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# EQUITAS

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Wednesday, March 7, 1973

## July Bar Results Released; Dean, Faculty Disappointed

For the first time in many years, New York Law School scored below the state average in the July, 1972 New York State Bar exam results.

Dean Walter A. Rafalko felt that both he and the faculty were very disappointed at the results. He hopes that these results were only an "aberration and that this year's class will redeem themselves."

The State overall average was approximately 76%. Unofficial figures show 116 New York Law School students took the exam while 75 passed. Dr. Weary stated that in the past five years "we have been either equal to or above the State average. In 1971 we had an 81% passing rate."

Unofficial figures recently released showed that the night division scored lower than the day division for the first time in many years. The difference in the passing percentages was over 2%.

### STUDENTS UNPREPARED

The Dean felt that one reason for this year's below average results was that students were not putting enough time into their studies, and were arriving unprepared for classwork.

The topic has been discussed by the faculty but, said Dean Rafalko, "No general specific plan was formulated to alter the problem — any changes will be left up to specific professors. Some will now take classwork in consideration when grading." In the future, the Dean hopes to place more emphasis on how to take exams — he plans to have

either a faculty member or outsider give seminars to instruct the student in how to take exams.

The Dean went on to say that the students must be motivated more. He feels that motivation is not a problem in the first year, but later on "students feel they can't fail and become very complacent".

When he was asked whether part of the problem might stem from the use of "cans" or outlines, the Dean responded, "Students today aren't even reading the cans. They are just completely unprepared".

Many students feel that some faculty members do not have a firm grasp of the subjects they are supposed to be teaching. In addition, they are unhappy with the present grading system. The Dean was asked what effect he thought such feelings would have on student motivation. Dean Ra-

falko replied that in the past changes have been made in the faculty if the School feels he is not getting the subject across, and will do so in the future if the situation rises. He added that the faculty members have decided that no changes are needed in the grading system and they have voted to retain the present system.

### EXAM CRITIQUES

The Dean also discussed exam critique as a teaching tool. "The School's policy is that it is up to the individual teacher if he wishes to have a general critique of the exam. If a student receives an 'F' and is still in the School, he is entitled to a critique. If the student receives a 'D' or higher, it is completely up to the faculty member's discretion as to whether he wishes to show individual students their papers."

## Placement Director Resigns Post; Sees Need For Viable Program

By Arthur P. Fisch

Carl Sabatino, who has been the NYLS placement Director, since September 1972, has announced his resignation from that post effective as of March 8, 1973.

Mr. Sabatino tendered his resignation about four weeks ago, in order to accept a position in San Francisco, California as a Director of Placement. He had

offered to stay on until April 5th in order to complete already scheduled programs, however, school officials have asked him to leave as of March 8th. It has been indicated that the school has been looking for an individual with a law related background as his replacement.

Sabatino expressed the hope that the school and his replacement would view the placement office as a commitment to the students. It should be a tool for the students to use to gather and receive the information necessary to enable them to compete in the increasingly competitive job market. Guiding the student, from the time he entered school, to the time he graduates so that he is then prepared to formulate his resume, take a job interview, and in general be ready to find a suitable position in the legal community, is an essential function of a law school placement office said the outgoing placement director.

The commitment to a placement concept should be complete. A Student-Faculty committee should decide what functions the placement offices should have. There must be adequate funding and a full staff to enable the placement director to properly serve the school and the students. In reiterating these points Mr. Sabatino said that at this point the overriding consideration is for the school to make the commitment.

In support of his belief that there should be an expansion of the placement service offered to the students, Sabatino pointed



## Professor Lee Critiques New Evidence Rules

In an interview with the editors of EQUITAS, Professor Joel S. Lee made the following cogent critique of the Federal Rules of Evidence:

"If a trial is supposed to be a rational process for arriving at the truth, the trier of fact should be permitted to hear and consider data which a reasonable man would utilize when con-

fronted with the necessity of making a decision. This, the rules of evidence will not permit. The facts in a trial by jury become adrift in a sea of technicalities and the jurors discern only those facts which they can see dimly through the mist.

"Many years ago, Professor Morgan wrote that '(t)he law of evidence is now where the law of forms of action and common law pleading was in the early part of the Nineteenth Century. Furthermore, the rules of evidence have become so complicated as to invite comparison with those of equity pleading of which Story wrote that the ability to understand and apply them 'requires various talents, vast learning, and a clearness and acuteness of perception, which belong only to very gifted minds'... It is time . . . for radical reformation of the law of evidence.'

### EARLY REFORM ATTEMPTS

"To achieve reform, the American Law Institute in 1942 promulgated a Code of Evidence of which Professor Morgan was the draftsman. It quickly met with the opposition of the bar and no

(Continued on Page 6)

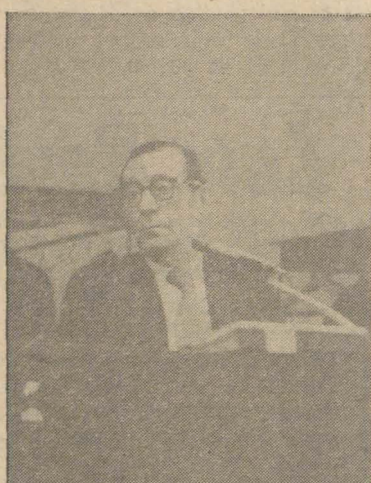
(Continued on Page 6)

## Professor Lolordo Dies; Esteemed Lawyer, Teacher

Professor Vincent Lolordo, who for nearly a quarter of a century taught at New York Law School, died on February 14th. Over the years, Professor Lolordo taught every required course, advised countless students on legal and personal problems, supported student activities and organizations, and ventured beyond mere classroom activities to help educate students. It was just last spring that Phi Delta Phi honored him as Professor of the Year.

Prior to his joining the faculty in 1948 as Assistant Professor, Professor Lolordo served for twelve years as the Chief Litigation, Legal Aid Society, Civil Branch, New York City.

He was the author of two books: THE MANUAL OF LAW FOR USE BY ADVISORY BOARD FOR REGISTRANTS (1942), and LEGAL PROTEC-



TION FOR THE SERVICEMAN AND HIS FAMILY (1943).

Born in 1910, Professor Lolordo received a PhD from Brown University in 1932, and a J.D. from New York University in 1936. Professor Lolordo was admitted to the New York Bar in 1937.

## Can A NYLS Alumnus Become Mayor of N. Y.?



YES!! In an exclusive Equitas interview, reporters Sal Bate and Jim Pagano question Congressman Mario Biaggi concerning his chances of becoming mayor. Mr. Biaggi, our only alumnus among the sea of Democratic mayoralty candidates, talks candidly to our reporters concerning crime, youth gangs, the Godfather and Professor Dugan!!! See Page 4 for the complete story.



NYLS Alumnus Macri Appointed  
Head of Firearms Control Board

Finkelstein Named to  
Nixon Drug Council

The secret is out: Fortune Macri is gun-shy. Yes, he spent some time as an Army training instructor and qualified on the rifle range. He was also an Assistant DA in the Bronx. But the new director of the City Firearms Control Board would rather brandish his arsenal of administrative skills.

"I don't need to be an expert on guns," he said in his White St. office the other day. "I'm here as an administrator."

Macri's job is to oversee the implementation of the city's four-year-old gun control law, one of the most stringent in the nation. It requires permits for all owners of long guns — rifles and shotguns as well as the registration of the weapons themselves.

The licensing of pistols and other readily concealed weapons comes under the jurisdiction of the Police Dept.

There are 500,000 weapons belonging to 150,000 owners registered by Macri's agency. The short, cherubic official is just as happy not to be one of those owners.

"I personally don't want a gun in the house," he said, leaning back in his chair and grimacing. "As a DA, I could have had one but I didn't want any part of it."

Macri concedes that, because of the lack of uniform federal and state gun control laws, the city statute is difficult to police. "I can't tell how many illegal long guns there are in the city," he sighed. "They can buy them in Mount Vernon or through the mails. But if they're caught they are subject to a fine of \$500 and/or a year's imprisonment."

Macri has a mandate from Mayor Lindsay to launch a lobbying effort in Albany. Target: uniform registration of firearms statewide.

The 41-year-old lawyer was born in the state capital and can amble easily through the corridors of political power there.

His paternal grandfather, also named Fortune (pronounced For-too-nay), became a policeman with the now defunct New York Central Railroad after his arrival here from Reggio Calabria. The grandfather was an intimate of Albany politico Daniel O'Connell and the late Gov. Alfred E. Smith. His father Vincent was also a figure on the Albany political scene, as a legislative clerk and an aide to former Gov. Lehman.

"So I'm a pretty political animal in that sense," the present Fortune Macri said.

Macri's father died in 1959 but his mother, the former Rose Ferrara, and sister, Mrs. Kathryn Norton, still live in Albany. He remembers his childhood as a happy and industrious one.

