CONSCIENCE

The Hofstra University School of Law Newspaper

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Volume 21, Number 2a | "Asking You to Ask Yourself" | 20th Anniversary

1973-1974

Conscience File Photo

Editor's Orial

Students of law should be particularly outraged by the recent course of events again staining the most corrupt administration in the history of the republic. It would be foolish to say we have lost integrity where it never really existed. Those who for so long flourished upon a repressive righteousness have themselves been the worst pollutants of law and truth.

Impeachment, indictment, and incarceration is the polite course. It is the proper course. It will require a resolve many of us do not know, and a perseverence inertia has made us unaccustomed to. But it is no longer extravagant to assert the constitution is slipping away.

To sit back and accept is to give in and endure. The legal profession, more than any other group of citizens, has an obligation not to remain silent. The time is past when obedience can segregate you from public risk. The time has come to throw out the charlatan who calls himself President.

Against the background of executive defiance to federal court rulings, the debut of *Conscience* seems inappropriate. A school of law newspaper has an obligation to address itself to critical issues of law. But I have no magician to transform our copy overnight. With your support, though, we can see to it that *Conscience* becomes a forum for legal thought. Publication of a first issue may mark an interesting milestone. but it is only the beginning step of a difficult enterprise.

The Hofstra School of Law has made great strides in only four years. As more and more student groups are born, we rapidly become more of what a law school should be. *Conscience* can be a communicative tool for those organizations now existing and a formative power for those now developing. I think too, the very existence of a newspaper can help create a communal force within our school.

Certainly, *Conscience* will permit us to enhance the reputation of Hofstra Law School. Each edition will be sent to all our alumni, members of the Nassau County and New York City bar, pre-law advisors in undergraduate schools, and every law school in the nation. Actually, it will look bad for us if *Conscience* does not look good.

With this introductory issue, vision has become reality. Existence, though, is not efficacy. So again I ask for your support, and invite your participation as *Conscience* begins its journey, "Asking You to Ask Yourselves . . ."

Dean's Message

by Dean Monroe Freedman

For a new Dean to talk about the strengths *and future of the Law School* after being here only two months is premature, if not presumptuous I want to emphasize at the outset, therefore, that the views that I express below are preliminary and tentative. Moreover, I fully recognize that the future direction of the Law School will be determined more by the Faculty and student body than by the Dean.

On other hand, I also feel strongly that the Law School community is entitled to know what my own thinking is, if only to enable it to be forewarned and to take appropriate precautionary measures.

Hofstra Law School is already strong in the three basic areas that are most important to a law school—students, faculty, and library.

A review of our admissions indicates that we have achieved high academic quality in our student body. There are serious deficiencies, however, in enrollment of minority and women students. We do, of course, compare favorably with most law schools in those areas. Nevertheless, it is obvious that greater efforts have to be made. The impact of historic racism and sexism on the composition of the legal profession are such that none of us should be content with simply keeping up to standard. It is the standard itself that must be changed We will therefore be putting special emphasis on recruitment of minority and women students.

In addition, our recruitment efforts generally must be expanded substantially. Up to now we have been able to take advantage of peak numbers of people of law-school age, heightened interest in law as a profession, and a general shortage of law school facilities. All of these conditions are likely to change in the near future. In order to maintain the high quality of student body that we now enjoy, therefore, we must begin a program of recruitment that will continue to attract the best college graduates in a far more competitive situation.

Our faculty, on any standard, is one of the finest in the country. It is characterized by academic excellence, exceptional breadth of practical experience, and—most important—unsurpassed classroom teaching ability. Similarly, the quality of the George Morton Levy Law Library is extremely high, particularly in view of the record time In which it reached and exceeded ABA and AALS requirements. More than that, it is both a functional and a pleasant place to work.

Both our library and our faculty must be expanded, however, to meet the needs of our increasing student body. This cannot be accomplished without additional funds. And that, in turn, means that we must make strenuous efforts to raise money through contributions, particularly from those who are sufficiently farsighted to recognize the need for a law school of quality in Nassau County. In addition, along with everything else in the economy, tuition will almost certainly have to be increased significantly.

One of our most important areas for development is curriculum.

Serious consideration should be given to preparing new materials for thoroughly restructured first-year program of law study. We should increase the depth in our corporate, commercial, and tax courses, and expand the number and variety of other electives in the second and third years. Interdisciplinary courses and programs should also be developed. A comprehensive moot court program should be given careful consideration. In addition, we should build on the strength of our exceptionally fine clinical program, both by expanding it and by integrating the clinical work into the classroom curriculum.

Obviously, this ambitious program won't be achieved quickly. Indeed, it will not be achieved at all, unless the entire law school community is behind it, and unless students, faculty, alumni, and friends are all willing to play an active role in bringing it about. I look forward to your reactions, your ideas, and your help.

PROFESSOR PROFILE

by William Nix

"It may be that times have changed on campuses everywhere, but Hofstra's law school is unlike any I've experienced. The 2nd and 3rd year classes were experimenters—taking a chance on a new place. It was so small the first year, under 100 students. I think that small start gave the school the informality it still retains to a great extent. We've institutionalized informality as much as possible."

The words belong to Burton Agata, the erudite and sometimes esoteric professor of constitutional and criminal law here at Hofstra. Reclining in his tufted red leather chair, which graces an office of wall to wall law books, Agata spoke about Hofstra Law School:

"I think the program here is fairly innovative. Both faculty and curriculum have expanded, especially in the area of clinical education. I would like to see more of a clinical emphasis, but it's hard to know the best method of clinical teaching before the returns are in from the many experiments with it."

Widely experienced as a law professor, having taught most recently at the University of Houston, Professor Agata has been with Hofstra since its inception. Last year, he was one of the final candidates considered for the Deanship.

Graduating from Michigan University with distinction, having been a member of their law review, he went on to teach at Montana State, Wisconsin, New Mexico, Houston, CCNY and NYU. He served a term. in the Judge Advocate General Court during the Korean War and returned to join the New York State Government as a senior attorney in the Banking Department. He was the first counsel to Sales Finance—Employee Welfare Fund Division.

His contractual and consultant work has included a study regarding a code of criminal procedure for Vietnam for the U.S. State Department, a research project on "search and seizure" from the police perspective, an HEW project on neglected and delinquent children, and active participation in criminal cases for Hofstra's legal aid office.

Agata finds the pace here in the N.Y. area is exhausting and maintains that one can find here all the work one could possibly want. Currently, in addition to his teaching work, Agata has been Counsel for the Commission on the Federal Criminal Code, planning a total revision of the existing one. There are several bills in Congressional committee to that end. "The major difference in the revision will be in the sentencing provisions. We hope the revision will be organized in such a way as to be more specific and, it is to be hoped, coherent. We're trying to more adequately define jurisdictions and to define more precisely the statutory goals for law enforcement."

Agata's projects have led him to an active involvement with the ABA. He has most recently been Director of a Project preparing a comparative study of ABA Standards for Criminal law. "I believe the ABA is changing more today than ever before. Members have been working to set up a bar network from the local to the national level to involve the Association with current issues it has a long history of purposefully avoiding. The organization is less under the control of a few in Chicago and the seniority

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EDITORIAL

Conscience Celebrates 20th Anniversary

Two Decades of Working to Improve the Law School

Welcome to the 20th Anniversary Issue of *Conscience*. Over the years, the law school has evolved in legal and societal philosophy, has grown physically, and has experienced the changes of six Presidents and their differing influences. *Conscience* has stood right alongside the Law School.

While *Conscience* has not always agreed with the Faculty or Administration form time to time, there has always been a common goal of bettering the law school and mutual respect. From the reign of Monroe Freedman as Dean to the recent, tragic death of Professor Dwight Greene, *Conscience* has strived to keep you informed and involved.

From the breakdown of the Nixon Administration and the culmination of the Watergate Scandal to the first year of President Clinton, our reporting and opinions have kept our readers informed and thinking. It was this aspect of *Conscience* that inspired our personal motto, "Asking You to Ask Yourself."

From the celebrated first issue of the Hofstra Law Review, to the demise of the Property Law Journal in a faculty meeting last year, *Conscience* has laid out the issues. Not only has *Conscience* sought the facts of a story, but it has also strived to find out why things are working the way they are working.

From the issues of abortion, to the ERA, to the Vietnam War Draft and beyond, *Conscience* has printed letters from students, faculty, alumni and government officials and candidates. Not only has *Conscience* opinions kept people informed about the issues, but your views have kept *Conscience* informed.

From the Supreme Court appointments of Sandra Day O'Connor, to the failed nomination of Robert Bork, through the controversial nomination and confirmation of Clarence Thomas, and a look into the past in a 1974 interview with then Professor Ruth Bader Ginsburg, *Conscience* has shed light on the ideas and beliefs of members of the High Court. Not only has *Conscience* looked to the nominee's philosophy, but *Conscience* has also looked into the process of confirming a Supreme Court justice.

From the expansion of the law library, to the temperature problems of the building, to the naming of a Hofstra building after a convicted felon, to the retiling of the law school enterance, *Conscience* has shown you the building up of the University and the tearing criticism of costs and policy. *Conscience* has not only shown University construction, but it has critiqued what is still wrong and what alternatives can be seen.

From raises in tuition, to the parking problem, to the closing of classes, *Conscience* has viewed the long-standing and reoccurring problems that face the average law student year after year.

What *Conscience* has attempted to show in the compilation of this anniversary issue is a representation of the various issues that faced our nation, our state, our school, and our community members during the past 20 years. While there were many more interesting and thought-provoking articles which we would have liked to reprint, there simply was not enough space or time to include them.

The 20th Anniversary issue represents a link with the past and sense of continuity to guide *Conscience* and the law school into the next 20 years. Most of all, this issue was compiled for the reader's enjoyment. So enough of the editorializing, and on to the reading. Here's to another 20 years of *Conscience* and the law school working together.

Jeffrey G Marsocci

—Jeffrey G. Marsocci
Conscience Editor in Chief

Conscience
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Conscience is printed monthly during the academic year by the students of Hofstra University's School of Law. The opinions expressed herein are the opinions of the individual author and are not necessarily the opinions of Hofstra University or the other members of Conscience. Published by Hofstra University, Copyright 1993.

1974-1975

Dean Monroe Freedman Denounces Tuition Hike

Text of Dean's letter

November 20, 1974 To: Dr. Stanley P. Goldstein

Associate Provost From: Monroe H. Freedman

I have been distressed to learn of a proposal to increase tuition at the Law School to $3,300 a year. Unlike the increase last year, it did not originate with me, nor was I initially consulted about it.

When I arrived at the Law School in the fall of 1974, it was apparent to me that the Law School had several serious needs that would require a substantially increased operating budget. In addition, a review of tuition at other law schools in New York State satisfied me that Hofstra's tuition was lower than it should have been, in view of the quality of legal education we were already offering, and the additional expenses that would be necessary to maintain and advance that quality as the size of the school expanded.

Accordingly, I proposed an increase in tuition from $2,300 to $2,750. As far as I know, it was unprecedented at Hofstra for a dean to make such a recommendation. I did so because I believed it to be justified on the merits, and because I was confident that our students would recognize the justification for such a large increase if they were fully informed about the Law School's needs.

I therefore, held an Open forum, at which I discussed the situation with the student body and made certain commitments to them. I assured them that, as a result of the tuition increase, we would (1) be able to maintain the excellence of our faculty by making our faculty salary levels competitive with other law schools; (2) expand the faculty, both to keep up with increased enrollment and to provide essential additional courses; and (3) increase student aid. In addition, I assured the students that no member of the graduating class of 1975 or 1976 would have a further tuition increase.

Both the tuition increase and my commitments to the students were subsequently approved by the Board of Trustees. At the same time, I projected a tuition increase to $3,200 to begin in 1976. As I understand it, the Board gave tentative approval to that idea, with the understanding that it would be presented for full consideration in connection with planning the 1976-1977 budget.

I am, of course, keenly aware of the financial problems of the University and of the Law School's obligation, along with every other department to help resolve a financial crisis. Indeed, as I have indicated, I took the responsibility for assuming such a burden by an unprecedented proposal for a tuition increase when I felt it was justifiable to do so. I do not believe, however, that an increase of Law School tuition to $3,300 can be justified at this time on any other basis than that we have the power to impose it unilaterally upon the students. To do that would be inconsistent with my relationship with the students at the Law School. In all candor, it would severely impair my role as Dean as I see it, and it would necessarily raise questions about my continuing usefulness in the job. I trust, therefore, that I will be given an opportunity to participate fully in any decision regarding increased tuition at the Law School.

National Law Women Meet

by Kathi Boyle

The Sixth National Conference on Women and the Law, sponsored by the women of Stanford Law School in Palo Alto, California, brought together lawyers, law students, and legal workers to examine the current status of women under the American legal and political system, along with the role of women in the legal profession.

Over fifty different workshops were held March 21-23,1975. The panels provided a general overview in such areas as criminal law, domestic relations, media, health, reproductive freedom, constitutional law, the welfare system, third world women, and the international perspective on women's rights. There were technical workshops led by experts that presented an in-depth analysis of such areas as taxation, rape, problems faced by lesbian mothers, and preparing an affirmative action lawsuit.

One of the most enlightening speakers was Prof. Ruth Bader Ginsberg. Ms. Ginsberg spoke of her achievements towards eradicating sexist justice within our legal system. She has been an ardent advocate of the E.R.A., women's right to control their own bodies. She also spoke on the advances she is trying to make regarding employment problems for women.

As a litigator, her impact on the Supreme Court decisions in the area of sex discrimination yet be measured. Her brief in Reed v. Reed, 404 U.S. 71 (1971) brought the issue of sex discrimination squarely before the Supreme Court. Two years later she successfully argued for the ACIJU as amicus curiae in Fronterio v. Richardson, 411 U.S. 677 (1973).

As a teacher, she was the first woman law professor hired by Columbia University Law School, where she has taught since 1972. She has co-authored a new text casebook on sex discrimination— Ginsberg, Davidson, and Kay, Text Cases and Materials on Sex Based Discrimination, (1974) .

Many women, especially on the East Coast, were unable to attend this year's conference for economic reasons. However, next year's conference will be held at Temple University in Philadelphia, hopefully enabling many women at Hofstra to attend, and providing an invaluable opportunity to become more knowledgeable on legal issues of concern to women. It will also enable Hofstra Law women to meet other women involved in practice and teaching, and to exchange strategies and ideas for litigation and political action.

Speakers Committee Thanks F. Lee Bailey

Dear Editor:

The Hofstra Law Speakers Cormmittee and the students of Trial Practice wish to thank F. Lee Bailey for finding time to address the school recently.

Mr. Bailey was conducting a difficult atternpted murder and kidnapping trial at County Court in Mineola. We approached him and asked him if he could find time in his busy schedule to appear at the law school. He agreed to speak during the court luncheon recess and we had our school chauffeured BMW waiting at the County Court House. The reason for the late arrival of Mr. Bailey at Hofstra was due to the unexpected devlopments at the trial as he explained during his talk. As soon as the Court recessed he was whisked to Hofstra and took the podium without having lunch.

He was greeted by an overflow crowd which had virtually brought the entire school to a halt, as the Moot Court was filled and more people stood in the hall unable to enter the room.

F. Lee Bailey has a strong commitment to working for increasing the trial skills of future lawyers and we were pleased to hear his views on the art of cross-examination and such an in-depth explanation on his trial tactics.

We hope to be able to invite Mr. Bailey back sometime in the future and we promised him that next time we would have a better lunch for him than the turkey sandwich and Coke which he ate in the car on the way back to the Court House.

Once again we thank him for making this one of the most successful programs we have had at Hofstra Law School.

Thank you,
Abraharn P. Ordover
David A. Mamond
Gary Wishik
Mark Schnapp
Steve Schlesinger
Mike Benjamin

1975-1976

EDITORIAL

Vote "Yes " on ERA.

We urge the passage of the Equal Rights Amendment to the New York State Constitution in the general election next month. Not only is it long overdue, but the passage of the national Equal Rights Amendment remains uncertain, making the state amendment all the more crucial. If passed, the amendment would be implemented with the beginning of next year. Why postpone it?

The persistence of sex-based discrimination is perhaps the greatest single anachronism within our society. Unfortunately the courts are unable to recognize this consistently in the absence of a written guideline. The E.R.A. will fill these gaps in the application of justice.

Contrary to the glib, but foolish rhetoric of opponents, the amendment will not force the removal of the "Women" and "Men" signs on restrooms, nor will it lead to the destruction of motherhood and apple pie.

Any referendum in an off-year election suffers from voter neglect. Even if you vote for nothing else, please remember to vote YES for the New York Equal Rights Amendment on November 4th.

Parking

Everyone in the Law School is aware of the parking problem around the law school. While we condemn the use of parking in prohibited areas as a solution, we also realize that it is, in a sense, a defiance born of frustration. There are roughly sixty more students in the present first year class than in the class of 1975, so despite the laudable addition of the tennis court parking, the problem has grown over last year.

Law students are often reminded of the ample space available on the North Campus lots, but given the number of heavy books and the distance involved, those lots are not a realistic alternative to those around the Law School.

If we consider a "center of activity" analysis, the reasons for designating parking around the Law School for law students, faculty, and staff only, become compelling. For most of them, their long day's activities are concentrated in one building. Few venture any further north on the campus than Memorial Hall. Let those who have classes, live, and eat on the North Campus park there.

Committee Vetoes Dean On Kunstler Appointment

by Jim Freeswick

Attorney William Kunstler says that Dean Monroe Freedman told him that the Faculty Appointments Committee decided not to employ Kunstler as a professor of law at Hofstra University School of Law because of "political reasons."

Professor Burton C. Agata, who served as Chairman of the Faculty Appointments Committee which rejected Dean Freedman's recommendation that Kunstler be employed for one year on a trial basis, said it was "ricidulous" to suppose that the Committee had rejected Kunstler for "political reasons." Dean Freedman said he did not want to get into a discussion with Kunstler as to what was said between the two after Kunstler's rejection by the FAC last year. Nor would Freedman speculate as to the reasons why the Committee rejected his recommendation that Kunstler teach a two-semester seminar in criminal litigation to third year students who had completed Trial Practice. Freedman said it is standard school policy that no teacher will be hired unless the FAC and the Dean are in agreement. The FAC has rejected at least three of the Dean's recomrnendations in the past, according to Freedman. Kunstler's application will not be reconsidered by the FAC, nor will a seminar in advanced criminal litigation be taught by another professor, according to Freedman. "My interest was in having Kunstler teach here. He has excellent credentials, a tremendous resume. Whether you like him or not, he is a major figure in American legal history," said Freedman. "For a limited number of students who had Trial Practice to elect to take a two-credit per semester course with Kunstler could not possibly have hurt the students or school and could have provided a significant experience. "It was certainly worth trying on a one-shot basis. The risk of damage to the school or to the intelligent, mature students at Hofstra was simply non. existent," Freedman said. According to Agata, the FAC rejected Kunstler because: —A number of outside sources told the Committee that Kunstler was not a good teacher. —The content of the proposed seminar course was too nebulous—the

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Athletes Cry Foul, Fans Are Reserved

by Jon Falk and Leo Schoffer

The sports pages are now filled with as much legal copy as sports news. Players in all leagues are using lawyers and courts in an attempt to restructure their relationship with management. For instance. in baseball, through restraint of trade arguments, players are pressuring for the liberalization of the 'reserve clause," which indefinitely binds an athlete to his team. Players want the ability to negotiate with whomever desires their services. This inevitably leads to a bidding war and higher salaries as is evidenced by Catfish Hunter's $3.75 million contract with the N. Y. Yankees.

In evaluating such issues as the reserve clause, hasn't the time come for those involved to stop taking a legalistic stand and to look more realistically at the situation in which professional sports currently finds itself.

The financial success of a franchise depends upon fan loyalty. This is manifested in such areas as stadium attendance and television markets. But this loyalty is directed as much toward the individual players as it is toward the team. It is the reserve clause which helps perpetuate this fan loyalty by requiring the player to remain with one team, thereby displaying a loyalty of his own towards the organization and its fans. But the players are quick to point out that their first concern is with family security, and not their team. As Donald M. Grant, President of the N. Y. Mets recently stated, this argument is a contradiction. It may apply to the player earning $15,000 per year, but not to those earning several hundred thousand dollars yearly. Yet the latter are the ones whose services will be widely sought and thus they are the ones who stand to benefit by a change, not the marginal players. In addition, there exists elaborate pension plans given the players as a result of collective bargaining for the purpose of financial security. The high-salaried athletes claim that regardless of any change in the reserve system, they will always be paid lucratively. Thus, they contend their insistence on a change stems from their concern for their fellow athlete who sits on the bench due to the fact that his position is taken by an established star. The reserve clause, it is asserted, prevents such players from negotiating with another team which may have an opening for them. But this argument is also misleading. With the abolition of the reserve system, stars would go to the highest bidder, thus giving the owner the incentive to negotiate more conservatively with fringe players in an attempt to keep total payment down. Therefore, it is not certain just how much the second string player stands to benefit. The players seem to forget that sports is a business, and like all other businesses, the owners have a limited amount of capital with which to work. The Catfish Hunter case was an exception as he was the only free agent on the market at the time. Without the reserve clause, there would be a large number of free agents on the market. It is inconceivable to expect the owners to vigorously compete among themselves for these high quality ballplayers as this would result in their own financial demise. Yet the nonexistence of a bidding war would bring about player charges of price-fixing and collusion on the part of management. In a realistic sense, the owners will either have to subject themselves to the financial risk of a bidding war, or be subject to more litigation.

Assuming that the reserve clause leading to higher salaries, it is obvious who will have to foot the bill—the fan, through higher ticket prices and indirectly through other mediums. The player must realize that sports is just a form of entertainment and thus there is a limit to what people are willing to spend. As it stands now, it runs a family of four a considerable amount to see a single ballgame. Further increases in prices will cause the fan to look elsewhere where his entertainment dollar can be stretched further. In addition, feelings of resentment and alienation will come about—and let's face it—if the Boston Red Sox played the Cincinnati Reds without anyone watching, the game itself would have no social value and would be meaningless except to those involved.

With this in mind, we feel it is time for the high salaried player to stop complaining about being exploited by a system which places them in the upper classes of society and to realize that it is the fan who truly is being exploited.

Law School Enters B'ball Tourney

Brian Asserson, Glen Burnet, and Jules Mencher are forming a Hofstra Law School Basketball Team to compete in the New England Area Law School Basketball Tournament to be held at the Western New England law School, Springfield, Mass., on the first weekend in February.

They have already requested some funds from the Student Representatives. "We want any interested and qualified law students to come to our organizational meeting to discuss the team set-up, coaching, practice, etc.," said Asserson.

The meeting is scheduled for 2 p.m. on Friday, November 21, in the library lounge.

Announcing the meeting, Asserson stated, "Many people are already interested in playing and getting the trophy for our school. We've got the talent!"

Kunstler Denied Position

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course sounded like it would amount to "war stories." —The Committee didn't think Kunstler would be able to spend the required amount of time with the students. —The Committee had grave doubts that the school needed an additional seminar course of the proposed type. "Just because his name was Kunstler didn't mean he was a bargain," said Agata. "Both the Dean and the Committee acted in good faith in this matter. I have my doubts about Kunstler, " Agata said, referring to Kunstler's statement that he had been rejected for political reasons. The FAC which rejected Kunstler last year was composed of Dean Aaron Twerski; Professors Malachy Mahon, Daniel Posin and John Gregory; and students Jeff Englander, 75 and Joan Shands, '76. The Committee was unanimous in its decision, according to Agata. According to Kunstler, Dean Freedman asked him to teach a semi-clinical course in practical trial techniques in which students would attend a couple of Kunstler's trials in the New York area as well as engage in seminar sessions. "I was delighted to accept the position," said Kunstler. "I have no bones to pick with the Dean. He tried his best. I admire him tremendously." Dean Freedman was Kunstler's lawyer in Washington, D.C. Kunstler said that he taught law at New York Law School from 1949 to 1961; at Pace College from 1952 to 1965; and at the New School for Social Research. He said he didn't know why the FAC overrode Dean Freedman's decision to hire him, but that the Dean had told him it was for political reasons. Kunstler has written a review of Dean Freedman's new book on legal ethics, which will appear in the nest issue of the Hofstra Law Review. On the last page of his draft copy Kunstler wrote: "Ironically, it was this law school which, for political reasons, decided to override Dean Freedman's decision last year to employ this reviewer. *In another day, I might* have felt constrained by some imagined code of social conduct to refrain from taking this opportunity to refer to this incident. There is, however, a practical as well as a moral basis for my lack of restraint—like this timely book, it may open present dialogue."

