective of this exists the mystery which surrounds the steps taken by the committee and the Dean after the narrowing of choices for potential speakers.

While committee member Jim Black described the discussions with Dean Schmertz as fair and open, and even described the Dean as "open to suggestion," students wonder how Burns came to be their choice for speaker.

The first two choices of the committee were accepted by the Dean as well. These choices were based on the highest ratings

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Two Candidates Submit Statements

Note: Conscience invited all candidates for the upcoming S.G.A. elections to submit statements for publication. Only two candidates responded to our request. The inclusion of their statements, therefore, should not be interpreted as endorsements. Conscience takes no position with respect to individual candidates.

Stanley M. Winderman for Treasurer

I feel I am qualified for the position of treasurer. Being a CPA, I work closely with clients in assisting them in maintaining their financial records. I also advise and aid clients in preparing their budgets, planning their investments and operating their businesses. I have also worked as a controller, which entailed running the accounting department of a corporation and working closely with other departments heads in developing their budgets and operating their departments. It also entailed preparation of the corporation's financial statements.

Based on my experience, I feel I will be a very effective treasurer and deserve your vote.

Robert Greener for President

With the student government elections only a short time away, you must ask yourself who will best represent you in the coming year. I feel that I can be that person. As many of you already know, my opponents have been active in the S.G.A. during this past year. They claim because of their participation this year as class representatives, they have acquired the experience necessary to be your leader next year. I ask you to consider what my opponents have done for you this year in representing your interests. My answer to this question has prompted me to run for President.

Upon hearing the announcement of the

S.G.A. elections and the candidates for President, I decided that something had to be done. The student government this year has not functioned as much more than a paper organization and a resume stuffer. This is not to say that the S.G.A. has not tried, I am sure they have, however, the job has not been done. For example, has anything significant been done to resolve the parking disaster in the law school lots (a shuttle bus which the University has already planned for is not a solution), or has the S.G.A. (of which my opponents are a part) tried to overcome the severe apathy problem? The student government is so disorganized I could not obtain a set of election rules and I have just received a copy of the S.G.A. constitution. It is time for a change.

While it is true that many of you do not know me, I have the experience to successfully lead you and represent you. As an undergraduate, I served on the student government for 2 years in several different capacities. As chairperson of the Steering committee, I supervised the preparation of agendas for senate meetings. I was a member of the Election committee, vice chairperson of the Budget committee and chairperson of the Athletic Advisory Board Budget committee. I am not unfamiliar to the problems faced by a student government.

Nathan, Stanley, and I feel the time has come to make changes and involve the student body. We cannot accomplish this without your help. If you give us the chance, we will make the changes the student government has been unable to. Together we have the energy and skills it make our law school as good as the administration says it is.

SGA Debate

On Wednesday, March 5, the S.G.A. sponsored its annual presidential debate introducing Gary Shapiro, Stuart Meissner, Robert Greener and Nathan Shafner as candidates for the office. Nathan has since dropped out of the presidential race and plans on running as a write-in candidate for vice-president.

The three presidential candidates have had experience in student government while in college, and Gary and Stuart are the first year representatives for sections C and A, respectively. Gary coordinated the recent (and successful) law school bash, as well as the bus trip to Atlantic City scheduled for April 4th. Both he and Stuart, who is the chair of the Parking Committee, worked to institute the campus shuttlebus, which runs to and from the undergrad parking lots in an effort to alleviate the parking shortage on this side of the campus.

The debate focused on a few basic issues which were of importance to all the candidates. Discussion of continual problems, such as the lack of a CPLR course and the parking shortage, was brief. Student apathy received the most attention. Each candidate expressed a strong desire to achieve increased student participation in the government by widely publicizing general meetings, soliciting student opinions on a personal level throughout the year, perhaps establishing a student advocacy committee, and even organizing protests, if necessary, in order to air student viewpoints. The candidates all expressed the belief that their success in working with the administration to effect substantive changes in areas of concern to students depends on the support the student body is willing to give, not only in sentiment, but through vocal demonstration.

Elections for the offices of president, vice-president, secretary, and treasurer will be held Wednesday, March 19, in the library lounge. As one candidate requested, "Please, vote with your conscience!"

Summer Externships

A summer externship program has just been approved with the intention that it go into effect this summer, according to Vice-Dean John DeWitt Gregory. The summer program will be conducted very much like the externship program available to students during the fall and spring semesters.

Students will be placed with various judges, public litigation centers, and governmental offices and agencies. In the past, the majority of the placements secured during the fall and spring semesters have been located in Nassau County, although there have been openings in Queens, Brooklyn, and Manhattan. Participants in the program will receive three credits while obtaining on the job education and experience. The course will be supervised by a faculty member and the employing attorneys, and will be graded on a pass/fail basis.

It has not been determined whether the program will be open to all students or limited to those enrolled in other summer courses. "Several administrative matters must be worked out," said Vice-Dean Gregory. However, students can anticipate receiving more detailed information regarding this program when the summer school enrollment package is distributed in mid-March.

Last Conscience Deadline April 4

Student Speaker Election

The dates and rules for the Student Graduation Speaker have been adopted by the Student Graduation Committee.

The Election will be held on Wednesday, March 19, and Thursday, March 20. If no one received 50% of the votes cast, a runoff on Tuesday, April 8 (a legislative Thursday) and Wednesday, April 9. Polls will be open from 10 to 4 on each of the days, and voting will take place in the Library Lounge.

On the ballot in the first election will also be a space for suggestions for a Class Gift. From these suggestions, there will be a ballot in the second election for the choice of a class gift, if the students show an interest in giving one.

The election will be run entirely by First and Second Year students. No Third Year student will be allowed to be near the voting table except to cast their own vote, and no Third Year Student will be permitted to be present when the votes are being counted.

Planning to go to LAW SCHOOL?

CONSIDER HOFSTRA UNIVERSITY'S SCHOOL OF LAW PRE-LAW SUMMER INSTITUTE

The Hofstra University School of Law will offer a "Pre-Law Summer Institute" for five weeks from May 27 to June 26 for the weekday section and for the evening section (both of which are held on Tuesdays and Thursdays) and from May 31 to June 28 for the Saturday section. The Institute will be of value to those already planning to attend law school or those still undecided. Taught by the Hofstra Law School faculty, the Institute seeks to develop analytical skills and to introduce the student to the law library and legal writing techniques. These are essential tools for competent performance in school. The institute will be conducted in the same manner as regular law school courses and will include case and statutory analyses and research techniques.

MINIMUM REQUIREMENTS FOR ADMISSION

Applicants must have successfully completed at least two years of college. For further information and application, call 516-560-5916 or write:

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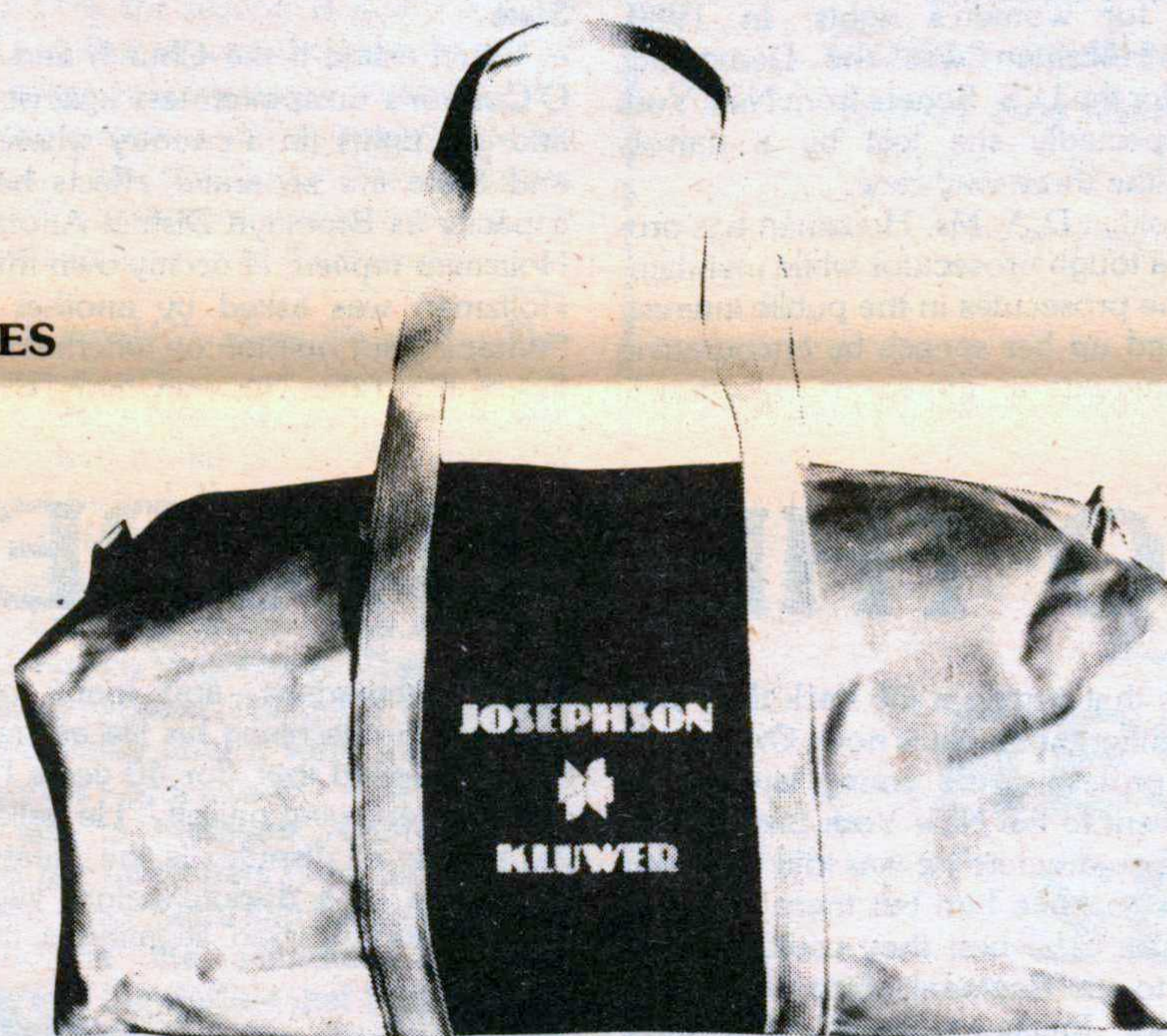
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that gets you through law school
and through the bar.

FIRST YEAR REPRESENTATIVES

Christopher Kent
Russell Fishkind

SECOND YEAR REPRESENTATIVES

Robin Frankel
Lisa Lewis
Sheryl Pike
Marilyn Sparks



THIRD YEAR REPRESENTATIVES

Agnes Kirschner
Robert Lieber
*Ralph Madelena (coordinator)
David Mattana
Stephanie Morrow
Dino Noto
Donna Simendinger
Steve Wasserman