"I'm talking about 1937 now," he cautioned. "We ate a lot of pasta." Young Fortune helped support himself with odd jobs, selling magazines at age 6, shining shoes, working as a gandy dancer — a railroad laborer.

In 1952, the young upstater came to the Rose Hill campus of Fordham University in the Bronx. While a student, he got an abscessed tooth which required two months of treatment by a Third Av. dentist. The name of the dental assistant was Jeannette Dress. They were married in 1954.

Macri interrupted his schooling to join the Army ("I wanted to flex my muscles, you know"). After serving in Fort Ord, Cal., and in France, he returned to Fordham and got his bachelor of science in 1957. Over the next five years, he worked days, and studying nights, he earned his degree from New York Law School, graduating in 1962 third in his class.

He landed a job in the office of then Bronx DA Dolinger and in fine family tradition, entered politics. He joined the Decatur Democratic Club.

"I'm really a minority in this city government," he confided. "An Italian-American and a Bronx regular."

With a growing family, Macri soon left the DA's office to become law secretary to Civil Court Judge Arthur Wachtel.

"The motive was more money," he said frankly. "Some of us can't afford to be in public service for noblesse oblige."

In 1971, after a brief time working with state legislators on the proposed state constitutional changes, he was appointed a Deputy Commissioner in the city's Rent and Housing Maintenance Dept. His firearms control job carries a salary of about \$30,000 a year.

The Macris live in a house in the Kingsbridge section of the Bronx with their three sons and two daughters, aged 8 to 17.

They make frequent jaunts to the nearby Fordham campus to root for the football team; otherwise, Macri likes "indoor sports" — like poker.

He is optimistic about getting state cooperation in curbing guns but admits to a recurrent nightmare. It just takes one multiple homicide where a license shouldn't have been issued," he said. He promises vigilance and hopes it won't happen. — Anthony Mancini. Reprinted by permission of N.Y. Post. © 1972.

Jerry Finkelstein, member of the N.Y.L.S. Board of Trustees and publisher of the New York Law Journal, along with twelve other persons was appointed by President Nixon recently to the National Advisory Council for Drug Abuse Prevention which was established by legislation enacted in March to make recommendations to the administration on all federal programs on the subject.

James Q. Wilson, chairman of the Harvard University department of government, was named chairman of the non-partisan council.

**THREE NEW YORKERS**

The other members included three New Yorkers. They are State Senator John J. Marchi, of Staten Island; Phyllis Harrison-Ross, professor of psychiatry at Albert Einstein College, and Benny J. Primm, of New Rochelle, consultant for the Federal Special Action Office for Drug Abuse Prevention.

In a letter to Mr. Finkelstein last December 10, President Nixon described a special twenty-four page report by the LAW JOURNAL on drug abuse and related issues as a valuable contribution to greater public understanding on the nature of this crisis and praised "the splendid initiative (that) means a great deal to me and to every American who is concerned about the illicit drug traffic."

The special report, published December 6, contained an editorial by Mr Finkelstein in which he advocated a Manhattan Project against drug abuse in which federal resources would be massed as they were in research on atomic energy in World War II. Favorable comment on the editorial and the second and third parts of which were published on March 27-28, were received from many government officials, governors, members of Congress and the public.

Other members of the National Advisory Council appointed by the President were:

Carl D. Chambers, of Miami, Fla., director of research of the Dade County Comprehensive Program at Jackson Memorial Hospital; Sammy Davis, Jr., the entertainer; Robert L. DuPont, of Chevy Chase, Md., administrator of the Washington Narcotics Treatment Administration; Audrey R. Holiday, of San Diego, Calif., professor of psychiatry at the University of California at San Diego; Art Linkletter, the entertainer; Michael J. Quinn, of Indianapolis, executive director of Community Addiction Services, Inc.; and Gale Sayers, who recently retired as a professional football player with the Chicago Bears.

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NYLS Alumni Notes

Samuel Miller, a partner in the New York law firm of Scribner & Miller and former chairman of the board of trustees of Pace College, died recently at his home in Bronxville, N. Y. He was 81 years old.

Mr. Miller, who graduated from City College in 1913 and New York Law School in 1916, helped organize the Clinton Trust Com-

pany in the early 1930's. He later headed its board of directors and guided the company during a merger with the Chase Manhattan Bank, where he served on the advisory board.

Mr. Miller was chairman of the board of Pace College from 1954 to 1970, when he became chairman emeritus. In recognition of his service, Pace named a building for him.

He was a trustee of New York Law School and of the Halsted School in Yonkers.

Survivors include his widow, Yvonne; three sons, Edward H., Robert and Arthur; a sister and eight grandchildren.

KENNETH P. ZEBROWSKI, and FRANCIS A. NICOLAI, both of the class of 1970, together with a third partner, THOMAS C. STROHMENGER, have formed a law partnership for the general practice of law, with particular emphasis in the field of real estate and zoning, as of October 1972. Their professional offices are located at 307 South Main

Street, New City, New York, in Rockland County. The firm name is ZEBROWSKI, NICOLAI & STROHMENGER, ESQS. While at the Law School both Ken Zebrowski and Frank Nicolai were members of Dwight Inn of the Phi Legal Fraternity and during the 1969-70 school year, Zebrowski was the President (Magister) of Dwight Inn. In addition to his membership in the law firm, Zebrowski was recently elected Vice-Chairman of the local Democratic Committee.

David E. Tolbin, an assistant U.S. attorney for the Southern District of New York where he is chief of the Claims Unit, is a graduate of the University of Louisville and New York Law School and received an M.B.I. from New York University's Mortgage Banking Institute. He was admitted to the Bar in 1964. Mr. Tolbin is presently chairman of a committee of the ABA's Young Lawyers Section titled "Image of the Lawyer 'Public Relations'."

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## SBA PRESIDENT

## Cultural Neanderthals

By LORIN DUCKMAN

I promise to do my best to avoid my cultural preferences from interfering with my objectivity. I'll try to maintain a sense of cool so my rage doesn't tear apart what I straight think are some valid observations about the law, this school and society in general.

Our country is in the midst of a constitutional crisis — the abortion and death penalty cases notwithstanding. We are faced with the question of whether our institutions whose histories and foundations are rooted in yesterday will survive. Chances are they'll survive longer than we, for we care not enough to change them even as they become more repressive, attempting to remedy inadequacies.

My study of law needs passion and intelligence. I need a sense of substance coupled with a feeling of humanness. I exist and grow only insofar as I am engaged in productive contact with people around me. So with whom did I end up sharing my legal education — a group of cultural Neanderthals with a tolerance for pain which would have exasperated De Sade himself. I locked up with a group of people who hiss intelligence, cower to authority and ignore the long standing affect their inferior legal education will have on them.

I was told I was a fool for caring about anyone but myself. I was told that pleading for the rights and collective futures of our students was a waste of energy because the others didn't care. Those who told me this were only talking for themselves.

## NEED TO BELIEVE

I thought there were certain feelings that we all held in common when we entered this dungeon. I needed to believe in a system which would allow me to strive for an esprit above the letter of the law. I needed to believe that justice could be delivered by one with eyes open. I was denied that opportunity and I'm sorry for my loss.

There are no legal models to emulate here (there is one in my experience but he's not a regular and his course is anything but alive), no community to feel close to (I wouldn't refer a case to 7's of you) and no legal world to feel a part of. The catalogue should read, "Come one come all and join the legal community: We beat our young, banish our heretics and reward our stalwarts with oil paintings." If it can be said that teaching institutions herald the future, this school then is heralding a "dead age."

This school must return to a system of rewarding its inhabitants with more than a degree based on forced attendance. A sense of belonging and compassion must be added to the boring regularity of casebook law. How much more of the casebook can I take? At its best the casebook represents a disintegration of man and thought (a noted failure of the legal system also). I have only to ask myself what tones have been added by one and interpreted by another to see that the sacrosanct principles of stare decisis are rife with inconsistencies unwilling to be adjusted. And furthermore, a school that places so little emphasis on people and so great an emphasis

on words overlooks the fact that people wrote the words. I am being taught to be a legal automaton for I don't even have the advantage of having the people who wrote the words teach me the words.

Socrates reaches for more hemlock everytime he sees his method used in vain in this school. It just doesn't work with big classes. But does that dissuade the forces on Olympus? You will come to class, they say, and strive for the Holy Grail. They say follow the magic formula and if you are not one out of the three that don't pass the bar everything will be fine. For those who don't know the formula here it is: Take a questionable teaching method, use it in large classes administered by lawyers (not teachers), add an alienated student body of scholastic also rans situated in a reconditioned warehouse and say the magic words **LAWYER, POWER, STATUS** — Presto, there are jobs and knowledge. If it isn't working make them come to class more.