1976-1977

Monroe Freedman Resigns as Dean of Law School

Dean Freedman's Letter Of Resignation
HOFSTRA UNIVERSITY
Hempstead, New York 11550
School of Law Office of the Dean
April 7, 1977
To: Dr. James Shuart, President
From: Monroe H. Freedman

Dear President Shuart:
I hereby resign as Dean of Hofstra Law School. In order to minimize the adverse impact of my resignation on the Law School, I am making it effective the end of the current school year, August 31, 1977.

I doubt that this letter will come as a surprise to you. Since you have become President of Hofstra University, virtually every contact you have had with me and with the Law School appears to have been calculated to bring about this result.

The immediate precipitating cause, of course, is the University's breach of my contract with respect to compensation. As you know, this is not the first time that a solemn commitment to me has been broken by officers of the University.

I do not mean to suggest by this action that money is my principal concern in my relationship to the University. On the contrary, shortly after assuming the deanship, I voluntarily reduced my salary in order to make it possible to raise the salary levels of my colleagues on the faculty and to create an internally equitable salary schedule. In addition, last year I was the first to voluntarily take a pay cut (in my case 10 percent) in response to the University's discovery that it had unknowingly been running a dangerously severe deficit.

The more fundamental cause for my decision is the interference with the administration of the Law School, day to day, in matters both major and petty. Most important has been the difficulty and uncertainty created with respect to tenure and promotion of faculty members. Also of great significance has been interference with the Law School's fund-raising efforts.

As you know, I accepted the deanship with the express understanding that I would not be responsible for fund raising. At most universities, members of the Board of Trustees recognize that their principal duty is to bring in contributions. In order to build a strong law school, however, I have had to take on that burden myself. As a direct result of my efforts during the past 3 1/2 years, including fund raising, the Law School has increased its revenues by well over $1,000,000.

Rather than assisting in those efforts, the University administration has consistently thwarted them. The best fund raiser the University has ever had is former Assistant Dean David Benjamin, who was single-handedly responsible for raising unprecedented sums of money for the University, and could have continued to be our greatest financial asset. Because the University rejected my request for a modest but essential salary increase for Dean Benjamin, he was compelled to reluctantly leave Hofstra and seek employment in private practice.

Just recently, I developed a project for raising about one-third of a million dollars. As you curtly informed me in one sentence in your recent letter however, the Board of Trustees has decided to sabotage that effort. When I pressed you for reasons for their decision, you were unable to state a single one. Nor, of course, have you or the Board of Trustees undertaken an alternative project. When I finally pointed out to you that the Board's decision appears to have been made on grounds of partisan politics, rather than pursuant to their fiduciary obligations as trustees, you had no response at all.

Hofstra Law School is extremely strong, and it is growing in stature at an extraordinary rate. Knowledgeable people in the legal profession consider Dean Malachy Mahon's achievement in starting the Law School, and mine in building upon his success, to be unparalleled in American legal education. Fortunately, the maladministration of the University has not yet damaged the Law School. It has, however, undermined my potential usefulness as Dean. In addition, I think it is important to draw the line now against further threats to the Law School's continuing strength and growth. The alternative is to watch helplessly as Hofstra Law School is dragged down by people too small to be able to see its present and future greatness.

I take this action, therefore, in contrast to what was done at Syracuse Law School. There, Dean Judith Younger did precisely the right thing, but it should have been done several deans and several years earlier, before the law school had been irreparably injured. Hofstra Law School is now at a peak of strength, both in fact and in its reputation. If we are to prevent reversal of our progressive, upward trend, the time to act is now.

Very truly yours,
Monroe H. Freedman

Carter's Pardon Not Good Enough

by Wayne S. Lambert

Within seven hours after assuming the presidency, Jimmy Carter did what he promised he was going to do. He announced that he was going to grant an unconditional pardon to virtually all the men who were peaceful draft resisters during the Vietnam War.

The pardon affects 13,000 men, 9,000 of whom have already been convicted and will have the convictions wiped away. However, it does not affect approximately 100,000 men who landed in the armed forces and then fled. Although many of these men deserted after committing crimes, quite a few deserted because of genuine objections to the war.

The adverse reaction came swiftly. Senator Barry Goldwater called the pardon "the most disgraceful thing a president has ever done." Apparently the Senator from Arizona does not believe that President Johnson disgraced this nation by lying to us about Vietnam. Or has he forgotten how Richard Nixon lied to us about Watergate, only to resign in disgrace? By trying to bind the nation's wounds, by forgetting the past, President Carter has not disgraced us. Rather, he has earned our respect by taking a very important step.

But, I am afraid Mr. Carter's program is not enough. Once in the service many men realized that they simply could not obey questionable military orders. The Nuremberg principles described a war crime, inter alia, as the ". . . wanton destruction of cities, towns or villages, or not justified by military necessity." These men did obey the law. They obeyed a higher law. They disobeyed a military command rather than disobey the Nuremberg principles. The US. government simply did not make the reasons for the orders in Vietnam so unmistakably clear that none of the servicemen could have questioned the propriety of following orders. So these men made their moral choice, and rather than sin against their *Consciences*, they sinned against the state.

At Nuremberg a number of people were convicted after the tribunals rejected the defense that they were only following orders. Do we deny that the Nuremberg principles also apply to the United States? If we are serious about war crimes, and Nuremberg was not a matter of vengeance, then President Carter must not only pardon draft evaders, but also many of the deserters as well. We must not punish the many who decided that the military orders they received were morally unacceptable, especially in a war that was totally unacceptable.

Those who believe that such an extension of the pardon would enable future dissidents to veto the foreign policy of elected officials should look back into history. George Washington did not punish deserters following the Revolutionary War, and neither did Madison following the War of 1812. Lincoln issued a general amnesty following the Civil War. In each of these instances the nation looked to the future, instead of looking back. Bringing all the men home will help us forget the past and enable us to squarely meet the future.

1977-1978

Future Courthouse to be on Hofstra Campus

by Vickie Lombardi

As a Hofstra Law student, 28 U.S.C. § 112(c) should mean more to you than just federal law governing the organization of courts. Until April 25, 1978, this statute, or more specifically, one sentence in it, presented the major barrier to the proposed move of the Long Island branch of the United States District Court from Westbury to the Hofstra University campus. The sentence which explicitly states that "Court for the Eastern District shall be held in Brooklyn, Mineola and Westbury" had to be amended to include Uniondale or the larger geographical area of Nassau County before the Courthouse could be moved from its present location in Westbury to a building presently leased by the I.R.S. as a training center and two blocks from the Law School. Fortunately for Hofstra Law School and for Judge George C. Pratt, this barrier no longer exists since the House Judiciary Committee, on April 25, approved federal legislation which allows the proposed move.

At this point, a brief scenario is in order. Judge Pratt, who presides over the Westbury branch of the United States District Court for the Eastern District, has been working with Dean Twerski in urging passage of a bill that called for an amendment to 28 U.S.C. § 112(c). However, procedural requirements had to be met before such Congressional action could be taken.

Once the bill passed the Senate, it had to be approved by the House Judiciary Committee, headed by Peter W. Rodino Jr. (D.-N.J.). At a recent interview (April 19) Judge Pratt explained that Rodino had remained firm in his position that changes of this sort have to be included an omnibus bill. Rodino had indicated, however, that he would be willing to reconsider his position if the Senate passed the specific legislation. Rodino, however, had been called away from Washington due to his wife's illness, and at the time of the interview with Judge Pratt, he had not returned to the Capitol. Judge Pratt explained that passage of the bill had taken on urgency since the final deadline for leasing the building had been set for May. Thus, unless Rodino approved the Court to sit at the Uniondale location by May 1, imminent loss of the facility to the federal court would have result

After discussing some of the major benefits moving the Courthouse—court facilities in Uniondale could be completed at a relatively low cost; the Court needs the space now and a new Federal Courthouse would require 7 to 10 years to build; the Court would obviously benefit from its close proximity to the Law School and library, and the move would provide a closer location for the Island's residents instead of requiring them to travel to Brooklyn—Judge Pratt noted "that the merits have nothing to do with this thing. " Whether the Courthouse was allowed to move to the Hofstra campus or lost this opportunity was not based on merits but on procedure. It took an Act of Congress to effectuate the move, and at the time of the interview, such an Act seemed improbable. Unlikely as it may have seemed at the time, approval for the move was granted on Wednesday night, just 6 days before the final deadline. President Carter is expected to sign the bill, and after the necessary procedure is completed, the move should require approximately 18 months

Judge Pratt added that if the move were not allowed, he would continue to search for a site for the Courthouse, but until that search was completed he would have to stay while he is—in a building adjacent to Roosevelt Raceway which is inadequate to serve the needs of the residents of Nassau an Suffolk Counties. Judge Pratt admitted that *the Hofstra building is not the best location*, since I would prefer a site more centrally located, but that it is "no worse than where the Court is sitting right now."

Judge Pratt emphatically stated that "he has done everything possible" to effectuate the move. Fortunately, time was on our side.

Curriculum Committee to Consider Writing Requirement

by Rick Shaffer

A proposal that students be required to undertake and complete a satisfactory research and writing project before qualifying for graduation is being considered by the Curriculum Committee. Discussion of the proposed requirement occupied the entire Committee meeting of this past Wednesday, March 1.

The impetus for the new proposal has apparently stemmed from the Law School's faculty. In recent years, there has been a growing concern among professors over the lack of quality writing skills demonstrated by much of the student body. This concern has been intensified by the fact that, besides first-year Research and Writing, and Moot Court, students receive very little in-depth writing instruction or experience during their three years at Hofstra Law School. This is viewed as a major problem, since a large portion of an attorney's duties require quality writing.

Because the proposed requirement is still very much in the planning stages, the final form it may take is as of yet unknown. However, it is known that the required product would be in the form of an expository piece of writing stressing in-depth research and analysis.

Sheila Rush, Curriculum Committee chairperson, stressed that the committee was still deliberating and that no concrete proposal has yet been reached. In addition, she stressed that whatever shape the final proposal takes, it will be reached with much student input, and that before any new research and writing requirement goes into effect, it must be ratified by the Law School faculty.

Further discussion of the new proposal is scheduled for the next Curriculum Committee meeting. The members of the Committee include: faculty—Professors Rush, Angel, Kadane, Kessler, Ordover and Filler; student representative Andrea Friedman, Isa Kantor, Mike Patrick, Dan Weiner, and David Weprin. Students with views concerning the proposal should address them to the Committee's student representatives.

Movie Review

Director Allen Cultivates Laughter

by Irwin Miller

Somehow I always sensed that deep within the somewhat unkempt exterior of comedian/writer Woody Allen, there was a romanticist struggling to break out. The proof is to be found in Allen's newest work, Annie Hall, which is based to a substantial degree upon the director's relationship over a period of several years with his leading lady, actress Diane Keaton. This is not to imply that Allen has forsaken his delightfully warped, slightly jaundiced view of a society in which we are all fighting to maintain our composure against overbearing relatives, pompous intellectuals, childhood traumas and life's other assorted insecurities as we race toward our inexorable fate. The humor of Allen's best films until this point, Love and Death and Sleeper, are still in evidence and yet there is less emphasis upon slapstick and visual comedy and considerably more attention devoted to Allen's metamorphosis as a comedian and human being as he relates to those around him.

Allen makes no attempt in this film to disguise the fact that the character he is playing in the film (with a pseudonym of Alvy Singer) is the comedian himself, and we see a variety of familiar sequences of Allen as stand-up performer at political rallies, on television interview shows and on college campuses where he is depicted at his wryly funny best. Once established as a success within his profession, Allen meets Annie Hall (Keaton) over a strenuous game of doubles tennis and is immediately attracted to her despite the fact that she is literally a walking mass of raw nerve ends dressed in ladies' clothing. They fall in love. Allen encourages Annie to pursue her ambition to become a singer in small bistros (we received a generous helping of Miss Keaton as song soloist which is an unexpected delight), and develop her mind as Annie attempts to break down the emotional barriers that prevent Alvy from enjoying life and to eliminate his obsession with death. If all this sounds like more of a somber experience than it is, let me reassure you that Allen manages to parody almost every aspect of New York City "East Side" living that can possibly be dealt with in a humorous vein. He even delivers the ultimate put-down to those who stand on movie lines and deliver meaningless and empty-headed dissertations on various intellectual schools of thought in order to impress their

See Allen, pg. 6

Student Who Was Trapped in Elevator Sues University

by John Fausff

Second-year law student Kieth Rieger, who was trapped in the West elevator of Tower F recently, filed a $1,000 lawsuit against Hofstra University charging it with gross negligence in both the maintenance of the elevator and the school's rescue procedures. Rieger's case, which he initiated the day after the incident, will be heard on Mar. 13 at a Small Claims Court in Hempstead. He seeks damages for emotional distress. He was released from the elevator with the use of a sledgehammer and crowbar by the Uniondale Rescue Squad after University efforts had failed.

Since this incident, two cases of students trapped in elevators have been reported. They occurred in Towers B and F.

Rieger is a resident of Tower F, the graduate dorm. He was trapped for one hour at 11 P.M. on Jan. 31, 1978. Four hours before this, a student had informed the Tower F desk that the West elevator was malfunctioning. No warning signs were posted nor was any action taken to warn students of any possible problems.

Assistant Facilities Manager Charles Churchill stated that the elevators are safe and that if any problems arise it is due to the intentional abuse inflicted upon them by students. Andrea Johnstone, the Tower Director of this graduate dorm, reported that she has never seen any reports regarding this abuse. She added that "the conditions of the dorms are frustrating. I'm aggravated. I don't know what the problem is, money or what." Arguments between the Security and Plant Departments concerning whose job it was to respond to the incident prompted the caliing of the Uniondale Rescue Squad and lengthened Rieger's confinement. Richard Lee, a security worker, arrived with what he mistakenly thought was the key to open the elevator.

When his efforts failed, Lee called the Plant Department but failed to reach them for a half-hour. Plant, which is on duty 24 hours a day, reported that they were between shifts. Plant refused to bring the correct equipment to Tower F because they felt that it was Lee's job to come and get it. Johnstone said, "While they bickered about whose job it was, this guy was stuck in the elevator."

Rescue efforts were complicated further because it could not be determined exactly where the elevator was on its fourteen-floor track. Both the main floor and desk panels, which indicate the position of the elevator, have been inoperative for some time. Also, since there is no phone in the elevator, attempts to speak to Rieger were somewhat futile.

The elevator moved uncontrollably up and down. To prevent this movement, Rieger pressed the emergency stop button which locks the elevator at the main floor. This button is accompanied by a loud alarm which made screaming the only possible means of communication. Lee instructed Rieger to release the button to permit them to converse, but the release of this button caused the elevator to travel up and down again.

Rieger was finally rescued by the Uniondale Rescue Squad which used a sledgehammer and crowbar to pry the doors open. The noise of the alarm accompanied by the crashing sound of the sledgehammer resounded throughout the small elevator, and Rieger later reported that this increased his discomfort. After being released, the trapped law student walked up 11 flights of stairs to his room. Currently, after the incident, he reports that he is still apprehensive about riding the elevators. He said, "When I'm alone, I'm hesitant to ride them and many times I walk the 11 flights. I was scared that the elevator would crash down to the basement."

According to Rieger, the purpose of the lawsuit is not only to compensate him, but also to cause the University to reassess the conditions of the dorms. "I want to activate people at Hofstra, make the University more responsive to students' needs rather than look for the cheapest way out," he stated. "As a law student, I have a special obligation, being educated in this area. I have a duty to take a first step rather than just walk away."

Churchill pointed out that the weight of the elevator is balanced by a counterweight that makes a critical fall unforeseeable. "We've been aware of severe problems with the elevators for some time now," Churchill said. "We've allocated $40,000 for their beautification and repair."

Replying to Rieger's complaint that no University official has ever contacted him regarding his condition, Churchill stated that he only became aware of the incident when he read about it in the University newspaper weeks later. However, Johnstone had immediately made a written report to Sue Randle, the Director of Residential Life. Johnstone did not know whether Randle had notified Churchill regarding the incident, even though it is Churchill's office that allocates the funds needed to make repairs. Churchill did say that the University is concerned with the problems of the students and has spent money on elevator repairs, snow removal and new chairs for the student cafeteria.

University Pres. James Shuart, in an interview with *Conscience*, pointed out that the elevator repairs are a slow process. Johnstone stated that, "Only one worker has been assigned to service six dormitory towers. I'm sad that it came down to a lawsuit, but I'm glad that Kieth is taking an individual stand, and I hope something comes of it."

Abortion Issues: When Does Life Begin?

by Chris Schmidt

In Roe v. Wade, the Supreme Court, by a 7 to 2 majority, struck down state laws prohibiting abortion prior to the viability of the fetus. The decision was reached in part because the court felt that there was no basis in law for the judgment that the fetus is a human person in the full legal sense. Blackmun explained that the court would not resolve the question of when life begins when the disciplines of medicine, philosophy and theology were unable to reach any consensus on the matter. The holding touched off a national debate which has still not come to rest.

European courts have long wrestled with the question. Public agitation in England, France Austria and Germany for various points of view has long persisted. Eric von Kuchnelt-Leddihm has observed that "During the May 1st demonstrations in Vienna, back in the early nineteen-twenties, one could see groups of young women sporting red kerchiefs and carrying posters with the inscription: 'Down with Paragraph 144!' — the penal law paragraph punishing willful abortion."

While the Austrian Communist Party was never very large, its German counterpart garnered significant support on this issue in the last free German election before the Nazi takeover connecting well over one-fifth of the vote. The then Socialists also favored abortion but held mute since the party was allied with the strongly Catholic Center Party. Most rightist groups in Germany disliked the notion of legal abortion, with one exception. The National Socialists, the Nazi movement, took an intermediary position. This latter group favored a high birthrate but only on the basis of race. Abortion was useful to the party under the proper circumstances; it was acceptable if restricted to the part of society which it deemed undesirable.

Today, in our country, there are those who have a use for abortion. We are regularly informed of the damage supposedly done to society by unwanted pregnancies. The implications of unwanted humans growing up in a world of scarce resources has caused many to adopt the cry for abortion. It is not only viewed as a birth control mechanism. Recent concern over sex discrimination has led many feminists to demand that a woman have absolute control over what goes on in her body.

Such debate leads one back to the issue of exactly how we are going to define the entity known as the fetus. If it is truly human, it must be given the right to life. If it is not, what rights does it possess, if any?

Medical research reveals that the human embryo develops soon after fertilization of the mother's egg. These new cells almost immediately develop protective hormones to prevent the host body from rejecting it as foreign tissue.

At 17 days the embryo possesses its own blood cells. At 24 days a muscle, which now can be called a heart, pulsates (one legal sign of life). At 30 days, 40 pairs of muscles are functioning and blood flows within the embryo's own vascular system. At 43 days it has fully developed a skeleton and brain waves can be detected. The pattern of waves leads many doctors to believe that the embryo has a capacity to think. At 56 days all organs in the life form are in place and functioning. It is at such time that the embryo is called a fetus.

When abortion is attempted, doctors and abortionists agree that it should be undertaken around the eighth week after conception, or on the 57th day. The task can be accomplished several ways. At an early stage, a pregnancy can be terminated through suction. A vacuum device is used to break the embryo into a fluid mass of blood, tissue and cartilage.

Another method involves the use of a forceps or curette. After dilation of the womb opening, the surgeon will scrape out the fetus and afterbirth. Often the doctor must cut it into several pieces to get it out. The head may even be crushed with the forceps to reduce its size for withdrawal.

Other times abdominal operations similar to Cesarean sections are necessary. Here the womb is cut open and the fetus is simply lifted out. It may squirm for awhile before its heart stops beating. A more common method of abortion is the needle injection. A strong, sterile, saltwater solution is inserted into the womb by sticking a large needle through the mother's belly wall. As contact is made with the fetus, it will suddenly thrash about and then just as quickly quiver and become still. Some 24 hours later, labor will start and the mother will give birth to a dead infant. It is not difficult to understand that there are people both here in the United States and Europe who refer to abortion as a form of mass murder. These people will argue that the destruction of life, in any form, is not excusable as a remedy for irresponsible acts. Certainly the problem is complex. Are we embarked on a course which will further lead to disregard for life? We could see society go from voluntary abortion to enforced abortion, from voluntary euthanasia to obligatory death, such as in the gas chamber. All this because Mom forgot to take the Pill or because the family can't afford to support Grandpa since Dad wants to buy a new car or because every home in America has the right to a color television. Eventually we may see thousands put to sleep to ease unemployment, to save energy or to stem pollution. It isn't a pleasant thought.

EDITORIAL

Exercising Rights

Anatoly Shcharansky will be vegetating in a Soviet prison while American Nazis march through Skokie Illinois. The right of one very decent human being and three million of his brethren to live and travel where they choose is denied, while Nazis exercise their Constitutional right (with which we have no quarrel) to march through the streets to express their hatred of Jews and Blacks. The irony is infuriating; the implications are frightening. And we at Hofstra sit idly by, merely listening.

"I'd like to help, but there's nothing I can do." is the stock response. We disagree.

Individually, our effect may be minimal, but as community, our Power is great. We are all part of a collective voice: Let us speak our mind!

Write and telegram President Carter and your Congresspersons, demanding that they act to end the actual and constructive imprisonment of Anatoly Shcharansky and three million Soviet Jews (and others).

Go to Illinois on April 20, and by your presence there, illustrate your support for the residents of Skokie and your contempt for the Nazis who would spit in the face of humanity. Prove to all that we cherish life and human decency, that we will not tolerate injustice born of hatred and ignorance.

Our worst alternative is inaction. By sitting idly by, our silence lends support to those we oppose. Together, we possess the strength, and thus the responsibility, to withstand the foes of human rights and liberty. We must use this collective strength and accept this collective responsibility. If we do not, we will, in effect, condone our own destruction.

ALLEN, From pg. 5

companions, by having communications theorist Marshall McCluhan materialize from behind a marquee to give one of these pompous characters their comeuppance.

However, the chief distinction of this new Allen film lies in the fact that the writer-director allows us to see more of his psyche both as an entertainer and as an individual struggling to salvage a relationship that seems headed for an inevitable demise as both parties outgrow each other. There is a marvelously bittersweet montage as the film draws to a close which depicts the history of Annie and Alvy's love affair through use of flashbacks to earlier parts of the film that is truly unlike anything that Allen has given his audience before and serves to remind us how well the director has related the progress of the relationship. It is no small task for any filmmaker to deliver scenes of high comedy and supreme verbal wit juxtaposed with moments of poignancy and identification, and the fact that this multi-talented performer has accomplished this in his newest film is a tribute to his artistry.

Firearms: A Sane Approach to the Second Amendment

by Wayne S. Leibert

The United States today is virtually an armed camp. Terrorism, homicide and the assassinations offer a tragic illustration of what can result when firearms are easily available to anyone in this country. There are an estimated 100 to 200 million privately owned guns in America. Many are imported, and many more are manufactured here. A Gallup poll found that one out of every two households has at least one gun.

The issue of firearms control has been argued heatedly in the United States during the past ten years. The National Rifle Association resists any controls that will make rifles and shotguns inaccessible. Many others resist controls that will make it more difficult to keep firearms and to defend themselves and their property.

It is simply not accurate to say that firearms cause crime. However, there is sufficient evidence showing a causal relationship between the accessibility to firearms and the importance they assume in crime statistics. J. Edgar Hoover once commented, "A review of the motives for murder suggests that a readily accessible gun enables the perpetrator to kill on impulse."

In this country, we make weapons too easily available. Anyone old enough to walk into a gun shop can buy a gun, and no one will ask any questions. If you can write, then you can order a gun by mail and receive it. Despite the existing Federal laws practically anyone, the convicted criminal or the mental incompetent, can purchase firearms simply by ordering them in those states that have few controls. The effectiveness of such Federal legislation is thus undermined.