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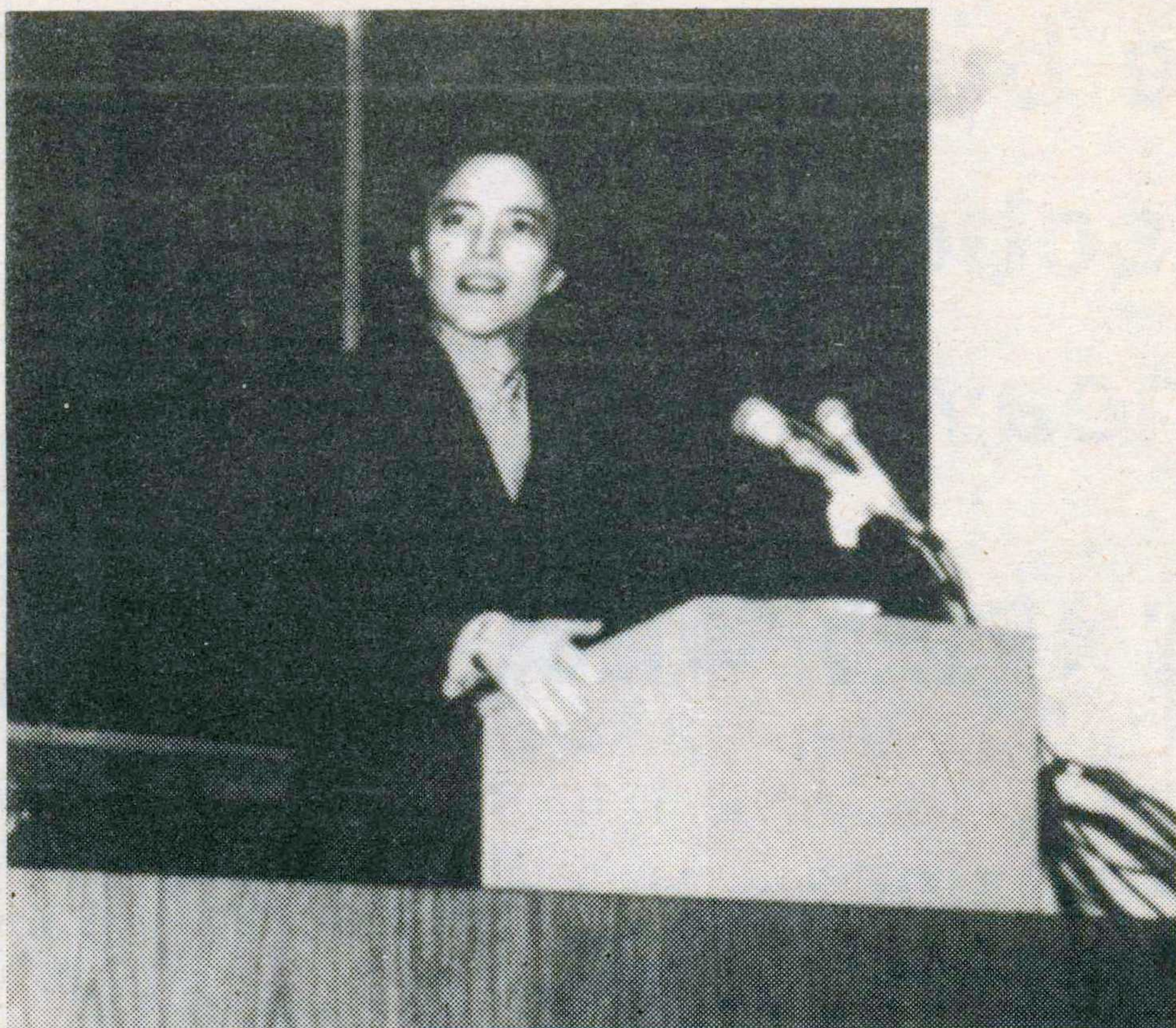
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D.A. HOLTZMAN SPEAKS



by Robin Bernstein

On Wednesday, February 5th, 1986 the Hofstra Law School had the pleasure of welcoming Kings County (Brooklyn) District Attorney Elizabeth Holtzman. The event was sponsored and organized by the Democratic Law Society and the Hofstra Law Women. Room 308 was filled with many men and women who see Ms. Holtzman as a role model with high future aspirations.

Prior to being elected Brooklyn D.A. in 1981, Elizabeth Holtzman served from 1973-1981 in the U.S. House of Representatives. Her distinguished record in Congress includes efforts and legislation to expose and

deport Nazi war criminals living in America; filing the first lawsuit which led to the declaration that the Unites States' bombing of Cambodia was unconstitutional; and she has been and continues to be an outspoken advocate for women's rights. In 1980, Elizabeth Holtzman was the Democratic nominee for the U.S. Senate from New York but unexpectedly she lost by a narrow margin in the three-way race.

As Brooklyn D.A. Ms. Holtzman has proved to be a tough prosecutor while maintaining that she prosecutes in the public interest. She opened up her speech by encouraging the law students in the room to seriously

consider a career in public interest law. Ms. Holtzman stated that "public interest law will provide you with satisfaction and hopefully satisfactory financial compensation, too. You'll be participating in society and fighting for changes to improve the system. You will know that you will make a difference in people's lives."

Ms. Holtzman spoke further to summarize her achievements as District Attorney and discussed official corruption which has recently been exposed in city government. Her speech was informative and well-organized but not earth-shattering or as exciting as some of us had hoped. Some of D.A. Holtzman's efforts include:

- prosecution of racial discrimination cases.
- active rejection of selecting juries on the basis of sex, race, religion, or origin. The case on this issue is now pending in the U.S. Supreme Court.
- a statewide computerized fingerprint match-up system which will facilitate finding criminals.
- punishments to fit the crime for non-violent property crimes, i.e. graffiti artist must remove graffiti from trains, buildings, etc.

• increasing community service jobs for young people to keep them off the streets and out of the criminal justice system.

• a bureau to investigate police brutality complaints was set up last year and has functioned well so far.

• filing an amicus brief in the case that led to the illegality of marital rape in New York State.

When asked if the Church and Cardinal O'Connor's outspokenness against abortion and gay rights (in a country where Church and State are separate) affects her in her capacity as Brooklyn District Attorney, Ms. Holtzman replied, "I do my own thing." Ms. Holtzman was asked by another student, "What is your opinion on whether it's a conflict of interest for Nassau County D.A. Denis

Dillon to be publicly outspoken in support of pro-life [anti-abortionists]?" D.A. Holtzman cautiously replied, "I don't want to comment on it. Draw your own conclusions." Many of us have already drawn our own conclusions.

Recently, scandalous official corruption has filled the headlines in New York. Ms. Holtzman stressed that, "in New York State the laws are so weak and inadequate that they create a shield for official corruption to take place." She called for Governor Cuomo to establish a special task force to examine the statewide problem of government corruption. "The laws must be changed. Prosecutors' hands are tied in investigating and prosecuting cases of widespread corruption" due to inadequate and obsolete legislation. To combat corruption, D.A. Holtzman proposed:

• Toughen immunity laws to conduct grand jury investigations where all witnesses do not automatically receive total immunity from prosecution for any crime related to their testimony. New York State must keep up "with Federal immunity laws which have had decent immunity laws for a long time."

• Close the loopholes in the New York State bribery statute. Currently, if a public official takes money but doesn't have actual power to do what is requested, bribery cannot be charged. The law should allow prosecution of any public official who sells influence.

• Protect whistleblowers against corruption from being fired. Under current law almost no whistleblower is protected from retaliatory action.

• Toughen fraud laws by giving stiffer penalties to officials who defraud a government agency. Under current law an official who defrauds a government agency is given the same penalty as someone who defrauds an individual.

• Greater scrutiny of the appointment process in local government. Specifically, to avoid corruption in the courts, judges must

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LOOKING TO THE FUTURE

Recently, Hofstra Law inked Samuel Kaynard to a new contract as a full-time professor. He is presently teaching Labor Law and Collective Bargaining. Although being a full-time professor is a new experience for him, teaching is not. He has been an adjunct professor of law at many schools in the New York area including NYU, Brooklyn and Cornell.

Although most Hofstra students do not remember him, Professor Kaynard also taught here at Hofstra Law. He pointed out that he was the one "largely responsible for the scheduling of the 8-11 am Friday morning Labor Law class." This scheduling spot was not designed to keep down the number of questions asked in class, but was due to Professor Kaynard's busy schedule as the Regional Director of the Brooklyn-Long Island office of the National Labor Relations Board.

Professor Kaynard was with the Board for 40 years. He had been the Regional Director for the Brooklyn-Long Island office (which includes Brooklyn, Queens, Staten Island, Nassau and Suffolk), ever since the position was created in 1964 when the Board decided to split up the New York office. On being the Regional Director for 22 years, Professor Kaynard said: "it surprised me that it was so long. It was a wonderful opportunity that I really enjoyed." But before he got to the top he started near the bottom.

Professor Kaynard got his B.A. at the City College of New York. He worked his way through college and graduated Phi Beta Kappa. He went on to law school at NYU, working by day and going to classes at night. At NYU he was ranked number 1 each year, an honor which gave him a scholarship each year. He was also on the law review. While in law school he took a class in Labor Law and liked it alot, although no more so than most of his other classes.

It seems that getting a job back then was not much different than it is now. On the advice of a professor, the young law school graduate went to the New York State Labor Relations Board where he was told that they would love to have him but there were no jobs available. The best they could do was send him to the Regional office of the National Labor Relations Board. But after another interview, he was again told that no jobs were available. The information on Mr. Kaynard was sent down to Washington with the promise that as soon as something opened up they would call him. The problem of getting a job was soon settled. Professor Kaynard was drafted into the army just in time for World War II. While in Normandy he finally got an offer from the Board, but they were not interested in transferring him from one branch of the government (the army) to another branch (the Board) until after the War.

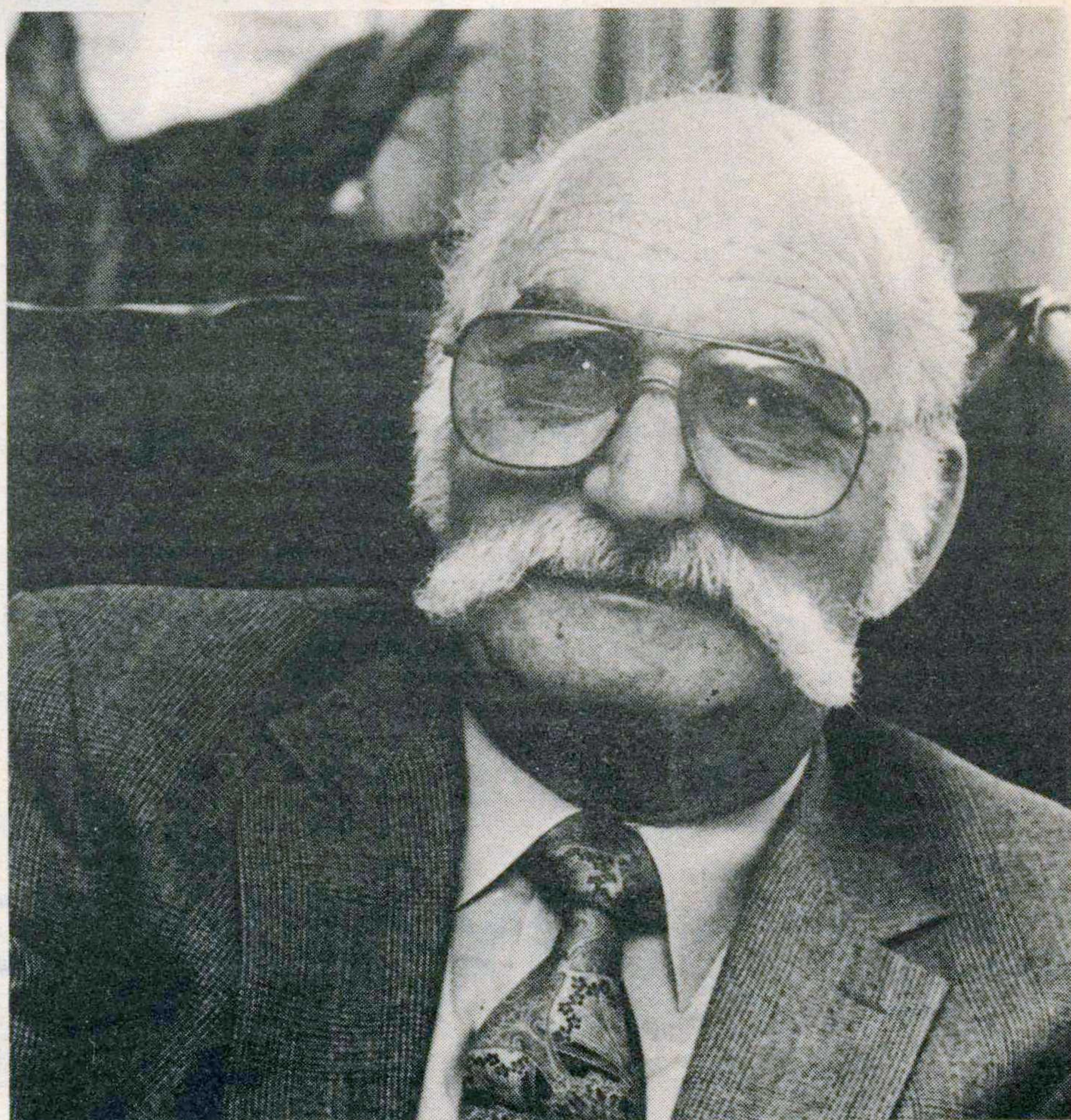
When he returned from the War, he began his career with the NLRB. He has worked in virtually every capacity at the Board, and has been with the NLRB throughout its development; from the Wagner Act to the recent Health Care Amendments. His initial job was serving as a law clerk to Board members. He then moved on to the Enforcement Division where he worked on appeals (including arguing some of them). The next step was to the Field Division where he handled cases from their very beginning. In 1958 he became a regional attorney for the New York region which was a flagship region for the rest of the country with many important cases coming from this office. He then was named Regional Director of the Brooklyn-Long Island region when that office was created in 1964.