Is it any wonder that students can't wait to graduate and forget the place? I went to an alumni luncheon where there was no headtable because there weren't enough alumni present to pay homage to the honored guests. Dr. Thornton pleaded for the school, but the only people present were those who made it like it is. I wonder whether I'll feel any differently?

## 30% UNPREPARED

One day while stressing the thesis of individual responsibility over negative reinforcement to a professor, I was faced with a problem even Merlin the legal wizard who lives in the "safe" on the third floor couldn't have gotten me out of. The professor showed me an "unprepared sheet" with 30% of the class listed. It's both of our faults I suppose. What am I to do? I see lousy traditions around me and come up with a way to improve them only to find out that my constituency enjoys being connected with a wheel that doesn't turn.

Doing away with the place will not change anything. Another will only take its place. Most of you are not ready to accept the responsibility of being in a society of free men and women. You enjoy the confusion and degradation inflicted by a system of the word. Mr. Justice Holmes said, "Law will never make us as secure as when we don't need it." It's a good thing he didn't say it at a lecture at this school; no one would have been there to hear it.

Let the school admit its failures. Let the community hew the brush which maintains the academic wilderness. Try to care a little. Underneath all the lawyers there is a culture. It was made by men and it can be changed by men and women. Don't let the Character Committee be a bar to noticing that real life is right around you everyday of the week.

As a start, how can you call it a law school if it doesn't teach students how to be lawyers?

It's hard to reform what you hate.

Barbara Ward  
British Economist

## Brooklyn Law Changes Curriculum; Eliminates Block Scheduling

By ARTHUR P. FISCH

Brooklyn Law School announced a major change in its curriculum which is to be implemented with the September 1973 entering class.

The new curriculum was adopted from a Faculty-Student Committee proposal. It contains a first-year core of required courses consisting of: Contracts, Torts, Property, Civil Procedure (new), Criminal Law, Constitutional Law and Legal Research. The Faculty-Student committee feels that these courses represent a base of solid legal education. In addition, in order to broaden and buttress the basic legal background four additional courses — Equity, Business Organizations, Conflicts of Law and Evidence — will be required to be taken subsequent to the first year required courses.

Although implementation of the above program is to begin with the September, 1973 entering class, students currently in attendance are expected to benefit from the new curriculum changes. These students will participate in the new curriculum unless there is a practical reason for them not to participate in it. For example, students who have not as yet

taken a course which was required under the old system will not be required to take the course. However, they will have to take the present six credit New York Practice course, as they will not have taken the new Civil Procedure course, which will be given to the entering students.

On the other hand students presently in attendance will be expected to comport with the guidelines of the new system. For example "Equity" which had been offered as an elective, will henceforth be a required course and will have to be taken by those

students who have not as yet taken it.

Brooklyn Law School's Dean Lisle pointed out that it is expected that a certain amount of administrative difficulty might be expected due to the discontinuance of block scheduling. He said that the possibility of renting computer time to aid in the registration was being considered.

Nevertheless it would seem that the entire school is solidly behind the change, feeling its permanent intellectual benefits will more than outweigh its temporary administrative inconvenience.

## Essay Contest Announced; Topic is Family Law

Junior and senior year law students have until next April 16 to enter the Howard C. Schwab Memorial Award Essay Contest in the field of family law.

The contest is sponsored by the American Bar Association's Family Law section in cooperation with the Toledo and Ohio Bar Associations.

Contestants may write on any

aspect of family law. Suggested length is about 3,000 words. Essays which have been or are scheduled to be published are ineligible for consideration.

First, second and third place winners will receive cash awards of \$500, \$300 and \$200 respectively. The winners will be announced and the prizes awarded during the Family Law Section's 1973 annual meeting next August in Washington, D.C.

## STIMULATING RATIONALE

The contest is intended to create a greater interest in the field of family law among U. S. law students, particularly members of the ABA Law Student Division. All junior and senior-year students enrolled in ABA-approved law schools are eligible, except employees of the Toledo, Ohio or American Bar Associations.

The contest is named for the late Howard C. Schwab, chairman-elect of the ABA Family Law Section at the time of his death in 1969. He also was a past president of the Toledo Bar Association and past chairman of the Ohio Bar Association's Family Law Committee.

Law students who wish to enter the contest should request an entry form from: Division of Legal Practice and Education, Howard C. Schwab Memorial Award Essay Contest, ABA Section of Family Law, American Bar Center, 1155 East 60th St., Chicago, Ill. 60637.

## Phi Delta Phi Inducts New Members at Dinner

By LINDA NELSON

Barry Goldberg, pianist for Bob Dylan's first electric rock concert at Newport and sideman for many years to top rock stars, entertained members of Dwight Inn, New York Law School, students and faculty at Pace College recently. Barry was accompanied by drums, two guitars and a stunning female vocalist. Many dancers spent the entire evening on the dance floor. Although Barry Goldberg is best known to musicians for his Chicago style blues, soulful rock predominated here. Barry will appear with Bob Dylan on a soon-to-be-released single. (Barry Goldberg is also known as Arthur's nephew.)

The evening of dancing and drinking was preceded by a buffet dinner.

Fifteen pledges were inducted into Dwight Inn at a brief initiation ceremony prior to dinner and presided over by Professor Silverman, Frederick Coveler, Patricia Carney and Linda Nelson. The pledges are: Mark Potashnick, Kenneth Grabie, John Vincent Berna, Frances Brown Salten, Robert E. Pershes, Harvey W. Gunther, Vincent A. Smyth, Richard E. Kummer, Jr., Ester D. Curtwright, Eugene Smith, Leylan Greb, Robert Lawrence Gaynor, Peter Blessinger, Clifford Wasserman, Louis Milkowski.

The next dinner and dance scheduled for April 28 will be open to all students of NYLS. It is expected that entertainment will be provided by the same group.

## ABA Survey Reports Drop In Law School Enrollment

The American Bar Association reported that enrollment of first-year (freshman) students in the 149 ABA-approved law schools dropped this year by 2.9%, despite an increase of 7.7% in overall law school enrollment.

However, the decrease did not apply to women first-year law students, whose number increased 27.3% from 4,326 to 5,508 this year. The total number of women law students rose by 35.9% from 8,914 in 1971 to 12,172 this fall.

Total enrollment in law schools approved by the ABA jumped from 94,468 last year to 101,664 this fall. This was due largely to a 26.3% increase in the size of the third-year class, from 22,404 in 1971 to 28,311 this year. When admitted in 1970, this class hiked law school enrollment by 20%, the first indication of the recent surge of interest in law as a profession among students throughout the country.

The decrease in first-year enrollment, from 36,171 in 1971 to 35,131 this fall, does not indicate waning student interest in the law, according to University of Texas Law Professor Millard H. Ruud, consultant on legal education to the ABA.

He explained that record increases in the number of first-year students admitted during the past two years have now resulted in higher enrollment levels among second and third-year students, accounting for the 7.7% increase in total enrollment. To prevent further overcrowding, he said, many law schools have found it necessary to accept fewer incoming students than last year.

"Most of these schools reported that in the last year or two they had intentionally or inadvertently admitted a larger than normal entering class," he said. "To hold the total enrollment at a number that could be adequately served by the present fulltime faculty and law school facilities, this

year's entering class was reduced in size."

The decrease is even more significant, he added, if the two law schools approved since last year are not counted. If the 536 students enrolled in these two schools are excluded, the 147 law schools approved as of last year have decreased their first-year enrollment by 1,626, or 4.5%.

"This occurred at a time when the demand for legal education, as measured by administration of the Law School Admission Test, was increasing by nearly 12%," Professor Ruud said.

Only two law schools reported "unfilled seats" this year, totaling 27. In 1970 there were 659 unfilled seats reported, and last year 87.

Professor Ruud said statistics for schools not approved by the ABA are incomplete.



# Equitas Editorials

## A Free Press

"Congress shall make no law . . . abridging the freedom . . . of the press . . ."

— U.S. Constitution, Amendment 1.

"Not since the Presidency of John Adams has any administration so instinctively distrusted the exercise of freedom of speech and of the press by the American people as this one."

— Henry Steele Commager (6/18/71)

"Every guy who sits down at a typewriter knows Agnew is tapping on his shoulder."

— Chet Huntley (7/5/70)

"Representatives of the press have recently been asserting that they are not free, that in effect the Nixon Administration has shackled them with threats and restrictions that do not permit them to fulfill the role which the Constitution gives them. There is substance to their assertions."

— Sen. Sam J. Ervin, Jr. (2/14/73)

President Nixon has often claimed that he is a Constitutional "strict constructionist." Perhaps this self-expressed philosophy underlies his Administration's efforts to demean and intimidate the press: The Constitution prohibits Congress from limiting freedom of the press, but it doesn't say anything about the Executive not doing so, now does it? Such an analysis of the Nixonian viewpoint may be oversimplified, but the threat to one of our basic liberties implied by that viewpoint should not be underestimated.