Only eight states require you to have a license or permit before you can buy a handgun. The statutes of only ten states and Washington, D.C. mention a "cooling-off" period between the time you buy the gun and are permitted to have it. This gives the local authorities time to check out the prospective buyer's credentials.

In order to prevent criminal use of firearms, law enforcement personnel must have adequate means of following firearms into the hands of the ultimate consumer. Firearms should be registered—a requirement in almost every industrial nation in the world. It is absurd in a nation that requires automobile registration and licenses to both drive and fish that we do not require the registration and licensing of firearms. When there were few automobiles, registration was not thought necessary. When automobiles became so numerous that they constituted a threat to society, licensing and registration became essential. Does anyone contend that firearms do not present an equally serious threat to society, similarly requiring comprehensive licensing and registration?

Ten years ago, the Commission of Law Enforcement and Administration of Justice argued that "prevention of crime and the apprehension of criminals would be enhanced if each firearm were registered with a government jurisdiction. A record of ownership would aid law enforcement in locating those who have committed or who threaten to commit violent crime. The authorities should know where each firearm is and who owns it."

Most persons who own guns are honest, law- abiding citizens who use their guns for hunting and self-protection. Effective firearms control would not affect such use.

Milton Eisenhower, chairman of the National Commission on the Causes and Prevention of Violence, more than seven years ago advocated limiting handgun ownership to those who can 'demonstrate to the authorities an affirmative need to own the firearm." He recommended that determination of need be limited to policy officers and security guards, small businesses in high crime areas, and others with a special need for self- protection. Since its research indicated that a gun in the home was more likely to be used by one family member against another or to result in an accident, rather than to be used for self-protection against a would-be criminal, the Commission concluded that legislation should not consider the desire for household protection a sufficient showing of need to possess a handgun.

The Prerequisites to Ownership

One of the prerequisites to owning a weapon should be the mandatory taking of fingerprints. Coupled with a waiting period of 24 hours, this would enable the police to check for a criminal record and possibly prevent the wrong type of person from gaining access to a firearm. A second requirement would be a supervised test of one's ability to handle a weapon. Before we license automobile drivers, we usually require that they pass a "road-test." We should at least require a gun owner to demonstrate some proficiency in handling weapons. Such a supervised test could be given at the firing ranges of municipal police departments. It is simple: Those who do not show a sufficient level of competence in handling a gun would not be licensed.

It also follows that gun dealers should be licensed. It would not seem unreasonable to demand more rigid screening, equal to that required for dealers of products such as prescription drugs and liquor.

Many who oppose stricter gun controls argue that the potential criminal offender will obtain firearms even with additional laws. However, ten years ago, the Senate Subcommittee on Juvenile Delinquency found that most criminals purchase their firearms through the mails or in retail stores. Thus there is the possibility that licensing and registration laws will be effective.

The opponents of such laws also contend that the appropriate remedy for illegal use of firearms is not to hamper such ownership but simply to punish the wrongdoers. It is not enough to attempt to deter others from misusing guns by punishing the wrongdoer. We must prevent the potential criminal from obtaining the gun in the first place.

The National Rifle Association has often contended, relying on the Second Amendment, that they have a legal right to own guns. The United States Supreme Court has consistently interpreted this amendment only as a prohibition against federal interference with state militia and not as a guarantee to an individual's right to own guns.

There is no validity at all to the contention that the Second Amendment gives citizens such a right.

If we are going to make the effort to reduce crime and violence in America, then we must begin by effective gun control legislation. We must prevent the potential criminal and the mentally incompetent from purchasing, owning, or possessing firearms. As Robert Kennedy said a year before his death, "It is past time that we wipe out this stain of violence from our land."

1978-1979

Report From Democratic National Convention

The shadows of 1978 are still lingering on and in the world of politics, the Mid-term Democratic National Conference in Memphis, Tennessee is a rapidly fading shadow. Those disposed to kindness refer to it as the awakening of President Carter, while hard-liners call the Conference the start of Senator Kennedy's 1980 presidential campaign.

Here in the state of Hofstra, third year student Jeff Bloom, free of the pressures of midyear exams, spent December 9,10 and 11 rubbing elbows with his political elders.

"The convention was a combination of speeches and workshops. President Carter addressed the crowds Friday night, the workshops were held on Saturday, and Sunday started with a speech by Vice President Mondale, and finished with the voting on resolutions and a memorial service to Martin Luther King."

"The raison d'être for the convention," said Bloom, "was to provide the opportunity to sit down and debate issues. There was the question of whether it would be merely a celebration of 1976, or time for real, open debate about national issues. President Carter's opening address Friday night centered on the single most important issue, the BUDGET.

In essence, the President, inter alia, promised to cut $3 billion from social services, and boost the defense spending well past the inflationary hike. The convention was desperate to hear a speech espousing Democratic Party Principles; but, with the single exception of ERA support, heard nothing that they were capable of giving anything more than polite, thin applause. When one realizes that this was a Democratic President speaking to a Democratic convention, a message becomes clear," notes Bloom.

A second message came the next day during the workshops. Panelists spoke first at these workshops, and the delegates were invited to raise questions or make statements. In the various workshops, delegate after delegate came to the podium, severely criticizing wage and price controls, cuts in the social program, and similar themes. "The most significant event took place in the national health workshop, which included speaker Senator Edward Kennedy. Normally, 200-300 individuals attended workshops; this particular workshop drew about 2,500 delegates. I saw people literally hanging from the rafters," comments Bloom, "I heard a speech that was incredibly moving. While speaking about health policies, Sen. Kennedy was also speaking Democratic and social policy, and was definitely critical of Carter's budget. Three or four times the speech was broken by standing ovations, one of which lasted at least 5 minutes. Clearly, there was a pointed message to the President."

Bloom had his own resolution to offer, a reaffirmation of the 1976 party platform plank that said that the country should recognize Jerusalem as the capitol of Israel, and that our American Embassy should be moved from Tel Aviv to Jerusalem. "It was obvious," reflects Bloom, "that the Administration would not allow it to reach the floor." Instead of facing defeat, Bloom brought his resolution to the New York delegation, where it was passed unanimously.

Since the convention, the Administration has restored the $3 billion in social cuts, and promised to hold the defense budget steady. But, Bloom feels that the sense of betrayal he and their delegates felt at the convention is spreading to many more groups, such as Democratic workers, the poor and minorities, American cities, women and senior citizens. The convention message, and Bloom's closing remark is: "Come home, Jimmy Carter. Come home to the principles of the Democratic Party ! "

EDITORIAL

Storm Troopers

Without trying to seem "sour grapes," our dismay at the way in which the student office routing was conducted should be registered.

Generally resigned to the prospect of being moved, this newspaper and other organizations waited, in moribund suspense, for the final hour to arrive.

Without notice, on a Saturday morning, Teamsters, with all the delicacy of Nazi storm troopers, pulled out desks, cabinets and chairs, carted them across the street to Barton House, and placed them in one small room on their side. In their wake, they left papers and bills and the work product of law students strewn about emptied offices and in the hallways.

Only the afternoon before, did Assistant Dean Hillary Fuhrman make a perfunctory effort to alert a couple students to the impending move. These efforts were in vain. Her indiscretion bothers us.

This law school cannot afford to alienate those students who choose to be organizational leaders. The prime-movers, politicos, and editors of various law school publications are the very type of "involved" students Hofstra seeks to attract.

Upon graduation, no doubt, the lust for power, involvement—what have you—will continue, with these students assuming active roles in the legal and political communities.

If today's miscalculations lead to tomorrow's alumni having little affinity for Hofstra Law School, then what kind of development effort can we hope for in future years?

Russian Television: Writting Just For Fun

by Lou Evans and Henry Rones

A few years ago, some political analysts were telling us that the United States and the Soviet Union were gradually becoming similar in their political and social outlooks. Well, time has proven that these analysts were not too far from the mark. And nowhere is this trend more evident than in the world of television.

Over the last few years, the Soviets have developed a new type of TV programming. Although Communist ideology is still very much in evidence, Russian TV now exhibits some startling new characteristics, reminiscent of American media techniques.

Here are a few example of popular Soviet TV series:

"The KGB"—The adventures of Dmitri Andreyevich Popikov, veteran agent provocateur, with fifteen years on the force. Dmitri must pose as Old Father Kishka, the street sweeper, for should his real identity become known to the thousands of dissidents, his life would not be worth a plug ruble. Already, many such dissidents have viciously and sadistically hurled their bodies in front of Dmitri's discharging service revolver. Many others have attempted to discredit Dmitri by leaping out of the 15th story window of the KGB office while undergoing interrogation.

Dmitri is assisted by a brash, young, rookie agent, Alexei Grushenkovich Sakharov. Alexei reassures potential "stoolskys" with such comments as: "And you could take that to the bank . . . if such bourgeois institutions had not been destroyed by our beloved fathers in the great and holy struggle against capitalist imperialism (or imperialist capitalism)."

"Kapital Idea"—A game show. Contestants are chosen at random from among those with unfilled production quotas. Contestants are quizzed on the writings of Marx and Lenin. ("I'll take 'Withering Away of the State' for 20, Gregor.") The loser gets an all-expense-paid, 2-year trip, for himself and his loved ones, to the scenic Gulag Archipelago. The winner gets to go home. Period.

"As the Workers of the World Unite"—A soap opera, revolving around a devoted young couple, Yuri and Sonia, and their efforts to find an apartment in crowded downtown Moscow. They hope to solve their dilemma by informing on Sonia's Trotskyite Uncle Vanya, and moving into his apartment. Meanwhile, Yuri's selfish, hoarding Supervisor, Wiesenthal, is caught worshipping a picture of Kerensky, and his apartment, filled with stacks of Western currencies, hangs in the balance. Sonia's sister, Natasha, Is pregnant by a dissident sailor, and her apartment hangs in the Wance. Will Yuri and Sonia gain their life's dream?
"People's Court"—A show about Mikhail Chigorin, dedicated People's Prosecutor. Mikhail works 20, sometimes 30, sometimes 40 hours a day in the interests of the people. But it is not all work. Mikhail still has time to play a damn good game of chess, preferably with his beloved friends: Russian railway men. Mikhail is truly a man of the people. He eats the black bread and the onions of the working classes. In one episode, Mikhail prosecutes Uncle Vanya and his co-felon, Wiesenthal the Hoarder, for illegal exchange of Western currencies. Chief prosecution witness is Old Father Kishka, the street sweeper. Wiesenthal breaks down on the stand and confesses, after repeatedly striking himself about the head and the shoulders in a fit of remorse. Uncle Vanya, chagrined, jumps from the 15th story window of the KGB office.

As if all this were not enough, it seems that Madison Avenue has reared its ugly head in Red Square. Yes, the Soviets have turned to advertising! Here is a sample of some of the more prominent ads now running on Soviet television.

"The insult that made a man out of Maxim"

(Scene: a factory. MAXIM is disinterestedly assembling a tractor. THE SUPERVISOR enters.)

A SUPERVISOR: Maxim, your production is down two

points from last year.

MAXIM: (throwing down his wrench) Oh, yeah? Well, you can keep this stinking job, Comrade Supervisor. I will be going to Minsk, where I will be securing a good-paying job, and an apartment. I will be working as a Party functionary.

SUPERVISOR: (in disbelief) You??? You will be working as a Party functionary? But, you have no training! No experience!

MAXIM: That's what you think! I have just completed the Marxist-Leninist correspondence course. I have learned the Labor Theory of Value at home! In my spare time! I am now prepared to take on the duties of a Party Secretary. So, buzz off, Comrade Supervisor.

I'm on my way to big responsibilities. And big rubles !

ANNOUNCER: (voice-over) Take a tip from Maxim. Send for your free introductory course pamphlet. No obligation. Don't delay. Do it today. (Sotto voce) Offer void where prohibited by State.

A record offer:

(Scene: A studio. A bearded man in glasses, cap, and Soviet Army uniform, holding up a record album. Voice Over: a speech in Russian, followed by wild applause.

MAN: Remember our beloved Lenin's speech at Finland Station in April, 1917? And how about this one? (Another voice-over, with another speech in Russian) Yes! That was Lenin addressing the throngs in Red Square in 1919. And now—for the first time—you can get the Recorded Speeches of Our Beloved Lenin. If you tried to buy these records in a store (and they're not available in any store) it would cost you thousands of rubles. But now, the Recorded Speeches of Our Beloved Lenin are available to you for just 9.95 for the records, 10.95 for the tapes, exclusively from Propaganda House. Hello, I'm Leon Trotsky. I was killed in Mexico in 1940, but I had to come back to tell you about this fabulous offer. But, wait ! There's more! If you act now, we will send you the soundtracks from Eisenstein's greatest films! And we'll even send you selected testimony from the 1937 Purge Trials! Call now! Our operators on duty 24; 34; 44 hours a day! Insurance ,Announcer: People's Insurance wants to know. If you're purged, young man, will your family be taken care of? Would they have to give up their little summer dacha on the Black Sea? Would your children have to take low-paying jobs as manual laborers? Perhaps even as street sweepers? Don't let this happen to your family! For only 15 rubles a month, People's Insurance will protect your family from economic deprivation caused by your purge; being declared a non-person; disappearing in the night; and other acts of the State. Your wife can present your Non-Person Card at our nearest office and the benefits will start immediately. No delay for trial! That's People's Insurance. Because, you never know . . . Vodka (Scene: Tractors rolling over a wheat field. A whistle blows. A man gets off a tractor. He and his comrades walk to a nearby tavern. A babushka-headed waitress serves them.)

ANNOUNCER: You've been out in the hot sun all day, building the Worker's State. And when the whistle blows, you want to settle down with the best vodka you can find. People's Vodka. You don't go around much in life, and you've gotta grab for all the kasha you can. People's Vodka. The only name in vodka since November, 1917.

1979-1980

Reverend Jackson and the P.L.O.:

Uninformed Visit Hurts Causes

by Roy Landy

In the days when ANIMAL HOUSE was a reality rather than a movie, fraternity "rush" was one of the most important annual events on the academic calendar. The stated object of the exercises was to acquire new members to replace those lost through graduation or through less laudatory administrative actions. Toward that end, each house naturally tried to present itself in the most complementary light.

Each house attempted to accent its strengths and de-emphasize its liabilities—both physical and human—during the critical phases of the membership drive. Beer-stained walls were painted over, roaches were banished from the kitchen and the oil burner was coaxed into its annual two-week stint of operation. More importantly, the more reprehensible members of the brotherhood were banished to foreign parts lest any impressionable pledge get too accurate an idea of the true nature of the organization. Once the unwary were irretrievably committed and the treasury swollen with their dues, the unsavory types were re imported to participate in the initiation festivities.

These memories of a misspent youth were brought to mind by the Reverend Jesse Jackson's recent sojourn in the Middle East. His behavior in meeting with the P.L.O. is strongly reminiscent of that exhibited by those uninitiated and uninformed undergraduates who so enthusiastically joined organizations about which they knew practically nothing.

Reverend Jackson's itinerary was extremely restricted. In the meeting with the P.L.O. executive council, he was not exposed to some of the more notable characters in positions of power in that organization. Obvious in their absence were the representatives of the Popular Front for the Liberation of Palestine (P.F.L.P.). This curious,— indeed, aberrant,—group has failed to endorse any of the peaceful initiatives made by less radical Palestinians or more moderate Arab states. As Saiqa, the powerful tool of Syrian President Assad, also appears to have been under-represented during the meetings.

One also wonders if, during the course of his odyssey, Reverend Jackson had the opportunity to visit Abu Daud, the architect of the Munich massacre in 1972. At last report, Abu Daud was the guest of Colonel Qaddafi in Libya where he shares quarters with the ever-charming Idi Amin. Unfortunately, Abu Daud represents a powerful faction within the P.L.O., and it is doubtful whether any statement made by Arafat would carry much weight in the face of the opposition represented by Abu Daud and Dr. George Habash of the P.F.L.P. Like Banquo's ghost, these individuals haunt every P.L.O. meeting, and any agreement reached without either their acquiescence or expulsion from the umbrella organization is doomed to ineffectiveness.

It is ironic to this writer that, in a location virtually peppered with religious and ethnic minorities, Reverend Jackson should see fit to expend all of his time only on the "Palestinian problem." He did not meet with his Maronite, Armenian, or Greek co religionists during the trip, or investigate the religious persecution perpetrated upon them by occupying Palestinian forces. In the sanguinary cauldron called Lebanon, that oppression is probably the greatest human rights violation of all.

If Reverend Jackson wishes to ally himself with any organization in the Middle East, he ought not emulate those undergraduates of my youth who committed themselves irreversibly before meeting the fraternity's full membership. A person of Jackson's stature should not lend his reputation to any group unless he has made a thorough investigation of both the group purpose and the people involved. Fame caMies with it responsibility; when fame is to be used in furtherance of political causes it is incumbent upon the person carrying that burden to take considered actions only after extensive research.

EDITORIAL

Law School Conduct Code Contains Flaws

On Tuesday, December 4,1979, the final draft of the Code of Student Conduct, submitted by the Governance Committee, faces probable adoption by the faculty staff and student representatives. We apologize for failing to learn of and present this information sooner, and question whether the proposed Code was appropriately publicized to promote student input. The meeting in which the vote will be taken shall be held at 3 P.M. in the Faculty Lounge. Whether or not the proposed Code is adopted, students are urged to read it and consider it carefully (presented herein on page 7), and forward comments to Professor Linda Champlin, chairperson of the Governance Committee.

We have taken this opportunity to express some concerns. The first provision which gives us reason to pause, Art. I, Sec. A(2), reads, that "To communicate with anyone . . . in any manner" during an examination subjects the offender to possible expulsion (See Art. II, Sec. L, for possible penalties). Art. I, Sec. A(6) provides that it is a violation, to "fail to submit all bluebooks" (emphasis ours), at the end of any exam. This does not specify, for example, whether it is to include bluebooks which have been used for scrap or left unused. Simply, is this provision a clean up requirement? As some other provisions in the proposed Code, it is ambiguous.

There are a series of requirements to conform to rules or procedures in various instances, Art. I, C(9), D(10) and E(ll), without any corollary requirements that such rules or procedures be publicized in some reasonable manner. Furthermore, Sec. E(11), which discusses violation of any rule or regulation of Hofstra University or any school or unit of Hofstra University, is not only ambiguous but it leads us to question what a "unit" of Hofstra University is, and, whether this rule applies to any school. While it seems relatively clear that the phrase "any school" contemplates one within Hofstra University, the provision's scope still seems far-reaching, and potentially, quite unfair.

Sec. E(15) permits sanctions against a person who commits "an act which constitutes a felony pursuant to the laws of the United States . . . or the laws of the state in which said act is committed." There is no stated requirement that there have been a felony conviction, nor is there any reference to whether time of occurrence shall ever be a factor. We must also ask whether "prior crimes" information should be considered at all.

Art. II, Sec. E(16) provides that failure to "cooperate in the process of investigation and adjudication subjects one to any of the sanctions enumerated in Art. II Sec. L(1-7), irrespective of that person's relation to the incident. This difficulty is compounded by the fact that possible disciplinary action is not graded according to the severity of the act in question. Rather, it is at the discretion of the Disciplinary Committee.

The Disciplinary Committee is composed of three faculty and two student members appointed by the Dean. Art. II, Sec. F. Those two student members can be excluded at the request of the alleged violator, and if included, have no right to vote. They are otherwise given "full rights of participation." The Dean selects the members of the Committee, the Committee determines "Matters of procedure and evidence." Art. II, Sec. L, the Dean selects the "person to . . . present the charges and evidence in support of the charges (simply stated, the prosecution), and the Dean is the only source of appeal. Art. II, Sec. M. This seems a rather confined circuit of personnel with maximum discretion over procedure. Additionally, we again note that the choice of sanction is also completely at the Committee's discretion.

On appeal to the Dean, the standard of reversal is confined to "arbitrary and capricious" actions by the Committee. Art. II, Sec. M. Reversal is therefore improper upon a finding of any minimal substantiating evidence. While the entire proceeding is closely analogous to an Administrative appeal, confining the grounds of reversal solely to the "arbitrary and capricious," draws on the least protective standard of that body of law.

An original Committee finding of culpability requires only a majority of votes, two of the three voting members; and we question why unanimity should not be called for. The Committee is already vested with a questionably wide range of discretionary powers: why, on appeal, should its decisions be accorded such a high

degree of finality? The final adjudication is a prominent defect. We suggest that a committee of three faculty and two student members chosen other than by the Dean be interposed in the appeal process so that the appellant may be afforded, in some sense, a hearing by his or her peers.

We commend the effort to create a student code of conduct, and hope that the ambiguities and broad discretionary powers are appropriately reconsidered.

1980-1981

President Carter Holds "Town Hall" at Hofstra

by Suzy Mandel

President Jimmy Carter came to Hofstra, Thursday, October 16, 1980, hoping to bolster his chances for re-election. Unlike the overcrowded rally nearly four years ago, the President held a question and answer session with 12 of the over 3,0W constituents who by the draw of the lottery were able to see the American chief of state.

A restrained but somewhat cheerful crowd met the President at Hofstra's Physical Fitness Center. Mr. Carter greeted the crowd with "the most important thing is that we keep the Stanley Cup" on Long Island, and then talked of his efforts regarding the

The threat of pollutants and his concern about property taxes as they effect Long Island.

The President reviewed the economic import of Long Island—he said that Nassau and Suffolk together comprised one of the ten most important communities in America. Seventy-five percent of the people who live here work here. He speculated that if Nassau and Suffolk comprised a state, their combined retail sales would be greater than half the states in the U.S.

Touching on the primary local concern, water pollution, Mr. Carter stated the water quality is "safe now," and that he is sending direct technical assistance to identify the sources of pollution. He also proposed a "Super Fund" bill to identify dangerous chemicals and get fees from an insurance fund to serve the chemical industries, to pay compensation to reverse contamination.

Mr. Carter reiterated his standard lines supporting national health insurance, welfare reform, and aid to mass transit; he pointed to contrary Reagan positions on these matters.

The President criticized Mr. Reagan's income tax reform proposals, saying they will place an exorbitant burden on state and local governments. He noted that Nassau property taxes are already the highest in the nation, and if they have to pick up the "slag" the federal government now bears in such areas as welfare subsidies, property taxes will have to increase by as much as 50 percent.

Boos greeted Mr. Carter's less than heartening response in support of a united Jerusalem under Israeli rule, as well as an answer regarding the deteriorating state of the economy. Nevertheless, Mr. Carter always reacted with aplomb and confidence, each time swaying the audience to his side through skillful maneuvering (at one point he was asked how to enter politics, to which he responded by whipping of f his jacket, swaggering to the mike, and said, "Become a Democrat." Later, the President said there is a place for Republicans—"second place."

Mr. Carter ended his speech ridiculing Mr. Reagan's SALT proposals. The Commander in Chief said we can't expect to ask for better nuclear superiority and expect the U.S.S.R. to agree. He harped on the fact that Mr. Reagan has continuously proposed military responses to various world situations. The President charged Mr. Reagan has recommended our military presence in Ecuador, North Korea, Syria, Pakistan, and Aneola among others: that Mr. Reagan wanted to respond to Afghanistan by boycotting Cuba. The following paraphrases the questions and gives the President's

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President Carter Adressess Questions at University

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responses to each:

Q, At present, the costs of education are quite high. What will happen if costs keep rising? Especially, how will it affect Blacks?

Mr. Carter: "The federal government should not interfere with running local school programs, but should contribute money to support education. Since being elected, I have increased by 73 percent the money allocated to local schools. "Today, no one who is academically qualified is deprived of an education because his family is poor, or due to his economic circumstances."

Q: On behalf of the ROTC, Mr. Leone welcomed the President. He expressed his concern over the state of military preparedness of the country. (The President asked for the name of the questioner. Mr. Carter then noted his service as Lieutenant in the Navy, and that he was now Commander in Chief, and that the ROTC experience should not hurt Mr. Leone's future employment.)

