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New York Law School

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EQUITAS

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JAN 20 1974

UNIVERSITY OF WASHINGTON

Vol. V — No. 4

184

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Wednesday, December 19, 1973

Dean Announces Tuition Increase & Sweeping Curriculum Changes

Up 50% Since Sept. '72 Many New Electives Added Faculty Advisors Named Third Year Completely Elective

Day students currently enrolled in NYLS pay \$830 tuition per semester. This includes a \$10 registration fee and a \$20 student activities fee. This is the amount that they will pay when they register for the spring term.

However, next September tuition is being raised \$100. The registration and activity fees will remain the same. Currently enrolled day student will therefore be paying a total of \$930 per semester, starting with September, '74.

Night students currently enrolled pay \$630 per semester which includes registration and student fees. They will pay this amount next term. However, in September, they will pay a total of \$705 (including fees). This is \$75 more per term than they are currently paying.

COSTS HIGHER FOR NEW STUDENTS

However, tuition will be higher for the incoming class than it will be for students currently

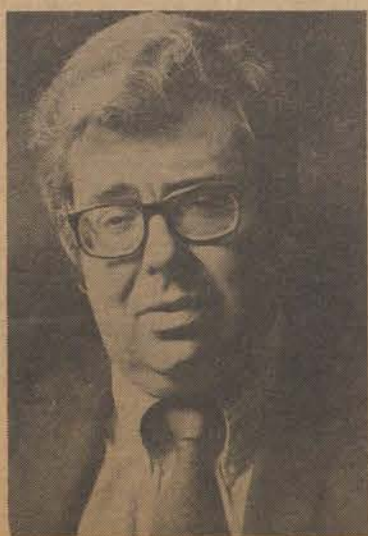


Photo by Robert Gill
Dean E. Donald Shapiro

enrolled at the law school. Next September, an incoming first-year day student will pay tuition of \$1050 per term, and an incoming evening student will pay \$787.50 per term. These amounts do not include registration and student fees.

by RENEE SACKS

Sweeping curriculum changes have been announced by Dean Shapiro. The number of required credits has been reduced from 72 to 38. The number of elective credits has been increased from 10 to 46.

Starting in September, 1974, the number of credits required for graduation will be raised from 80 to 84. This change, however, will not affect the present third year day and fourth year night students. They are still under the old requirement of 80 credits.

For day students, the new requirement averages out to a minimum of 13 hours per semester. Students will be allowed to take more than 13 hours if they wish. Night students will need 21 credits per year on the average.

Students are cautioned that unless they take a minimum of 10 credits (day) and 8 credits (evening) each semester, they cannot get any residence credit for that semester.

HOW IT WORKS

First year day and evening students will have all required courses under the new system as they do presently. Second year day students will have four credits of electives this coming semester. Second year night class will have two credits of electives this spring. Third year night class will also have two credits of electives.

Third year day will have complete elective choice. Fourth year night will also have all electives except for one hour of Professional Responsibility. This is still a required course. (The day students took it during the fall semester.)

All courses currently offered will be offered as electives. For the coming term, 26 elective courses will be offered in the

LAW SCHOOLS IN NEW YORK CITY

	Credits Required for Graduation	Required Course (Credits)	Elective (Credits)
Columbia	83	27	56
N.Y.U.	81	29	52
Hofstra	87	29	58
Fordham	81	43	38
Brooklyn	84	46	38
St. John's	83	61	22
New York Law School	84	38	46

LAW SCHOOLS IN NEW YORK STATE (outside of New York City)

	Required Credits for Graduation	Required Course (Credits)	Elective (Credits)
State University at Buffalo	81	29	52
Syracuse	83	30	53
Cornell	84	37	47
Albany	90	49	41
New York Law School	84	38	46

day session including such courses as Arbitration, Comparative Law, Securities, and Western Legal Tradition. There will be Judicial and Poverty Law Clinics, a Legal Writing Workshop and Legislation Seminar.

The evening section will offer 24 electives including Criminal Advocacy, International Commercial Transactions (also given in the day), Legal Medicine, Corporate Finance (also given in the day) and Literary Property.

In addition, a two credit legal research project may be elected in both sections. This will be under supervision of Dean Shapiro and a faculty committee.

Discount Parking has been arranged by the SBA for both Day and Evening Session students. Tickets are available at the information window on the first floor. Students are urged to take advantage of these tickets — if enough tickets are purchased we will be assured continuance of the discount.