The low opinion of the press revealed by recent nation-wide polls may, to a certain extent, be deserved. Bias — whether subtle or blatant, intentional or inadvertent; carelessness — such as lack of detail, failure to clarify, to supply background information,

or to follow up stories; and lack of professionalism — e.g., the use of false claims and unchecked charges: all these, the press at times and in varying degrees has been guilty of. Yet the public's mistrust of the press is also due in part to the self-righteous and self-serving scapegoating engaged in by this Administration. Although most people seem to have little faith in politicians, they want to believe and support their government. When President Nixon and his associates tell the public that the press is irresponsible and undeserving of trust, they seriously undermine the institution.

Government intimidation of the press, as seen in not-so-veiled threats to withhold broadcast licences and in hounding investigative reporters with subpoenas and prosecution, is a subversive activity. By weakening the ability of the press to perform its function — often a necessarily disruptive and irritating function — the Administration weakens our liberty, inhibiting necessary public access to information, repressing criticism, and narrowing the scope of the public debate needed for awareness and understanding of government plans and policies.

Since the days of John Peter Zenger, the legal profession and the free press have been closely allied in this country. Both provide brakes upon the excesses of government, both are bulwarks of individual action and expression. Thus, an unfettered press is as basic to American society as is the law itself. This the Nixon Administration has forgotten or ignored, seeming to prefer instead a debilitated, sluggish, and submissive press. The threat of that is not to reporters only — it abridges the liberty of all Americans.

## Letters to the Editor

### Lolordo Eulogized

Death forces the mind to reflect. A tragedy often puts life in a different perspective. Frequently, we cut conversation short or put off compliments for another day — and that day never comes. We are left with a deep regret that we did not seize that time, for now it is gone forever.

All those who knew Professor Vincent LoLordo must feel this way now. His death is a tragedy to NEW YORK LAW SCHOOL and a personal one to me. The school will be less without him. We are more for having had him.

Professor LoLordo was not simply a teacher. He was a friend. To the Jersey residents, he was an ally, a confidant, a mentor.

He offered many students assistance in obtaining jobs. Although I did not follow up his leads, he opened many avenues to me. This kind of assistance was the rule — not the exception.

Professor Lolordo may be remembered as the prof who attended all fraterinty and SBA functions. Last year, he was named Professor of the Year for his contributions to the students and the law school. He was not only a dedicated teacher — evidenced by his twenty-five years at NEW YORK LAW SCHOOL and the fact that he was preparing lecture notes throughout his illness — but he was a friend to the students.

He switched class meeting times for the convenience of the students rather than for

his own convenience. He was there for advice during the student demonstrations of 1969-1970. Instead of insisting that we forget the demonstrations, he encouraged the students to do what they felt was right, as long as it was done peacefully. He volunteered to listen to the oral argument of our 1971-1972 Moot Court team to offer constructive criticism. When he was thanked, he simply smiled and said that he had "done nothing," that he was glad to help, and that the other members of the faculty deserved the credit.

Throughout a brief illness last year, he asked about his students — how they were doing — and said how sorry he was that they were not receiving the attention only a full time professor could give.

I hope that the alumni and students of NEW YORK LAW SCHOOL can develop a fund to purchase either a painting or some fitting and permanent memorial to Professor LoLordo which can be given to the school in his name. Anyone interested in donating to this fund or any graduate who knows of some special interest of Professor LoLordo's which can lend itself to a gift that NEW YORK LAW SCHOOL can proudly display, please write the law school.

Sincerely,  
Vincent J. D'Elia  
Member, Board of Directors  
NYLS Alumni Association

## Exclusive Equitas Interview

### Congressman Mario Biaggi Discusses the M

By SAL BATE & JIM PAGANO

Congressman Mario Biaggi was born and raised in New York City. After a brief employment as a letter carrier, he became a member of New York's Finest where from 1942 to 1965 he rose to the position of Detective Lieutenant. Known as the "most decorated policeman in the nation" Congressman Biaggi holds the distinction of being the only New York State Policeman to have been named to the National Police Hall of Fame for valor. By special permission from the Court of Appeals in 1960, he was permitted to enter New York Law School on a scholarship, in spite of the fact that he had no previous college training. Five years after graduation he was elected to Congress as a Democrat. In 1972 he was re-elected overwhelmingly and was endorsed by the Democratic, Republican, and Conservative Parties. He has been the sponsor of a variety of important bills and has gained a reputation as a champion of the rights of "the little man."

1. Q. Why does a congressman who overwhelmingly won reelection wish to run for the second toughest job in the nation, the mayor of NYC?

A. Because it is exactly that, the second toughest job in the nation and it's a job that needs doing. It's a job that has not been done and as a result the people of the city of New York have suffered, the city itself is deteriorating, and it is a tremendous challenge. Someone needs to do it. I know exactly what it will mean. It will require great personal sacrifice. But then I look about and I see the quality of my prospective opponents and after looking at them I have to conclude with one statement. "They are more of the same and by virtue of that I am compelled to run."

2. It has been suggested that NYC is ungovernable. Aside from the requisite qualifications, what kind of a person is needed in the 1970's for the job?

A. I don't agree that it's ungovernable. It's a new concept by the apologists of the present administration. I was born and raised in this town like so many other people, and it's only in the last five, six, or seven years that we've heard the term and concept ungovernable, unmanageable, it's impossible to do. I don't agree. I say it's difficult but not impossible. What it requires is someone who knows the city, knows every facet of it, knows the people and the ability to relate to people and has the courage and conviction to do what's right and not vacillate or pussy-

foot in connection with issues simply because there is political controversy and political peril.

3. Q. The bureaucracy or super agencies of NYC have been labeled as unresponsive to the need of the people. How can a mayor prevent the people from becoming further alienated by this impersonal monster?

A. The characterization of bureaucracy in government in this day and age under this administration is exactly accurate. You need reorganization. One thing that has been forced upon our taxpayers with no productivity at all, as far as management is concerned, is the structure of the super-agencies.

It was a device that sounded lofty in concept but has been meaningless, confusing, and counterproductive. What is necessary is the ability of a mayor to know firsthand what's transpiring within an agency and not be given the pap that many commissioners give a mayor. I have the ability to find out from the working people in each agency. I am a product of civil service. My associates and friends over a thirty year standing to a large extent come from that area, so I am able to know what's happening inside oft times before the commissioner of that particular agency knows and moreover once knowing it, making certain that they work. What's happened in many areas is that the people are not working, come in late, and don't especially give a hoot. That attitude is going to change. It will change from day one, with word one, on January 1!

4. Q. The municipal unions have terrorized the city by virtue of crippling strikes in spite of NY's Taylor Law. Is there a solution to such a complex problem?

A. I maintain that every problem has a solution. There are some irresponsible union officials, and there are some responsible union officials, irresponsible conduct and responsible conduct.

There are certain things that you just don't tolerate. Again we get back to establishing an attitude: If you present a firm front, a firm position with relation to unions, they know exactly what you will or will not tolerate and they will not go into their orchestrations that run amuck and leadership loses control and you find some wild segments of the union that take control and indulge in irresponsible action.

There is a case in point, the police strike. I would have never permitted that to happen. I was a policeman for 23 years, and I have sympathy for the police and their welfare. But I have great love for the department and great





# rio Biaggi, NYLS Alumnus Mayoralty, Crime and NYLS

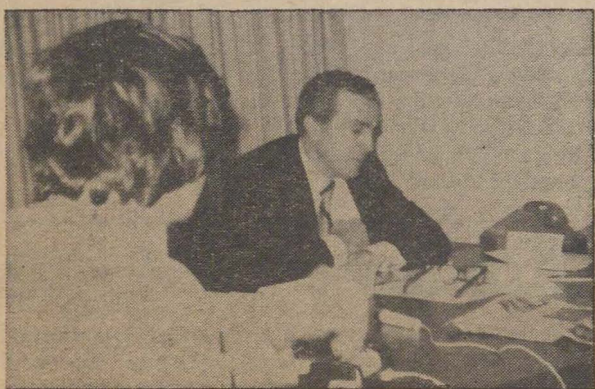
love for the city. That situation was poorly handled. Properly handled it would have never gone beyond the first six patrolmen. It depends upon the manner in which you approach it. They certainly knew it was happening. If they didn't there is something wrong with their intelligence. The birds and the bees knew what was happening! But those offenders should be punished, that's one thing, severely punished.

5. Q. In previous public appearances you have said that preserving our communities has to be our first priority. What does this mean and how can this goal be achieved?

A. I don't know if I said it was the first priority, but it is a great priority. A stabilized city is the sum total of stabilized

to run, I'm going and they've never bound me in the past and they won't bind me in the future. More important, image is terribly important, there is no question about it. It helps to establish a degree of credibility. There was a poll taken by Jonathan Bingham as to credibility. Walter Cronkite was first, I was second, 14 points ahead of President Nixon. I had 58, and Mayor Lindsay had 12 points. I think it is a question of credibility. We don't pussy-foot. We charge right into situations honesty with our own convictions. That does not mean that everyone agrees; I don't expect everyone to agree. But they're all agreed that I am honest in my approach and convictions.