Mr. Carter: "The country is in a better state of readiness than before. the country is in a better state of readiness than the U.S.S.R. In the seven years preceding my presidency, defense budget allocations decreased while it has increased each year of my presidency. Because of the enormous military, political and economic strength of our country, our adversaries have not threatened us. The smaller nations now distrust the U.S.S.R. because of the Afghanistan invasion. The Moslem nations have condemned the Soviet Union for the invasion. Afghanistan was a mistake that the U.S.S.R. will not repeat. The Afghanistan freedom fighters have fought harder than anyone thought they could. The Draft "We'll stick with a voluntary recruitment program for America. Barring some real threat recognized by the Congress and the American people, there will not be a draft of young people. An amount equal to five percent of G.N.P. is allocated to defense, which is not excessive. I believe the best weapon is one that's never fired. The best soldier is one who never lays down his life or sheds blood in battle. It is important for our adversaries to know that if they attack the U.S.A., they will be committing suicide."

Q: Concern was expressed over Japanese preeminence in the Steel industry.

Mr. Carter: "I have instituted a trigger-price mechanism that presents the dumping of foreign steel below production costs in the U.S. I have implemented some programs, including the investment tax credit program, which will pay income tax deductions in cash, to ensure the steel, and other industries modernize. We need cooperation between business and government on pollution—the administration has agreed to phase air pollution standards over years for an agreement that they'd clear up old pollution items. I just visited the most productive steel plant in the country—in New Jersey. It sells half of the 10,000 plus feet of steel it produces to the Nationalist Chinese at a cost lower than Japan—only a few hundred miles away. Every year we earn $5,5 billion (in foreign exchange) from American patents. On Energy All the Arabs together have 6 percent of the world's energy reserves. America alone has 24 percent of the world's energy reserves—and the best farm land on earth."

Q: "Will you sign a bill supporting spinal cord research at N.Y.U."

Mr. Carter: "I made a commitment to support that bill, God knows what would be in that bill buy the time it reaches me. I'll have someone call you or I'll call you myself after I see the bill. Give your telephone number to one of my aides and I will call you and get back to you."

Q: "Will you continue to aid small cities?"

Mr. Carter: "Thank you." Recognizes War Hero "Anthony Cassimento, a hero is here today. Please stand up. Anyone who earns the Congressional Medal of Honor deserves all our recognition."

Q. "What advice do you give to someone interested in politics?"

Mr. Carter: " Become a Democrat. Social Security, Minimum Wage, and Medicare were all Democratic ideas that were not supported by the Republicans. My first job was at the then minimum wage of 40c per hour. Keep your ideals! Health insurance ought to be a nationwide commitment. I am concerned with unemployment compensation so parents can feed their children. Reagan opposes that. I'm anti discrimination, and pro-military strength to prevent war. At this point, only women do not have an equal chance legally in the US. They only earn 59 percent for every $1 a man earns. You can't deprive a person of their rights—whether it's the state or federal government— simply on account of one's sex "Get a good education. How old are you?"

A: "Thirteen."

Mr. Carter: "Amy is going to be thirteen on Sunday and I'm very proud of her. "There is a place for Republicans in our society— second place!"

Q: "What is the next step in the hostage situation."

Mr. Carter: "We've tried to negotiate for the release of the hostages in every possible way. We have met with their families. Until recently, there was no one in the Iranian government to speak to. Now the Iranian people have convened a parliament and we have hopes. The Iranian Prime Minister is coming to the United Nations today. We do know pretty sure than most of the hostages are safe and not abused. We even have contacts with three of them sporadically. We're communicating with three of them now and then, not with the other 49 though. We do know they are alive and well now."

Q: "I voted for you in 1976 and since then the cost of gas has doubled, inflation is terrible, unemployment is terrible; If you did the opposite of an your promises last time, why should I trust you? Actually this is my son's Robert's question.

Mr. Carter: "Did you vote for me in '76 Robert? "

Robert: "It was the greatest mistake of my life !

"Really I think you're a good President and I love your mother Lillian."

Mr. Carter: "We don't have a policy that takes us from under the thumb of the Arabs. They set the price not us. This year, we'll produce more American coal than any year in history; we can't load it as fast as we produce it. Today, we're importing one third less oil than a year ago. As for unemployment, we've added 8l~2 million in new jobs during the last four years, hundreds of thousands of them in New York State. We've been through much worse times in the U.S., the Depression, World War II the Korean Conflict, Vietnam, Civil Rights; with unity we can, as a nation, solve any problem."

Q: "What will you do to prevent growing factionalism, regionalism, racism, etc. in our country? How will you fight it?"

Mr. Carter: "America is a heterogeneous nation and it derives strength from that. I am advised by people of the same culture and religion when problems arise with a particular group. Legally, only women are discriminated against. Still, in this country, we ought not to forget we still have immigrants coming here. Each wave of immigrants experienced discrimination because the groups that came before wanted to keep a good thing for themselves. Unless your parents were from England, they didn't speak English either. The differences among us are a source of strength. I hope you will never be discriminated against by those who think they are better or richer than you.

Q: "What measure will you (implement) to prevent Americans from dealing with South America?"

Mr. Carter: "The President has no authority to prevent Americans from investing where they wish. South Africa's attitudes and acts are obnoxious. When I came to office, we had no relations with Nigeria. Since during my term our relations with Nigeria have improved. Rhodesia has changed into Zimbabwe. Prime Minister Mugabe came to my office to thank me for my assistance. "I am now working with four other countries on Bolivia, so the Bolivians can choose their own political system."

Q: "Will you sign this petition committing yourself to a unified Jerusalem? You promised in your last election you'd move the American Embassy in Israel to Jerusalem. Won't you sign that Jerusalem is the capital of Israel?"

Mr. Carter: "No I can't agree to sign on that issue. I have agreed, and signed at Camp David that Jerusalem should forever remain undivided, with access free for all people of all religions to pray, and that the ultimate status of Jerusalem would have to be negotiated with Israel"

Q: "Will you, if elected give a Supreme Court Judiciary position to a Black? "

Mr. Carter: "I have appointed twice as many Blacks to the federal District Courts and Courts of Appeals as any other presidents combined over the last 200 years and I've only just begun. I have appointed these judges without lowering the standards of the judiciary. I have not had any Supreme Court vacancies during my term., but I will use the same sort of criteria there that I used at the lower level. My advice to you is to go to law school and prepare yourself to be capable of the judiciary."

Q: " I want your assurance that we are militarily strong. The New York POST says Russia will attack Poland in October or November because Reagan will be tougher than you.

Mr. Carter: "We are the strongest nation on earth. Like I said before, military spending is on the rise since I took office. When I first came to office, I opposed the B-1 Bomber—it would have been susceptible to Soviet fixed ground attacks. Instead, I developed a light cruise missile which is cheap and can be affixed to planes and be practically invulnerable to ground missile attack. I also support the ICBM. I pope you do too." (A heckler from the audience: "I don't! ") Mr. Carter: "The MX missile— an intercontinental ballistics missile system with a smaller number of missiles which are movable from place to place—is a good idea, practically unattackable."

Reagan Budget Cuts Effect Financial Aid

By Cindy Orbach

In a media conference Monday, March 23, Richard Bennett, Executive Assistant to the President of Hofstra University, expressed concern about how the proposed Reagan administration cutbacks would affect financial aid. Bennett said that in 15 years he has never seen an issue which would be more detrimental to students, particularly those of middle-income status. In the past, when federal funding was threatened, one could count on the state legislature to take up the cause at hand. Now, states face more pressing issues (such as cuts in funding for elementary and secondary schools and health services).

Bennett, along with Peter Fishbein, director of Financial Aid, stressed how students and the University administration have to work together and must be their own advocates to limit the budget cuts. "We have to do some strong lobbying to protect our interests," said Bennett. He urged students to write their representatives and let them know how they would be adversely affected by the budget cuts.

Seventy percent of Hofstra University's full-time undergraduate students receive some form of financial aid. The proposed budget cuts would force many of them to either drop out of school or take out loans from banks at the regular interest rate, instead of the lower, student loan rate. The proposed cuts would also eliminate the in-school interest subsidy and, with regard to the Pell Grant, would eliminate some now eligible for that program by placing a $25,000 income ceiling on it. Thus those that don't show need "on paper," but actually do need financial aid would be shut out.

The most frightening aspect of the proposed budget cuts are the long-range effects: the more people have to pay for undergraduate degrees and the less money available for financing, meaning that fewer people will be able to continue their educations at graduate schools.

As of March 31, 1981, off-campus work study subsidies were cut off by Hofstra University. As mostly law students were affected by this, *Conscience* asked Peter Fishbein why the off campus money was the first to be cut. He replied that they were not allowed to pay sub-minimum wages, so they were borrowing from next year's budget to make up the difference. When next year's (Federal) budget was cut, there was not enough money available for off-campus work study programs. The cut-backs had to start somewhere and it was decided that off-campus work study would be the first to suffer.

EDITORIAL

The Press Earns Its Freedom Everyday

The events of the past two months, culminating in the decision against the "National Enquirer" and the Pulitzer Prize "hoax," have focused national attention on the integrity and responsibility of reporters in particular, and the news media in general. What is proper journalistic practice? Should limits be placed on news gatherers to avoid such results in the first instant? While editors and reporters have expressed various views on how to gather and present news and opinion, responsible journalists agree that, if anything is a sin among reporters, it is a sin to lie or mislead.

But to deter such deceptions by an irresponsible few would require curbs that could chill truthful reporting and critical editorializing.

Our Founding Fathers recognized the importance of a free and unencumbered press to a representative democracy or to any nation. The news media not only checks abuses by government and other social institutions, but historically has done so most effectively. Short of libel considerations, society must minimize, if not eliminate, restraints on the press.

But so unrestrained, the press must act most responsibly. Anything less undermines media credibility. "Accuracy and credibility are the bottom line," stated many a press executive.

Despite the transgressions of a tabloid such as the "National Enquirer" and the "overzealous" desire to break a story that consumed Janet Cooke and her editors at the "Washington Post." the news media remains generally credible. If the integrity of the press pervaded other institutions, considerably more "good" news would result.

Perhaps, these transgressions—and there are many—are encouraged by the existence of a public market for sensational "news." Editors and reporters must be sensitive to these dangers. Prejudices encourage such transgressions—despite their incredibility—because of a tendency among many groups and individuals to accept their own views, however unsubstantiated, as the gospel truth. For those who believe celebrities excessively imbibe, and for those who are ~ certain" that poor, disadvantaged minority youngsters are more susceptible to drug addiction than others, the less responsible among us—I hesitate to call them journalists—fabricate stories that impinge on the credibility of the entire news media.

The vast majority of the readers, listeners, and viewers who can differentiate between "scandal and gossip" and objective news reporting, nevertheless enjoy reading the junk!

Even objective journalists differ among themselves in approaching this difficult issue. Cognizant of contrasting views, editors and reporters introspectively discuss the merits of differing approaches—a process of self-evaluation. The press, unlike other institutions, has nothing to gain by hiding its rotten apples. The responsible press, in fact, exposes less-than credible reporting as this in itself is news. The news accounts and commentaries of both the Burnett-"Enquirer" case and the "hoax" evidence the news media's interest in protecting its integrity and weeding out the less responsible. The importance of a free press to a free society is underscored by the call by the Soviet Union and others for a "New World Information Order" through the UNESCO-appointed International Commission for the Study of Communications Problems sanctioning state-controlled news-information dissemination.

State-controlled news media, as they exist in most one-party and authoritarian regimes, enable government to monopolize the flow of information to the public. Government in these states remains totally unchecked. Even traditional Western democracies lack United States-style media freedom. In France, for example, a "scandal" involving a gift of diamonds to President Valery Giscard d'Estaing received little coverage. The comparatively free French press has no fundamental First Amendment grant of press independence. Consequently, the French press lacks the power of its American counterparts to influence events. Very often, the French papers are party organs—opinions are not sifted from fact in the manner practiced by American journalists. State-owned, French television and radio journalists are, at best, reluctant to bite the hand that feeds them. Reporters must carefully scrutinize the apparent facts and accept nothing on its face. Indeed, editors have a greater responsibility to ensure that reporters write fair and accurate news accounts: editors should question their reporters (just as reporters must skeptically deal with sources and unverified information) and validate the credibility of news sources, especially among the lesser experienced.

The press polices itself rather well. Routinely, newspapers print and television and radio broadcast letters to the editor and retractions. One television news executive related how errors are corrected during the next regularly scheduled broadcast of the program in which the error was made, to ensure reaching those who were misinformed. "The Washington Post," after all, immediately broke the story detailing their own shortcomings. Our free and responsible press guarantees the continued existence of our representative democracy. To take steps to avoid such deceptions would prevent future reporters from engaging in the investigative journalism that broke Watergate and other major news stories.

AGATA, From pg. 1

system seems to be breaking down."

Among his other projects, Agata makes an occasional appearance on Virginia Graham's morning television shows. "I used to do a lot of talk shows in Houston, but ABC called me here out of the blue. I'm not really satisfied with that kind of discussion because it has to be superficial. "

The gravel-voiced professor is totally satisfied with his occupation:

"I like what I'm doing," he says. "I really believe it couldn't be better, and I'm particularly looking forward to being part of Hofstra's growth."

1981-1982

University Attempts to Silence *No Voice*

by Jerry Romano

What started out as an "April Fool" spoof by an undergraduate student newspaper may become an important freedom of speech issue on the Hofstra University campus.

On Monday, March 29, the "New Voice,' a Student Senate publication, published an "April Fool" issue entitled "No Voice," as a supplement to the regular issue. The "No Voice" contained an article entitled "The Hofstra Cock Survey: What Are The Cocks At Hofstra Really Like?" The article featured a group of bar graphs in which phalluses were used to show the results of the survey.

The article also used various colloquial expressions for the word "penis." That same day, Dean of Students, Patricia Giardini, conferred with Assistant Dean of Students Ed Lynch and later with University President James Shuart to consider what action, if any, should be taken. With the approval of President Shuart, Dean Giardini decided to remove all 1200 copies of the "New Voice" issue from the stands. The following day, the University administration released approximately 200 issues along with a disclaimer in which the University stated that it did not condone the contents of the publication. It is not known what happened to the other 1000 copies of the issue.

According to Dean Lynch this action was taken pursuant to University Policy Series #233 Section E. "Student Publications "which states that ". . . the college administration . . . testifies to its belief in the principles of academic freedom and freedom of the press as well as its trust in the students' ability to act responsibly. However should material already published lead to serious legal action detrimental to the University the Administration retains the right to take whatever steps it may deem necessary."

Article V Section C of the Students Rights and Responsibilities states: "In the delegation of editorial responsibility to individual students Hofstra University shall provide sufficient editorial freedom for the student publications and other media to maintain their integrity of purpose as vehicles for responsible free expression in an academic community."

According to Assistant Dean Lynch "We realized it was a First Amendment issue but we also realized that the First Amendment is contingent upon . . . responsible journalism."

Assistant Dean Lynch said that the University has been in contact with the District Attorney's Office to determine whether the "No Voice" violated any obscenity laws. There was no serious legal action pending against the University when the issue was removed.

Asked whether he saw an inconsistency in the University's removing the "No Voice" from student view while allowing National Lampoon, Playboy and Penthouse to be sold in the University bookstore Dean Lynch replied "The difference is that it (the "No Voice") was produced by students rather than from an outside source."

Professor Leon Friedman an expert on Constitutional Law said of the "No Voice " "It is simply not obscene. There have been Constitutional interpretations of what you have to have in order for it to be obscene and this does not meet that definition . . .I don't believe that the D.A. will bring charges against these students and if he does he'll lose."

As far as the First Amendment issue is concerned if the state brings action against the students who published the "No Voice " then the students can claim First Amendment protection. But if the dispute is between a student and the private university which funds the student publication the student cannot claim Constitutional protection under the First Amendment. Reaction throughout the campus has been mixed. An editorial in "The Satellite " a publication of the Communication Arts Department chastised the "No Voice" for its "sleazy caliber" but also attacked the Administration for behaving "like a group of reactionaries."

Pete Aloe Editor-in-Chief of the *Conscience* was upset by the entire situation. "The whole incident is regrettable" said Aloe "because it shows a lack of faith in the members of the University community . ...There should be free and robust debate without censorship at a University. That goes to the heart of what a university is all about." Aloe firmly believes that all groups have a right to say what they think politically and sexually and a university should be the forum for the dissemination of such ideas. Barry Layne, a Senior, writing in the "Opinions" section of "The Chronicle" said, "By virtue of their actions the administration has murdered the ideal of free expression on this campus."

David Sobel the Editor of the "New Voice" and the "No Voice" supplement declined to comment when contacted by telephone. He said he was in the midst of running for Student Government President and he preferred to let the entire issue die down. However according to Assistant Dean Lynch the issue on this campus is far from dead.

Quest For Battle

by Lanny Bryer

April 20. The current South Atlantic crisis concerning the Falkland Islands illustrates once more the eagerness of men-at-arms from sovereign states to do battle in the grand military tradition of the past thousands of years.

After the invasion of the Falkland Islands on April 2 by Argentine forces, the media reported the fanfare of Great Britain dispatching its military and naval forces with all of the proper pomp and circumstance. Argentina was also seen hosting fabulous parades as a show of support for President Leopoldo Galtieri and his decision to seize

See FALKLANDS, pg. 12

Hofstra School of Law Beats Prison

by Steven Aptheker

I started out the first two weeks of this semester on reserve duty with the United States Army. I was stationed at the, military prison in Fort Leavenworth, Kansas. I felt depressed and uncomfortable working behind a forty foot stone wall, just like the depressed and uncomfortable feeling of a Hofstra law student in his or her first two weeks. I started to ponder: how different was Hofstra Law from Leavenworth Prison? Population:

Leavenworth Prison has approximately 1400 inmates. It's crowded but each inmate has his or her own cell.

Hofstra Law has approximately 800 students. It's crowded but each student does not have his or her own parking space.

Average Sentence:

The average sentence of an Inmate at Leavenworth prison is 18 months About 30 percent of the prisoners end back in Leavenworth after release.

The average sentence of a student at Hofstra Law is 21/2 years. No one ever comes back (except for Saul Morgenstein) .

Compensation Costs: An inmate at Leavenworth is paid $4.00 per day for each day of hard labor. He or she also gets three meals per day, two prison uniforms and free medical care. At Hofstra a student is charged approximately $5000 per year. He or she also receives free wine and cheese at a party welcoming first year students.

Rewards- Punishments: The penalties for misbehavior are severe at Leavenworth Prison. If an inmate breaks a rule he is sent down to the "hole" for up to six months. He only gets out for thirty minutes of exercise each day. At Hofstra the penalties for doing well are severe. If a student finishes the first year in the top 10-15 percent of the class, he or she is likely to make Law Review. Those students are sent down in the "hole" for up to two years. They are not let out for exercise.

Early Release-Parole: Leavenworth Prison has a program called the Local Parole Unit. Certain inmates are allowed to live outside the wall but still under guard. They work in the community and earn between S3.35 and $10.00 per hour. Hofstra Law has both intern and extern programs prior to a student's graduation. They earn nothing.

Job Opportunities After Release: Approximately 70 percent of Leavenworth inmates have jobs upon release. Some inmates who acquire a skill earn up to S15 per hour upon release. Approximately 60 percent of Hofstra Law students have jobs at the time they graduate. Some students will earn up to $45,000 per year. Unfortunately, when you break that down to an hourly rate it works out to about $10 per hour (with time and a half for overtime).

Conclusion: On balance I have to give the edge to Hofstra. It might be harder to get into, but it's a heck of a lot easier to get out of.

Steven Aptheker is a member of the class of 1983 eligible for early release in August of 1982.

Attack on Falklands: A Glimmer of 18th Century British Imperialism

FALKLANDS, From pg. 11

the islands. The scenes were reminiscent of World War One when hundreds of thousands of soldiers from countries across the world marched out with all of the requisite splendor to their untimely deaths. The spectacle and pomp of that war quickly dissipated when the horror of mass carnage and destruction became familiar to the front-line soldier.

At the time of the printing of this column, Great Britain and Argentina may already be in a bloody state of war. It is hoped that both nations never reach that point; however, it frankly seems absurd that the opportunity even present itself.

It is true that the Falkland Islands have been under British sovereign rule for 149 years. However, it is time for England to finally realize that the British Empire of the 18th century is no more. Facing the realities of the 20th century, Britain just has not been able to maintain all of the territories it conquered hundreds of years ago. In short, if it

takes three weeks to send a force to defend

its territory, Great Britain has no business ~, exercising sovereign authority over it. It is pompous as well as absurd to lay claim to as small a territory as the Falklands some 8,000 miles from British shores.

Argentina is also at fault for initiating the crisis by its military aggression on April 2. Argentina s actions as a breach to International Laws of Peace should be condemned for what they are. Severe economic reaction by Western nations should skillfully be used to punish their militaristic behavior. What, however, is each nation gaining by provoking the other into a state of war?

Finally, it seems totally absurd, if the military forces do clash, that many thousands of British and Argentine soldiers may die in order to decide which nation should exercise sovereign authority over 1800 Falklanders. Political principles and national pride are one thing, but the potential quantitative loss of life in this crisis is another. The trade-off is simply not worthwhile.

It is sad to realize that with all of the technological advancement mankind has achieved since he discovered here how little man himself has changed. The Falklands confrontation is evidence of the aggressive and brutal nature that mankind has never been able to control. It has been written that the only good thing about war is in ending. U that were true, however, wars would never begin.

1982-1983

Supreme Court Decides Island Trees Book Ban Case

by Anne Serby

The Island Trees case, which involved a school library suit, was recently decided in the U.S. Supreme Court. The controversy arose six years ago when the Island Trees school board removed several books, upon recommendation from a politically conservative parents' organization, from the high school library.

The case developed in 1977, when several Island Trees students filed suit in the State Supreme Court in Mineola, Ll.. for violation of their First Amendment rights. Shortly thereafter, the case was removed to the Federal District Court in Westbury, Ll.. In 1979, the Federal Court, making use of a procedure known as summary judgment (which is used to resolve issues of law when there are no facts in dispute), ruled that the removal of the books "did not constitute a sharp and direct infringement of any First Amendment rights."

The U.S. Court of Appeals for the Second Circuit reversed the summary judgment. The Court of Appeals ordered a new trial to establish the motives behind the removal of the books, which might be in violation of the First Amendment. The school board then appealed the case to the U.S. Supreme Court to resolve the issue of whether or not summary judgment was properly granted.

Justice Brennan wrote an opinion for the plurality of the Supreme Court in which he recognized the difficulty of imposing constitutional limits on the curriculum in state supported schools. However, Brennan reasoned that this case does not present this difficulty since "it does not involve textbooks, or indeed any books that Island Trees students would be required to read. Respondents do not seek to impose limitations upon their school boards' discretion to prescribe the curricula of the Island Trees schools. On the contrary, the only books at issue in this case are library books, books that by their nature are optional rather than required reading." Justice Brennan further reasoned that, "even as to library books, the action before us does not involve the acquisition of books. Rather, the only action challenged in this case is the removal of books from school libraries."

The court reasoned that the students could win the case if they could show that the school board intended to deny the students "access to ideas" with which the board disagreed." However, the court concluded that if the board had removed the books solely because they were "vulgar" or because of their "educational suitability," the removal would be "perfectly permissible." Thus. the motivation behind the removal of the books was a fact issue in dispute which precludes the granting of summary judgment

The books in question were, "Soul on Ice," by Eldridge Cleaver, "Slaughterhouse Five," by Kurt Vonnegut, "Down These Mean Streets," by Piri Thomas, "The Fixer," by Bernard Malamud, "A Hero Ain't Nothin' but a Sandwich," by Alice Childress, "The Naked Ape," by Desmond Morris, "A Reader for Writers: A Critical Anthology of Prose Readings," by Jerome Archer, "The Best Short Stories by Negro Writers," by Langston Hughes and "Go Ask Alice." These books were termed by the school board to be "anti-American, anti-Christian, anti-Semitic and just plain filthy."

The plurality opinion of the Supreme Court emphasized the spirit of the Constitution which protects the right to receive information and ideas. The Justices reasoned that. "Our precedents have focused not only on the role of the First Amendment in fostering individual self-expression, but also on its role in affording the public access to discussion, debate. and the dissemination of information and ideas." Thus, the plurality declared that, "the State may not, consistently with the spirit of the First Amendment. contract the spectrum of available knowledge."

Chief Justice Burger wrote a dissenting opinion in which he disagreed with the plurality's application of the First Amendment to the issue of this case. Justice Burger argued that, "Today the plurality suggests that the constitution distinguishes between school libraries and school classrooms, between removing unwanted books and acquiring books."