ABA Contest Deadline Set

CHICAGO — Junior and senior-year law students have until April 15 to enter the 1974 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 that 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.

(Continued on Page 6)



Atty. Gen. Louis J. Lefkowitz
Photo by Basil O'Connor

Would you like to work for this man? Attorney General Explains how to go about it as part of an Exclusive EQUITAS interview, starting on Page 5.

Bar Associations: What's Available for Students

by DIANE IUSHEWITZ

ABA membership for students is highly touted at most law schools in the N.Y. area. However, few students seem to know that there are other associations open to them. By comparing the offerings of the various associations, the student may be able to find one that is better suited to his or her needs.

For instance, compare what you are entitled to in the following 2 organizations:

LSJ

\$5 fee
Student Lawyer Journal
Student Lawyer Letter
Fall and Spring Circuit Conference

Special free publications
All other items, including placement service and section membership, are extra.

N.Y.S. Bar

\$3 fee
The Law Digest
The Journal
The Newsletter

Free admission (or nominal fee) to all Association, Section, and Clinical Legal Education Programs.

Special Edition Law Student Publications.

Free placement service.

N.Y. has a multitude of law-oriented organizations. Not all are open for student membership, but they can still be used in certain ways. The Association of the Bar of NYC, the NYS Trial Lawyers Assn. and the Queens Bar, do not allow student membership, but most of their lectures are open and free. The Practising Law Institute offers courses in various legal areas. They are, of course, expensive, but partial scholarships are available to students. If you are interested in a particular course, contact the program director of that course for scholarship information.

The one local organization contacted that does encourage student participation, was the N.Y. Women's Bar Assn. Students can go to meetings, participate on committees, and do almost anything members do. Their fee is also \$3.

Every special interest organization was not investigated for the purposes of this article. If you are interested in a special area, of the law, or your local bar, call up or write and find out what is available to students. It could be to your advantage, even if you only go to an occasional meeting.

NEW SYSTEM OF FACULTY ADVISORS INSTITUTED

The following professors have been appointed faculty advisors; they will be available to consult with students as to the selection of proper electives:

1st Year Day
2nd Year Day
3rd Year Day
1st Year Even.
2nd Year Even.
3rd Year Even.
4th Year Even.

Professor Eiber
Professor Dugan
Professor Silverman
Professor Koffler
Professor Pensley
Professor Solomon
Professor Means

NYLS Alumni Notes



Photo by Robert Gill
Professor Bernard M. Eiber

Professor Bernard M. Eiber '51, was elected President of the NYLS Alumni Association on Monday, Dec. 12. Professor Eiber succeeds Martin L. Baron '52, who has become a Director of the Association.

The other officers of the Association are Sylvia D. Garland '60, 1st Vice President, Zuhayr Moghrabi '67 2nd Vice President, Ernest F. Marmorek '57 Secretary and David A. Ferdinand '38 Treasurer.

Class of 1939: Edward F. McLaughlin — Elected as a Justice of the Supreme Court.

Class of 1949: Herbert J. Feuer — is a commissioner of the NYC Board of Elections.

Class of 1962: Joseph J. Galiber is a State Senator from the Bronx.

Class of 1972: Richard Babinecz is with the Law Department of Consolidated Edison.

Class of 1973: Richard E. Shepard is with the Real Estate Dept. of F.W. Woolworth Co.

Richard C. Entin has been admitted to the Florida Bar.

Class of 1964: Richard Lee Price has been elected President of the Civil Court Law Secretaries Association. Mr. Price is law secretary to Civil Court Judge Harry W. Davis.

DECEASED

Class of 1905: Edwin C. Vogel

Class of 1906: Abraham Davis

Class of 1920: Maxwell Shapiro

Maxwell Shapiro, who retired five years ago as a justice of the Municipal Court, died, apparently of a heart attack, at Doctors Hospital, Friday, Nov. 2, 1973. He was 75 years old and lived at 25 East 86th Street.

He had been on the bench since 1950, when he was elected with bipartisan endorsement. He was re-elected in 1960. Earlier, he had served as counsel to the New York State Joint Legislative Committee on Housing and Multiple Dwellings from 1944 to 1951.

Justice Shapiro was the author of the recodification of the Multiple Dwelling Law, which protects the right of citizens in this state to live in clean, safe and sanitary homes.