Throughout the years, Professor Kaynard has been involved with the labor aspects of the growth of television, professional sports,

atomic submarines, and many other industries. In describing his life at the NLRB, he commented that "for 40 years I've been out there enjoying myself." He believes that the settling of disputes is the greatest part. Resolution of a dispute before litigation is more important than litigating a matter to

settlement because people are happier resolving the situation themselves rather than having the government super-impose a settlement on them. The key is to "get to the heart of the matter and settle the issue without government intervention."

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Petition Denied

by Steven Jannace

An ad hoc committee last month denied a request by a group of second year students to raise last year's section A G.P.A. The request was spurred by the discrepancy in Contracts grades between section A and the other two sections.

The committee, chaired by Professor Champlin, refused, by a 4-0 vote, to return to a policy of grade equalization, which had been repealed in 1981.

Grade equalization was a procedure instituted during Professor Monroe Freedman's deanship. In May of 1981, the faculty voted to repeal this procedure. Vice Dean Gregory explained that "grade equalization is ridiculous. It assumes that each section is of equal ability, that's not necessarily the case." Dean Gregory noted that on several occasions the same course taught by the same professor in two different sections resulted in different grades. The faculty felt that this was reflective of a varying ability between sections.

Professor Monroe Freedman, whose Contract grades are the source of the controversy, rejects this argument. He states that there are a host of reasons that could explain varying grades between the same course taught by the same professor in different sections. He goes on to state that if the sections are of unequal ability, as the faculty assumes, then the students in the "inferior" section would receive the lower grades in the large second year courses, such as Business Organization, Constitutional Law, and Evidence, where enrollment consists of students formerly from all three sections.

Legal Writing

Continued from Page 1

nization" process wasn't an exception at the time, because grade equalization in the substantive courses was also then in effect.

Professor Neumann added that the process "has worked to everyone's satisfaction every year since then," that it "is done for the students' benefit" and that "if it wasn't done, there would have been years of students being outraged." He did not recall why the equalization system was abandoned for the substantive classes, but his impression was that "those teachers, without having to consult each other, end up in the same ballpark anyway." He stated that in the substantive course, the grades usually end up being the same because "there is almost an unspoken collegial communication as to what are the local standards."

We pointed out that if this is true, why do legal writing grades have to be harmonized. He answered that one of the reasons for using the system in the Legal Writing department is that the instructors there very frequently have not taught together before and don't have prior teaching experience, as opposed to teachers in substantive courses who have been teaching in the same school for years.

No matter how many things Professor Neumann can say to support the harmonization process, it is quite apparent that harmonization has led to anything but harmony. The students in sections B-3 and B-4 are outraged at the injustice they believe they have been subjected to. Many of them are afraid to speak up about the matter. One student, though, was eager to tell his experience. He had been doing very well throughout the semester, receiving a predominance of 1's all year. Most of the complaints Professor Stahl had about his papers were about such things as word choice. On his last assignment, the student received a 2, 2, 1. When he discussed the grade with Professor Stahl, he claims that Stahl told him that Professor Neumann had graded the paper with him (Stahl), and that Neumann didn't like one of the grades Stahl had decided to give him (a 1). Then Professor Stahl told this stu-

dent that it wouldn't affect his grade. The student says that Stahl told him that in the end, he was the one giving the grade, and that the student would get an A. When the grades were posted, the student had received a B-. He feels that this grade does not reflect what he was getting throughout the semester. Later the student says that Stahl denied telling him he got an A. The student's grade was retabulated. The grade he got was a B- (presumably after it went through the harmonization procedure). The student went to talk to Professor Neumann. He wanted to get his papers regraded by Professor Stahl, since Stahl had been his instructor throughout the semester. Professor Neumann told the student that Stahl was no longer at the school, but that he would regrade his papers, reserving the right to lower his grade. The student said, "Forget it."

Currently, grade equalization does exist within the school in other forms. The legal writing department equalizes grades among the sections, and the Law Review selects an equal number of students from each section based on the G.P.A. within their section and not their overall rank. The presumption is that comparisons between different sections with no common denominator is inherently unfair. The faculty, in repealing grade equalization, did not address the unfairness, but merely stated that it was their opinion that all sections are not equal.

Ironically, Professor Freedman, a longtime advocate of grade equalization, is the catalyst of this controversy. Last year, Prof. Freedman's Contracts grades averaged out to a 1.9 as opposed to a 2.5 and 2.6 for the other two Contracts classes. The Contracts discrepancy dropped section A's overall G.P.A. .2 lower than the other sections, 2.4 as compared to 2.6 for sections B and C.

In addition, 47% of the section A Contracts' class received below a "C" as compared to 11% for section B and 7.6% for section C. A first year student needs at least a "C" average to advance to second year.

Still, the numbers did not persuade the committee. They stated that "the difference the desired adjustment would make is not significant enough to require action."

dent that it wouldn't affect his grade. The student says that Stahl told him that in the end, he was the one giving the grade, and that the student would get an A. When the grades were posted, the student had received a B-. He feels that this grade does not reflect what he was getting throughout the semester. Later the student says that Stahl denied telling him he got an A. The student's grade was retabulated. The grade he got was a B- (presumably after it went through the harmonization procedure). The student went to talk to Professor Neumann. He wanted to get his papers regraded by Professor Stahl, since Stahl had been his instructor throughout the semester. Professor Neumann told the student that Stahl was no longer at the school, but that he would regrade his papers, reserving the right to lower his grade. The student said, "Forget it."

During the semester, when students in sections B-3 and B-4 were concerned about students in other sections complaining about their high grades, they discussed the matter with Professor Stahl who they claim told them that whatever grade he gave, he would stand behind it and fight with them. The students feel that Stahl just backed down.

The students in sections B-3 and B-4 are preparing to submit statements to the Dean. They hope he will investigate the matter.

Holtzman

Continued from page 4

than the presently inadequate political selection of judges which leaves too much room for impropriety.

• Require disclosures for all officials—elected, appointed and party—holding an interest in companies that do business with the government.

The above proposals seem to be straightforward and make good sense. It is difficult to believe that if not for the recent scandals, the abuses and corruption would have gone on indefinitely. We should all keep an eye out for Elizabeth Holtzman in the near future. As she was making her exit, I asked, "What are your future aspirations—governor, President..." D.A. Holtzman replied, "Don't stop there!!"

Speaker

Continued from Page 1

within the poll. However, due to previous commitments for Sandra Day O'Connor, and the death of Potter Stewart, neither of the first two choices accepted to speak. The committee's next choice was Seventh Circuit Judge Richard Posner, but a meeting concerning his approval was never to be.

As discussions between the committee and the Dean went on, time was running out and a choice needed to be made. With no decision in November, and with finals and vacation consuming all of December and part of January, the committee and the Dean did not speak for a month and a half. Dean Schmertz, fearing the unavailability of

a prominent speaker for the graduation knew that he could get Burns if he acted quickly. And so, without notice or consultation with the committee, Dean Schmertz chose Arnold Burns to be Hofstra Law School's graduation speaker for 1986. When classes resumed on January 13, the committee found a memo from the Dean informing them of the choice. Thus, despite efforts to assure student input into the choice of speakers, once again the students were unaware of the choice, until after he was chosen. And while Dean Schmertz' actions were understandable under the circumstances, the choice of graduation speakers has left third year students asking, "Arnold Who?"

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LEGAL RESEARCH SERVICE

The Placement Office and the Nassau County Bar Association are currently discussing the possibility of providing a service to assist local practitioners with their short-term research requirements. Student researchers would work as an independent contractors at an established rate of \$8.00 per hour. The "research pool" would consist of students who have completed a year of law studies and are available for short-term assignments.

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COMMUNITY FORUM

EDITORIALS:

RUBBER-STAMP COMMITTEE

With the advent of graduation comes the perennial problem associated with this august event — the process of selecting a guest speaker.

The speaker selected for the Class of '86 is Mr. Arnold I. Burns, newly appointed Assistant Attorney General of the United States. Mr. Burns heads The Civil Division — and holds the number three position in the Department of Justice.

He was appointed to the post following the rejection of the controversial William Bradford Reynolds, and will be the highest ranked public official to ever speak at a Hofstra Law School Graduation.

Conscience, however, is not here to oppose Mr. Burns as the graduation speaker, per se, nor do we think that his selection creates an undue risk of political controversy. For all we know, he may well be an interesting or even exciting orator.

Our concern impinges on an entirely different principle, one surrounding the process under which Mr. Burns was selected to speak — apparently quite independent of a student committee created specifically for the purpose of suggesting guest speakers for graduation.

This voluntary committee of six students is supposed to work along with Dean Schmertz to select a speaker, and as early as last October, the committee had put together a list of some 32 names from which the speaker was to be selected.

A poll was subsequently taken among third year students, who voted to rank these names in order of preference. Despite the fact that most 3Ls hardly noticed the single box in the Library Lounge placed there for the purpose of conducting the poll, and only one-third of the class responded, the list was nonetheless reduced to 15 names voted by students.

Supreme Court Justice Sandra Day O'Connor, former U.S. Supreme Court Justice Potter Stewart, and Seventh Circuit Justice Richard Posner, were among the personalities heading this list.

Conscience is fully aware that Justice O'Connor declined the invitation, and that Justice Stewart, the second choice, died — thus rendering the two unavailable. But the process seemed to have been short circuited at this point by Dean Schmertz, who, we understand, made the selection of Burns — thus preempting the role of student committee.

This is not the first time that a selection committee has been blatantly bypassed by the Dean. Last year a similar situation arose concerning the selection of Philadelphia Mayor Wilson Goode as guest speaker.

Conscience feels compelled to question the continued necessity for a graduation speaker committee which functions without teeth. Obviously, where the committee is circumvented, as in this case, it is reduced to a mere rubber stamp, and therefore serves no useful purpose other than to create the illusion among students that they have some input in deciding upon the person they want to hear speak on graduation day.

Mr. James Black, who heads the graduation committee, has reportedly said that Dean's Schmertz' selection of Burns over the Winter vacation, became necessary because time was running out and the Dean feared further delays could lead to a speakerless graduation.

Such fears may well be legitimate, for a graduation without a speaker, or worse, with a poor speaker, could indeed prove an embarrassment to the law school and the graduating class of 1986.

But the next logical query becomes: What has the committee been doing for all these months with the list of 15 names so that they could not collectively come up with a suitable speaker? Why did the situation have to reach the stage where it became necessary for Dean Schmertz to select the speaker?

Could it be that committee members were relying on the Dean as their insurance and knew that if they dragged their feet — or did nothing at all — he would come to their rescue by finding a speaker; or did the Dean just outright overrule the committee?

Either case leaves us to question the continued need for the committee. And perhaps the school's interest would be better served if in the future this committee was disbanded and selections left entirely up to the Dean.

At least then there would be no pretensions.

Letter From The Editor

by Doug Lieberman

It's time once again, for you the reader, to listen to me, the complainer. As usual, there are a few things I have to get off my chest. Like this damn "S". Ever since I started reading *Action* comics, this thing started growing and growing. Now it covers half of my torso. I occasionally get the urge to duck into a phone booth. I also feel weak whenever I'm around guacomole.

The first topic of discussion this month has to do with elections. Elections are an event that happen once a year for various reasons here at school. First, there are the elections that take place for the various organizations. These are the elections where the small battles take place. Everyone wants to add a line to their resume. The winners of these elections will be part of the school infra-structure for next year. They will help make decisions that will shape what activities go on, from speakers to parties.

Another set of elections are the SGA elections. This is where the "voice of the students" gets elected. The problem is that most students do not take this election seriously. The voting process is thought of more like a chore than an important decision.

The student government's major function is the allocation of money. I know I want to know who I'm giving my money to. True, the student activity fee is part of the semester's bill, so it's not like handing over your cash to the government, but never-

theless, it's trusting them with hard-earned money.

The government also serves at the watchdog for the students. They are the ones who keep abreast of things that are transpiring that aren't really kosher. They also listen to people's gripes about what should be done to improve the school, and they determine the best course of action to try and alleviate some of the problems that the gripes are addressed to.

The members of the government have to be able to adapt to circumstance. My observation has been that the government is a creature of circumstance. If there aren't many things going on that need governmental intervention, the government fades into the background. If, however, there are things that need fixing, it's the government that should be the repairman.

Now, I'm not here to debate whether or not a proper SGA would go so far as to create the circumstances. I'm just here to remind you that the SGA serves a purpose, and it's important that all of those students who are eligible to vote in the elections do so. If you don't vote, there's no way you can complain if you don't like the way things are being done.