Although Justice Burger's point concerning the explicit application of the First Amendment is valid, he failed to properly deal with the spirit of that law. In keeping with this spirit, an important distinction between school libraries and school classrooms and between removing books from school libraries and acquiring books for those libraries can be made. The First Amendment rights, which are not relinquished in the schools, protect "access to ideas." Therefore, the availability of knowledge in school libraries should not be tampered with. Although state funds are used to acquire books, the removal of books does not require the expenditure of funds. Thus, the Supreme Court reasoned that the school board's action could prove unconstitutional if the board intended to "deny the students access to ideas with which the board disagreed."

In light of the recent Supreme Court decision, the school board must decide what to do next. The board members had hoped to avoid an examination of their motives in the District Court by appealing the case to the Supreme Court. They now have two options: they can either proceed with the District Court trial or they can restore the nine books to the library shelves and avoid the trial. The constitutionality of the board's action is still unclear. That issue will have to be further dealt with when, and if, the motives are established in the District Court.

Lefkowitz Honored by HLS

by Peter Shafran and Barbara Petranglia

Hofstra Law School's Center for Government Law and Legislation has been renamed in honor of former New York Attorney General Louis J. Lefkowitz. The announcement was made by Dean Schmertz at the close of Lefkowitz's inaugural address of the Max Schmertz Distinguished Professorship Lecture Series on April 13. University President James Shuart presented Lefkowitz with a medallion in honor of the occasion.

Lefkowitz spoke about his career in government which began in a Republican club on Manhattan's Lower East Side. After serving in the State Assembly, Lefkowitz presided over the New York City Municipal and City Courts. In 1957, he was appointed Attorney General of New York to fill the vacancy left by the election of Jacob Javits to the U.S. Senate. Lefkowitz served as Attorney General for 22 years and is credited with reshaping the office into a formidable advocate for the state's citizens. According to Lefkowitz, his office was the first in the country to establish a consumer protection bureau .

The Louis J. Lefkowitz Center for Government Law and Legislation provides legal advice to government administrators, legislators, and agencies. Last semester, the Center received a $75 000 grant to determine the feasibility of public sector use of the final offer binding arbitration technique. The project was commissioned by the Committee on Work Environment and Productivity of the New York State Legislature.

After the ceremonies, Lefkowitz pledged his continued support for the Center and the Law School. He offered his expertise in !government and his aid in recruiting other government officials to enhance the Law School s development and reputation

EDITORIAL

Reflections On A Free Press and Abortion

Freedom of the Press

by Pete Aloe

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

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

All of this eliminates the adversarial role that is supposed to exist between the press and governing officials. This adversarial role serves two important purposes First, it exposes problems that might otherwise be ignored. As University President James Shuart remarked in his State of the University Message, "the kinds of negative reports one sees so often in the press are a constant reminder that we must deal with serious problems.." Second, the adversarial role expresses the shortcomings of the establishment, and that is a powerful impetus for leaders to act responsible. As the Supreme Court has observed, 'the press serves and was designed to serve as a powerful antidote to any abuses of power by governmental officials and as a constitutionally chosen means for keeping officials elected by the people responsible to all the people." Mills u. Alabama, 384 U.S. 214,219, 1966). And the press has served us well in this regard. It was, after all, an unfettered press that discovered and exposed the crimes of Watergate.

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

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

Parental Consent

by Janlori Goldman

The extent to which a state can constitutionally legislate abortion has been greatly litigated since Roe v. Wade (1973). The Wade court ruled that a woman's fundamental right to privacy, as guaranteed by the Fourteenth Amendment, includes the right to terminate her pregnancy during the first trimester without regulation by the state.

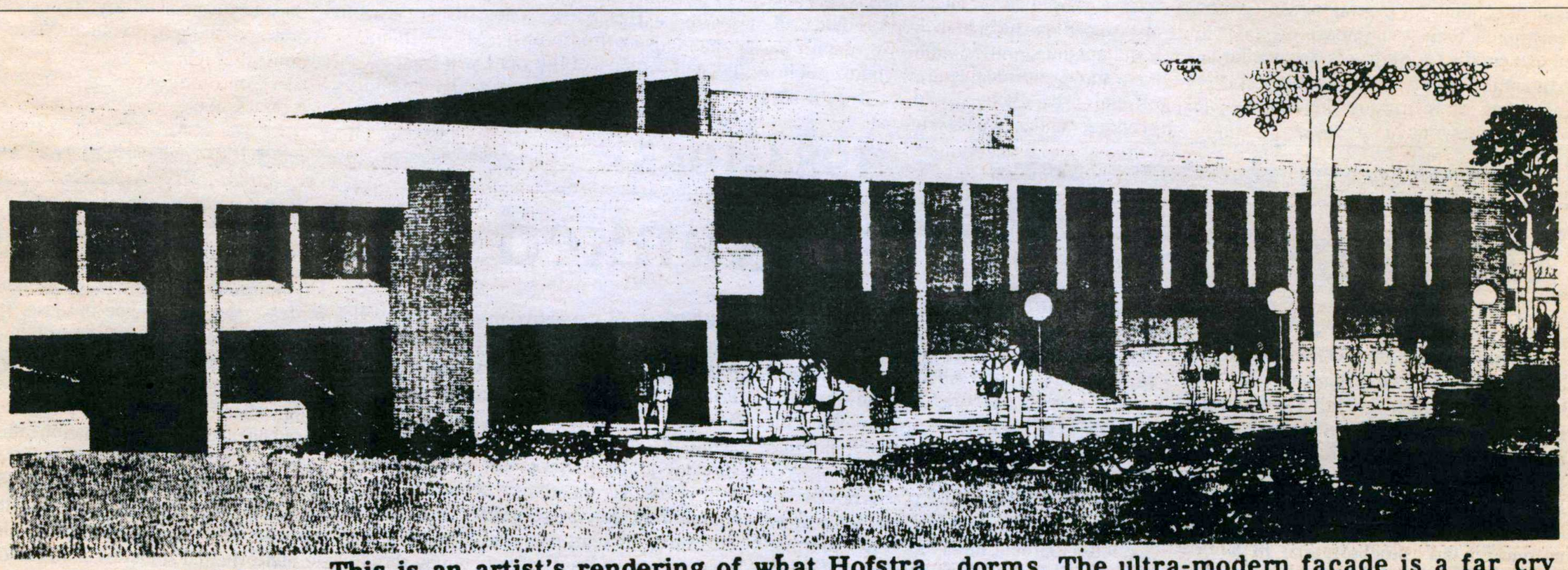
Last year the Supreme Court ruled that a Utah statute requiring physicians to notify, if possible, the parents of immature, unemancipated minors before terminating their pregnancies, does not violate the minor's fundamental right to have an abortion. The Matheson court emphasized the narrowness of their ruling, stating that a statute may not give a minor's parents unreviewable veto power over their daughter's decision to have an abortion. The court suggested that notification statutes would be unconstitutional if applied to independent, mature minors, or if a hostile home environment would be against the best interests of the girl. The Matheson opinion failed to define the standards a court should apply in determining the maturity of a pregnant minor.

The Supreme Court does distinguish between notification and consent statutes, as illustrated by the *Danforth* ruling a few years ago. There, the Court deemed unconstitutional a blanket parental consent statute allowing a third party veto over a minor's decision to obtain an abortion. The same court found that although minors do possess constitutional rights, the state has broader authority to regulate minors' conduct than they do adults' conduct. The fundamental right to privacy is not absolute, the Court held, and thus the regulation of abortion may be justified by a compelling state interest.

The Supreme Court's opinion in Bellot articulated a rationale for limiting a minor's constitutional rights. The Court argued that notification statutes pertaining to minors buttressed the state's interests in the welfare of minors and the safeguarding of family relationships. Recently, a district court expanded on this notion by ruling that a Florida statute which requires a married woman to notify her husband of the proposed termination of her pregnancy does not violate the Constitution. The Court found that Florida had compelling interests in promoting the marital relationship and protecting the husband's interest in his "procreative potential."

The latest addition to this judicial entanglement was last week's decision by the Supreme Court of New York authorizing an abortion for a profoundly retarded twenty-five year-old woman, after accepting the consent of her parents as a substitute for her consent. The woman, purported to have an I.Q. of twelve, has been institutionalized for the past twenty-two years. A court appointed attorney, appearing on her behalf, opposed the state's argument for parental consent for an abortion, even when the woman is "incompetent" to choose.

Three abortion cases dealing with the states' interests in regulating abortion are currently on the Supreme Court docket. The issues presented are: whether a child under fifteen years of age can be required to obtain parental consent or a court order; whether the she can require a doctor to inform the woman of facts relating to the abortion procedure and fetal development; whether a mandatory twenty-four hour waiting period can be imposed on a woman between the signing of the consent form and the abortion; whether the Supreme Court should impose standards upon state courts in determining who is an "immature" minor.



What happened?!

This is an artist's rendering of what Hofstra Law School was supposed to look like. Taken from the school's founding brochure, entitled, Of Human Wisdom, published in 1969, the new structure was to have been on an eight-acre site on Hofstra's North Campus, near the dorms. The ultra-modern facade is a far cry from today's building which some say resembles a prison. Well, it just goes to show you — you need more than students and professors to run a railroad. You need money . . . and lots of it.

1983-1984

Hollings Speaks At Hofstra Presidential Forum

by Peter W. Shalran

Stressing economic survival in a global economy, Senator Ernest ("Fritz") Hollings (D-SC) addressed a capacity audience in the Multi-Purpose Room at Hofstra University last week. A declared candidate for the Democratic nomination for President, Hollings came to Hofstra as part of a statewide Candidate Forum sponsored by the New York State Democratic Association and sponsored locally by the Democratic Law Students Association.

After introducing Gov. Mario Cuomo, Lt. Gov. Alfred Del Bello, and Senator Patrick Moynihan, State Chairman William Hennessy introduced Hollings, the Senior Senator from South Carolina, who campaigned on numerous platforms ranging from the mistakes of Reaganomics to a discourse on jobs and education. Hollings, a distinguished looking white-haired gentleman, spoke in a thick Southern drawl that had the audience straining to understand him, though he remarked, "If we could've understood Reagan, he wouldn't have been elected."

While chastising the Reagan Administration's foreign policies in Central America and the Middle East, Hollings said, "We're almost the Rodney Dangerfield of the international community — nor do we deserve respect." However, while advocating a stronger military, he favors freezing the defense budget to a three percent increase per year. Hollings wants to strengthen our conventional forces and the rapid deployment forces, and cut funding on the MX Missiles and the B 1 bombers. He is the cosponsor of the Kennedy Bill on Arms Control "foreswearing first use." "We need an educational process by Reagan and a mass public opinion against Nuclear weapons on both sides of the Iron Curtain," said Hollings. He also proposed early summit talks with the Soviets to support arms control.

Responding to questions posed by Senator Moynihan, Hollings said that the War Powers Act applies to the conflict in Lebanon, and that Congress should insist that President Reagan abide by the law. "He's playing monkeyshines with the American people. As President, he should want his people with him," said Hollings. Hollings predicated his economic policy on the improvement of the nation's educational institutions, but was quite vague as to specific solutions.

Following questions by Cuomo, Moynihan and DelBello, Hollings fielded questions by a long line of members of the audience, many of whom were Democratic candidates for offices on Long Island For his views on Central America, the Senator highlighted the need for a negotiated settlement. "We must have a cease-fire, there, and do away with the death squads from the Right and the hiring of guerrillas on the left," Hollings said. As far as. military assistance, Hollings said, "El Salvador's troubles are internal, not external and do not call for U.S. troop commitments." Hollings side stepped a question on his support for bridging the "gender gap."

When asked if he would help reduce the feminization of poverty, support pro-choice efforts, and push for passage of the Equal Rights Amendment, Hollings just responded, You sponsor things you've been working on in the Senate, such as the ERA and the Fair Insurance Practices Act," and avoided mention of his stand on abortion.

Sen. Hollings, a member of the Sons of St Patrick and the Ancient order of Hibernians, two Irish Catholic groups, said that he has asked President Reagan to appoint an envoy to Northern Ireland, and pledged he would do so, if elected, for the purpose of involving the United States in a search for peace in that region In addition, Hollings stated that he urges setting up a Court of Inquiry, similar to the one in Nuremberg, following W.W.II, to investigate the killings in Northern Ireland.

On the local scene, Hollings offered no opinion on the use of federal money and troops to evacuate Suffolk County residents in case of an accident at LILCO's Shoreham nuclear facility, rather, he said that this decision is "to be determined by the Governor and I'll stand by it." Hollings did state that South Carolina has closed down several nuclear plants in the state Hollings also advocated the necessity to start cleaning up toxic wastes with the $1 billion EPA "Superfund."

Freedman Chides ABA

The American Bar Association has "failed consistently. throughout this century, in its efforts at self-regulation of the legal profession," according to Professor Monroe H. Freedman in testimony before the Senate Judiciary Committee, this past spring.

Quoting official ABA publications and spokesmen, Freedman called the ABA's past and proposed codes of ethical conduct "inconsistent, incoherent, and unconstitutional" and "harmful to effective service to clients."

Self-regulation of the legal profession by a private bar association is "contrary to democratic theory and ideals," he said. Urging Congress to enact a comprehensive code of conduct for federal lawyers, Freedman noted that "the impact of codes of ethical conduct for lawyers extends far beyond the lawyers themselves, either enhancing or restricting the fundamental rights of everyone in our society."

"I cannot say with assurance that (Congress will do a better job than the ABA has done," Freedman said, "but it is hard to believe that Congress could do worse than the ABA."

In his statements, Professor Freedman was responding to a proposed ABA rule that would require a lawyer to reveal incriminating information about a client to government officials. "The protection of a client's confidences by the lawyer is required by the Sixth Amendment right to counsel and by the Fifth Amendment privilege against self-incrimination," he said.

"As the Supreme Court has recognized," he continued, "clients cannot obtain the effective assistance of counsel unless they are able to confide fully in their attorneys. And if a client does confide in his lawyer, only to have those confidences betrayed to public officials, the client would be denied his privilege against self-incrimination.

LETTERS

Hofstra Student Applies For Watt's Post

Dear President Reagan.:

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

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

What is all this brouhaha about James Watt anyway? True, he has offended women. Jews, the handicapped, blacks liberals, music listeners, and the great majority of Americans who believe in conserving our natural resources. Has America lost its sense of humor? I want to assure you, Mr. President, that as Secretary of Interior I will be sensitive to these groups and will gladly clear all my black lung one-liners and risqué strip mining jokes with you before delivery in accord with your new Executive Order 503317.

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

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

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

Jordan C. Fox

1984-1985

Hofstra Law School Ranked 28th in Nation

by David Muekovitch

The new edition of the Gourman Report of National Education Standards, Inc. will be coming out later this fall The Gourman Report Is the most important and prestigious ranking of the 172 accredited law schools in the United States. It is the primary informational guide used by pre-law advisors in counseling prospective law students as to which law school to attend. In the new report Hofstra Law will be ranked 28 out of the 172 law schools in the nation. This ranking is an improvement of 70 places from the ranking of 98 that we had in the last study two years ago.

The rankings are based on evaluations of five areas: Administration, Curriculum, Faculty Instruction, Faculty Research, and Library Resources. Further, the Report classifies the 172 law schools into five categories: Distinguished for the top 14 schools, Strong for the 15-41st ranked schools, Good for the 42-70th ranked schools; Acceptable Plus for the 71-121st ranked schools; and Adequate for the bottom 51 schools. Hofstra Law's new ranking will move us up from the Acceptable Plus category, past the Good category, and into the middle of the Strong category.

Last year Dean Schmertz was notified of our new ranking by a personal letter from Dr. Jack Gourman, the author of the Gourman Report. The dean then informed the law school community of the results for the first time at the spring commencement exercises, to which the news received a rousing ovation. The dean has since commented that the new ranking is, "an important step towards our objective of achieving deserved national recognition for the law school." Within the metropolitan New York area Hofstra law is ranked fourth, with Columbia and NYU in the top 14 and Fordham just one place ahead of us.

While all of the above might seem well and good, an observation is that the actual report raises more questions than it answers. Primary among them are the questions of how the results are compiled, and what the standards are for the five areas of evaluation? (e.g. How important is Placement within the Administration section?) Since the Gourman Report's objectives and criteria are very unclear, the entire results are rendered much less useful than they should be. In a personal meeting with Dr. Gourman in Los Angeles, the headquarters of National Education Standards Inc., vice-dean Douglas was told that the answers to the above questions are "Proprietary" and confidential. Douglas was able to find out that the Gourman Report has 25-30 people around the country who compile information for it, but as to what they look for, this was not divulged. Further, Douglas observed that Dr. Gourman had knowledge of individual professors' performance in class, specific volumes from within the library, and Hofstra Law Review articles. Dr. Gourman hinted that these were factors in the ranking. This indicates that the Gourman Report is based on qualitative information rather than just quantitative numbers. Therefore it appears that the Report looks, at least in part, to the quality of legal education that the students receive, instead of merely looking to numbers and statistics as in the Baron's Report. There are many reasons available for Hofstra Law's improved ranking. The last Gourman Report was conducted during Hofstra's 11th and 12th years of existence, while now we are entering our 15th year. This is relatively young for a law school, and admittedly it takes time to get "established". Further, in the past few years there have

See RANKING, pg. 16

Ron Romps, but Fritz Wins Law School

By Anthony Glancana

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

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

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

When examining some of the broader based demographic categories such as age, income and education, we again find clean sweeps for the president. The president receive at least 56 percent of the vote from every age category, and 60 percent from those 18-24. He received a majority of the vote from people earning $10,000 per year and up, and won a majority of the vote from all people possessing at least a high school diploma.

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

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

Hofstra Law School, this is clearly what Walter Mondale was referring to when he said on election night "In every victory are the seeds of defeat and in every defeat are the seeds of victory." Hofstra Law School was Walter Mondale's greatest victory. The Law School poll conducted during the two weeks before the election show(ed) Walter Mondale the overwhelming choice of law school students. When asked who(m) do you plan to vote for on election day, 76 students said Walter Mondale, while only 27 said President Reagan, nearly a 3 ~o 1 margin. Of Walter Mondale's 76 votes, 53 were cast by males and 23 by females, of the president's 27 votes; 21 were from males and 6 from females . While Walter Mondale's victory is clearly one sided it doesn't appear to be based on anything he did, rather it was based on dislike for the president. When asked why you selected the candidate you did and given the choice(s) because I believe he will make a good president or I can't in good *Conscience* vote for Ronald Reagan/Walter Mondale, of the 76 Mondale votes 56 said it was because they couldn't vote for Ronald Reagan and only 20 said their reason for wanting Mondale was because he would make a good president whereas if we look at the president's 27 votes, 18 said ;they chose the president because he has been a good president and only 9 said they chose the president because they couldn't vote for Walter Mondale. On some specific social issues, when students were asked do you favor the death penalty: Overall 60 students said yes and 40 said No. When the responses are broken down intro gender they reveal 42 males support the death penalty and 31 are opposed and 18 females support the death penalty with only 9 opposed. Of those students who supported Walter Mondale, 34 favored the death penalty with 39 opposed: while Reagan supporters favored the death penalty 26 to 1. When asked the question: On the issue of abortion, are you pro-choice or antiabortion, 89 students answered they were pro-choice with only 13 students stating they were anti-abortion. 27 females stated they were pro-choice while only 2 said they were anti-abortion. Among males the response was 62 pro-choice and 11 anti-abortion. 69 Mondale supporters stated they were pro-choice with only 7 saying they were antiabortion. Reagan supporters also stated they were pro-choice by a 20 to 6 margin. When asked the question: Do you support the nuclear freeze resolution, 67 students said yes and 33 said no. Females supported the resolution by an overwhelming 24 to 5 margin. Males were slightly less supportive, with 43 supporting and 28 not supporting. Of students voting for Mondale 56 supported the resolution and 18 opposed it. Among Reagan voters the freeze was op posed by a 15 to 11 margin. Lastly, when students were asked to rate themselves on a scale of 1-10, with 1 being very liberal and 10 being very conservative, we find that the average Hofstra student is about a 4.8. The average male & female Mondale supporters are a 3.9 and a 4.8 respectively. While the average male and female Reagan supports are a 6.9 and a 5.8 respectively.

Gorbachev, Soviet Foreign policy and Idea and Ideology

by Dennis Warren

On March 10, 1985, in what has perhaps become a much too familiar occurrence in the Soviet Union, the political guard changed once more. This time, a relatively young Mikhail Gorbachev, 54, arrived at the helm.

The elevation of Gorbachev to the number one post has prompted statements of less than guarded optimism among Western analysts and the press. Underlying reports of the advent of Gorbachev has been the suggestion that his era will likely alter Moscow's mood and political direction. Desirable though this may be for the West, such optimism is, at best, premature.

In fact, any analysis which concludes, or even suggests that radical or moderate changes would accompany Gorbachev's rise to power, reflects abysmal ignorance of the mechanics of the Soviet political machinery.

Unlike Western Democracies, where state power and policies invariably become personalized by the character (or lack thereof) of the leader; in the Soviet Union, the leader is merely a passenger in a sailing ship. So, despite Gorbachev's charisma, his suave and debonair manner, he will undoubtedly have to toe the party line, just like any other member of the party hierarchy.

Thus, we hear about Reaganomics, but it is quite unlikely that we will ever hear about Gorbachevism or any other such personopolitical doctrine. Gorbachev is hardpressed to singularly alter the flow of Soviet politics—and for good reasons. Why change a program that works?

On its face, the above may appear absurd. But an objective analysis of the history of Soviet foreign policy, for instance, may give some credence to the assertion that this policy pays political dividends to the Soviet state. Generally, foreign policy impinges directly and radically on self-interest. It seeks to achieve the goals of a particular state or to protect strategic and material ' interests. Soviet foreign policy has succeeded as far as serving the interests of the Soviet state is concerned.

Following the October revolution in 1917, there was no other socialist state in the world. Today, 68 years later, more than half of the world's territory is governed under some form of socialist or communist system—all tied in varying degrees to the mother of the revolution—the USSR.

From the Western standpoint, it is vigorously argued that the tactics used by the Soviets to spread their influence are questionable, and depend on the use of violence and warfare.

This may be absolutely true, but herein lies the strength of Soviet foreign policy—its ability to rationalize its actions within an ideological framework. The underlying postulates of the dialectical approach [the approach scrupulously adhered to by the USSR, openly advocates revolution and violence to overcome the "oppression of capitalism and imperialism." So, nowhere in the Soviet manifesto has the USSR promised not to use force in defense of or perpetuation of the socialist revolution.

Juxtaposed with Soviet policy, the inherent disadvantage of U.S. foreign policy becomes more apparent. Many times the U.S. is caught in a contradiction with regards to its foreign policy, one occasioned by the diverse interests which go into formulating that policy per se. In simpler terms, the U.S. oftentimes does not speak with one voice; nor does it act consistently with its stated international goals. Thus we have found that many times the government disagrees with support to fascist regimes, yet these regimes are still supported by multinationals which seem able to defy the government with impunity. Nothing seems wrong with this on the surface, but when contrasted to what the U.S. stands for, in the eyes of the Third World and the West, these contradictions do indeed hurt U.S. credibility more than further it.

After all, the U.S. is the leader of the free world, which by example shows others what democracy and freedom should be all about. It is the purported moral antithesis to Communism. But in the past, much of this image has been tarnished in the eyes of Third World spectators, especially when the U.S. supports the South African regime, the Contras or other despots insensitive to the rudiments of human rights in their respective states.

But the Soviets are often protected from criticisms of this kind, because of the ideological components of its foreign policy. People tend to say, "That's what Soviet power is all about—revolution." Ironically, the Soviet Union in most major struggles throughout the Third World seems to have the uncanny ability to pick the "right side."