Assistant U.S. Attorney

From 1927 to 1931 he served as an assistant United States Attorney for the Southern District of New York and had acted as a special assistant attorney general in election fraud cases.

Justice Shapiro upheld Columbia University in gaining control of the Bryn Mawr residence hotel at 420 West 121st Street in 1964. The hotel had been a gathering place for narcotics addicts and prostitutes. Columbia, with other Morning-side Heights institutions, had bought the building and sought to take over the lease of the hotel.

The judge was graduated from DeWitt Clinton High School in 1916 and received his law degree from the New York Law School in 1920.

He was a member of the American Bar Association, the New York State Bar Association and the New York County Lawyers Association. He also was a

member of the American Legion, the Jewish War Veterans, the Grand Street Boys Association and a past president of the Brotherhood of Israel.

He leaves his wife, the former Fay D. Katz; a daughter, Mrs. Martin Zorn; two sisters, Mrs. Ida Schlesinger and Mrs. Rose Cooper, and two grandchildren.

A funeral service was conducted in the Park Avenue Synagogue, 50 East 87th Street.

Class of 1921: Frederick I. Pelovitz

Class of 1923: Francis T. Murphy

Francis T. Murphy, senior member of the firm of Goldenkoff & Murphy, died Wednesday, Nov. 21, 1973 at St. Barnabas Hospital in the Bronx at the age of seventy-seven.

He was graduated from the New York Law School in 1923 and founded his firm in the same year. Mr. Murphy served in the State Assembly in 1945 and 1946 and was a Democratic district leader in the Bronx for many years.

He is survived by his widow, Bertha; a daughter, Mrs. Irene McInerney; a son, Justice Francis T. Murphy, Jr., of the Appellate Division First Department; a brother, Raymond; and eight grandchildren.

Class of 1925: Wilmurt Burr Linker

Wilmurt Burr Linker, a founding partner in 1936 of Delafield, Hope, Linker and Blanc, a New York law firm, died Nov. 23, 1973 in Southside Hospital, Bayshore. Mr. Linker was a graduate from New York Law School in 1925. He was 71 years old and lived at 58 Elder Road.

His widow, the former Estelle Kowes, and a son, Philip B., survive.

Letters To The Editor

To The Editor

Sad indeed it is to read in EQUITAS of the NYLS alumni who have passed on.

It would be more cheerful to read of those still going at it after many years.

I would welcome notes pertaining to the Old alumni on the bench or at their work in the courts.

I'm somewhat selfish, I'm of the class of 1922 and still at it, more than 50 years after graduating.

Very truly

Michael I. Winter '22

... and we hope for many more years to come.

To The Editor

I would like to comment on the situation at our library. Every day, at anytime you can pass by a desk in the library and see a stack of books just sitting there.

I think each student should take it upon himself to properly reshel books when they are done with them. This way there wouldn't be any need to wonder about wasting time trying to find a book that someone has left somewhere.

Save yourself and your fellow students some time (which we don't have enough of) and some frustration (which we don't need any more of).

Joann Deutch

1st Yr. Day

To The Editor

I appreciate receiving your newspaper Equitas. However, the issue of Wednesday, September 12, 1973, arrived this last week,

which is November. I wonder if there is any way that this paper could be delivered to me a little earlier.

Sincerely yours,

Richard S. Woodman '38

We apologize for our mailing house. Every effort is being made to get EQUITAS to you as soon as possible.

To The Editor

I protest. I protest the current exam schedule which forces day students to take their exams at night, i.e., from 6 to 9 P.M. Apart from being a poor time psychologically for taking an exam, it places an undue burden on commuting day students who have to take a train, and sometimes two trains to get home. I have two proposals. The first, and I feel the better one, calls for two separate exams to be given — one for the day school and one for the night school. This would mean that every professor would have to draw up two exams. The second proposal calls for the scheduling of the exams back to back. By this I mean that the day students would take their exam from 3 to 6 P.M. and the night students would take the same exam from 6 to 9 P.M. This proposal would not necessitate the drawing up of two exams.

I have suggested only two alternatives to the present schedule but I feel there are other equally equitable solutions to this problem. I hope we can solve this problem by next exam time.

Sincerely,

J. Goldblatt

First Year Day

(Continued on Page 7)

Dean Clarifies NY Bar Requirements

The following memorandum was issued by Dean E. Donald Shapiro:

New York Law School, like most of the nation's outstanding law schools, is moving to a system allowing much greater student latitude in the selection of courses. With such freedom of selection, comes responsibility which each student must assume.