A third type of election are the Journal elections. These extravaganzas are a thing to behold. Their importance is not questioned. The survival and quality of the journals depend on who become the new board

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COMMUNITY FORUM

DEAN'S CORNER:

Dean Eric J. Schmertz

The 'Older' Boys of Summer

Newsday referred to my activity as "a Dean's dizzying dream." (Thursday, February 20, 1986). More precisely it was Dream Week under the sponsorship of the New York Mets.

With 100 other "older boys of summer" (you must be over 30 to participate) I spent the week of February 2 through February 9 at the New York Mets Training Camp in St. Petersburg, Florida, suited in an authentic Met uniform (with SCHMERTZ prominently emblazoned on the back of the uniform shirt — just like the Mets — and with the number 60), coached by former Met stars in batting and in field positions of our choosing (mine second base), playing intra-squad games among our eight teams, double headers against the Dream teams of the Cincinnati Reds and the Baltimore Orioles and a scheduled grand finale game of nine of our Dream Teams against a team made up of legendary Met players.

Dream Week is the appropriate name. In the hearts if not in the minds of each of us is the notion that but for one thing or another we would have been major leaguers. The Week replicates what might have been. We trained and played at Payson Field, the Mets official training camp. Earlier, before going south we took batting practice in the official Met batting cage at Shea Stadium, under instructions from former Mets Ed Charles (the Glider) and Bud Harrelson.

On arrival at St. Petersburg we were housed in the Met Hotel, the Trade Winds, and on the first day found our new, freshly cleaned and pressed uniforms hanging in the Met locker room, interspersed among the lockers and uniforms of present and former Mets.

Letter From The Editor

Continued from Page 6

members. But as they say: "There's gotta be a better way." Spending 4+ hours electing is not my idea of a good time. The only problem is that I'm stumped as to how to improve the system. The only thing I could think of is to streamline the components, which would, in effect, help the whole (isn't that last sentence a great example of making generalities sound meaningful?).

This month is also a good month to talk about taxes (a lousy segue, but it was the best I could do). Not the clinic or the class, but the obligation to pay them. Right about now is when people are first making appointments with their accountants to indulge in a round of "Screw the Government."

The thing that bothers me about taxes is how, after adding together all of the W-2s and interest statements, the grand total is an astronomical sum. Astronomical, at least, compared to what it seemed like you earned.

The money that the government takes from you is put to good use. It buys hay to feed the President's horses out on the California ranch. It buys Alpo to feed the President's dog out on the White House back porch. It buys caviar to feed the President's wife on her flight from the California ranch to the White House back porch.

The money that the government takes from you is not being squandered away. Just think of what the money might be spent on. It might be spent on food for the hungry out in California. It might be spent on shelter for the homeless near the White House back

My uniform with my name and number turned outward for easy location was next to the locker and uniform of Al Weiss, a former Met World Series hero, and two lockers removed from Ron Swoboda, who made one of the greatest catches in the history of the game in that World Series. (I was to meet and play against them later in the final Dream game).

We were required to follow the same training rules of the Mets. In uniform and on the field by 10:00 a.m. Calisthenics before play (stretching, stretching, stretching). Fines of \$1.00 were imposed for infractions (e.g. out of uniform, lateness, temper displays, arguing with umpires, etc.).

A daily award of the "brown rope" for dumb play (e.g. throwing to the wrong base, egregious errors, failure to tag up on outfield flies, failure to run out hits) and a "gold rope" for excellent play (e.g. multiple hits, legitimate home runs, a triple play, and to one fellow who got two hits after his broken arm was put in a cast).

It was a dream for me because I have been attached to baseball for as long as I can remember. My father (a good sand-lotter himself) taught me to play. He never missed a single game, home or away, when I played varsity second base for New Rochelle High School. He and I did not know of the later, historic and impressive importance of my two hits off Ralph Branca when he pitched for Mount Vernon High School. (For those of you who don't remember, Branca was a star pitcher for the Brooklyn Dodgers and served up probably the most dramatic home run in the history of baseball — the pitch to Bobby Thomson in the final play-off game of the 1951 season which won the pennant for

porch. It might be used to ease the burden on the middle class from California to the White House's back porch. Nope, not spent on any of that. It pleases me to know that my withholding is spent to build highly sophisticated weaponry. So sophisticated, in fact, that it's obsolete the minute it rolls off the assembly line.

There's another naturally occurring phenomena which I'd like to share my views with you. Going to the dentist (a little better transition this time, wasn't it?). For some reason, going to the dentist is as feared as an IRS audit (there's the connection). I kind of think it's a bum rap.

A few weeks ago I had to go to the dentist for some oral surgery. Some people are probably clutching their mouths just thinking about it. After going through the surgery, I can tell you there is one thing that makes it all bearable: novocaine.

When the dentist walked in wearing his coal miner's helmet, I knew we were talking more than a "how to floss" lesson. He asked if I wanted some gas before he started. I knew he must be asking for a good reason. I decided he knows best, so I agreed.

After that, it was time for the shots of novocaine. First you feel the side of your tongue going numb. Then you feel your lips starting to go. Before you know it your mouth is numb and you can't feel a thing. And the whole time your mouth is going on vacation, you're breathing in the sweet-air, so you feel as if you just chugged a six-pack without the full stomach. Then the fun begins.

I hear scraping sounds, but I don't feel

the New York Giants).

In my senior year at New Rochelle High School a Pittsburgh Pirate scout offered me a contract to join the Pirates' class C minor league team in York, Pennsylvania. I did not accept that contract, not because I didn't think I could make it to the majors (though I would not have made it because I was too slow; my arm was too weak, my hands were too small, and I was a singles hitter), but because World War II was on and I was a successful candidate for the Navy B-12 Officer Training Program. That program sent me to Union College for 16 months of college training before midshipmen's school. At Union I played second base on the varsity and won some notoriety for a diving catch to my right, over second base (Bob Douglas take note) in the ninth inning to snuff out a Hobart College rally to win the game for Union.

That was in 1944. I did not play a hard ball game (or even a serious softball game) during the 42 years thereafter until I reported for Dream Week.

Before telling you about the games played during Dream Week, let me say something about those who attended and about our coaches and trainers. The participants were 35 to 37 years of age on the average. Most were active softball league players. Interestingly, a large number were occupationally professionals, corporate officials and successful businessmen. My teammates and the many friends I made included several physicians, dentists, lawyers, bankers, investment brokers, corporate officers and owners of their own businesses — but no professors.

But throughout the Week, hardly a word was spoken of their occupations. The talk, the socializing and the relationships were concerned almost exclusively with our hits, our play afield, our opponents that day and the next, and the attitudes of and assistance from the Met coaches. The entire group was extraordinarily congenial, with self-effacement and a sensible and measured competitiveness, the prevailing mood, with an ever present pleasure at playing the game regardless of winning or losing.

What impressed me immensely and what demonstrates the camaraderie of the group,

anything. I see him licking his lips as he works, but I don't feel anything. I see sweat starting to bead on his brow, but I don't feel anything. He starts pressing down so hard that he lifts himself off of the floor, but I don't feel anything. He pulls so hard, that not only does he have to stand up, but his biceps become larger before my eyes, but I don't feel anything. He goes so deep that an Exxon representative quoted me \$28 a barrel for the oil gushing out of my mouth, but I don't feel anything.

Unfortunately, novocaine wears off. Then the right side of my face looked as if I was trying out for the part of Don Corleone in the remake of "The Godfather." That's also when I start to feel the scraping and the pressing and the pulling and the digging. Too bad they don't sell novocaine over the counter. It could be called "Numbo." It could come in a Pez-like dispenser, and when you lift the head, the novocaine squirts out the trunk. It could also be sold in tablet form. Even a capsule, as long as it isn't shipped through a warehouse in Pennsylvania. I'm wondering if I'll get stretch marks from the swelling.

On a more school-related note, the graduation speaker was chosen by the Dean. The student recommendations became a waste again. I can't see why we even go through the motions if the Dean is just going to pick the speaker.

I'm sure the pick will turn into a good one. Last year's pick, Mayor Goode of Philadelphia, turned out to be a good speaker (no pun intended). After all, a city block became a forest fire as a result of his orders about two weeks before he spoke.

was the practice of insisting that everyone actually play (unless they wished to sit some of it out) and that the less talented players take their regular turn at bat and in the field even if a pinch hitter or a defensive change in the field could assure or achieve victory. In the second game of my team's double header against the Cincinnati Reds Dream Team we had bases loaded in the bottom of the ninth, two outs and were behind two to one. Our next batter was an intense young man who had struck out every other time he was at bat in all the prior games. He suggested somewhat sadly, that he be lifted for a pinch hitter. To a man our entire team refused. "B.J.," we said, "you paid \$3,000 like the rest of us, so get up there and hit." Gratefully he entered the batter's box and struck out.

The coaches were terrific. Mine was Wayne Garrett, former Met third baseman. The others managing and coaching the other teams (which played on the four excellent Payson Field diamonds), were Bud Harrelson, Jerry Grote, Larry Bowa, Duffy Dyer, Rick Ashburn, Ed Charles and Steve Zabriski (respectively former Met shortstop, catcher, shortstop and second baseman, catcher, centerfielder and Met TV/radio announcer). They were demanding but understanding. ("Eric, Damn it, keep your butt down and your glove on the ground. You'll make errors — we all do — don't worry about it."). They pushed us but instructed us all the way along. ("I expect you to make the double play and here's the best way to do it. But all I require is that you make sure to get one.").

The Met training room, all the Met training equipment and the full crew of Met trainers were available to us. Without them, I and at least 50 others would have never have lasted the week. I had forgotten (or never knew when I was much younger) the physical demands of baseball. The trainers worked on ham string pulls, breaks, sprains, sore arms, pulled joints, swollen batting hands, dislocated backs, assorted bruises and one concussion. The whirlpools, massage tables, the ointments, pills, medications, tapes, bandages and ice pack were in constant use. Some of us took cars or cabs at 7:00 a.m., long before the official bus, just to be sure to

Continued on Page 15

This year's choice, Arnold Burns, the newly appointed Associate Attorney General of the U.S., will probably be very newsworthy and will get a lot of exposure for Hofstra. This is especially true if his views are anything like some of the constitutional scholars they have at the Justice Department: Ed Meese and William Bradford Reynolds.

Instead of going through the charade of letting the students think they will get to pick the speaker, why not just let the Dean take care of it? This will save time, energy, hope and frustration. Just because it is the student's graduation should not necessarily mean that they choose both speakers. They get to choose the student speaker, and the Dean has to sit through that. Students should therefore be more willing to sit through who the Dean wants to hear. Besides, Burns, Summit, Schmertz, et al, may be more willing to hire Hofstra graduates than some of the other major New York firms.

Lastly, a response to my critics. You know, the two who didn't agree with my analysis of *Law Review*? All I can say is that you missed the point of my article. I never said that *Law Review* was unproductive or that it doesn't produce quality work. I only said that the atmosphere wasn't the greatest thing around, a point you never responded to. To take my Steinberner analogy one step further, the Yankees were a dominant team in the mid-to-late 70s, but many of the players hated playing for "The Man."

Good night, and have a pleasant tomorrow.

COMMUNITY FORUM

LETTERS TO THE EDITOR:

Some Choice Words

To the Editor:

A choice is an option to select among alternatives. When a woman is faced with an unwanted pregnancy she must be free to choose what she desires to do with her body. The alternatives are limited, but their existence makes a well-reasoned choice possible. The preservation of alternatives is the meaning behind the label "pro-choice".

A woman may choose to carry her fetus to full term. From that point she may decide to raise the child or to put the child up for adoption. If she chooses not to carry her fetus the alternative of safe medical abortion exists. The states are constitutionally prohibited from denying a woman's right to an abortion in the first trimester.

There is a terrible misconception attached to the label of pro-choice which translates it into pro-abortion. There is no such thing as pro-abortion. Pro-choice means nothing more than respect for the right of the free choice of others. This is exemplified by recent statements of some prominent politicians who do not personally accept abortion as an alternative in an unwanted pregnancy situation, but support the right of others to consider abortion among their alternatives.

There is no doubt that pro-life advocates' position stems from what they believe to be a moral imperative. However, these moral judgments need only apply to those who espouse them and cannot be forced upon those who hold different views. The pro-life movement's attempt to spur judicial change on the issue is an attempt to impose the moral views of one group on the entire nation.