7. Q. In the New York Mag-



communities. Really, what I am talking about is not dislodging groups of individuals who are born, raised and have their roots in an area, in the name of progress. Illustration, the city comes along and raises a number of buildings that are in existence ostensibly for the purpose of constructing a new and large housing development, which as well intended as they are and even if they intend to bring back the people who live there, the fact of the matter is that the practical and bitter experience is that they don't return. What you do is bear that in mind when you are administering the city and when you are proposing institutions and changes within the area, to make certain they are stabilized, you call upon the community for input, for contribution, for their value, for their views. I'm certain that the community agrees. I mean a goodly portion of the community. I don't mean an active, militant few who articulate sufficiently to impose their views, but a goodly portion of the community contributing will help bring about that stabilization.

6. Q. Public image in relation to media exposure is an increasingly important concern now more than in the past. Do you feel that your image as "La Bella Figura" is accurate?

A. La Bella Figura (the Congressman at this point corrected the reporter's pronunciation of the Italian phrase), I read that somewhere. Beauty lies in the eyes of the beholder. Each individual makes his evaluation. I have a quality of independence that I am sure has been clearly demonstrated over a lifetime of performance and that could well be the reasons why the political bosses don't necessarily hold to me as their favorite candidate. But political bosses notwithstanding, if I make a determination

azine article (12/11/72), there is a statement: "Do you really think New York is ready for an Italian mayor in a year when the biggest movies in town are 'The Godfather' & 'The Valachi Papers'? How will this Hollywood portrayal of the Italian-American affect your campaign?"

A. It doesn't help and there will be some people who are affected adversely by it and hence it will reflect to my political detriment. But, we talk in terms of New York City. New Yorkers are highly sophisticated and they come into contact with Italians, young, old, rich, and poor. They measure them, they make evaluations as a result of their personal experience. They have a sense of equity. You don't just smear a group with the same black brush for the guilty conduct of a few. That's a mistake that many people are prone to make, a mistake I have never made with any generalization. I refuse to do that. But, on the other side of that, New York City has had Italian mayors, one of the greatest it has ever had in its history was an Italian — Fiorello La Guardia and he was a congressman also, and I hold his forth as a better representation of Congress than the incumbent men.

8. Q. My next Question is totally in English. The electorate has been categorized as "the great sleeping bear" who only react when their values are seriously challenged. Would you categorize the New York City electorate as the great sleeping bear or are they, as you have said, "too street smart to be fooled"?

A. I'm sure that they are too smart to be fooled. My only concern really is that they come out primary day. There is a terrible apathy on primary day. They come out on election day to vote. Oft times the important decision is made on primary day. If the



same number that come out primary day as come out election day, my election is virtually assured. That's the question, are they sufficiently interested, have they stopped sleeping? My feeling is that they have! There is an awareness that they can participate, that they can have some input, that they can have some influence on which way the city goes and who is to run the city. They have been stimulated by some of the successful efforts of other people, the minorities. The minorities are responsible, to a large extent, for the awakening of large groups of our city's populace who are just apathetic. In that area, we owe a debt to the minorities who stimulated it.

9. Q. As New York City's most decorated police officer, comment on the recent attacks on police and is gun control legislation the answer?

A. Policemen have always been willing to die. They know that's part of the job, but they take the oath. They have and always will die because unfortunately that's the behavioral pattern of man. But, the ambush type, that's something else again. That's a phenomenon of our time and requires a special approach. I don't know that the usual or traditional methods will be productive in that area. It's very much like the Communist sell, where there is a limited amount of input and the individuals who belong are known to each other for many, many years. Now, this Black Liberation Army is imposing on the black community a hardship, the same kind of hardship and a stigma that the criminals of the Italo-American community impose on the law-abiding Italo-Americans. We should not again generalize, not again give vent to some natural prejudices that some of us have and visit the sins of those few on the total black community.

I don't know if gun control is the answer. We have great control of guns in New York City. That's one that some politicians look to quickly. It seems obvious to them on the face of it. They say that might well be the answer. Well, I don't know if it is because the country is proliferated with guns. I've introduced the bill which would deal with the "Saturday Night Special". We have an awful lot of crime committed by that. I would say something that would serve more as a deterrent would make it conviction of a crime committed with a firearm, would have with it mandatory additional sentences by virtue of the use of the firearm. That would be more important. Again, no parole on that score, no plea bargaining on that score. We talk in terms of punishment today in connection

(Continued on Page 7)

## POINT OF VIEW

### A Humiliating System

By Renee Sachs

In some societies, people look forward to growing old. It is obviously sensible for society to arrange things so that people anticipate the inevitable.

In ancient China, a young wife could look forward to becoming a mother-in-law when she would for the first time in her life have other people to order about.

In Japan, a man put on "instant sagehood" when he reached his sixties. He lined his kimono with red and prepared to speak his mind forthrightly on all subjects after a lifetime of diplomatic reticence.

These societies rewarded people for having survived, i.e., grown old, by giving them respect; compensated them for the loss of youthful strength and beauty by giving them a measure of power. In this way, people felt that they still belonged to a society, that they were indeed among its most valued members.

By contrast, consider the treatment of the aged in our "modern," "progressive" American society. In the first place, Americans are terribly frightened by old age. Therefore, they cannot look at it rationally or make sensible and humane provisions for it. Like children with their eyes closed during the scary parts of a movie, they can only hope that when they open them, that horrible thing — old age — will have disappeared.

The administration of the Social Security system is one example of the cold-blooded way in which this society treats its aged. President Nixon has talked about the "end to permissiveness." He has extolled the work ethic and those who live by it. He has excoriated those who are lazy and wish to live off the fat of the land.

So, how do we reward old people who have lived their lives by this exalted ethic and wish to continue to live by it? We tell them that if they are on Social Security and earn more than \$2,100 a year, we are going to deduct fifty cents from each Social Security dollar for each dollar earned over that amount, and if they earn too

much, they will lose all their benefits.

The significant word here is earned (earned by work; work as in work ethic) because there is no limit on the amount of money one is allowed to accumulate each year in the form of income from stocks, real estate, oil wells and cattle-feeding schemes without incurring any loss of payment. Money is O.K., as long as you don't work for it.

We can learn more about what a person considers truly important by watching, where he spends his money than we can by listening to what he says. Though he may choose his words to impress you, he will spend his money to please himself. Similarly, the way a society chooses to allocate its funds (both tax allowances and direct appropriations), as well as the source from which it chooses to acquire them, tells us more about its real values than its propaganda can. For while wealth has not come in for any of the glowing public encomiums that have recently been heaped upon work, what can one make of the fact that the Social Security system penalizes earnings only, not unearned income, except that this society's true regard for work is considerably lower than its regard for wealth?

There can be no quarrel with the idea that men and women who feel more comfortable married have just as much right to be married as the most wildly experimental troupes of San Francisco communards have to remain single. But today widows and widowers who are living on Social Security feel they cannot marry each other because it means a reduction of already less than adequate Social Security benefits.

The conditions attached to Social Security today are both unjust and humiliating. Social Security ought to be awarded the same way a private annuity is: a yearly sum is yours after a certain time. Furthermore, there should be a cost of living index built into the pension system.

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# Subways Vendors Fight to Keep Profitable News Stands; Ancorp Corporation Threatens Livelihood of Workers

By JIM PAGANO

This is the story of William Inigo. He is one of six vendors on subway stations throughout the city who have been threatened with eviction from their stands. Mr. Inigo's stand is located on the downtown side of the IRT 23rd Street station. He has operated this stand for six years, built it up and made it profitable, so profitable the Ancorp National Services has terminated his stay there. These stands are part of the approximately 148 stands that Ancorp operates by agreement with the M.T.A. For this, Ancorp pays the M.T.A. about \$210,000 per year.

Mr. Inigo, as have the others, has invested both time and capital into his endeavors. According to the agreement, all improvements become property of the licensor, Ancorp. Mr. Inigo works a sixty hour week (5 days a week/12 hours a day). His weekly take-home salary is between \$175 to \$300. Mr. Inigo believes that these six stands are the most profitable and that Ancorp wants the profits for themselves. This, he indicated, was the contention of the counsel for Ancorp, when he appeared on a television news spot. As a compromise, Ancorp has offered the six the proposition of working at the stand for \$2.05 an hour for the same 60 hour week, plus 1% of the gross sales. This offer has been made twice and refused twice.