Thus, the ideological factors present in the Soviet policy have enabled the Union to spread its influence globally, a situation which Gorbachev certainly won't want to change . His recent willingness to meet with Reagan, and to discuss peace initiatives, has been cited by some as an indication of a possible shift. But this is not new. In fact, the Soviets have continually called for peace under the slogan of peaceful co-existence. This is but part of Lenin's grand strategy for the defeat of imperialism—to avoid direct confrontation with the U.S. while escalating the revolution in the developing countries for independence and economic development. It seems unlikely that Gorbachev will shelve the ideological underpinnings of Soviet international relations without compelling cause, just as it is unlikely he will withdraw troops from Afghanistan. And whereas to the people of the United States, Soviet political style may be repugnant, it is naive to assume that everyone in the world bears this same perception of the Soviet system. There are many in Third World countries that have embraced the philosophy and strategy of the USSR, and there are some who are neutral, watching to see which superpower is the right one to align themselves with. It is to these that the U.S. must appeal. But this appeal cannot be barren words or glib rhetoric, it must be based on concrete action consistent with the U.S.'s ideal of freedom and justice. The U.S., in order to persuade the skeptics, must begin to cease the support of the fascistic regimes in Latin America and other parts of the world. Sovereignty and independence must be respected; international law and order must be respected by the U.S. Indeed, this is a tough road to travel, but the rewards at the end of the journey may give rise to a stronger, more meaningful U.S. foreign policy.

The Deadline for the November Issue of *Conscience* is Friday, October 22 at 5 p.m. Any submissions should be left in the *Conscience* mailbox in the Registrar's office, or alternate arrangements should be made with the appropriate section editor.

High Ranking Poses More Questions Than It Answers

RANKING, From pg. 14

been many changes within the law school including the following: a new dean being selected; new professors being hired; a new journal being started: and a constantly improving entering class. It is the opinion of vice-dean Douglas, among others, that our new ranking is a result "not so much of us getting better, bu rather of other people realizing our worth". The Gourman Report is an independent report, but they do accept information from the individual law schools. Hofstra Law, as does most every law school, regularly sends information to Dr. Gourman in the hope that it will improve our ranking. From the results of the newest report it appears that our lobbying efforts have been effective. While this lobbying could be looked at as a subterfuge to an objective report and ranking, it should be realized for what it is: a necessary vehicle for Hofstra Law getting its views and scholastic abilities across to others. What should be realized is that all law schools want to get the best possible Gourman ranking that they can, and that they all have the ability to send as much information as they want to Dr. Gourman. Because most law schools lobby to Dr. Gourman, this very much neutralizes the effect that lobbying can have on improving a school's ranking. Therefore, Hofstra Law's improved ranking should not be discounted on the basis of our lobbying efforts. There is a statistical curiosity within the Gourman Report that should not be ignored. The Report gives a score of between 2.00-5.00 to every school for each of five different areas of evaluation (Administration, Curriculum, etc...), but in no situation does any school ever do better than one ranked above it in even one of the five areas. For example the 35th ranked school never receives a better score than the 34th ranked school in even one area of evaluation. This result holds true for the entire Gourman Report. It doesn't take a genius to realize that this statistical result is suspicious. One would expect that a law school would have certain strengths and weakness and that their cumulative ranking would not hold true for each of the individual areas of evaluation. An inescapable conclusion therefore, is that the scores from these individual areas of evaluation should not be taken too seriously. This does not necessarily mean that the cumulative ranking is incorrect, but rather that it should not be accepted without question. Whether the rankings are accurate or not is subject to dispute, but the bottom line is still: What impact will the new ranking have upon Hofstra Law and its students? There is a very good chance that the effect will be quite dramatic. The Gourman Report is well respected around the country by academicians, the legal community, and students in general. By leaping 70 places in a single period, and being ranked #28 in the nation, Hofstra Law's drive for national recognition will be greatly aided. On the immediate horizon the new ranking should make for a more positive atmosphere within the school. The student body has been hearing the administration use the term "National law school' for so long, without seeing any proof of its benefits, that the term had begun to have a negative connotation. Now the fact that a respected authority from not just outside of the school, but from outside of the state, has seen fit to regard Hofstra Law so highly should be (some) proof that the administration is heading in the right direction. But a note of caution is required here: It is still unclear how quickly Placement's effectiveness will improve, since change in this area can often be sluggish. For next fall, the higher ranking should mean that there will be an immediate improvement in the already high quality of incoming students. Because better students generally make for an even better school. the higher ranking could lead to a self-fulfilling prophecy. Stated Vice-Dean Douglas, "This new ranking could mean a Coming of Age for Hofstra Law".

1985-1986

Hofstra Law Review Among Top 10 Cited Journals

In a recent study conducted by Richard A. Mann, Professor of Legal Studies at the University of North Carolina at Chapel Hill the Hofstra Law Review was ranked in the top 10 most often cited Law Reviews. In his study entitled The Use of Legal Periodicals by Courts and Journals, "Professor Mann attempted "to measure the relative impact of legal periodicals upon policy makers (judges) as well as upon academics and practitioners by examining citations in both judicial decisions and law journals." Using a base year (1978-79) and a control group of 161 periodicals, a list was compiled, ranking each as to the relative frequency with which they were cited in various journals and courts. The author noted that a different sample year may have produced different results.

Hofstra was one of nine journals consistently included in the "high impact group" for the four main categories looked at. A "high impact group" was defined as those journals accounting for approximately 50% of the citations in that category. The categories were journal citations, journal citations per 1,000 pages, judicial citations and judicial citations per 1,000 pages. The nine 'accounted for 26.4% of all judicial citations, and 26.7% of all citations." The study concluded that less than 15% of the 161 journals generated over 50% of the total citation by the journals and courts. "Even more impressively, the nine journals appearing in all four high impact groups produced over 26% of all citations while comprising less than six percent of the journal population."

It appears that Hofstra Law Review is keeping company with the finest. Alphabetically, the nine highly cited journals are: University of Chicago Law Review, Columbia Law Review, Georgetown Law Journal, Harvard Law Review, Hastings Law Journal, Hofstra Law Review Judicature, Virginia Law Review, Yale Law Journal

The students of Hofstra Law School should be proud of such an accomplishment. Both Hofstra and The Law Review are examples of the unlimited growth and impact we may all experience in the legal community.

Iran: Seven Years Under Government of God

by Dennis Warren

The recent hijacking of the Italian Cruise Ship Achille Lauro by four Palestinian extremists, and the subsequent killing of American tourist Leon Klinghoffer, makes one thing unequivocally clear: International "Terrorism" has become a contemporary fact of life.

Regardless of our feelings of anger, frustration, or moral outrage, at being repeatedly subjected to these apparently senseless and increasingly violent acts by so called terrorists, the specter of "Terrorism" is not going to vanish at our whims and fancy —and may well remain to haunt us in the foreseeable future.

To understand the above assertion, it becomes necessary to look beyond the mental cloak of conditioning imposed upon us by mass media in its interpretation and definition of "Terrorism." The word has been used by the media in such a sensational way, so as to elicit a Pavlovian response of anger and hostility upon its mention.

"Terrorism" has become an emotionally loaded word, which, when mentioned, leads the discerning party to discard rational reasoning. The perceiver seldom seeks to analyze the objective merits or merits of the particular political situation, but often rush to a conditioned judgment—that may not, in all cases be justified.

The fact is that there are many kinds of "Terrorists," and many forms "Terrorism" can assume. There is Domestic Criminal "Terrorism," and International "Terrorism." It is by no means a homogenous entity, and the methods and motivations of "Terrorists" differ as does night from day.

Thus, when we hear of an act of "Terrorism" it becomes necessary to look beyond the general use of the word, for not all "Terrorists" are merely out for a joy ride. Many such groups have definite political objectives which they feel compels them to commit desperate acts. This will not necessarily lead us to condone or accept these acts, but neither should we discard without contemplation. We need to try to understand the "Terroristic" motivation; and therefore, why it has become a stern fact of life.

Like freedom, or happiness, "Terrorism" is relative, depending on who is it's object; or upon which end of the experience a person resides. Radical elements who strike at Americans in various parts of the world, invariably do so, not merely because they despise Americans, but perhaps from a greater political motivation.

Most international "Terrorists" are Nationalists, motivated by strong nationalist feelings. Such groups are usually engaged in a struggle for political power; to win state control from who they perceive to be a neocolonizer, or imperialist power—whether to the left or right of the ideological spectrum. They therefore earn the "Terrorist" label, based on who they defend and who they fight against.

For instance the militant Sikhs, in their quest for a separate nation-state from India, are regarded as "Terrorists" by the Ghandi Administration, based on their methods of furthering their nationalistic objective. So too are the Palestinians, by Israel; and the members of the growing NPA in the Philippines, by Marcos. But to the Sikh Nationals, the Palestinian people, the majority of Filipinos, the "Terrorists" are heroes.

In Latin America, there is a different perception of what constitutes "Terrorism" by many of the same nations who, as targets, deplore and vociferously condemn the scourge of "Terrorism." So, the contras in Nicaragua, are regarded by the U.S. Government as "Liberators"- and consequently their "Terrorist" tactics are oftentimes conveniently overlooked.

Another dimension to the same problem is that when ruling governments conduct acts of terror, such as dictatorships in El Salvador, Guatemala, or Haiti; though harsh and sadistic, these acts are not deemed to be "Terrorism" by the U.S. and the Eastern Allies, but rather as the necessary means to maintain state control:

The definition, therefore, depends not on some objective standard surrounding the nature and violent character of methods used, but rather on political alliances within the real world. "Terrorism" is constantly being defined and redefined based on who is the target state, and more importantly, the "Terrorist's" stance within the broader struggle for political hegemony among the superpowers of the world.

Until recently, it was largely felt that Americans were the sole objects of "Terrorist" attacks, but recent events in which four Soviets Diplomats were kidnapped, and one summarily executed, by the Islamic Liberation Organization, in Lebanon; indicates the complex and unpredictable nature of terrorism. It demonstrates also that nationalism runs deeper than ideology.

The problem is how to deal with international "Terrorism?"

If we fall for the adrenaline-loaded mass media usage of the word, we may be satisfied that the recent interception of the Egyptian airliner by the U.S., is a meaningful approach to solving the problem. Undoubtedly, this occurrence give most Americans a sense of fulfillment, a feeling of "Getting even" at last. But this euphoria will serve the administration's immediate political image much more than it will effectively stem violent attacks upon Americans and other civilians who travel in today's volatile world.

If, on the other hand, we take the reasoned approach to the phenomenon of "Terrorism" it will immediately be appreciated that the problem is inherently more difficult than apprehending a few "Terrorists."

Should the four Palestinians be tried and, for arguments sake, executed, there will be hundreds to take their place, motivated by the same nationalistic or religious fervor, and perhaps determined to adopt more desperate tactics to achieve their avowed strategy.

The only solution, it appears to this writer, can be one of negotiations—an approach the Reagan Administration does not favor. Negotiation doesn't necessarily mean, however, that one has to negotiate with every "Terrorist" group, but rather seek selected groups with credible leaders, and organizations which may genuinely have the majority support of the people within a particular country. The blanket refusal to

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One Nation's Terrorist is Another's Freedom Fighter

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The Government of Religion

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1986-1987

The People of New York v. Bernhard Geotz

by Steve Filipek

On December 22, 1984, Bernhard Geotz shot four black males on a subway car in New York City. He evaded police and fled the state. Calls of support for the subway vigilante flooded the N.Y.P.D. hotline number as media coverage of the shooting expanded. Barry Slotnick volunteered to. represent the then unknown fugitive while Mayor Koch, who at first criticized the vigilante's actions, softened his view on the matter.

Several days later Geotz surrendered to New Hampshire authorities. Local police obtained a confession on audio tape. The Assistant District Attorney for Manhattan went to New Hampshire and obtained another confession on video tape. Geotz waived extradition hearings and was greeted in New York as a hero by crowds and the media.

During the first grand jury hearing, the District Attorney refused to grant immunity to any of the black youths in exchange for testimony. Consequently, Geotz was indicted only on charges of illegal possession of a gun and not indicted for any of the shootings. There was outrage in some communities, none in others.

Shortly afterward, statements made by Geotz in New Hampshire came to light. In reference to the four victims he said "I wanted to gouge their eyes out" and "I wish I had more bullets." Geotz had also admitted that he "looked for blood" on the youths after shooting them. With the words "You don't look so bad" Geotz pumped another bullet into the prone Darryl Cabey, severing his spine.

Randolph Scott McLaughlin, Associate Director of the Center for Constitutional Rights, recounted these facts of the Geotz case in the first of six Public Forum lectures ,to be held at Hofstra Law School. Mr. McLaughlin is representing Darryl Cabey in a 50 million dollar civil suit pending the outcome of the criminal trial. Cabey is paralyzed as a result of the incident and remains in a coma to this day.

Mr. McLaughlin went on to say, that, after Geotz' comments and further facts were publicized, both the New York Times and the Daily News called for a re-presentment of the case. This time two of the youths were granted immunity from prosecution and Geotz was indicted by the second Grand Jury on four counts of attempted murder and one count of reckless endangerment. The reckless endangerment charge stems from the fact that he fired a gun on a moving subway train.

Interesting issues raised by Mr. McLaughlin included whether or not the mere brandishing of the gun would've been enough to scare the youths away, whether

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Kahane Lecture Sparks Controversy

by Ron Klempner

It was business as usual for Rabbi Meir Kahane, whose lecture at the Law School last Monday sparked spirited audience reaction, harsh denouncement of the group that invited him, and a great deal about the plight of the Jewish people and the state of Israel.

The Jewish Law Students Association sponsored the visit by Kahane, who organized the militant Jewish Defense League 18 years ago and now is the most controversial member of Israeli parliament, the Knesset. Kahane, speaking on "Theocracy Under Israeli and International Law," delivered the same provocative message that has caused his arrest more than a dozen times and that has forced Israeli television and radio to ban him from the airwaves.

"I want the Arabs out," Kahane said. "I wish the Arabs well - may they live well and prosper in their 22 countries. Jews have only one country, and I'm not about to lose it."

Declaring that Israel must be "a Jewish state, not a state of Jews," Kahane proposed a transfer of populations between Israel and the Arab countries. Kahane's main concern is an Arab population growth that threatens the Jews' majority status.

"The Arabs are not going away," Kahane said. "They're having babies. I'm not prepared to see my state go under either through Arab bullets or Arab babies. After 2000 years of being a minority, after crusades, inquisitions and Auschwitz's, we turn and say 'no more.' "

Kahane's party, Kach, has gained sizable support in Israel. According to published reports, if a vote was taken today for Prime Minister, Kahane would receive 10% of the vote, making his party the third largest in Israel. Kahane condemned current Jewish leaders as hypocrites, claiming they cling to Zionist values while idly watching the Arab problem escalate.

"The Jewish leaders won't debate me," Kahane said, "because they can't answer one question: Do the Arabs have a right to sit quietly and have enough babies to have majority and vote Israel out of existence as a Jewish state? If they say yes, they're anti Zionists. If they say no, they're Meir Kahane."

Kahane also expressed discontent with the behavior of Jewish people in America. Not only are more Jews leaving Israel than are coming in, Kahane said, but Jewish people here are fighting for every other cause but their own.

"The same liberal Jews who understand violence done on behalf of South Africa or on behalf of [Nelson] Mandela are not doing anything for Jews," Kahane said. "The violence in Cuba, Honduras, El Salvador they call those people freedom fighters. Liberal Jews can stand up for others, but let them stand up for their own first."

Kahane induced a mixed reaction from the capacity audience in the Moot Court Room. Although he was faced with mostly hostile questions, the audience supported Kahane in various alterations.

Kahane scolded a black man who had asked for clarification of a Kahane reference to Nigeria, when the man called Kahane a racist.

"Don't throw words around," Kahane said. "A racist is against someone because of his race. I'm talking about a religious difference - Jew and not Jew. The same Arab who would convert to Judaism tomorrow is as good a Jew as I am."

In asking how Kahane planned to expel the Arabs, law student Mitchell Ellman sarcastically suggested "weekend bus trips."

"Do you think I'm playing a game?" Kahane responded. "I'm talking about people's lives. And don't worry about how the Arabs will get out. As soon as word comes over the radio that Kahane has been elected Prime Minister, you won't have any problem asking them to leave."

Kahane engaged in a spirited colloquy with Professor Doug Colbert, who insisted on prefacing his question with an introduction. "Ask the question," Kahane repeatedly shouted. When Colbert asked if Kahane was proposing an apartheid state for Israel, Kahane, calling Colbert an "extremist," answered with a question: "Would Theordore Herzl [the founder of Zionism] feel the same way?" The Jewish Law Students Association sponsored Kahane's visit, and before the lecture, the group's president Abe Rychik disclaimed any association with Kahane. Kahane, in turn, disclaimed any association with the ULSA. Others, though, didn't find the issue of endorsements or disclaimers very funny. "I am offended by the auspices under which [Kahane] came," said Professor Burton Agata. "When they invite him, it suggests endorsement of his views." Rychik said that Professor Agata's comment was "misinformed." According to Rychik, the group invited Kahane, a graduate of New York University Law School, in order to gain notoriety for the JLSA and to present an interesting view on Jewish issues. "[Kahane] is a very influential leader who is gaining sizable support in Israel," Rychik said. "You don't often get a chance to have someone of that prestige in the Law School " Rychik said that the group informed the Dean's office and the faculty in advance. Only Professor Monroe Freedman responded, mentioning to the JLSA and to Hofstra's Director of Safety that he would demonstrate outside the lecture. Professor Freedman did not attend or demonstrate at the lecture. Vice Dean John Gregory said the administration took no formal position on Kahane's visit. Dean Gregory added, however, that he was personally offended by the invitation, which he called "insulting, obnoxious and insensitive." Neither Professor Agata nor Dean Gregory attended the lecture.

EDITORIAL

The other day, as I was sitting in the law library lounge surrounded by garbage, I became aware of some noise pollution drifting towards me from a nearby couch. A worldly 2nd year student was explaining the tricks of the law school trade to 2 first years, who were eagerly taking in as much advice and information as they could.

"Listen," she said. "No matter how much studying you do, the final exams will blow you out of the water. It took me an hour and a half just to figure out what the first question on the Civ. Pro. exam 'was asking."

"They'll call on you in class and make you look like a moron."

The more I heard, the more disgusted and angrier I got, especially when the 2nd year started telling the neophytes how this professor did X and that professor was well know for doing Y—things she could not possibly have had first hand knowledge of because the professors she mentioned had not taught any first year courses the year before.

As I watched the two first years' faces drop, I had to walk away. I'm thankful that when I was a first year student, I was lucky enough to have 2nd and 3rd year friends who gave me sane advice.

It makes me angry when I hear upper class students telling discouraging tales of woe to inexperienced first year students. First of all, law school exams can't be that complex and insurmountable. Our student body is living proof of this- almost all of us are still here. True, law school isn't for everyone, but the old "Look to your left, look to your right" threat typically given at orientation is hardly accurate. If students were less concerned with how much better or worse everyone else was doing and, instead relaxed and offered help and support to each other, they'd see that things are not so bad. We're either all on the Love Boat or all on the Titanic. It's just the way you look at things.

There is a phrase to describe students who go off to school and totally immerse themselves in their studies to the exclusion of all else. It's called "going native" (and I don't mean to the Hawaiian party) . You can spot law school "natives" a mile away. They live in the library, they read law review articles for fun and they talk to professors they don't know. What kind of perspective on law school do they have? None. They live the law. This may not be a bad thing if you have no personal family or social life. The point is, we all have responsibilities to ourselves and to other people, both outside and within the law school.

So, when you're in the depths of despair because you don't understand Civ. Pro., or perhaps you may think the professor made you look stupid in class, or whatever.... Just chill out, because it's not so bad, it's not incredibly complex, time flies.... Take time to take care of yourself and have some fun. Perhaps you'd like to work for *Conscience*?

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Geotz had in fact been "looking for trouble" and whether or not Geotz can receive a fair trial in New York City. However, civil rights issues were barely touched on and it was not explained just what the 50 million dollar lawsuit was supposed to accomplish. In any event, the 82 people in attendance were treated to an eloquent speaker who made the hour fly by.

Professor Doug Colbert, moderator of the lectures, said that "the idea for the Public Forum came from a student desire to hear public interest lawyers speak on current issues." It seems the idea gained momentum last year when various student groups including the Black Law Students Association, the National Lawyers Guild, the Women's Law Center and the Environmental Law Society worked together to bring it about. It was Professor Colbert's feeling that students benefit from meeting and listening to lawyers who actually do the "nitty-gritty" work.' While most of the guest speakers are not media personalities, they are all expert in their area and well-known in the legal community. Professor Colbert stated that the speakers have volunteered their time to come here because they feel it is important to be available to students.

The forum is designed to promote serious and intellectual discussion about current issues of student interest. Topics were chosen by students and anyone with a suggestion should see either Professor Colbert or contact any of the organizations sponsoring the lectures.

1987-1988

Black Monday Hits the StockMarket

by Debra Genetin

Crash! Panic, Meltdown, Plunge, Collapse, Economic Heart Attack, Black Monday. Whatever you call it, the events that occurred on October 19,1987 have left confusion in the minds of many. How did it happen? Why? Was there any warning? And what will it mean to us as individuals, or as future lawyers? And what will it mean for society in general? Many of us in law school lead a very insulated existence, filled with classes, research and studying, communicating mainly with other law students. So who has time to try and make sense of what's been happening with the stock market during the past month? Well, there are hundreds of stock analysts and economists out there attempting to do it for us. Maybe we can make sense out of the various theories and predictions.

First, what is the Dow Jones industrial average? It's an index of 30 publicly traded blue chip stocks, used as an indicator of the general health and well-being of the stock market. On Oct. 19th, the Dow fell 508 points, losing 22.6 percent of its value and causing panic among investors and brokerage houses alike. Some began predicting depression and many envision a recession at the very least. But, President Reagan declares "the economic fundamentals in this country remain sound." Comforting, isn't it? So, why the dire predictions? Possibly because during the worst crash in history, in 1929, the market lost only 12.8 percent of its total value — only about half as much as it just had.

Where did all the money go? About $500 billion was lost that Monday and $1 trillion since the market's peak. Physically, these dollars did not exist as real money. Rather, they existed as unrealized gain. Deprived of the prospect of one day cashing in on those gains is where the loss figures come from.

What went wrong and why? It is important to mention at this point that for the past five years the market had been moving steadily up toward its peak on August 25,1987, creating hundreds of jobs in New York, fattening paychecks and tax payments, and driving up the value of housing. It seemed too good to be true. And it was. Because that's when the market began it's descent. With everyone on such a high, nobody seemed to notice this gradual slippage. Even when, on Oct. 14th, the market dropped 93 points and then another 108 points two days later, many attributed it to a normal correction in a "bull market." (a bull market concerns increasing stocks, while a bear market signifies declining stocks). Thus begins the

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"inevitable correction" theory. Simply stated, the market had been rising too quickly and too high. This, coupled with overspeculation and an "I'll sell when prices begin to drop" mentality, forced stock prices down to where they should have been at this time. Unfortunately, a bit too quickly for investor's peace of mind. Future predictions hope the market will now stabilize at a lower level and all will be well. Realistic? Probably not. More likely, the market's dramatic decline was caused by a combination of economic and political doubts. First, the 235 point loss of the week before, followed by threats from treasury secretary Baker to drop the value of the dollar in a spiteful gesture; rising interest rates; a breakdown of international cooperation on economic problems and uncertainty in the. Persian Gulf. Finally, serious doubt as to the capability of an Administration being weakened by the Iran-contra affair, failing Bork nomination, Mrs. Reagan's cancer surgery and, of course, the ever increasing national deficit. With all this out of control and no solution in sight, investors began dumping stocks. Seems logical, doesn't it?

What about the now infamous "program trades"? Although this might not have been the cause of the market decline, the debate over whether this worsened the catastrophe still rages. Program trading exists where computers enable the user to execute trades of huge blocks of stock, instantaneously. It all works on the concept of "futures": the option to buy (or sell) a particular stock, on a later date, at a price fixed now. Sort of like gambling. It costs a certain amount to make a bet on what the actual cash price will be later. If you win, you profit. If you lose, all it cost was the price of the stock. When the computer sees a larger than normal gap, it orders a trade. Now imagine the frenzy created when prices began to fall and futures fell behind. Computers started selling like crazy to cut their losses, magnifying the market swings and driving prices down even further. Unquestionably, computers play an important role in the stock market these days. Left alone, they may have helped accelerate the market slide, but as for responsibility, the burden must fall on human beings.