Since abortion was illegal in the past we need not speculate as to the devastating effects of its prohibition. Nothing stops abortion. Prohibition only puts innocent women

at the mercy of illegitimate practitioners who are set up for the sole purpose of preying on scared, desperate women. Furthermore, only the wealthy can afford substandard, covert medical abortions while the poor are left to abuse their own bodies in an attempt to induce abortion. Prohibitive legislation does not prevent the targeted activity—it merely drives it underground.

An atmosphere of mutual respect is necessary so that each group can maintain its right to be heard. Mutual respect can also provide a foundation for cooperation between both pro-life and pro-choice advocates. If the two camps were to work together to educate our society about birth control, and if birth control were made more accessible to educated men and women the abortion rate in this country could be cut by up to 60 percent.

An integral aspect of mutual respect includes the right of the other side to be free from terrorist attacks. Violent tactics are not justified for either pro-life or pro-choice advocates. Pregnant women have been forced to endure harassment outside abortion clinics. Some clinics have even been bombed. It is ironic that some pro-life advocates, who profess concern for life, have taken away life through these bombings.

Michele Coleman
Richard Horowitz

Alumni Reception

To the Editor:

I would like to extend my thanks and appreciation to Dean Schmertz, the faculty and administration of the Hofstra Law School for the Alumni reception they hosted on January 17, 1986 at the Marriott Hotel in New York City. Not only was the affair a generous offering of food and drink, it was a very pleasant gathering.

I have to confess that because I recently

moved and had not seen the Dean's invitation, when I was told of an alumni reception I was suspicious of what lay in store for us: fund raising, exaggerated claims of one another's recent achievements? Instead, this was simply a good time. Although I've been a graduate for only eight months, thus with limited perspective, it felt pretty good "looking back," even this soon, on Hofstra. It's much clearer now that "Hofstra Law" is a larger group than the 750 or so struggling students, faculty and staff who keep the home fires burning in Hempstead. There's both inside and outside contingents — each with different daily agendas, but sharing the goal of continued and increasing prominence for the Law School. I think the good mood at the Dean's reception suggests there's hope and a belief on both sides that a momentum is building. That was reflected in the faculty and administration's evident sincerity in sponsoring this event and coming out to greet the alumnae.

Many thanks,
Frederick C. Paine ('85)

Smoking In The Lounge

Dear Mr. Howard,

I can tell you from first hand experience that police peer pressure rarely works on those inconsiderate, selfish smokers who smoke in the non-smoking lounge. I have been cursed at, ignored and given smart-ass answers when I've approached a smoker and said, "excuse me, there's no smoking in here."

I have spoken to Dean Douglas on numerous occasions and written to Dean Schmertz. When the situation remained unchanged, I called President Shuart's office and the Nassau County Board of Health. A Nassau County Board of Health employee told me that the new anti smoking law includes our second floor lounge and that it is the administration's responsibility to comply with the law. If my phone call to the Presi-

dent's office hasn't served to "clear the air" in the lounge then perhaps the school can pass the costs of the fines for non compliance on to those who are guilty.

Sincerely,
Frances E. Nikides

P.S. Thank you for taking the time to write your column — I'm glad I'm not fighting this battle alone!

Women's Right Clinic

To the editor:

In the last issue of *Conscience*, I mistakenly described a Women's Rights Clinic as "newly created." This was an error, the "clinic" is merely an idea yet to be proposed to the administration. The article's intent was to attract students into signing the "interest list" located on the Women's Center Board on the second floor, across from the Legal Writing Offices. If the number of signatures are inadequate the clinic idea will never reach the "proposal stage."

Thank you,
Robin Frankel
Co-Director, Women's Law Center

Guilty Conscience coming to your newsstands on April 4th

BAR BRI BAR REVIEW COURSE -- 1/2 SCHOLARSHIPS AVAILABLE *

Four (4) 1/2 tuition scholarships are available for the Bar Bri Bar Review Course. 1/2 scholarships will be given to those students who show evidence of greatest need. Interested students should get an application from Mrs. Hodge, Room 216. Deadline is March 31, 1986.

*New York State Bar only.

JOSEPHSON'S BAR REVIEW COURSE -- 1/2 SCHOLARSHIPS AVAILABLE

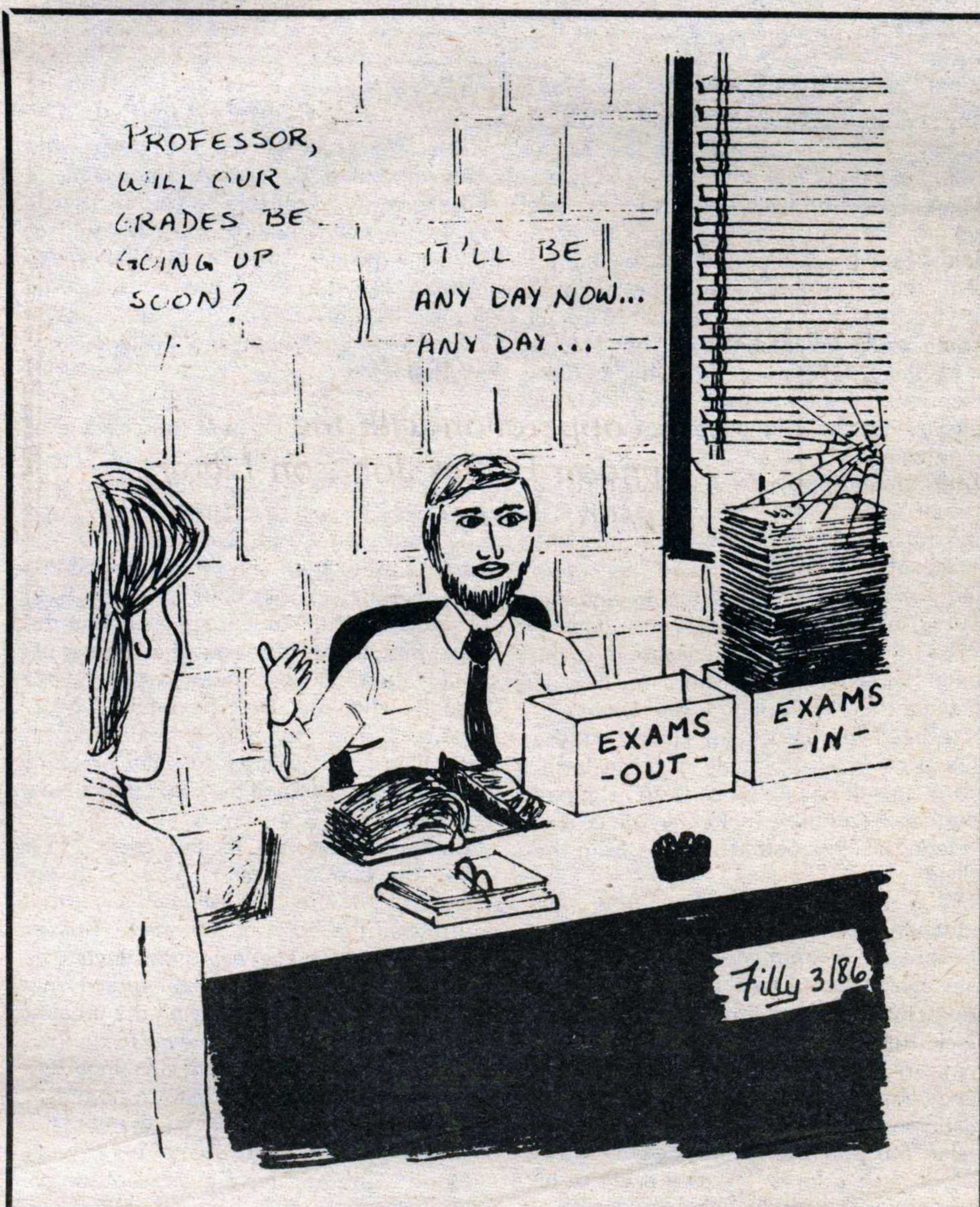
Four (4) 1/2 tuition scholarships are available for the Josephson's Bar Review Course. 1/2 scholarships will be given to those students who show evidence of greatest need. Interested students should get the application from Mrs. Hodge, Room 216. Deadline for application is March 10, 1986.

INDUSTRIAL RELATIONS RESEARCH ASSOCIATION

The Industrial Relations Research Association is offering a \$250 scholarship to a Hofstra Law School student who has completed a minimum of 12 credits in Labor Law with a 'B' average. Qualifying students should make application through the Financial Aid Office, Room 216.

BERGEN COUNTY, NEW JERSEY RESIDENTS

A \$1,000 scholarship is being offered by the Guy W. Calissi Memorial Foundation. Scholarships are awarded annually to students who have an interest in public service. Qualifying students should make application through the Financial Aid Office, Room 216.



COMMUNITY FORUM

THIRD WORLD PERSPECTIVE

FALL OF FASCISM

by Dennis Warren

Recent events in Haiti and the Philippines respectively, send a clear and unequivocal message to the world that the era of the fascist dictator may be rapidly coming to an end.

In Haiti, the world witnessed the downfall of one of the Western Hemisphere's most notorious tyrants, Jean Claude "Baby Doc" Duvalier. While thousands of miles away in the Philippines, not much long after, we again witnessed the ouster of another wicked despot, former President Ferdinand Marcos.

Both these dictators fell as a result of the mass action of their disgruntled nationals. After years of suffering under the yolk of military repression and severe economic exploitation, the masses of these countries decided to take their struggle to the streets and to put an end to further abuse by these leaders.

Despite the fact that the United States seemed to back the move to oust these two dictators when it became apparent that they would not last under the protracted uprisings of the masses, the removal of Marcos and Duvalier nonetheless reflect a significant political defeat for the U.S. in these Third World states.

It is an open secret that Duvalier and Marcos, although worlds apart, would not have survived for half the time they did, were it not for the military and economic support extended to them by the United States over these many years.

This support allowed the U.S. to preserve geopolitical and economic interests in those countries. For instance, in the Philippines, it's a well known fact that retention of the two U.S. bases there is crucial to U.S. Far Eastern military strategy, thus making it necessary for the U.S. to preserve a regime which will favor U.S. strategic goals in that region.

Retention of Marcos and Duvalier also allowed U.S. companies to receive the benefit of a depressed labor market in these states respectively creating larger profit margins for investors through a system that keeps the workers under virtual slavery.

By moving to support the ouster of these two tyrants, the United States appears to have been behind the move for reform in these countries. But many argue that this may have been too little too late.

It is evident to those who care to look beyond the superficial veil of U.S. support for the nationalist forces of these countries in the latter stages of political unrest in both Haiti and the Philippines, that there was no option left Washington at that point.

Failure to condemn and remove either dictator, given the growing hostile circumstances in the respective countries at that time, would inevitably lead to the prospect of more radical forces assuming power, to the probable economic detriment of the United States.

But the departure of the evil duo does not guarantee an appreciable improvement in

the lot of the masses of these countries. In their wake, figureheads have been left at the center of power through which the U.S. can still gain concessions.

In fact, closer scrutiny of the political processes in both these countries reveal that many of the same old faces still occupy positions of power.

The structure of the military in both states, which before was used as a weapon against the peoples, has gone unchanged — a situation which ought to be of grave concern.

Thus, we find that as a practical matter in Haiti today, even though Duvalier has long fled with millions of dollars, of the 15 man cabinet left in power, 13 are former Duvalier loyalists. This ruling council has since aided many who committed political crimes against the people to escape. Among these has been the leader of the notorious secret police, the Ton Ton Macoutes, whom they helped to escape to exile in Brazil.

Thus, less than two months after the ouster of Duvalier, Haitians are beginning to realize that his departure has not given them an immediate guarantee of democracy. And consequently there have been renewed demonstrations against the new ruling Junta in recent weeks.

In the Philippines, the situation has been euphoric since Marcos was chased out of power. But with the return to reality, it is likely that President Corazon Aquino will also be faced with many problems in the not too distant future.

For instance, it seems hardly likely that the majority of Communist forces in the mountains will lay down their arms simply because Aquino has been placed at the helm.

Although one may at this point argue that the U.S. did not create a fiasco out of these crises as was the case in Iran, or Nicaragua; it is nonetheless too early to make concrete assertions to this effect. What the world is witnessing in both Haiti and the Philippines today is one phase of a multiphase process. The political structures left in the wake of Marcos and Duvalier seem directed toward pacifying the people rather than implementing meaningful and fundamental changes in their everyday lives.

What becomes blatantly apparent from the U.S. handling of these two situations is the double standards involved. Here we have Duvalier, a criminal, with the blood of thousands of his countrymen on his hands, escorted out of the country to safety by the United States with millions of dollars to boot, looted from the coffers of Haiti's national treasury.