Mr. Inigo's problems began on November 17, when Ancorp gave him notice to vacate in accordance with their agreement. The contract was a license agreement whereby the licensor, Ancorp, gave the licensee the right to operate the stands subject to the agreement between Ancorp and the M.T.A. That agreement (Ancorp-M.T.A.) dates back to March 15, 1965. The agreement between Ancorp and a vendor did not take effect until an official of the M.T.A. also signed it. My research indicated that Mr. Inigo originally agreed to pay 32 dollars a month rent. But, according to Mr. Inigo, he is paying 42 dollars a month rent, without having negotiated a new agreement.

Mr. Inigo is represented by Prosper K. Parkenton of the firm of Cammer, Karlsson, Dallow, & Parkenton. Initially, counsel for Ancorp, Varet G. Kriesberg, gave the men no reason for the termination. When pressed for something more definite, according to Mr. Parkenton, the answers were neither compelling nor revealing. Indications were that Ancorp wanted to run these stands, and that a policy statement had been issued to this effect.

When contacted, Mr. Kreisberg indicated that Ancorp had a legal right to remove these people by virtue of the agreement. He indicated that no discrimination was involved, that 50% of Ancorp's stands are run by Puerto Ricans. He said that a fair offer had been made to these men, that they would probably do better financially under the proposed arrangement. Ancorp, he stated, had in effect offered them job security and fringe benefits through the union.

These stands have been built up by the individuals. Five of the six are Puerto Rican and a few of the men do not speak English well enough to find a job that would pay as well. It seems that these stands have been picked because of the new construction in the area outside of the stations. At 86th Street, for instance, Gimbels East has been built, at 23rd Street, an insurance company is erecting an office building, and so both stands, uptown and downtown, are affected, and at 125th Street, a State office building is being constructed. It has been put forth that Ancorp is anticipating increased revenues at these stands as a result of these developments. The other stations involved are located at 33rd Street and Fulton Street.

An investigation into the nature of the agreement, the license, proved to be very interesting. The licensees can sell newspapers and candies as they so desire, but they must only sell the magazines that are distributed by Manhattan News Service. They cannot sell soft drinks, because there is an independent contract with another company, and they are not allowed to sell the candy that is sold on the vending machines on the stations for the same reason.

Because of the six men are Puerto Rican, the question of discrimination has been raised, but not validated, as was indicated by Mr. Kriesberg. But, it seems that the vendors have had personal problems in the past with Ancorp in relation to the restriction of only buying certain magazines. They have not always complied. These men are independent and strong-willed and as such have been labeled as trouble-makers.

On November 22, the vendors went to court in order to obtain an injunction against Ancorp. This was denied. A temporary restraining order, declaratory relief was sought. At the Appellate Division, the appeal was denied. It is now pending and has not been perfected as yet. Ancorp has initiated a civil case to have them removed. The first holdover petitions were denied on jurisdic-

tional grounds. The second hold-over petitions were returnable Monday, February 26, in the Landlord-Tenant division, 101 Centre Street at 9:30 A.M.

The M.T.A. was also joined in the original action. The M.T.A. claims that they have no part in this dispute. They have an agreement with an independent contractor, Ancorp. Mr. Parkenton does not agree with this position. The M.T.A.'s position is an easy one for them to maintain. They receive approximately \$210,000 for their contract with Ancorp. It has also been indicated that the M.T.A.'s stand that they have no obligation to the licensees is also untenable to the vendors. The taxpayers benefit from the service and the stands are located on public property. As such the Fifth and the Fourteenth Amendments of the Constitution are involved here, i.e., due process. There must be a due process hearing before the action in eviction can take effect.

Donald Harold, from the Public Relations Department of the M.T.A., indicated that the legal department of the M.T.A. would issue no statement concerning the situation. They thought that it would be unethical to make a statement while litigation was pending. He assured me that any questions as to the nature of the agreement between Ancorp and the M.T.A. could be answered by examining the appropriate file at the County Clerk's Office. He indicated that the contract between Ancorp and the M.T.A. would be up for renewal on Aug. 31, 1975.

Mr. Frank Miranda, of the Mayor's Committee on the Exploitation of Workers, arbitrated the matter on behalf of the vendors with Ancorp. The agency did this, even though they were overstepping their jurisdiction, because of the nature of the dispute. Technically, the men are not workers.

He summarized the positions of both sides. Ancorp is not renewing the agreements with the six men because of good business purposes, anticipated increases in revenue due to major construction in the area. As a compromise, Ancorp has offered the men jobs. They have complied with the terms of the agreement, i.e., the required five day notice. When the vendors went to court to obtain an injunction and failed, Ancorp went to court to evict them. The vendors contend that this is their livelihood, that they have invested both time and money, and that now after the stands have become very profitable, Ancorp wants to dispossess them.

The dispute was taken to the State Human Rights Commission. They could not hear it because it had been taken to court. The Commission has no jurisdiction over a matter where a court has been involved. Indications are that the dispute might be pursued there again on the grounds of discrimination because the court case did not hinge on this issue. Informed sources related that An-

corp was not too pleased that the vendors took the matter to the courts because of all the publicity involved. It has also been speculated that perhaps if the matter had been handled in a less visible manner, Ancorp might have reconsidered. It seems that they must go through with it because a precedent is involved.

In retrospect, the causes of action in the matter seem to hinge on fraudulent inducements, good faith and unconscionability of the license, and due process, also the validity of such a license agreement. Ancorp seems to maintain that they are standing on a valid agreement, that no question of fraud, unconscionability or good faith is involved. Also, as indicated by Mr. Kreisberg, due process is not an issue because the court has thrown this out.

The final determination of this complicated dispute will be made in the court. Where it will go from there, no one seems to know. When I asked Mr. Inigo what he would do, where he would go, if he lost, he sheepishly smiled and said: "I don't know... I don't know."

## Lee Discusses Federal Rules

(Continued from Page 1)

state enacted the Code. In 1953, the Uniform Rules of Evidence, based on the Code, but modified to conform to the criticisms directed at the Code, were formulated by the Commissioners on Uniform State Laws, but to this date, the Rules have only been enacted in a few states, including New Jersey. The Uniform Rules embody a number of mild innovations but are only a step forward on the road to reform. Now, the latest attempt at reform, The Federal Rules of Evidence (1972) have met

with the concerted opposition of the organized trial bar, and, at this time, it seems unlikely that they will become law within the next year.

### HEARSAY RULES

Although the Federal Rules of Evidence are not the ultimate solution to the problem, they are the result of much research and discussion by outstanding scholars in the field and more than any prior attempt at reform would open the door to evidence the jury is now forbidden to hear. Perhaps the most radical aspect of the Federal Rule is the relaxation of the notorious hearsay rule and its exceptions. The Rules give the judge greater direction over the conduct of a trial than he now has; and there will be fewer occasions for reversals on appeal because of erroneous rulings on the admission of evidence. If I may use a current cliché, the reform of the law of evidence is an idea whose time has come, and all opposition to it will eventually have to give way."

Professor Leed added that opposition to the rules basically springs from conservative members of the trial bar who know the old rules well and how to manipulate them to their own advantage. The newer rules are harder to manipulate because of their flexibility. Many of the tactics which these attorneys used to keep out evidence will be impeded by the new rules.

"The trial bar is very conservative; it always opposes innovation," Professor Lee concluded, a little sadly.

### 10% BRAINS

When I was a law school dean, I used to say that 90 percent of the qualification of a professor was that he should have a good voice. If, for the other 10 percent, he has some brains, that surely helps.

Erwin N. Griswold  
Solicitor General of the U.S.

## Sabatino Resigns Post

(Continued from Page 1)

the 276 firms returned letters, and of these only two came to the school to interview.

Mr. Sabatino stated that his relationship with the school officials has been cordial, polite and respectful in all regards. He especially noted how cordial and cooperative Dr. Thornton and Dean Rafalko had been, and that he felt that his stay at the school had personally been very fruitful.

In discussing the current prospects for employment, he said that the supply of applicants far outweighed the demand. First and second year students should be on the lookout for any jobs with a law related base. The competition for jobs is "very cutthroat, and those with hustle who can present the best and most personable appearance have the edge." He advised the students to have an up to date well prepared resume always available, and be ready to show it to whoever you think can help you get a job.

For those interested in volunteer work — he noted that many jobs were listed on the bulletin board in the student lounge. In addition, most city and state agencies welcome volunteers. Some places to start

looking are the Legal Services division of Legal Aid, The Municipal Building for city jobs, and the State Office building for state jobs. All of the above are within walking distance of the school.

During the course of this interview with Carl Sabatino more than ten students just dropped into his office to talk to him. They had questions ranging from asking about summer jobs, preparing resumes, and finding out when they were scheduled for in school interviews. This is a common occurrence throughout the day any day Mr. Sabatino pointed out, which emphasizes the need that exists for a viable Placement program.

### Classifieds Job Offer

The Bergen County, N.J. ACLU would like law students (especially those who reside in Bergen) to join in the fight for civil liberties. Excellent opportunities to help bring cases to trial. For more information contact Michael Alpart, first year days, seat 16, or call 201-791-2754.