What do we do now? At last glance, the market swings were ranging anywhere from O to 60 points in one day. Even if prices do stabilize soon, the fear aroused in those who buy and sell stocks has left them very wary. The most cautious sold quickly and took their remaining dollars elsewhere. Many investors sought money-market mutual funds, government insured bonds and CD's. If you have available cash, you may be wondering whether it's time to buy stock while the price is low. Not yet. History tells us that another decline is possible, creating greater opportunity for bargains. If you do buy during a depressed market, plan to hang on to the investment for at least two to four years and possibly as long as 10-15 before realizing any significant gain. If you haven't sold your stock yet and you don't need immediate cash, hang on if you can. Stocks should be sold when the market rises in a buying frenzy, not after a crash. It's impractical to bail out at the bottom.

Should we expect a return of the Great Depression? Probably not. After the '29 crash, people ran from the independent banks, causing the system to collapse from an inability to pay on demand. Today, the banking system}n is much more sound. Because of federal deposit insurance, banks are among the safest havens around. The Federal Reserve Board seems to have learned from its mistakes. This time, instead of letting the U.S. money supply shrink, the very next day the Federal Reserve announced that it "would make as much money available as might be needed by the banks." Once this money became available, the prime rate (the interest rate major U.S. banks charge their corporate customers) began to drop. A situation such as the '29 depression now seems implausible.

Are we headed for a recession? The opinions are split about evenly, be the prevailing view predicts at least an economic slowdown. Essentially, because of lost money in the stock market, consumers probably won't go out and make any significantly large purchases. This falloff creates less demand for certain items. As a result, salespeople lose their jobs. In addition, retailers may withhold orders because of fewer sales, forcing manufacturers to close down their plants, thereby, causing more unemployment. Now there's even less money in the system. It works as a downward spiral resulting in economic stagnation. Of course, this is a highly simplified model and nothing is inevitable. Proper government intervention, greater consumer awareness and spending, and a positive outlook will help. The actions by the Federal Reserve and the recent decrease in the deficit are both excellent indicators.

So who is going to be hurt? An immediate impact will be felt by retailers of so called "yuppie" items like furs, boats, expensive N.Y. restaurants and other high priced luxuries including BMWs and Porshces. The real estate market may also be hard hit. Many investors were relying on, their stock portfolios to come up with down payments on homes or even as collateral for loans. The uncertainty is causing prospective buyers to back out of deals or put their plans on hold. Many predict a deadline in real estate value as fewer people look for new homes. Right now, buyers are hoping prices will go down and sellers are reluctant to lower prices. Only time will tell. Finally, Universities and Charities owning stock may also suffer because of the market slide, as may the Elderly who could not resist the urge to risk their nest eggs in the stock market.

What does all this mean to us as future lawyers? Well, there seems to be a new interest in bankruptcy classes this semester. But seriously, lawyers will be called upon now more than ever to be proficient in areas such as investment banking and SEC litigation, corporate takeovers, mergers and acquisitions and white collar defense. Also, most lawyers insist they're insulated from the market swings, and that only very extreme situations would cause them to cut the numbers of associates they hire. A very bright outlook, to be sure, but I wonder how the wall street firms can continue expanding at the same fast pace experienced during the five year market boom. Fundamentally, the stock market crash will affect us all at some point, be it at home, at school, as consumers or as lawyers. Ignoring the issues only worsens the problem. The risk to the average business or individual is too great to be unacquainted with.

EDITORIAL

The Bork Battle

As this article is being written and even upon publication, confirmation hearings are being watched by many. While. debating about Robert Bork, many people simply label him as a good guy or bad guy. Similarly, this was the case when people watched Oliver North and Company several weeks ago.

However, the real issue here should be whether Robert Bork is a qualified justice for the Supreme Court; though "qualified" seems to have taken on two different meanings depending on which senator one asks.

For example, Senator Biden who opposes Bork seems to be most interested in how Bork perceives issues. His concern, which is shared by other senators, focuses on the outcome of issues such as abortion, free speech, religion, and affirmative action. The fear is that the Supreme Court's ideological beliefs will become predominantly conservative which has not been the case since the 1930's. Thus many anti-Borkians would argue that the progress that the Supreme Court has made in assuring individuals' civil liberties will be disrupted by Bork.

However, Bork's intentions are not to "set back" the nation. Bork simply believes in judicial restraint whereby if the Constitution does not specifically address an issue, the legislature should decide the law. After all, the legislature is elected by the people and represent what the people want. Judges own values should be irrelevant.

Pro-Borkians would define "qualified" based upon Bork's experience as a prestigious federal appeals judge and a brilliant legal theorist. They would argue that Bork should not be deemed unqualified because he narrowly reads the Constitution. The question becomes whether Bork should be found unqualified because he only considers freedoms explicitly contained in the clauses of the Constitution and the Bill of Rights? Since many find it necessary to consider the impact of his narrow readings, lets examine an issue.

Most fellow students appropriately feel threatened by Bork's stance on abortion. They seem to believe Bork is against abortion or fear that ones freedom to have an abortion would be in serious jeopardy if Bork is confirmed. Bork does not claim to have a stance on abortion. Rather, he concludes from his vast constitutional readings that there is no guaranteed constitutional right to privacy. Unless states regulate or ban abortion, abortion is legal according to Bork. Roe V. Wade offers women the absolute right to have an abortion because to interfere with her rights to privacy would be unconstitutional. Bork believes that the justices in Roe acted unconstitutionally by extending the Supreme Court's jurisdiction, Thus, the decision was a "usurpation of state legislative authority." William Rehnquist and Byron White are opposed to Roe V. Wade. Antonin Scalia is presumed to agree with Bork. If this is the case and Bork is confirmed, Sandra Day O'Connor would probably be casting the deciding vote on the abortion issue. Many senators are interested in how all the justices will vote on issues. From watching these confirmation hearings, it appears that Bork's confirmation will not be decided by his philosophy of constitutional interpretation. Rather, many senators are more interested in his substantive positions on how he will vote - the bottom line. Other senators even go so far as trying to depict Bork as a bad guy. Those of you who are watching the hearings may remember unrelenting questions which criticized Bork for not doing pro-bono work. Because senators are split over the definition of "qualified," the result will be a close vote. The *Conscience* seeks editorials on the Bork battle.

1988-1989

Undergrad Faculty Strike Paralyzes University

by Kathleen Lamb

On August 31, 1988 the Hofstra Chapter of the American Association of University Professors went on strike closing down classrooms on the second day of undergraduate classes. The central issue focused on reducing the teaching course load from four classes to three classes per week. This is equivalent to a reduction of 12 teaching hours to nine hours. Although nine hours sounds relatively small compared to a normal business work week of 40 hours, it should be noted that each hour of teaching requires 1-2 hours of preparation. Moreover, many of the faculty are engaged in research and/or have a rigorous publication schedule. Finally, some of the Hofstra faculty maintain part-time employment elsewhere while also teaching the 12 hour course load. Clearly, all these factors add up to a work week in excess of 40 hours.

Some other issues hotly debated focused on a request by the faculty for a cost-of living increase and better compensation for adjunct faculty as well as summer school teaching.

The strike ended on Thursday, September 8,1988 with a ratification vote by the faculty on a contract proposed by the Administration the previous Monday. Why the three day delay? Apparently, on Thursday, the Administration made it clear that the Monday-proposal was their final offer and, if not accepted, firing of faculty and hiring of replacement teachers would begin. The contract was quickly ratified. The contract gives the faculty a cost-of-living increase as well as reduces the teacher course load. However, the decrease of the course load is applicable to half of the staff, not the entire faculty due to the fact that Hofstra is not considered a research institution.

Now that the strike is over, the faculty essentially seems content with the new proposal. One faculty member told me he was simply happy to be heading back to the classroom.

One has to ask the question: how did the students fair during the strike? While some students were saying "strike for months, I'm heading to the beach", the majority of the students felt they were pawns in a power game and, ultimately, the real losers. Not only were they left high and dry by the faculty on their second day of classes but now have to make-up for the lost time. This is even more frustrating knowing that the contract eventually ratified could have been accepted three days earlier. However, the students did cope better than expected. Buses took many of the thousands of on-campus residents to the beaches, the malls and into the city.

Finally, there are various proposals as to when the make-up classes will be conducted. One proposal is to tag on an extra 5-10 minutes a class for the remainder of the semester. Another is to cut short the vacation time in December and use these days as

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An Inside Look at the World Wrestling Federation

by Kaye Fabe

The music blares, the crowd pops wildly. Louder and louder the noise level increases. The previously unannounced challenger runs through the cheering fans. He arrives at ringside, jumps through the ropes and quickly attacks the champion. An arm whip, a clothesline and an overhead press into a slam, 31 seconds in all and the new champion is crowned.

If you witnessed SUMMER SLAM 88, forever to be known as "Summer Scam -The Battle for Pay-Per-View Bucks" WWF Intercontinental title. It was about time, the Hokey Junk Man actually held the belt the longest. As a champion he was fairly easy to ignore. Wayne Farris is one of the least talented performers to ever receive a major push. However, at least as The Honkey Tonk Man, he does not run out of breath as soon as he reaches the ring. The Anabolic Warrior does. The new champion The Ultimate Steroid Warrior is even less talented than Hokey Junk. In the world of the WWF the titles and pushes are given to whoever can sell the most dolls, t-shirts, bandannas and calendars. This is the main reason why, all of a sudden, a few weeks before the big title match Brutus the Barber Beefcake was sneak attacked by Ron Bass. It seems the WWF can't sell the Beefcake shirts, however, the warrior shirts are hot.

I'm not sure what else can be said about Summer Scam other than it was everything the advertised line-up promised it would be, and less. Certainly this was the most forgettable event in the brief history of Pay-Per-View wrestling. While Wrestlemania was too long, and most of the matches weren't good, it beat this show on 2 accounts. While Jesse Ventura's announcing at Wrestlemania was below par for him, on his worst day, Jesse is still better than Superstar Billy Graham who on his best day is bad, and that was his worst. Wrestlemania also at least had the trappings of a major league event, this was just another MSG card, and a bad one to boot.

The biggest disappointment of the night was Elizabeth and her striptease. The Megapowers promised she would be in a bikini and take off her dress and flash the Megabucks. When she came out wearing a dress, a lot of people were disappointed, however near the end of the match she took off her skirt, but she was wearing a bodysuit. I waited all night for a string bikini, I was ripped off. Personally it was the most tasteless thing in wrestling. It shows little kids, especially girls, that if they want something all they have to do is show some skin. High class prostitution is a wonderful thing to show on a supposed sport.

Other notes:

Curt Hennig is now in the WWF, however he won't be seen on TV. until they can figure out a role for him.

Big John Studd should be back in the WWF soon, however, he was supposed to return in June and still has not arrived.

Brother Love is really Bruce Pritchard. Formerly he was the producer of Prime time wrestling.

Kendall Windaham, Ron Garvin and Tim Horner have all left the NWA.

An interesting look at World Class Championship Wrestling owner and promoter Fritz Von Erich is in the October issue of Penthouse. The article is an expose of the sleazier side of the wrestling world.

As many of you already know, Keith Franks, aka Adrian Adonis, was killed in a van accident in Canada in early August. He was just starting to slim down and beginning to lose the drag queen image when this tragedy happened. Also Frank Goodish, aka Bruiser Brody, was murdered in Puerto Rico. Next month I'll have more on this story.

Finally Paul Orndorff is NOT dead, he just opened his fourth bowling alley in Tampa Florida. According to The St. Petersburg Times, he is very happy with his new business and does not miss wrestling at all. His brother Troy Orndorff is wrestling down south as Shane Douglas.

So long for now.

Democratic Convention

by Andrew Nadler

The Democratic Convention in Atlanta this summer featured a seminar on election law for lawyers. The program was conceived by the Dukakis campaign to tap the special skills which lawyers can contribute to the campaign.

Daniel Taylor, chief council of the Dukakis campaign, is charged with overseeing that the campaign meets all the federal finance election laws. All levels, from expenditures to fundraising, must meet the required federal laws.

A campaign operation has all the corporate and legal problems of a large corporation, according to Taylor.

Four senior lawyers are working full-time at Dukakis' campaign headquarters in Boston to advise on legal questions. They are supplemented with two junior lawyers and a desk of volunteers.

In the general election, each candidate gets $46 million and cannot accept any additional goods or services.

A personal expenditure by an individual is exempted from the $46 million. An individual can spend $1,000 for travel on behalf of the candidate, an unlimited amount on food and lodging and up to $1,000 for parties in their own home.

Corporations and unions are permitted to communicate with their members through phone banks. Their expenditures are not included within the $46 million ceiling.

Exemptions from the spending ceiling are given to the Democratic National Committee, state and local parties. They are allowed to take contributions on behalf of the candidate and spend it on behalf of the candidate to communicate with the public. The party committees cannot turn the money over to the candidates.

An additional $50 million will be spent on behalf of Dukakis, when all the exemptions are added up, above the $46 million federal allotment.

The Dukakis campaign is not interested in having any involvement with corporate or political action committee fundraising of any sort.

Any students or lawyers interested in volunteering locally on the Dukakis election law project can contact:

Lawyers For Fair Play ~88
105 Chauncey Street
Boston, Massachusetts
(617) 451-2480

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make-up time and, yet, another is to simply hold the classes on Saturdays. The first proposal is the most likely to be accepted.

In summary, the strike is over, the faculty have their contract, and the Administration is content. But the side effects will remain visible for the students for at least the fall semester. Let's hope that the next time the faculty contract expires, the parties will discuss their differences instead of holding the students up as hostage.

1989-1990

Wachtler Urges Pro Bono Support

New York's Chief, Judge Sol Wachtler visited Hofstra Law School recently, bringing with him a message about the importance of our country's Bill of Rights and the need for lawyers to help preserve it- for all individuals.

Wachtler told the standing room only Law School audience that his visit to the school coincided with the 200th anniversary of the birth of the Bill of Rights. The Chief Judge praised the fact that public interest lawyers over the past several years have used the Bill of Rights as a tool to "put the imprint of our generation on the wall."

Wachtler said, "we desperately need additional legal services for the poor." He said these legal services should be provided by the Federal Government, but since they're not, "we'll have to take on that burden." But, Wachtler said he isn't sure to what extent those in the legal profession should take on the burden.

Wachtler recently appointed a 22 member commission to develop means of increasing access of the poor to the judicial system. Wachtler said the Marrero Commission, as it's called, is considering urging him to adopt rules compelling attorneys to donate 20 hours a year to advancing the legal needs of the poor.

On the issue of our nation's drug problem, Wachtler said, " (the Federal Courts) don't know from volume like the State Courts do." He criticized the Bush administration for not pushing for a larger budget allocation in the fight against drugs. He said the money set aside by the President is "not enough to effectively fund one District Attorney's office, let alone the entire criminal court system."

Wachtler said, "you're not going to stop the supply (of drugs), so you need to stop the demand." Wachtler said he believes this can only come through increased support for rehabilitation and education programs.

During Sol Wachtler's recent visit to the law school the *Conscience* was able t~ catch up with him for an additional question and answer session:

Conscience: Judge Wachtler, you live in Hofstra's backyard, in Manhasset. Certainly this has given you the opportunity to watch the law school grow. Do you like what you've seen develop over the years?

Wachtler: The law school of course has grown dramatically since I was on the first advisory committee to select a Dean many years ago. The law school has grown in its perspective, in its grasp of the national. . .as opposed to the local. . .law, and with respect to the increased abilities of its student body...I see that almost visually every time I come back here and address the student body. Each time I come back here I see a more interested student, I see a more aware student, and I see an increased and better faculty. *Conscience*: Every institution, no matter how good, has room for improvement. Where do you think Hofstra can do better? Wachtler: No question about it. It's a slow process. A lot depends on availability of resources and a lot depends on the students attracted to Hofstra Law School. And yes it can be improved. And yes it will be improved...if it keeps going at the pace it's going. With Dean Rabinowitz I'm sure the pace will increase even more. Hofstra will be one of the best law schools in the state...in the country...in short order. . .I'm sure. *Conscience*: In the past, your name has come up in conversations about those running for public office...especially who will run for Governor. Do you still entertain thoughts about making a bid for the Governor's office? Wachtler: No. No. . .that left me a long time ago. It's no longer in my blood. After a while the fire in the belly subsides. *Conscience*: Is that because you feel you can be more effective through your current role? Wachtler: Yes I think so. Particularly as is pointed out, that state's are using their own state constitutions to become truly a court of last resort. If a state constitution is used, then there is no appeal. . .not even to the U.S. Supreme Court...unless of course we diminish the rights of an individual. But, enhancing the rights, we become the court of last resort. . .and this is a great challenge.

Environmentalist: Halt Forest Destruction

By Joseph Da Procida and Melissa Saslow

On Monday evening, November 20th, Lou Gold, a nationally recognized ecologist and lecturer, spoke and presented a slide show at Hofstra Law School to an audience of over three hundred people. He spoke on the crucial need to stop the systematic destruction of our nation's ancient forests, which are primarily located in the north western part of the United States.

Gold was sponsored by the Hofstra Environmental Law Society in conjunction with the South Shore Audubon Society. Members of Earth First, St. John's Environmental Law Society and Touro's Public Justice Society were among those who packed room 308.

Detailing the substantive points of Gold's lecture would not do justice to the drama and eloquence of his presentation. However, some of the basic points should be mentioned.

Gold said that the ancient forests are those which existed when the first settlers arrived in America hundreds of years ago. Some of the oldest trees in these forests are as tall as a thirty story building, and are over a 1000 years old.

Gold focused his lecture on the forest in the north western part of the United States. He said that in this area, only ten percent of these forests remain, all of which are on land owned by the United States Government. The other 90 percent was cut down for wood

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products. Gold claimed that the United States Forest service, which has jurisdiction over these forests, is systematically selling the remaining ten percent to the politically powerful timber industry. He said that most of this wood is shipped to Japan, to satisfy its insatiable desire for wood.

Gold also said that far more trees are cut down each year than the ecosystem can handle. For example, in the states of Oregon and Washington last year, 16 billion board feet of public and private timber were hauled out of those states. This cut represents an unbelievable line of log trucks more than 20,000 miles long.

Gold said that he is not against cutting down trees or lumber because he understands that this is a need that society must fulfill. However, he said that the timber industry's needs can be supplied by privately owned forests. Gold claimed that by using the ancient forest as a source of timber, a sensitive and interdependent ecosystem is being disrupted. He explained that each time these trees are cut down, thousands of years of genetic information and diversity stored in the seeds of the forest are destroyed. Not only are the trees gone, but the wildlife and the plants which co-exist with the trees are endangered, if not completely destroyed. For example, said Gold, because of the "clear cutting" of the ancient forest, the white spotted owl, which ecologists look to as an indicator of the health of the forest's ecosystem, is in imminent danger of extinction. He conceded that for every tree cut down, the Forest Service plants many more trees to take its place. However these replacement trees tend to be of only one or two species rather than the diversity of the trees which they replace. Thus, the only function that these new "forests" serve, said Gold, is as an "agricultural crop." Gold said that the logging industry has gained access to these government lands via a strong lobby in congress. Moreover, the industry has successfully lobbied for laws which make their timber contracts practically unreviewable by the courts. Gold urged his audience to write letters to their congresspersons demanding that they support the Native Forest Protection Act of 1990, which would regulate the logging industry's destruction of Government lands. Next semester, the Environmental Law Society will provide interested persons with more information regarding a letter writing campaign. Stay tuned for other society speakers. If you would like to get involved, leave a note in the ELS mail box in room 114.

EDITORIAL

Dean Rabinowitz—Mr. Inside

Stuart Rabinowitz's appointment as Dean of Hofstra Law School represents more than just the culmination of a brilliant educational career that began while many his age (26) were still learning the ropes and were far from teaching them to others. Rabinowitz's choice represents a dramatic about face for the school that for seven years was led by a man who was perceived by many as having an "I could care less" attitude toward anything happening within the confines of the law school itself. Eric Schmertz did wonderful things for Hofstra Law in improving its academic standing, recruiting faculty and securing more endowed chairs. As a result, in academic circles, Hofstra is thought of quite highly. But Schmertz' selling of Hofstra Law came at the cost of alienating the law students who were the product of all his time and effort—the living examples of all Hofstra Law has to offer.

Where have all the alumni gone? Many have grumbled off to work with scarcely a glance back at that school that taught them law. They left with memories of an administration that seemed indifferent to the wants, needs and concerns of the students. Enter Dean Stuart Rabinowitz. While he's not the slick Jaguar driving, corporately connected Schmertz, Rabinowitz exudes a deep and genuine caring about the school, its academic offerings and most importantly its level of student involvement. Perhaps it is at the cost of being so slick, polished and well connected with the corporate legal world that we have been given a dean whose concerns are admittedly academic. Granted it is too early to tell, but at least Rabinowitz has stated a recognizable need for involving the student in the functioning of the school. After all, today's student is tomorrow's alum. And an alum who remembers an open door, a helping hand and an administration that cared and is likely to say far more about what kind of law school Hofstra is than any endowed chair.

1990-1991

The Right to Wage War: Who Decides?

By Scott Stone

If President George Bush would have started the war in the Persian Gulf without seeking authorization from Congress, chaos would have resulted, including the initiating of lawsuits to stop the fighting by soldiers sent over to the Gulf, according to Constitutional Law Professor Leon Friedman.

Speaking to approximately 150 people at a New York Civil Liberties Union-sponsored teach-in on War and the constitution on Jan. 30, Friedman said that without following constitutional steps and obtaining Congressional approval, it would have been impossible for the president to start a war of this magnitude.

"Constitutionally, there must be Congressional approval," he explained. "The founding fathers made it unmistakably clear in the Constitution that it is the responsibility of Congress to move this country from a state of peace to a state of war."

Congress, according to Friedman, in giving Bush authority on Jan. 12 to initiate hostilities as a result of the U.N. Resolution, had to know this authorization was the equivalent of a declaration of war. "In effect, by giving the President the power to attack Iraq when all diplomatic efforts to achieve a solution had failed, Congress gave the President a functional declaration of war."

In addition to gaining Congressional authorization, Friedman noted that Bush also complied with the War Powers Resolution in reporting to Congress within 48 hours after the initiation of hostilities. "Unlike presidents of the last 18 years who have taken the position that this Resolution limiting the president's power as Commander-in-Chief is unconstitutional, Bush did what was required and followed the letter of the War Powers Resolution."

Friedman went on to discuss the restrictions on the media that have been imposed since the beginning of the conflict.

"The restrictions on reporting are greater today in the Gulf than they were in World War II," he explained. "As a result, there is a lawsuit pending, though that will not get very far. In a world of television satellites, where information moves very fast, the argument favoring the restrictions cite a concern for the protection of American lives, which could be endangered if everyone knows about an attack on Iraq 15 minutes after it begins."

Friedman was joined on the panel by lames Weaver, professor of political science at Marymount College in Tarrytown, N.Y., who explained his view that Congress was the inferior branch in the area of foreign affairs and the military. Although the President and Congress are co-equal powers, Weaver explained that the Executive Branch has developed power in foreign affairs over the years more readily than Congress.

"The constitution is vague on this issue," he explained. "Presidential power is broad, and there is nothing in Article II of the constitution that specifies its power. This is unlike Congress, which has more specified powers, such as the power to declare war, impeach the president and delegate money to the armed forces."

Weaver said Congress is passive, readily authorizes money for presidential initiatives and willingly cooperates with the White House. "Congress either does nothing or consents with the president."

Since World War II, he explained, presidential power has been enhanced by the notion that military actions are justified if taken for national security purposes or to protect our property.

"The White House justified the Grenada invasion by the notion that we were protecting American lives and property," he added. "In Panama, the same justification was used, along with the national security importance of protecting the Panama Canal."

Weaver also criticized the War Powers Resolution as being a miserable failure, which as been watered down and ignored by almost every president. "It does not define the president's war powers and is a 90-day blank check for the president to wage war."

Congress, meanwhile, has been passive and has simply favored the President's decisions in foreign affairs, he added.

As a result, in foreign affairs, matters of war and peace have become indistinguishable, he noted.

EDITORIAL

Racism Still Pervades Our Society

By Chris Senior

Six visitors to the city had just wrapped up a day and evening downtown and were looking for the bus that would take them back out to their hotel. After a fruitless half-hour, the group picked one of several stops they had been told was the right one and began to wait.