In the Philippines the story is similar, with Marcos escorted to safety, and welcomed with open arms here on the soil of the United States.

Yet, in Grenada, two years after the U.S. invasion took place, members of the former government are still rotting in jail without the benefit of a trial, or the prospect of one in the immediate future.

Continued on Page 12

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COMMUNITY FORUM

AND THE WINNER IS...ASSAD!

By Eric Levine

It has been said of the Middle East that there can be no war without Egypt and there can be no peace without Syria. This assessment was never more prophetic than when Yassir Arafat breached his agreement with Jordan's King Hussein on a formula which may have resulted in a negotiated settlement with Israel. Both Arafat and Hussein had stated publicly that they had reached an agreement. Hussein said that the plan included unequivocal acceptance of United Nations Resolutions 242 and 338 by Arafat. The formula was basically an exchange of land captured by Israel in the 1967 War for Peace and recognition of Israel's right to exist within secure and recognized borders. Although Arafat may have conceded behind closed doors, he was unable to do so publicly.

Arafat's paralysis was due in part to the resurgence of terrorism in the region: the bombing of the U.S. Marines barracks in Beirut; the hijacking of the TWA Airliner; the attacks at the Rome and Vienna Airports; and the kidnapping of Western diplomats in Lebanon, to name a few. Such violence placed a great deal of pressure on Arafat to abandon Hussein for fear of being seen as a "Zionist lackey," and to "rejoin" the armed struggle for Palestine; a struggle he had never left as was exemplified by the Achille Lauro incident. The aforementioned terrorist acts designed to pressure Arafat and intimidate the west, were taken with tacit Syrian approval, if not its active participa-

tion. (Such intimidation succeeded in chasing America out of Lebanon).

This type of Syrian pressure on Arafat is nothing new. In 1983 Hafez al Assad, the Syrian President, ordered his troops in Lebanon to fight with Abu Musa, a renegade Palestinian, against Arafat's Fatah troops. By recognizing the more militant Abu Musa as a legitimate head of the PLO, Assad strengthened his position in the region by proclaiming himself a bulwark against "Zionist imperialism." This buttressed his legitimacy in the eyes of his countrymen and weakened Arafat (who Assad finds personally repugnant) by making him appear as if he were selling out.

This is not to apologize for Arafat. To the contrary, it points out how Arafat is more interested in a cause than a solution and how he has become a victim of his own rhetoric. It also bears out the Israeli position that the PLO, of which Arafat represents the most popular faction, is an unsuitable negotiating partner.

The Syrian initiative to frustrate the Arafat-Hussein accord has already paid dividends. King Hussein has traveled to Damascus in an attempt to decrease tension between the two countries. The meeting resulted in an improvement of diplomatic ties and a promise of a reciprocal trip to Amman by the Syrian President. At present the rapprochement is luke warm at best, but a clear victory for Syria nonetheless.

A potential windfall for Assad would be a Soviet-Jordanian arms agreement in

which Damascus, the Soviet's closest ally in the region, would have veto power. A well equipped Jordanian army could pose a threat to Assad's military. However, the veto power coupled with a Jordanian wariness of the Soviets and the acknowledged superiority of Western technology, makes such a deal unlikely. Such an agreement was made possible by Congress' refusal to approve President Reagan's arms package without meaningful progress in the peace process. The U.S. is now hoping the French will fill the void.

By settling the Jordanian option, Syria avoids the problem of being left out of the peace talks. If the Israelis had an agreement with Egypt, Jordan and West Bank Palestinians, Assad could no longer claim he carried the banner of the Palestinian cause, and most importantly there would be no incentive for the Israelis to negotiate the return of the Golan Heights. The return of the Heights, next to maximizing his power within the Arab world, is Assad's single most coveted prize.

Assad cares little about "liberating" Palestine for the Palestinians. The cause is merely a club he wields to manipulate his brother Arabs and world opinion. He would be just as happy to annihilate the Palestinians if he thought it would advance his political aspirations. Mass murder would be nothing new to Assad. During the 1975 Lebanese Civil War, Assad fought on the side of the Christians against the Palestinians and Shiites. In fact, the Syrians have killed tens

since the Syrian occupation of that country in 1975. The most dramatic of his mass killings took place in the city of Homs in western Syria. Homs was a bastion of anti-Assad sentiment. Homs no longer exists. Assad had his army surround the city, kill its 20,000 inhabitants and then bulldoze it.

Clearly, the disintegration of the Hussein-Arafat agreement does not augur well the region in the short-term. There is likely to be more terrorism due to the victory of the rejectionists, in particular the radical elements within the PLO. Arafat, to save his political life, will return to his overt radicalism and help give the appearance of a unified PLO. The Jordanian option, for all intents and purposes, is dead. This is particularly true given that Prime Minister Peres will hand over the Israeli government to his conservative counterpart, Yitzhak Shamir, in October. Mr. Shamir has always been opposed to the Jordanian option if it involved the return of any part of the West Bank.

It seems that Assad has what he wants; no peace without him. At a minimum he wants the Golan back. No Israeli government, Labor or Likud, is currently willing to give it up. However, realities change and both Assad and the Israelis have shown themselves quite adept at adjusting to them. The Israeli-Syrian and Syrian-Arab conflicts, not the Palestinian question, are the issues which must be reduced before any lasting peace can be brought to the region.

Congress Should Refuse To Fund The Contras

by Eric Zucker

I just finished writing a letter to my Congressman and I thought that I'd like to write to you all regarding an issue that I hope will stir you to action. Congress will soon be voting on whether or not 100 million dollars in aid should be sent to the Contras to help overthrow the Nicaraguan government. I'm encouraging everyone to write their representatives to beg them to reject this outrageous notion.

At a time when domestic services are being slashed and the deficit is growing, Reagan has been saturation bombing the media with his pleas for \$70 million in military aid and \$30 million in "humanitarian" aid to the Contras. Armed with reports of recent curtailments of certain civil rights by the Managuan government, Reagan's request for aid that has been either rejected or cut for the last three years is now gaining in popularity.

The fact is that if Reagan gets his wish, civil rights violators will not decrease, but of necessity, increase. Nicaragua is a country at siege. It has been infiltrated, attacked and embargoed. Its very existence is threatened.

It would be naive to argue that in such a situation, the government will prove more flexible to its opposition. One only need look at America's long history of civil rights violations at times of national emergency, to understand how a threatened government reacts. This country of ours, of which we are all proud, permitted the revocation of the Writ of Habeas Corpus during the Civil War. During World War II we allowed the internment of Japanese-Americans in concentration camps. Surely, if our goal is to increase respect for civil rights we shouldn't be funding murderers or contributing to the destabilization of a foreign country.

If Congress bends to the will of Reagan on this issue, our nation will have blood on its

hands, just as surely as we did when Allende was murdered and Pinochet was set up by our government. Many observers believe that it is only a matter of time before Pinochet in Chile goes the way of Marcos in the Philippines and Duvalier in Haiti.

The proper course for the United States to take with Nicaragua would be to disavow the Contras and support the Contadora process. Somoza was a tyrant. The Sandanistan Revolution was a popularly supported one. To align ourselves with the disgruntled Somocistas who make up the Contras is to support terrorists. Plain and simple.

If we continue to negotiate only from "a position of power" to the detriment of reason, we will be to blame when all of our oppressed neighbors turn to the Soviets for relief from our bullying.

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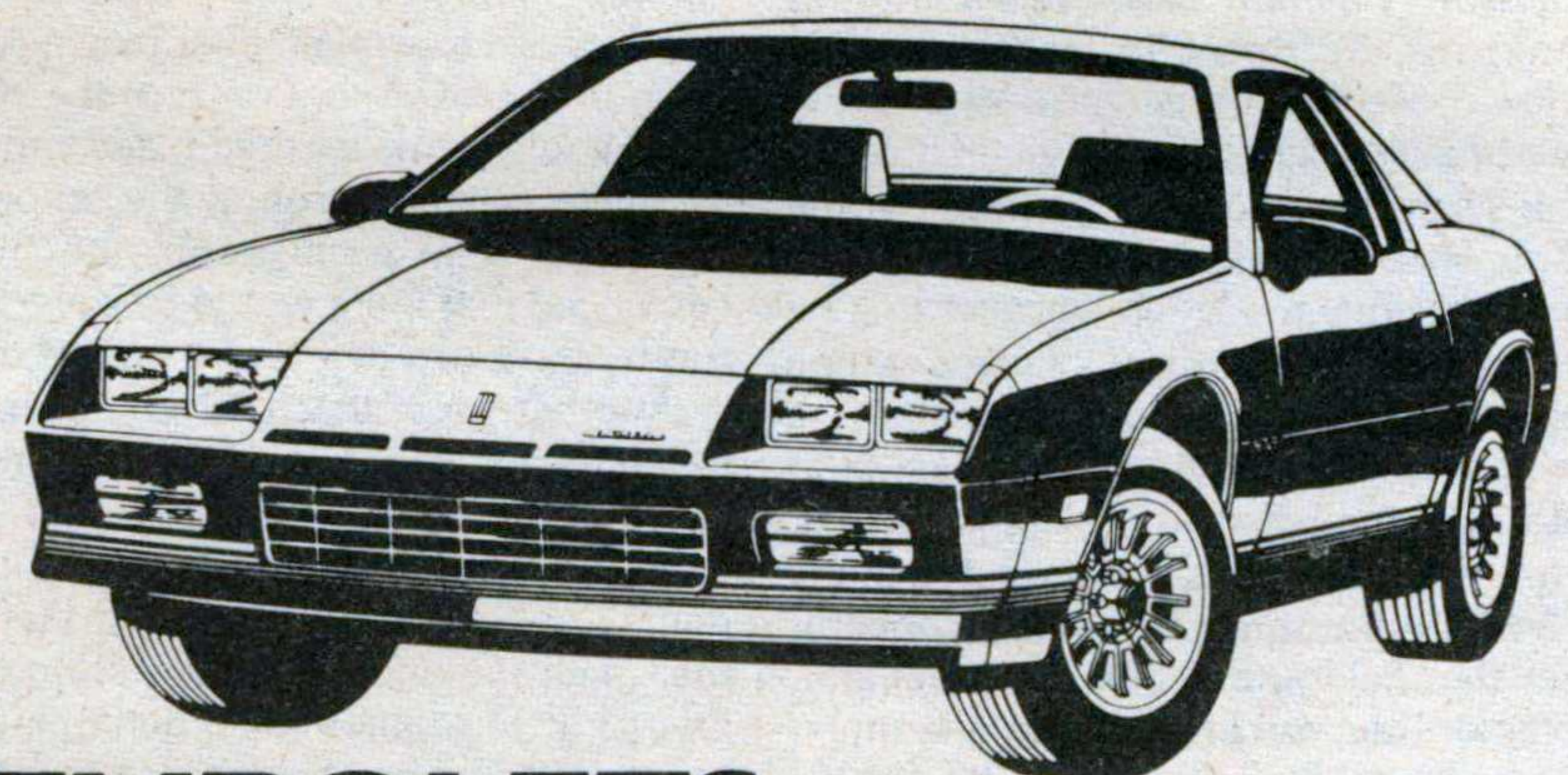
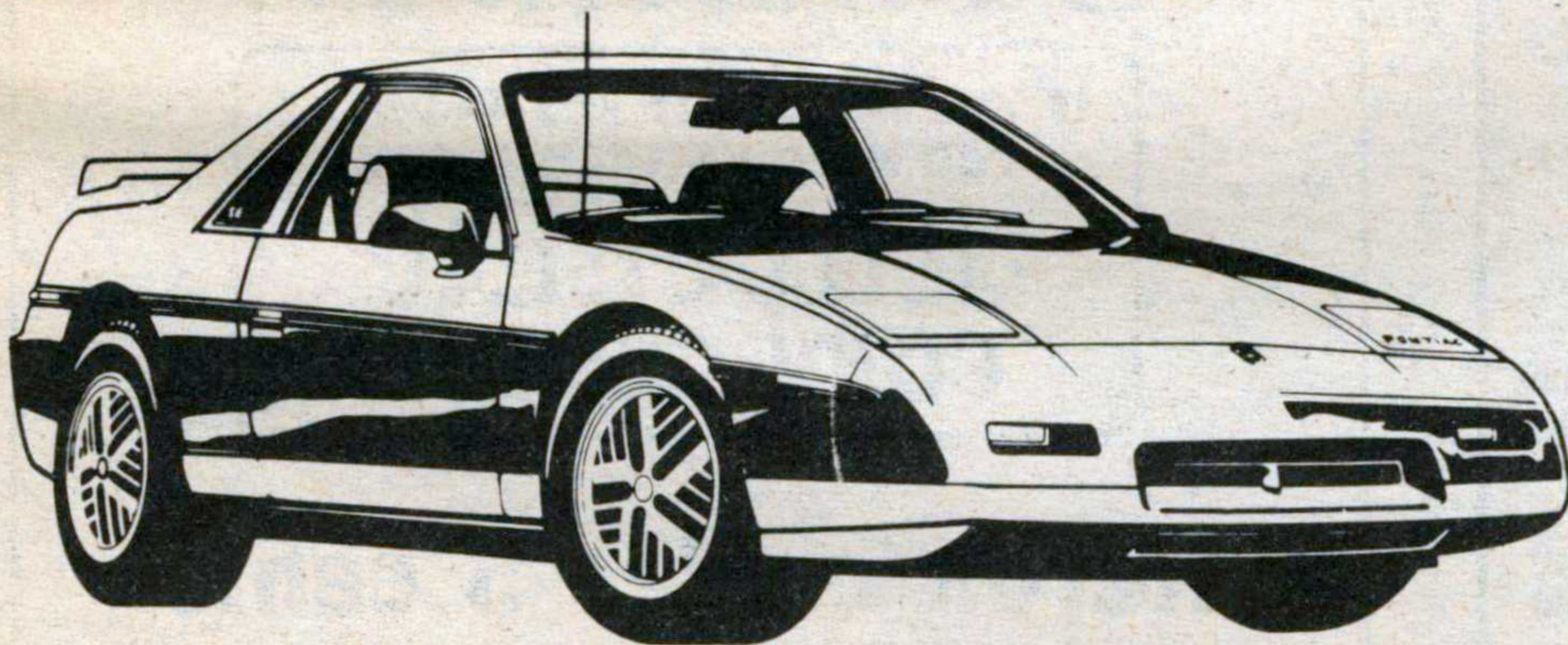
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ORGANIZATIONS