## Free Classified Ads

As of this issue EQUITAS is offering free classified ads to NYLS Students. The ads should not be for commercial ventures. Any other items will be accepted — i.e. books, cars, personal items etc. for sale, notices of meetings, available jobs etc.

Leave a copy of the ad in the EQUITAS office on the fourth floor, or have it placed in the EQUITAS mailbox on the Main Floor.

Alumni are invited to participate in this program. Deadline for ads for the next issue will be March 23rd.



# Mario Biaggi Discusses Mayoralty, Crime, NYLS

(Continued from Page 5)

with crime, we must talk in terms of severity and certainty, and of course, swift and speedy trials.

10. Q. Are you in favor of bringing back the death penalty?

A. I always was. I was against abolishing it. It has to be done on a uniform basis all over the country. That's one of the reasons why the Supreme Court voted against it. Some states had the death penalty for rape and other less heinous crimes. If we bring it back, we must be certain that every defendant has adequate representation. Due process must be preserved and that's essential and without it I couldn't advocate the death penalty. The death penalty, I know, serves as a deterrent. I knew as a boy from poor neighborhoods. I knew as a police officer for twenty-three years and if it only saved one life, it did deter something, didn't it?

11. Q. Juvenile delinquency, gangs, and public vandalism are at an alarmingly high level. What has caused this lack of respect for the law and how can we control, if not eliminate, the problem?

A. I think it is a net result of a total period of moral decay, permissiveness, lenient laws, stress within our community, the war has contributed, loss of control on the part of parents, lack of interest on the part of adults. What should be done? It tells it's own answer. Just reverse the procedure. Get back to traditional values, give a damn, discipline, and impose penalties, some kind of punishment. I'm not saying put them away for life, but some kind of punishment. There is nothing wrong with traditional values, they worked over the years and they'll survive and there'll be a resurgence. I think we'll see it. I'll tell you who wants it most, the young people involved. That's the ironic thing. The very permissive attitude that some people think the young people want is the very cause for rebellion and the alienation. They would appreciate discipline and the manifestation of interest and affection.

12. Q. In line with this, comment on your experiences with those gangs from the South Bronx who donated blood?

A. They need someone to lead them. Who will they relate to? The reporter asked them: "Why Biaggi?" They said: "He's one of us." That's right! I sat down and I am able to communicate with these kids. They didn't invent gangs. I was a member of a gang, we did different things. They're kids, they're human beings, what the hell are they? They have the same foibles and fears and concerns that everybody else has. If you head up against them, hell, they'll stiffen their backs. It depends how you do it. Perfect illustration! These two gangs have potential of causing very great harm. We got them to contribute twenty pints of blood. It tells you a story! A great source of blood, a great source and we can develop that even further. But, it depends upon the ability to communicate and to take the time out to do it. They thought I related. I know I do because they're not kidding me. As the Indian said, I don't talk with forked tongue.

13. Q. Comment on your New York Law School experience. How has the Law School's approach changed your life?

A. In actuality, the fact is that it opened the door to another world. It helped considerably. It provided additional credentials. I am now a member of the bar. Whether that made much difference in my education and my philosophy, I don't think it is a question frankly. I was far along in years, I was pretty well established and educated. It was a formal process that was required by society. I don't agree that you are a lawyer ipso facto, you qualify for everything. I don't agree with that. You are either a good lawyer, a bad lawyer, a good person, a bad person. Couple that with some experience and you can be all right.

I would say that my life was different. I've been so involved in so many things, for so long, that it was more than compensated for the lack of a college degree. It involved the police and law and the process of working and studying and having some familiarity with it. But, I'm thankful to New York Law School. I was a scholarship student and I am especially thankful to Dean Daniel Gutman, who gave me a new world. It was tough, toughest thing I ever did in my life, toughest thing, and the most draining thing I ever did in my life and if you fellows think it's tough on you because you're young, become forty-five and try it with many other things going at the same time But, we made it.

## REFLECTIONS

In our brief visit with the Congressman, we observed a man of inexhaustible energy and determination. We found him to be personable, direct, and confident, almost to the point of being didactic.

Our conversation covered many areas, but it inevitably centered upon New York Law School. Notes were compared as to the Professors, Someone inadvertently directed a comment concerning

Professor Dugan's low grades in Contracts I. The Congressman grinned and said: "That's him! That's Dugan." The Congressman also expressed his admiration for Professor Koffler.

In reply to the faculty's request, should he be elected mayor, for privileged parking around the area of New York Law School, the Congressman denied the request on the grounds that he received no special privileges while in attendance.

## Area Law School Text Book Co-Op Proves Successful

By DIANE IUSHEWITZ

A textbook co-op for law students has been successfully operated this past fall at Fordham Law School, and is now expanding its service to other New York schools. This semester, books were sold at Fordham and Brooklyn Law at a twenty percent reduction, plus a 25-60¢ service charge. The cooperative plans to offer the full range of case books, hornbooks, and study helps, and

at Brooklyn it also aids students in selling their used textbooks, at half price.

The cooperative is the result of more than a year of careful planning and organization and is to be incorporated as a non-profit corporation under New York law. Next semester will see its extension to N.Y.U. and St. John's while Columbia and New York Law schools are still investigating the possibilities of joining.

## Next Issue

The next issue of Equitas will feature an Interview with Professor Cyril Means. Topics to be discussed are, the recent Supreme Court decision concerning abortion, its effect on current state statutes and other recent Constitutional changes and trends.

# N. Y. Bar Association Panel Explores Job Opportunities for New Lawyers

The New York Bar Association held a panel discussion on employment opportunities for new lawyers. Speakers were Harvey Dale, speaking for the small firm, Robert Lindgren speaking for the large firm, Robert Sann, corporation counsel for Allied Chemical speaking about opportunities for lawyers in legal departments of large firms and Mike Shaw of the Justice Department speaking about careers in criminal law.

## SMALL FIRM ADVOCATE

Mr Dale discussed the advantages of working for a small firm. There was more flexibility, he felt, and a greater opportunity for advancement — one wasn't locked into some mechanical system of advancement by seniority as one was in some of the larger firms. There is more rapid client contact and more responsibility for the way the firm affects clients. There is also the possibility of having a greater effect on the institution itself.

However, he added, it was hard for a small firm to hire a new graduate because new graduates are simply not that productive, and small firms can't afford the training programs which are standard in large firms.

Mr. Dale advised recent graduates who wanted to work with small firms to be aggressive and write good resumes.

## BIG FIRM SPOKESMAN

Robert Lindgren, who represented a large law firm, said that, contrary to popular belief, there were opportunities for young lawyers in big firms.

Mr. Lindgren pointed to himself as an example of the opportunities available. He said that he had been out of law school for eight years and was

in charge of his firm's hiring program.

Lindgren advised young lawyers to try to discover the average partnership age before accepting a position. In a firm where the age is high, the movement through ranks of the firm will naturally be slower than where the partnership age is lower.

Lindgren felt that the advantages of working for a big firm were greater diversity of practice, resources for obtaining both secretarial and legal help, and the undeniable extra clout that comes of being associated with one of the city's older, more prestigious firms.

He emphasized that young lawyers working for large firms did get to deal with clients before they were fifty and that the role of the large law firm had become more specialized and interesting as the result of the expansion by many public companies of their own legal departments.

## CORPORATION COUNSEL

Robert Sann, counsel for Allied Chemical, talked about the opportunities for lawyers with big corporations. He said that corporations in general did not hire people right out of law school but looked for more experienced lawyers.

What he had to say, he felt, would become more relevant to members of the audience as they gain experience in the legal field.

When offers do come, or if you decide to apply to a corporation, Sann advised his listeners to try to find out what kind of training the company provides.

He offered a list of things to look out for:

Is the legal department large enough so that the more experienced lawyers can afford to

spend part of their time training you?

What is the role of outside counsel? ("If your role as house counsel is just to call for help — phooey!" Sann said.)

Is there a legal department or are lawyers' offices just scattered about?

The advantages of corporate work, Sann felt, were a feeling of satisfaction, varied work, client contact.

There is little turnover in large corporate legal firms. Allied Chemical's 60 man legal department is looking for two new people this year. A law firm of the same size, noted Sann, would be looking for 10.

Corporations are looking for generalists. Of course there is always room for a specialist in tax, S.E.C. or patent law. "The law is beating hell out of the large corporations with the U.C.C., the S.E.C., wage-price controls, and anti-pollution controls," Sann asserted. "The lawyer is in the forefront so find a corporation where lawyers make decisions," he advised.

All things considered, Sann felt that he would not return to private practice. There is more satisfaction and less pressure working for a corporation, he concluded.

## CRIMINAL LAW

According to Mike Shaw of the Justice Department, the stakes are higher in criminal law than they are in civil law — the stakes being liberty or its loss and its effects on a man's entire life — and being a trial lawyer is the most exciting thing an attorney can do.