Within a few minutes a group of ten youths wandered by and began to throw racial comments at the group waiting for the bus. While none of the targets took the bait, the comments continued and got uglier. Full of hate. Full of racial hate.

By the time a cruising police car scared the gang away, one of the group at the bus stop had been kicked. There had been no provocation - no comments or physical actions in response to the racial comments - but the gang had wanted a response. Badly.

While such a scene might be considered unsurprising in New York, this one took place in Minneapolis. The racial comments? Made by blacks to whites.

What made the incident all the more frightening was that none of the members of that hate-filled group could have been much older than 12. Children. And so full of hate.

A second incident the very next morning only reinforced what had happened the night before. On a bus between Minneapolis and St. Paul a young black child, no more than five, was traveling with his mother. A second child, white, and about the same age got on with his mother. The five-year-old already

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LETTERS

Only The Best Will Do

To the Editor;

In the September. issue of the *Conscience*, Professor Monroe Freedman suggested in his article on the Souter nomination that all opposition should cease because the Senate only has veto power and Souter appeared to be the best from the short list. I found the suggestion the choice of a conformist, settling rather than fighting for his ideals.

Whether Souter will be an "honorable" member of the Supreme Court will depend on his upcoming opinions, but to have accepted him simply because he was the best from a political list degrades the value of the position and the United States Constitution.

Justices of the Supreme Court have a very powerful position, making decisions that effect the core of people's lives. We should choose justices extremely carefully, forcing the President to place only the most qualified on the short list. If the President chooses someone we do not feel qualified for the position, we should not accept that choice by saying "oh well, it's the President's decision," but focus our attention on the approval power and reject each and every choice not suitable.

Assuming we want a justice who has some judicial experience, I cannot imagine that with all the courts in this country we cannot find one judge in 1990 qualified for the position.

If we chose Souter because he is the "best person for the job" then we have performed our constitutional duty and right but if we chose him because we accepted the President's decision unquestionably, then we have failed regardless of whether Souter turns out to be a worthy justice.

Sincerely,
Alice P. Jacobson

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on the bus yelled a racial comment at the kid just getting on. He lunged. His mother held him back. The other child, brandishing a "He-Man" sword, was just as ready to fight - he yelled a racial comment right back and pointed his sword. His mother grabbed him before he could hit anyone.

These are children - babies, who have already learned to hate on account of race. And they are not in New York. Nor in Los Angeles. Or even in Birmingham, Alabama. They are in Minneapolis and St. Paul.

I do not know what these incidents portend, other than a very real outpouring of all the prejudices which have supposedly been on the decline for a generation.

I do know that being on the receiving end of racial hatred - I was in that group at the bus stop - was a shock. It becomes easy to believe that racism is a disease which infects whites, not afflicts them. But racism has no color line.

I had never experienced close-up, even to this very limited degree, what so many say they have experienced regularly. I had come to believe that racism was dying, as it should have long ago. That the disease of bigotry was becoming the sole province of the lunatic fringe which has always occupied a place on the American stage.

I was wrong.

1991-1992

Supreme Court's Scalia Visits Campus

By Bradley Siciliano

On Wednesday, October 2, Supreme Court Justice Antonin Scalia visited Hofstra School of Law as the Howard Kaplan Lecturer. The visit marked the first time that a sitting Supreme Court justice has visited the school.

Scalia began his stay with a stroll around the law school accompanied by Dean Rabinowitz. From there, the Justice went to the John Cranford Adams Playhouse where he addressed a capacity audience of students, faculty, administrators, members of the judiciary, and invited guests.

While many had anticipated Scalia would speak on his views of the constitution, he instead opted to discuss a less controversial issue, the use of legislative histories by the judiciary. Scalia contested the views of last year's Kaplan speaker, Judge Abner Mikva, and said that legislative histories should not be taken into account in interpreting laws.

The Justice said that the use of legislative histories was a relatively recent phenomenon, gaining prominence during the Warren court, which ran against the true tradition of statutory interpretation. He quoted Justice Jackson in saying that the court's job was "analysis of the statute" and not psychoanalysis of congress" which leads to the creation of a new statute.

Scalia said that the premise upon which the use of legislative histories is based is wrong. Courts use the histories to give effect to the intent of legislators. Often courts use and members of the faculty. Linda Champlin, a professor of constitutional law, says it is nice that students could see a Supreme Court Justice who talked to them like a person, and not like a lawyer. According to Champlin, Scalia was quite candid about his views on both statutory and constitutional interpretation, which she considered to be a rare treat. Scalia, who graduated from Harvard Law School in a class that included Professor Leon Friedman and former Massachusetts governor and presidential candidate Michael Dukakis, took his seat on the Supreme Court in 1986. During the past five years, observers have noted that Scalia's opinions have adhered strictly to the words of the Constitution. For instance, in the past, the Court has held that the right to "liberty" under the Constitution has been held to include the right to privacy, thereby affording women the right to an abortion. Scalia, however, does not agree with such an interpretation, as the right to privacy is not clearly spelled out in the Constitution. Members of the faculty, as well as the students have expressed their views of the impact of Scalia's visit and also of his decisions. "This is an educational institution and I do not know anyone who doubts that Scalia's views are extremely thought provoking," Constitutional Law Professor Eric Freedman explains. "Almost no one agrees with all of them, but almost everyone can find their thinking sharpened by testing it against Scalia's approaches." Professor Carl Mayer explains that Scalia is a true scholar in the University of Chicago tradition, who is gifted with wit and charm. Incidentally, Mayer is a graduate of the University of Chicago Law School. Mayer noted that Scalia's presentation of his thesis was clear and unified. "For me, however, it was not compelling because everything he said about the meaninglessness of legislative history could be said equally about the judicial canons of statutory construction which are all he has to rely on," Mayer explains. He would add that at least with legislative history, when the judiciary signals to the legislature that the legislative history is important, it forces the legislature to articulate its purposes, and that may be the best we can do." Kevin Johnson, 3L, asserts that Scalia epitomizes the strict construction hegemony of the present Court. "However, I see a strict constructionist court as merely a Nixon-coined euphemism for states' rights, an atavistic philosophy that has given us slavery, segregation, prohibition, denied women the right to vote and prohibited sales of condoms in Connecticut. The list is endless," Johnson-explains. "I am unalterably opposed to this philosophical approach and expect the Court to interpret the Constitution to protect both individuals and minority groups from the tyranny of the majority of the states." Although there were many listeners who attended the lecture who are opposed to Scalia's opinions, at the very least, the reasoning and analysis outlined by Scalia left most of us contemplative.

Student Finds Fault With Confirmation Process

By Douglas Wolfe

On September 9, Anita Hill, a University of Oklahoma law professor, told James Brudney, an aide to Sen. Howard Metzenbaum, of her allegations of sexual harassment. The target of her allegations was Supreme Court justice nominee Clarence Thomas.

On October 15, Thomas was confirmed to the United States Supreme Court by a Senate vote of 52-48. In the 36 days in between these two dates, the tarnishing of some of the most important parts of our government took place, and it was unnecessary.

First of all, I would like to go on record as saying I do not know who was telling the truth and who was not. Like anyone else, I have my own personal opinion, but no one except the few people directly involved will ever really know.

Believe it or not, that is not the issue that concerns me the most. The fact that one third of the American public now has the perception that one of the most important people in the country is a "pervert" is troublesome. This is because of the testimony of one woman and no concrete evidence whatsoever. It is not that there should not have been everything done to find out the truth, but it should have been done in private. The first image that anyone in the United States will ever have of Clarence Thomas, whether you believe he is innocent or guilty, is sitting at that long table, emotionally defending himself.

The real "criminals" in this soap opera are the now well-known senators on the Judiciary Committee. After their original vote was delayed, they decided to re-open the inquiry, holding three days of the most extraordinary hearings in the Committee's history. A lot of free campaigning went on during these hearings.

However, while the pro-Thomas senators were doing their best to discredit Anita Hill and the anti-Thomas senators were trying to prove these allegations true, the American public was forced to absorb words like "pubic hair" and "Long Dong Silver" in an arena where they did not belong. These are the images that the public will remember.

As Sen. Alfonse D'Amato, R-N.Y., said, "The absolute unfairness of the way the allegations were put forward was repulsive."

On September 25, the F.B.I. completed a three-day investigation into the allegations made by Hill. They were found to be without merit and the original hearings went on. Through a leak to the press on October 6, by a still unknown source, the second set of hearings were commenced.

If the Committee wanted to find out what really happened, what prevented them from doing their investigation in private, instead of in front of the nation? To let Anita Hill make her allegations on national television was to immediately attach a stigma on Clarence Thomas.

Some may cry "Freedom of the Press" as a reason for the television coverage. There is no problem with the press covering everything. But it should also be realized the great power of television and its resulting visual images. When someone puts a visual image or picture with the knowledge they obtain, it makes it that much more lasting and powerful. There was absolutely no advantage to having this "investigation" on display.

Who lost? Either Clarence Thomas or Anita Hill lost severely. The one who told the truth lost their reputation which they have worked hard throughout their lives to obtain. I will not even attempt to judge which is which. The women of America lost. The blatant attempt by some of the senators to ruin the credibility of Anita Hill could scare some sexual harassment victims into thinking that they could be harassed in the same way if they bring their charges forward. The United States Senate lost. The bickering, fighting, and petty insults between some senators- made the Senate look like 704 Hauser Street, where Archie Bunker and "Meathead" Mike used to argue. However, the biggest loser of all was the one that could least afford to lose credibility. The Supreme Court, the highest court in the country, and the institution that interprets the laws that govern our society, was significantly damaged by the public hearings that went on. The system in which these men and women are appointed, one of the members of the Court and the importance of the Court itself were all questioned and critically examined for all the world to see. All of this because of one woman and a couple of hearsay witnesses. As Georgetown Law School Professor Patricia King said, "... the integrity of the Court has suffered." Can we afford that? With all these losers, there is one more question. Who won?

Faculty Rejects Salary Budget Release

By Christopher Senior

Hofstra Law School's Faculty Union has voted "overwhelmingly" not to release median salary figures as requested by *Conscience* in two recent editorials. The faculty vote came after a successful petition drive conducted by *Conscience* which urged the faculty to meet and discuss disclosure of the figures.

According to Faculty Union President Eric Lane, the vote to reject was simply not close. "We discussed the issue as it was stated in the petition, and the members of the association overwhelmingly voted against disclosure."

According to several professors interviewed after the meeting, which was closed to students, the debate included a full and fair discussion of both sides of the issue. "There were arguments made against revealing the figures that were not unreasonable," said one advocate of release. "The dedication came down to hypothetical reasons why to release, and concrete reasons why not to, explained an opponent of disclosure.

No official tally of the faculty vote was kept or released by Lane. The union also did not adopt or release any official position on the release of median salary figures other than the result of its vote.

The *Conscience* request posed to the faculty asked for release of median salary figures for the four employment tiers at Hofstra law: associate professor; assistant professor, full professor, and distinguished professor. Such figures are customarily released by law schools across the nation. Hofstra is one of only three metropolitan area law schools which has refused to release its median salaries (see March *Conscience*, SALT Salary Survey).

In an interview last fall, Dean Rabinowitz placed Hofstra's relative position in the regional salary structure near Fordham Law School. In the annual National Law Journal Salary Survey released in mid-April, Fordham reported the following median salaries: Associate Professor S87,550; Assistant Professor N/A; Full Professor $117,925. The Hofstra Law Faculty Union denies that its members salaries are in the neighborhood of Fordham's. The same National Law Journal survey cited the following national median salaries: Dean: $126,000; Associate Professor $64,516; Assistant Professor $56,909; Full Professor $81,463.

1992-1993

Property Law Journal Recommended for Disbandment

by Christopher J. Glancy

It is better to disband the Property Law Journal and possibly start another journal from scratch than to continue support for the fledgling journal. That was the conclusion reached last week by the Ad Hoc Committee to Study the Student Journals. The committee is set to make its recommendation to the full Hofstra Law faculty on Wednesday, March 3, that the Property Law Journal be laid to rest.

Editors of all three journals —Property Law Journal, Law Review and The Labor Law Journal) have been invited to attend the meeting, as has Student Bar Association President Mitchel Ashley. That meeting is scheduled for Wednesday, March 3 at 12:10 in the faculty lounge.

Professor John J. Regan, chairman of the Committee, told *Conscience* that there were several factors that led to their decision to recommend ending the Journal. "The complexity of the subject matter—real estate and property law—does not lend itself to effort on a student level," Regan said. In addition, "the narrow focus [of the Journal] did not seem to work in attracting articles from the outside," he said. He explained that the pool of potential contributors with sufficient expertise in property law is very small. He also noted that Hofstra's young and relatively little known Property Law Journal is competing with more experienced, higher quality property journals across the nation, such as those at UCLA and Santa Clara Law Schools, the Urban Lawyer, and the ABA s Real Property, Probate and Trust Journal.

Finally, Regan said, "the quality of the articles has not been good." This sentiment was echoed in the Committee's final report which describes the Journal's "history of mediocrity" and states that its articles "have been generally of poor to mediocre quality." The feeling of the Committee, he said, is that it would be best to end the Journal . "The idea of new thinking on [a third journal] might be very healthy," Regan said.

The problems that the current Property Law Journal have encountered are very similar to the problems encountered by its predecessor, the International Property Investment Journal, Regan said. The focus of the International Property Investment Journal was on overseas investment, a hot topic when it was founded in 1980. However, the International Property Investment Journal foundered for several years before the faculty voted in 1986 to reorganize it, thus creating the Property Law Journal.

When asked about the dearth of faculty support for the Journal, Regan said that in the years since the Property Law Journal was established "communications between its editorial board and the faculty board totally broke down." He explained that this has been the state of things for several years and does not know why. "It's not a question of assigning fault, it's a question of looking at reality," Regan said.

He also applauded the efforts of the current Property Law Journal editorial board to revitalize the publication, citing their efforts to solicit contributors. The Report also credits their "energy and enthusiasm." But, according to Regan, the board feels that the problems facing the Journal are too great and there are no guarantees that future editors of the Journal would be as diligent.

The Ad Hoc Committee to Study the Student Journals was appointed by Dean Rabinowitz in March, 1991. The Committee Report has been circulating among faculty for several days. Also on the Committee are Professors Linda Galler, John DeWitt Gregory, Norman I. Silber and Ronald H. Silverman.

The faculty is expected to vote on Wednesday. 'There is no guarantee that any or all of [the recommendations] will be accepted," Regan said.

"The process has been exemplary," stated committee member John D. Gregory. The Committee issued a draft report on February 1 and invited Property Law Journal Editor Bradley Gross to respond to its findings on February 19. Subsequently, the Report was modified but the ultimate recommendation remains the same. Gregory added that he would be "greatly concerned" if the Property Law Journal felt that it did not have a chance to be heard.

. The Committee Report will also recommend that a new committee be appointed to look into the prospects of establishing a new journal at Hofstra Law, adding that any new publication "should be radically restructured in content and management." Just what the focus of a new journal might be Regan would not say.

The Committee in its report noted, without comment, that nearly one-third of last year's graduating class were members of a journal and that membership continues to increase.

The Report also recommends that the faculty-journal relationship in the remaining two journals be strengthened and expanded. Regan said that the Committee did an informal telephone survey of New York area law schools to find out how they approached the problems noted in the report. It is a very common complaint among law school journals that it is often difficult to solicit high quality articles. There is also a trend toward faculty edited law journals, a trend the Report says Hofstra should not follow. But the Report does envision a more active involvement on the part of faculty

The Report is also critical of the current system of awarding academic credit on all the journals and recommends that this system be revised. The current system, Regan explains, provides little incentive for journal members to actually complete notes of publishable quality. For example, while Hofstra Law Review has no formal policy for awarding credit for service, second year staff earn generally earn credit after completion of a second draft of a note or comment as well as the completion of all editing assignments, and third year staff receive credit "merely by achieving this status," according the report.

ONE VOICE

George and Barbara's Last Night

by Gary von Stange

"Hillary! You're not really going to drive the moving van also."

"Oh, Bill, Hillary exclaimed in an exasperated tone while double-clutching to smoothly bring the 18-wheeler to a perfect stop. "I just wanted to make sure we had enough room for all my plans."

Meanwhile, that same night at the White House, George softly purred to Barbara, "Do we really have to move out tomorrow? I just don ' t understand; what did the American people really want? Look at what I accomplished. Desert Storm, world peace, the ADA. I mean, what did I do wrong?"

Barbara, resplendent in her shiny Service Merchandise pearls, took her husband's hand and, being a loving mate; once again failed to say "the economy, Stupid" although she certainly knew. She gazed deeply into his eyes and gently responded, "Georgie, take the dog out. She needs to go."

"What are you reading Bill? Do you need help?" queried his omnipresent better half by a lot.

"Well," Bill said eating a jelly bean, a gift from his new friend Ron, "I'm just reading this highly detailed article which spellbound so many Americans a few months ago."

"What article is that?"

"It's your recipe for those chocolate chip cookies. You know, it's so nice to be married to someone who bakes."

"Now you listen, and you listen good young man!" screamed Hillary in a perfectly poised rage. "That was a one-shot deal. Besides, get Tipper to do it I think she likes you and now that I've straightened her out on that Iyric thing, she needs something to do."

Hillary, back in full command again, quickly added, "And don't forget, Willie, send a highly ethical letter to Mr. Walsh and his non-partisan San Francisco helper. Let's not forget your high ethics."

Reminiscing, Bill looked at his lovely wife and sighed with laryngitis, "I could hardly believe it. Just four days to go and they suddenly disclosed that new info. What an amazing coincidence that was."

Back from a quick trip to the Rose Garden with Millie, George bounds into his soon to be ex-home and asks his wife while sitting down, "What's for dinner Babe? Duck? Ha-ha-ha." George still was in firm possession of his keen sense of humor. He continued, "I guess tomorrow we'll move back into our Texas hotel room home. Maybe we can go to the supermarket so I can watch that scanner thing automatically ring up the prices again. Now that was something."

"Oh my God! It's him." Bill yelled with his mouth clammed with all environemtally conscious sawphone reed which did not grow in any endangcred wetland area. "Don't look Hillary, but in the driveway, in the van, and in your three hundred and thirty-seven files of my, oops sorry, I mean our, presidential papers is that real little guy who just won't go away."

"Oh, Bill, be quiet. He's just helping me out. And don't worry about Ross. He reports directly to me."

"You know dear," the President with the outstanding service record said to Barbara, "Recently, I met with the man who will be sleeping here tomorrow. I think I was right when I said even Millie knew more about one certain area. I brought up the subject of foreign affairs and he immediately asked, 'You mean when I travel overseas I get to bring Gennifer?"

George sadly shook his head and continued, "and then he asked me if I thought it was okay if he built an addition to the White House in case Elvis visits."

"Okay Bill, I'm willing to be reasonable. I'm willing to meet you half way," Hillary said calmly and slowly so that Bill could understand. "I've decided that you can have a Cabinet"

"Thank you, Dear."

"But Bill, just remember, they all report directly to me.".

EDITORIAL

Students on Committees: The Time Has Come

Students at Hofstra Law School have the opportunity to participate in a wide variety of organizations. In doing so, students have the potential to achieve personal satisfaction, and at the same time, to contribute something worthwhile to the School. More students, however, should be allowed to become members of standing faculty committees because these committees represent the heart of change at Hofstra Law School .

Pursuant to faculty resolution, eight standing committees should now have student members. These committees include the Curriculum Committee, the Library Committee, and the Computer Users Committee. Students won back this right to serve on faculty committees just some two and a half years ago. While the current policy recognizes student participation to some extent, students are not represented on half of the committees, including influential committees such as the Admissions Committee.

Students can offer valuable input into these committees because they are personally familiar with areas in need of change. They hear the voices of their peers each day, and can contribute to the committees in a constructive manner.

While the need for confidentiality during committee meetings has been cited as a bar to more student participation, this is a disappointing excuse. We students are soon to become attorneys, attorneys who must maintain a duty of confidentiality to our clients. If our own law school cannot trust even a few select students, then we have made a very sad revelation.

By increasing student participation on faculty committees, Hofstra can instantaneously help to combat one problem which many students have complained of: a lack of interaction between faculty and students. Ongoing relationships would develop, which could prove valuable for students and faculty alike. In the long run, Hofstra Law School will benefit. Official requests from BLSA and LALSA to place more students on committees clearly suggest that students are willing and interested in serving on committees. The Student Bar Association is also reportedly working on an official proposal for the same. Obviously students do not view Hofstra Law School as a way station; on the contrary, they would like to make a greater commitment to the School if given the opportunity to do so. Moreover, students on committees should be allowed to register binding votes. Presently, even the students on committees are nonvoting members. Their opinions should not be ad-

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CONSTITUTIONAL WRITES

University Focus Should Be People, Not Lawsuits

by Jeffrey G. Marsocci

Walking through Hofstra's cutting January wind was never a pleasant experience. Like most things at Hofstra, students—both undergraduate and graduate—deal with it by keeping their head down and trudging forward, only making sure they don't step in anything along the way. January 26, a day that a nation mourned the loss of Mr. Justice Thurgood Marshall, proved that things were business as usual at Hofstra. Had people poked their heads up even momentarily, they may have noticed that Hofstra University failed to put its flag at half mast in defiance of a Presidential Order. At the same time, the newly built Margiotta Hall was open and ready for use. The hall was named after Joseph Margiotta, former Republican Party boss of Nassau County who was convicted of "financial improprieties." It's ironic, and typical, that Hofstra ignored the death of a great civil rights leader, yet set in stone a shrine to a major financial contributor who was a convicted felon.

Hofstra has shown during its most recent history that it is more interested in protecting its financial interests than ensuring its community members have equal and fair protection. In plain English, cash supersedes what is right.

All people have to do is look at Newsday, and Hofstra is covering its fiscal hindquarter from another lawsuit. University Counseling Center Director Reuben Starishevsky was removed in 1989 for civil rights violations after a federal investigation. He was rehired in 1991. Allegations of sexual misconduct were levied against him by University alum Alison Reutersham, and two other women came forward to press charges.

But what did the University administrations do? It conducted a Mickey Mouse investigation which was promptly concluded as inconclusive. It was only under orders from the University Senate that a true investigation was started. However, the questioning of the complaining witnesses was mandated, again by high level administrators, without the benefit of counsel. It was only after one woman's husband, an attorney, stated that the questioning would be done either with counsel present or to a reporter from Newsday that counsel was allowed to be present at questioning.

Why couldn't the University simply allow counsel in the first place? For that matter, why couldn't the University conduct a true investigation and find the truth rather than avoid it? Again, for that matter, why didn't the University simply keep Starishevsky out of the Counseling Center after he was dismissed for Civil Rights Violations? Answer: lawsuits. If the University took any of these actions, then it would be admitting, in effect, that it did something negligent which could lead to a lawsuit.

But the media coverage, and Hofstra's hindquarter coverage, doesn't stop there. University Sophomore Marc Szafianski was charged with sending a harassing, "gaybashing" message to former University student Alexander Englander through the University's voicemail system. In May, the complaint was not acted upon, so Englander went to the police. Szafianski was arrested, but the University did nothing even though its general policy is to suspend students charged with crimes they could serve jail time for until the outcome of the trial is known.

And so the flags will ignore men and women who fight for individual rights, and the building names will continue to be named after the highest bidder. Most recently, a law student was brought in front of the Undergraduate Dean of Students because a student with no proof made accusations of harassment. The Dean denied him his right to an advisor as outlined in the University's Judicial Code, threatened to evict him from University Housing without citing any laws or regulations, and sent a letter of warning to the student's room. The student's first action was the most logical because it was an action that used the only language the University administration seems to understand— he called his lawyer.

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visory. As law school students, we are constantly engaged in evaluating, analyzing, distinguishing, and criticizing. Surely we are equipped with the skills necessary to render a well-informed vote. Finally, students should be given notice of the opportunity to serve on a committee, and the ability to apply for such a position. Presently, student members are chosen by the Chair of each committee subject to the approval of the members of the committee. The Chair may consult with the Student Bar Association and/or other student organizations for possible nominees. These opportunities should be widely publicized so that all interested parties have a chance to get involved. *Conscience* urges the Ad Hoc Committee on Student Representation to consider these points when it meets this week.