Labor Law Speaks Out

The staff of the *Hofstra Labor Law Journal* recently elected the Board of Editors for 1986-87. There are two new editors who have never seen the *Journal's* offices. Sean O'Sullivan, the incoming Managing Editor of Articles and Ellen Abberbock, a new Notes and Comments Editor, are disabled, and the *Journal's* offices, located in a former private residence on Fenimore Avenue is not accessible by wheelchair. Hofstra University has acquired a reputation as a school which is, by geography and design, attractive to physically disabled students. Unfortunately, the actions of the University suggest that it does not consider participation in a law school journal as an activity in which disabled students are expected to participate.

Last August, when the identities of the students behind the confidential code names used in the *Journal* writing competition were revealed, it was discovered that among the new staff were Abberbock and O'Sullivan. The Law School administration was notified immediately of the problem, and Dean Douglas contacted the University Buildings Department with a request that the *Journal* house be brought into compliance with the accessibility regulations.

Since then, the *Journal* staff has been subjected to promises, unfulfilled plans, and repeated pleas for patience. The original plans for renovations on the house were dismissed as too costly and time-consuming and the staff was informed that new offices would be arranged. As a result, other plans for reorganizing and improving the facility were tabled, and the staff continued to work with inadequate and uncomfortable work and storage space, in the expectation that they would soon be in new offices. Weeks went by and word came that there were no other offices available on campus and that modified renovations were to be undertaken. After another month or so, still no work had begun and the *Journal* was informed that, in fact, the University had located another already accessible space and that renovations were off. However, it was then discovered that the donation of the building in which the new offices were to be located had included a restriction on the use of the building, a restriction which does not include the *Labor Law Journal*.

It is now more than six months since the first request for compliance, and, at present, the University has given no indication that there are any plans for either finding a new space or making the present one accessible. Their latest advice is to effect a trade between the *Journal* and one of the law school organizations with offices in Roosevelt Hall.

This is short-sighted, at best. The University administration either expects that participation by disabled law students in extracurricular activities is an aberration and should not be considered in its planning process, or they plan to re-arrange the offices on an annual basis according to which organizations accept participants who are non-ambulatory. More likely, they plan to continue to request patience until the affected students graduate and the problem becomes moot — at least until another such student is accepted by the *Journal*.

As members of the board of editors, O'Sullivan and Abberbock must have access to office space where they can work, meet with staff and store their materials. In addition, the Sugerman Labor Law Library which was donated to the *Journal*, is housed at the *Journal* office, as are materials necessary for cite checks and editorial work.

The Law School catalogue states: "Physically handicapped and disabled students have ready access to all parts of the building..." However, it does not mention that not all activities take place in that building. Hofstra has extended the opportunity to study law to all students regardless of their physical capabilities, but it is unfortunate that it does not allow them the opportunity to participate fully in all law school activities.

Hofstra Labor Law Journal is pleased to announce the 1986-87 Board of Editors:

Editor-In-Chief

Ruth Weinreb

Managing Editor of Articles

Janet Zaorski

Managing Editor of Notes & Comments

Sean O'Sullivan

Articles Editors

Gregory Berry

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BLSA Report

Hofstra Chapter of BLSA held its Annual Law Day activities on Saturday, March 15 at the Law School campus.

Traditionally Law Day has been geared towards attracting minority students to the field of law in general and Hofstra University Law School in particular.

This year the program featured a discussion on affirmative action, information on how to apply to law school and how to obtain financial aid; a classroom dramatization simulating the law school experience, and a Moot Court presentation to be executed by first-year law students.

Other areas of the program focused on employment during law school, and a special feature of the program was the panel discussions during which participants got the chance to interact with alumni and members

of faculty about their experiences in the practice and teaching of law.

Law Day '86 was more than program for prospective law students, it was a chance for present and past students to get together in an informal setting and to exchange information and insight into the field of law.

NBLSA NATIONAL CONVENTION

The 18th Annual Convention and General Assembly of the National Black Law Student's Association (NBLSA) will be held in New York City from March 26 through March 30, 1986 at Omni Park Central Hotel.

This year's Big Apple Convention promises to be one of the biggest and best in the history of NBLSA.

One of the sore issue to be resolved at this convention concerns a threatened discrimination lawsuit by a University of Mississippi

Alumni News

On January 30, 1986 the Hofstra University School of Law Alumni Association, Inc. held a general meeting at which time organizational elections were held. Elected for a two-year term, pursuant to the organization's by-laws, were Steven H. Simenowitz, President; Salvatore B. Pontillo and S. Tapper Bragg, Vice-Presidents; Catherine Sagos, Secretary; Wayne A. Hoeberlein, Treasurer; Thomas Robert Stevens, Executive Member; Mark J. Caruso, Robert Castellano, Andrew J. Lusk, Peter W. Shafran, Steven B. Sheppard, Stuart T. Spitzer, Council Members.

Simenowitz ('82) is currently in private practice in Garden City. A former musician, he has diversified his practice devoting most of his time to entertainment litigation and the balance to his career as a writer. He is the author of "Legal Licks" which appears monthly in *The Music Paper* and published two articles in January, one concerning preliminary injunctions for personal service contracts which appeared in *Entertainment Law and Finance*, and an article on entertainment litigation strategies which appeared in the *Nassau Lawyer*. He is currently working on articles for *Rolling Stone* and *ViaVolvo*. Additionally, he has lectured extensively on various entertainment related topics. He is a member of the panel of arbitrators for the Commercial section of the American Arbitration Association and is general counsel to the Long Beach Council on the Arts.

Under the first year of Simenowitz's leadership, the Alumni Association has seen revitalized relations with the law school administration and a restructuring of the Alumni Council. Through his joint efforts with Dean Schmertz and Hugh Christenson, the Alumni Association now shares office facilities with the Placement office and Hugh Christenson has been designated by Dean Schmertz as the administration's liaison for alumni affairs. Information is currently being collated for the long awaited alumni directory which a tentative release date scheduled for fall 1986.

The Alumni Association, in conjunction with the SGA, is presenting a career night on Thursday evening, April 17, 1986 between 7-9 p.m. The evening will highlight the various fields of practice and afford students the opportunities to speak with practitioners in the field of their choice. A wine and cheese banquet will follow.

The annual alumni Spring cocktail party will be held at the Nassau County Bar Association on May 22, 1986. For further information contact the Alumni Association at (516) 248-1350.

Says Simenowitz, "I am thankful for the support given me by the council and administration and look forward closely with them to bring the goals, objectives and dreams of the association to fruition."

white student who was precluded from entering NBLSA's Frederick Douglas Moot Court Competition last year.

This student was refused participation in the competition on the basis of a clause in the organization's constitution which prohibits participation of white students in NBLSA's Activities.

The convention will seem to resolve the above question, which may have a profound impact on the future and direction of NBLSA, the largest black association in the United States. Other intended areas of discussion will focus on Apartheid and the struggles in Central America.

Hofstra Chapter of BLSA is planning to field a delegation to this convention and will participate fully in floor discussions during this historic event.

RLSA

Hofstra Law School will be well represented at the Young Republican Leadership Conference in Washington, D.C. this year. Five members of the club will be attending the 28th Annual Conference March 13-16.

The conference is part of the Young Republican National Federation, the largest youth organization in the country. YR's Range from ages 18-35. The Co-sponsor of this years YRLC are Elizabeth Dole, Secretary of Transportation. Senator Paul Laxalt, and Rep. Trent Lott.

The agenda for this year is most impressive. Events scheduled include a congressional reception with Jeane Kirkpatrick. Former U.S. Ambassador to the U.N. A luncheon with Vice President Bush, a reception with Sen. Al D'Amato and a breakfast with Jack Kemp. In addition the weekend will encompass seminars and meetings on an educational and informational basis.

For several attendees from Hofstra this will be their first trip to Washington and it should prove to be a great experience in government and politics on the national scene. Next year's list of conference — goers is already promising to be longer than this year's.

For those interested in becoming active in politics, keep an eye out for meeting notices. Our annual awards luncheon will be held in April and is being planned now. In addition, 1986 will be an exciting year politically on all levels of government. Those interested should get involved now to be a part of the political process.

ELS News

By Carl Howard

For the third consecutive year, Hofstra's Environmental Law Society, in conjunction with St. John's Environmental and Energy Club, will combine resources to organize an in depth look at a selected environmental issue. This year's SYMPOSIUM will address the following issues: food additives, colorings, and toxic residue from insecticides, pesticides and other chemicals; the SYMPOSIUM will also address problems associated with suspected carcinogens in cosmetics, soaps and shampoos. We anticipate having six panelists who will explain how much testing, if any, is required before a product may be put on the market, or before an additive may be put in a product. The panelists will be from diverse disciplines and will therefore present varying views on the question whether the consumer is being subjected to more than a reasonable amount of danger.

ELS and the St. John's Club are both busily researching the issue of food and consumer-goods safety, and we will be handing out a packet of materials representing the latest studies in this area. The materials will be given out free of charge. Similarly, the snack before the SYMPOSIUM, at 6:10, and the dinner afterwards, at 9:30, will also be free and open to all. We urge you to attend, to learn and to feel free to linger after the event and talk individually with the panelists.

The symposium will be held on March 18, a Tuesday, at 6:10 p.m., in room 308. There will be a snack preceding and a buffet dinner following the event. We hope that you can and will attend an event which touches on health issues directly affecting every one of us.

CORRECTION

Carl Howard's proposed solution to the problem of smoking in the second floor "no smoking" lounge should have read "POLITE PEER PRESSURE" and not POLICE peer pressure.

LEISURE



The Color Purple

by Eric Zucker

"The Color Purple" has been out for almost three months now. In that time it has been nominated for 11 Academy Awards and has earned about 50 million dollars. Many people have applauded it for its life-affirming message and the magnificent performances of all of the members of the cast. Some people were disappointed that Steven Spielberg wasn't nominated for Best Director, pointing to the courage it must have taken for the famous Hollywood director of the Star Wars/Indiana Jones adventure serials to attempt a movie that dealt in an intimate and personal manner with a Pulitzer Prize-winning novel by a prominent black woman writer.

In this review, however, I come not to praise "The Color Purple," but to bury it. Far

be it from me to discourage Mr. Spielberg from expanding his art to include real human experience—but for me, the movie had the same air of unreality as "Raider of the Lost Ark." In the whitewashing of so many of the crucial elements of Alice Walker's novel, Spielberg debased it.