"Criminal practice is more directly related to what people

# Equitas Appoints Art Fisch to Fill Ass't Editor Post

EQUITAS is pleased to announce the appointment of Mr. Arthur Fisch, a first year day student, as new Associate Editor. Mr. Fisch joined Equitas at the beginning of the year as our Business Manager.

Prior to entering Law School, Fisch was an Account Executive with duPont Glore Forgan Inc. and also a Senior Accountant with the Shell Oil Company.

Mr. Fisch attended the Baruch School of The City University of New York where he received a BBA in Major Finance and Investment. He also has fifteen credits completed towards an MBA degree.

Since joining the EQUITAS staff Mr. Fisch has exhibited ability and imagination in improving our day-to-day operations.

Mr. Fisch has expressed the desire to see EQUITAS publish more frequently and has been funneling his efforts towards this goal.

EQUITAS will, before the end of this term announce future appointments to fill other editorial slots.

are all about than civil is. One deals with people in difficult situations," Shaw said. He also observed that the practice of criminal law would appeal more to "loners" than it would to "organization men."

For those who feel as Shaw does, there can be no better experience for a person who wants a career in criminal law than working for either the Justice Department, or one of the District Attorney's offices.

Young men and women have great opportunities to advance if they work for the government. One need only go into both the Federal and State courts in order to see how many of the prosecutors in both courts are quite young.

Working for the District Attorney or the Justice Department gave one the feeling of being right.

"That feeling is still there," Shaw asserted, though these departments "may now be on fringes of the wrong side in some areas."

"Prosecution is a young man's game," he observed. "A man has to leave the government and defend something after a while. Something happens to him if he prosecutes for too long."

Shaw felt that there were disadvantages to practicing criminal law for people whose greatest interest is cerebral or intellectual. With the exception of conspiracy, the conceptual part of criminal law is not difficult and conspiracy is difficult only because the laws themselves are confused.

"The intellectual challenges in criminal law," said Shaw, "come from tactical considerations." — Renee Sacks



# Purpose of LSD Outlined By National Delegates

I recently asked Howard Kane, of Brooklyn Law School, one of the two Law Student Division Delegates to the ABA's House of Delegates, exactly what the function of the LSD is.

"In part, it's to introduce law students to some specialty in the law through meetings and publications of the specialized sections of the ABA," he replied, "But its most important function is to serve the needs of the smaller law schools by lobbying for them."

He then told of some of the difficulties connected with his latest lobbying attempt. Howard was originally part of a group that was scheduled to meet with some White House aides last September to try to unlock what could be a gold mine of funds for the smaller law schools.

Under Title XI of the Higher Education Act passed by the Congress in 1968, and amended in 1970, '71 and '72 to continue the appropriation, up to \$75,000 is available for clinical legal education programs at each law school. Not a penny of this money has ever been spent. President Nixon has never authorized an expenditure under this act.

At the last minute the number of delegates who would be allowed to attend was cut by the White House. Howard was one of those eliminated. The remainder of the group which was headed by LSD President Pat Hayes and former President Jeff Wentworth, met with Dana Reade, the officer for Higher Education at the White House.

The LSD officials stated their belief in the importance of clinical legal education in the training of the nation's law students. The students were then asked if they

knew the Administration's policy on Title XI and they said yes. They believed the Administration was opposed to categorical grants giving law schools funds outright to carry out their programs as the schools saw fit; that the administration favored specific funding for specific programs. The students were told they understood correctly, and that was the end of the conversation. The students felt that they had not achieved a satisfactory exchange of ideas with Mr. Reade on the important subject of Title XI.

Meanwhile Howard and Gloria Bouldin of the University of Virginia Law School who had been cut from the "first string" team entered through the back door, with the aid of a Brooklyn Law School graduate now on the White House Staff.

They succeeded in getting a very worthwhile meeting with Margo Marusi, White House Coordinator for Youth Activities. Howard and Gloria were invited back that afternoon and appointed LSD Liaisons to the White House. The full fruits of this have yet to be realized, but it does put Howard in a strategic position to lobby for the concerns of the LSD and law students nationally.

**STUDENT TRIAL WORK SUPPORTED**

Besides working for Title XI, the LSD has been actively supporting legislation which would allow third year law students to practice law before being actually admitted to the bar. Thus far, 38 States have passed such legislation, largely through the efforts of the LSD.

The criteria set forth in the New York bill are that the stu-

dent have completed his second year at an ABA-approved law school, and that he be participating in a government sponsored legal aid program.

LSD activities such as these go directly to the benefit of the law students attending the small schools, who could not lobby effectively for needed changes without a national organization such as the LSD to spearhead the movement. Students interested in becoming ABA Section Liaisons should contact me immediately.

Bob Winnemore (4-E)

# Humiliating System

(Continued from Page 5)

Older people ought to be able to choose to continue to work even after they start receiving benefits. It is difficult for an active person who has worked hard all his life and not had any time to develop avocational interests to be suddenly confronted with unending hours of leisure. Some people would find retirement easier if they could prepare themselves for it by a period of part-time work. Some people find no difficulty in leaving work. Why must everybody be forced into the same mold?

Old age ought to be a time when people can relax and expand their horizons, not a time when they have to worry about

counting pennies. Older people should be able to take the trips they have dreamed of all their lives. At the very least, they should not have to make sad and anxious choices between a Sunday afternoon movie or a Thursday night pot roast dinner.

There is no room in this article for any comment on how society treats its aged poor. I speak here only of those people who have, through their own labors, not been poor during their working lives, but are being forced into poverty in their old age because of absurd and unjust restrictions on how much money they are allowed to earn. The fact that only money earned by one's labor is restricted, while there are no restrictions at all on other kinds of income make the present laws doubly unjust.

We cannot prevent many of the sadnesses and difficulties that seem to be inherent in the aging process, but surely this society is rich enough to prevent the humiliation of the poverty of old age.

## Could Brandeis Pass?

I can tell you with perfect assurance that I could not pass a bar exam today, even though I've practiced law for many years . . . Bar exams are probably irrelevant in many cases, even to the capability of the man to practice law.

Morris B. Abram, President  
Brandeis University

## Library Announces Purchases, Schwartz, Friedman Head List

Prof. Andrew Simak has released a list of new book acquisitions for the New York Law School Libraries. They are:

Schwartz, Louis E. Proof, Persuasion and cross-examination: A winning new approach in the courtroom. Englewood Cliffs, N.J., Executive Reports Corporation, c1973. 2 v.

Chernoff, George & Sarbin, Hershel, Photography and the law, 4th ed., New York, American Photographic Book Publishing Co., c1971, 158p.

The criminal law revolution and its aftermath, 1960-1971, by

the editors of the Criminal Law Reporter, Washington, D.C., Bureau of National Affairs, 1972, 335p.

Friedmann, Wolfgang, The future of the oceans, New York, G. Braziller, c1971, 132p.

Friedmann, Wolfgang & Garner, J.F., eds., Government enterprise; a comparative study, New York, Columbia University Press, 1970, 351p.

Friedmann, Wolfgang, et al, International financial aid, New York Columbia University Press, 1966, 498p.

Friedmann, Wolfgang & Kalmanoff, George, eds., Joint International business ventures, New York, Columbia University Press, c1961, 558p.

Friedmann, Wolfgang & Beguin, Jean-Pierre, Joint international business ventures in developing countries, New York, Columbia University Press, 1971, 448p.

Friedmann, Wolfgang, Law in a changing society, 2d ed., New York, Columbia University Press, 1972, 580p.

Friedmann, Wolfgang, et al, eds., Transnational law in a changing society; essays in honor of Philip C. Jessup, New York, Columbia University Press, 1972, 324p.

Ginger, Ann Fagan, ed., The relevant lawyers, New York, Simon & Schuster, c1972, 447p.

Harris, Homer I., Federal estate and gift taxes, 2d ed., revised by Joseph Rasch, N.Y., Lawyers Co-operative Publishing Co., 1972, 2v.

Kratovil, Robert, Modern mortgage law and practice, Englewood Cliffs, N.J., Prentice Hall, c1972, 350p.

Lester, Anthony and Bindman, Geoffrey, Race and law in Great Britain, Cambridge, Mass., Harvard University Press, 1972, 491p.

Levy, Leonard W., Judgments; essays on American constitutional history, Chicago, Quadrangle Books, 1972, 341p.

Muhammad, Haji N.A. Noor, The legal system of the Somali Democratic Republic, Charlottesville, Va., Michie Co., 1972, 429p.

Packer, Herbert L. & Ehrlich, Thomas, New directions in legal education, New York, McGraw-Hill, c1972, 384p.

Verbit, Gilbert P., Trade agreements for developing countries, New York, Columbia University Press, 249p.

Wechsler, Stuart D., ed., Prosecuting and defending stockholder suits, New York, Practising Law Institute, c1972, 523p.

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