I read *The Color Purple* two summers ago and was deeply affected by it. It was striking how Ms. Walker had woven so many "modern" strands into an epistolary novel about a black woman's life in the impoverished rural South at the turn to the Century. Issues as relevant as today's headlines such as parental rape, feminist and black consciousness, racism, sexism, bisexuality, the absence of God in the world, and the search for the perfect orgasm were all confronted by the heroine, Celie, as she pursued her vision of happiness and personal fulfillment.

Steven Spielberg decided to bring this starkly realistic novel down to a level he could understand. And if he understands anything, it's that for a movie to be a block buster, it must pander to the lowest common denominator out in the suburbs. Consequently, any sub-plots that might provide a counterpoint to the main story such as the details of the model life of Celie's sister in Africa as a missionary must be edited out. Also, rather than threaten the sexual orientation of young impressionable people between the ages of 14 and 24 (the movie business' target group) with any suggestion that the main character could possibly find a lesbian relationship to be liberating, Spielberg decided to replace good healthy sex with something resembling nervous maternal affection.

This last editorial decision was especially

blatant, since the novel spent a good deal of time showing the simultaneous rise in Celie's self-esteem and feminist consciousness with the initiation of a love affair with the life-embracing Shug Avery. Frankly, I hardly recognized Shug in the movie. I had imagined her to be some earthy, hard-drinking, hard-loving, heroic blues shouter who taught Celie all the natural rhythms of life. Instead, I was served some frail white-featured black woman who spent a lot of time looking concerned, but not all that exciting or compelling.

Another characterization that reflected how Spielberg viewed his material was the portrayal of Celie's husband. In the book he was a brutal, bitter, and eventually beaten man. It was clear that he was a product of a violent society, not just a "bad guy" sent to act as a foil for "Saint" Celie. In the movie, he is portrayed as either a beast or a fool. Whole scenes were created in the movie, having no counterpart in the novel, to show him as a cartoon figure who burns food, breaks plates, and runs around in mismatched socks. Considering the dearth of recent films that provide any meaningful depiction of blacks, it is a shame that all of the black male characters in this film were so poorly served.

About the only black man who is seen in anything resembling an admirable light in the movie is Shug's father who is a Baptist minister. Of course, the righteous preacher-man is a stereotype in itself, but even his presence is turned into a bombastic joke when the "sinners" storm into his church singing jazz moving the gospel singers to join in. When I first saw this scene, I was incredulous. I had seen the same scene in the Marx Brothers' "A Day at the Races" where Harpo leads a group of happy singing "negros" in a Halleluyah chorus down some dusty ol' road. So much for realism.

The heavy-handedness with which Spielberg handled every scene is more than

enough justification for his directorial skills to be snubbed. He milked every scene for every horse laugh and tear jerking sob. Art doesn't have to try so hard.

Perhaps the greatest problem that I had with viewing this movie was the constant gnawing in my gut that Spielberg is a great craftsman—he knows how to set up a scene. Dilapidated road houses became mythic wombs of jazz. Dark visits in the night became sepia-tone tapestries of evil. Every sunset was a wonder to behold. But to what end? People would be offended if Auschwitz was portrayed with fringe curtains and Laura Ashley print dresses—why is it applauded when the same beautification occurs in the rural poverty of the sharecropper shacks?

I'm compelled to argue that by rejecting the reality of the novel for the fantasy of the movie, Spielberg accomplished something that Reagan has failed to do—absolve white society of its responsibility in the subjugation of the black race in American history. After all, if this is as bad as things ever got for blacks in America, why can't they pull themselves up by their own bootstraps like us? By showing the shiftless black men and industrious black women, the movie very neatly tied together all of the racist stereotypes that underlie all of the present Administration's characterizations regarding affirmative action and social spending.

Contrary to what Reagan had said about there being "no race problem" when he was young, the early years of the Twentieth Century was a time of intense racial terror in this country that thwarted any possibility of social mobility in the black community. The KKK had membership in the hundreds of thousands and every year was marked by the lynchings of hundreds of innocent blacks who "didn't know their place." The black experience was one marked by systemic dehumanization, segregation, and poverty. You would never know it viewing Spielberg's film. Apartheid never looked so good.

Literary Corner

In the middle of Nassau lie beautiful lakes, visible through the wrecks lining the broken road. Tourists glut their part of town; the rich, behind barbed wire, reside near the refinery. Bahamians are barred from the casinos, and brilliant sun, in any month, can burn a fair-skinned basker.

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1L Section A



Will I, as an attorney, hear a mother's cry,
Or see the tear on a father's cheek;
Will I feel the losses of my clients,
And sense the hollow carved in their hearts?

Or, will I as an attorney, hear only the
holdings of the court,
And merely see black letter law;
Is the only gap to be perceived;
One which persuasive argument will fill?

Questions, I suppose, that time can only
answer.

Thoughts of a First Year Section A Student

Today my Contracts professor said to me
"A dress is not a dress and a cow is not a
cow"

I don't understand how this could be
It seems a dreadful mess
But that's the law I guess

Today I read two cases in Torts
Both "wrongful life" law suits
I wondered how these got to court
The claims seemed so minute
Sometimes the law's a beaut

Texas would apply Cambodian tort law
Held a Supreme Court case read for Civil
Pro

I think this holding has a flaw
And I wonder how many Texans the
justices know
Sometimes I can't believe where the law
seems to go

The law takes many a strange twist and
turn
Like a roadrunner gone berserk
Exceptions, distinctions, contradictions to
burn
And you can't see the law through the
murk
Well at least it gives lawyers more work

Bruce Robins
Section 1A

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SPORTS

PENNANT PICKS

by Jim Markotsis

This will be the year of the Mets. They have too much fire power for the rest of the league and will beat Toronto in five games for the world championship.

Before the Mets get to the World Series, they will dispose of the surprising Cincinnati Reds. The Reds will walk away with first place behind the leadership and strength of Dave Parker. The strong young arms of the Reds pitching staff will finally show Cincinnati fans that good pitching does not necessarily mean the Dodgers are in town. Speaking of the Dodgers, they will learn that Pedro Guerrero will need some help to carry the offense because the Dodger pitchers will not be able to duplicate their outstanding performances of 1985.

In the American League East Sparky Anderson's Detroit Tigers will be in a dog fight with the Toronto Blue Jays, but the speed and consistent hitting of the Blue Jays should give them first place. The Yankees will not be too far behind, but their pitching will keep them from the top. Of course George Steinbrenner will not settle for third, and will name Phil Niekro as interim manager just as soon as the Yankees are eliminated in mid-September.

The big surprise in the American League

will be the Texas Rangers. Behind manager Bobby Valentine, they will scrape and claw themselves to narrow victories all year long. What they give up to Kansas City and California in the way of talent, they will make up for in heart. With a few breaks they can finish first, but so can Kansas City and California. The other four teams in the division should be out of the race by the time income tax refunds are sent out.

The Blue Jays will beat whichever team wins the West Division, but will not be able to match the Mets pitching in the World Series.

The Mets will walk away with first place in the East, mainly due to lack of competition. The other teams in the division will all have off years (except Pittsburgh, which might win 60 games this year). Expect big years from Darryl Strawberry, Howard Johnson and George Foster. Foster will have a good year only because the Mets can buy out his contract after the year and George wants to continue to make big bucks by playing a few more years under his existing contract. Of course, Gary Carter and Keith Hernandez will once again earn every dollar they are paid. When all this talent is combined with the Mets pitching staff, New York will be on top of the world come October!

Jim, how can you be so blind? The last two years the Mets have let games to pretenders turn into losses, allowing unexpected to pass them by. With the relief pitching still suspect, the bench depleted and the pressure of everyone expecting them to win, this year will be no exception. St. Louis will de-fluke, Chicago will be Chicago, and Montreal will surprise.

Tommy Lasorda will make the most of Valenzuela, Hershiser, Reuss and Niedenfuer to win the West. Pete Rose's Reds are too young and inexperienced for the playoff drive. Steve Garvey's crying won't lift the Padres into first. Yogi Berra will talk the Astros into fourth.

Toronto, by not doing anything except losing Al Oliver, hurt their chances. Detroit will win because of their talent combined with the ancient Yankee arms. Eddie Murray and Cal Ripken, Jr. can only play first and short; it's the other seven spots that worry me. Boston's bats will force the relief pitchers to play, which is their problem.

In the words of my bookie, the AL West is summed up as "pick-em." K.C.'s experience and Quisenberry are the difference. Texas' scrapers will get them fines, not victories.

Detroit will beat Kansas City, and the Dodgers will out-pitch the Expos. The networks will be ecstatic when L.A. wins it in seven.

JIM

East

Mets
St. Louis
Chicago
Montreal
Philadelphia
Pittsburgh

NL

West

Cincinnati
San Diego
Los Angeles
Atlanta
Houston
San Francisco

East

Toronto
Detroit
N.Y.
Baltimore
Boston
Milwaukee
Cleveland

AL

West

California
Texas
Kansas City
Oakland
Chicago
Seattle
Minnesota

DOUG

EAST

Montreal
Mets
St. Louis
Chicago
Philadelphia
Pittsburgh

NL

WEST

Los Angeles
Cincinnati
San Diego
Houston
Atlanta
San Francisco

EAST

Detroit
N.Y.
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1986

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Liebman, Sally
Mavroudis, Frank
Ponticello, Francine
Powell, Catharine
Rockower, Ronald

1987

Horowitz, Richard

Continued from page 7

get the trainers attention before the rest of the disabled lined up. I suffered two problems, — charley horses in my upper thighs and smashed big toes on both feet. The charley horses were cured by a miraculous massage by the Mets chief trainer, Tom McKenna. While he worked on me, he supervised the most important treatment of all — Dwight Gooden on the next table receiving treatment for his sprained ankle.

My toes were a more delicate problem. The injury came from my first set of baseball shoes which were too short. Play was so intense that I didn't realize the damage until the shoes came off after the first day. But McKenna had the cure. Medication, bandages and a larger pair of shoes. And back to play I went. (But I was fined \$1.00 for removing my shoes on the field).

Now to the games. The morning of the first day was devoted to instructions, batting and fielding. Harrelson and Garrett hit what seemed to be hundreds of grounders to me at second, for one out plays at first, force plays at second, double plays, throws to home plate, and execution of the cutoff. So long as "my butt was down and my glove on the ground" I fielded well. Especially so, I think, after a 40 year layoff.

And I hit what was thrown to me. I learned that I had always held the bat wrong. How many of you know that for a right-handed batter the middle knuckles of both hands are to be lined up on the bat, not the large knuckles of the left hand and the middle of the right.

The rest of the week was spent playing double headers each day as part of intra-squad competition, double headers in Tampa and on our fields against the Cincinnati Reds and Baltimore Orioles Dream Teams [The latter had a woman pitcher who was very good], and a scheduled final game against a team of former Mets in Lang Stadium (before a crowd that bought tickets for charity, an electronic score board and with retired major league umpires).

My team won three and lost two games in intra-squad play. We also split a double header with the Reds winning 13 to 7 and

losing, as reported earlier, 2 to 1. I batted .333 overall. My hits were singles, but one drive down the third base line would have been at least a double if it didn't curve foul at the last minute. It was such a long drive that it brought the coaches out of the dugout to question my age.

Afield I handled all routine grounders without error, got a couple of forceouts at second, was "taken out" in one double play attempt (but got one), dropped a potential double play ball for my only error, went well back of second into short centerfield for a fly, and for my best play, fielded a sharp grounder while on the infield grass, held the runner at third, and threw out the batter at first.

For my team (which was scheduled last based on a lot draw) the final game against the Met team was rained out. It was rescheduled for the Sunday of our departure. To get all of us in it we got one turn at bat before heading for the airport (some without changing from their uniforms). I hit against former Met pitcher Al Jackson and grounded to "my coach" Wayne Garrett at third. (I am agitating for another such game at Shea during the regular season, perhaps when as scheduled, we report in uniform to be introduced to the crowd to pick up video tapes of our play and our bubble gum cards).

The games did two things for me. My mind was completely cleared of everything but baseball. If that's what a vacation should do, Dream Week did it. And as I played well enough (but not spectacularly) I was pleased with myself. At times if I didn't fancy myself as a big leaguer I thought I was back on the diamond at New Rochelle High School or Union College (and for a moment or two, I was as young as I was then).

At the banquet on Saturday night five awards were given out. I won one of them. I did not win the award for the best offensive play or the best defensive play or as the most valuable player or even as the player with the "dirtiest locker." I won the award "for the player most wrapped by the trainer."

As they used to say in Brooklyn, "Wait until next year."

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