I think it is appropriate, therefore to remind each student of the following statement of the New York State Board of Law Examiners:

"THE EXAMINATION WILL CONSIST PRIMARILY OF QUESTIONS DEALING WITH THE FOLLOWING SUBJECTS WHICH ARE DEEMED FUNDAMENTAL: AGENCY, THE CANONS OF ETHICS, CONFLICT OF LAWS, THE CONSTITUTIONS OF NEW YORK STATE AND THE UNITED STATES, CONTRACTS, CORPORATIONS, CRIMINAL LAW, DAMAGES, DOMESTIC RELATIONS, EQUITY, EVIDENCE, NEGOTIABLE INSTRUMENTS, PARTNERSHIP, PERSONAL PROPERTY, PLEADING, PRACTICE, REAL PROPERTY, SALES, SURETYSHIP, TAXATION, TORTS, TRUSTS AND WILLS. QUESTIONS MAY ALSO DEAL WITH THE FOLLOWING SUBJECTS: ADMINISTRATIVE LAW, BANKRUPTCY, CARRIERS, FEDERAL JU-

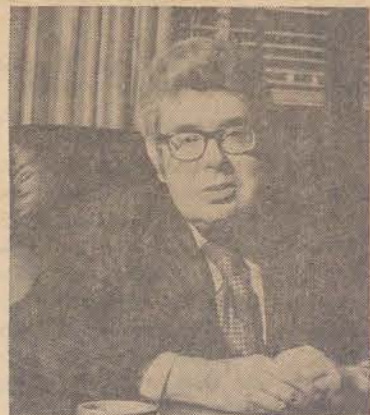


Photo by Robert Gill
Dean E. Donald Shapiro

RISDICTION, INSURANCE, LABOR LAW AND MUNICIPAL CORPORATIONS.

THE FOREGOING LISTS INDICATE THE GENERAL SCOPE OF THE EXAMINATION BUT THE BOARD MAY PROPOUND ANY QUESTIONS WHICH A LAWYER IN GENERAL PRACTICE MAY REASONABLY EXPECT TO MEET."

Naturally, if you are interested in sitting for the Bar Examination in another jurisdiction, you should write directly to the appropriate Board of Law Examiners in that state and find out what requirements they may have, and in what subjects they plan to examine.

E. Donald Shapiro
Dean

NEW YORK LAW SCHOOL ALUMNI ASSOCIATION

The following list of Officers and Directors of the New York Law School Alumni Association is printed for the convenience of any and all alumni or students desiring to contact any Officer or Director.

OFFICERS:

PRESIDENT	Prof. Bernard M. Eiber '51	57 Worth St. New York, N. Y. 10013	WO 6-3500
1st VICE PRES.	Sylvia D. Garland '60	100 Park Ave., NYC 10017	725-0400
2nd VICE PRES.	Zuhayr Moghrabi '67	54 Riverside Drive, N. Y. C. 10024	787-3966
SECRETARY	Ernest F. Marmorek '57	420 Lexington Ave., N. Y. C. 10017	682-4067
TREASURER	David A. Ferdinand '38	9 East 46th St., N. Y. C. 10017	532-9678

DIRECTORS:

Hon. Martin L. Baron '52	White & Case, Esqs. 14 Wall St., N. Y. C. 10005	732-1040
Steven J. Baron '68	GAF Corp. 140 W. 51rd St., N. Y. C. 10020	JU 2-7600
Michael C. Bernstein '28	120 East 41st St., N. Y. C. 10017	688-2800
Benjamin Botner '29	119 Park Ave., New York 10028	582-6250
Alfred E. Braun '70	11 West 42nd St., N. Y. C. 10036	736-0728
Mary E. Cerbone '59	312 West 23rd St., N. Y. C. 10011	971-5466
Howard J. Churchill '32	330 Madison Ave., N. Y. C. 10017	697-4520
Hon. Norman J. Fellig '43	N.Y.C. Criminal Court	643-5234
Hon. Seymour Fier '52	120 Schermerhorn St., Brooklyn, N.Y. 11201	264-3816
Milton B. Franklin '28	26 Federal Plaza, Rm. 3138, N.Y.C. 10007	344-9200
Joseph N. Friedman '58	45 Monroe Place, Brooklyn, N. Y. 11201	962-6618
Joseph Guberman '29	Amer. Insur. & Title Co., 170 Bway, NYC 10038	RE 9-1211
Irvin Husin '27	89-31 161st St., Jamaica, N. Y. C. 11432	943-2690
Chas. A. Iovale '56	27 William St., N. Y. C. 10005	HO 8-2087
Alfred D. Jahr '26	92-74 218th St., Queens Village, New York 11428	267-2624
David M. Kahn '50	258 Broadway, N. Y. C. 10007	914 - 946-2772
Murray T. Koven '38	175 Main St., White Plains, NY 10601	736-7432
Robert Lester '57	350 Fifth Ave., N. Y. C. 10001	CO 7-3788
Marshall E. Lippman '73	4312 Ocean Avenue, Brooklyn, N. Y. 11235	593 - 3000 X554
Hon. Anthony M. Mauriello '25	624 East 20th St., NYC 10009	WO 2-3055
Ellis J. Meyerson '26	15 Park Row, N. Y. 10038	564-0960
Hon. Joseph Periconi '41	1457 Broadway, N. Y. C. 10013	765-0678
Harry Ostrov '25	Drug Abuse Control Com., 1855 Bway, NYC 10023	736-2474
Georgina P. Reich '56	1450 Broadway, N. Y. C. 10018	682-8211
Hon. Ernst A. Rosenberger '58	521 Fifth Ave., N. Y. C. 10017	374-6216
Frederick W. Scholem '27	315 East 68th Street, NYC 10021	532-4626
Hon. J. Stanley Shaw	10 East 40th Street, NYC 10016	838-7127
Meyer Slikin '25	770 Lexington Ave., NYC 10021	566-2213
Hon. Jack Stanislaw '29	2341 Ocean Parkway, Brooklyn, N.Y. 11223	(516) JU 4-6225
Hon. Nicholas Tsoucalas '51	Moriches Road, St.James, N. Y. 11780	544-9300
	25-10 Court Sq., L. I. C., N. Y. 11101	

Women Lawyers Set Conference Date

Approximately 500 women from across the country are expected to attend the Fifth Annual National Conference on Women and the Law at the University of Texas School of Law in Austin, Texas, March 29-31.

The conference, which is open to all law students, law professors, attorneys, legal workers and other interested persons, will focus on the role and problems of women in the law as practitioners and scholars and the law as it affects women in such areas as employment and economic discrimination, reproductive freedom and women in institutions.

The conference will also focus on methods for organizing women students and faculty in law schools.

With the aid of an 18-member national steering committee, the UT Women's Law Caucus is now planning for major speakers and some 25 workshops including:

Sherry Rothenberg, attorney for the Equal Employment Opportunity Commission in Chicago, on sex discrimination in employment; Barbara Babcock, law professor from Stanford University on duties and trial tactics of the feminist lawyer;

Sarah Weddington, Austin state representative and winning counsel in *Roe v. Wade* on reproductive freedom; and Jan Goodman, member of the first feminist law firm in New York City, on alternative forms of practice for women.

Other steering committee members who will participate in conference include University of Alabama law professor Marjorie Fine Knowles and Columbia law professor Ruth Ginzburg.

Registration information for the conference may be obtained by writing Women's Law Caucus, 2500 Red River, Austin, Texas 78705 or calling 512-474-2091 or 512-474-1876.

Glover Johnson '25 Dies White and Case Partner

Glover Johnson, a senior partner in the law firm of White & Case, 14 Wall Street, who specialized in corporate and financial law, died Sunday Oct. 28, 1973, at his home at Wilmet Road, New Rochelle, N.Y. He was 72 years old.

Mr. Johnson had been a director of International Minerals and Chemical Corporation since 1952 and chairman of its board for several years. He was also a director of the F. & M. Schaefer Corporation, the Federal Paperboard Company, Arnold Bakers, Inc., and Agfa-Gevaert, Inc.

He was a former chairman of the committee on Federal Regulation, securities division of the American Bar Association.

HOSPITAL BOARD HEAD

Mr. Johnson had been a director of the New York School for the Deaf since 1949 and had served as president and board chairman. At his death he was board chairman of the New Rochelle Hospital and Medical Center.

Mr. Johnson, born in Perth Amboy, N.J., was a descendant of Thomas Hinckley, Governor of Plymouth Colony from 1681 to 1692.

He graduated in 1922 from Trinity College, where he was a Lemuel Curtis Scholar, and in 1925 from New York Law School, where he was a Kent Scholar.

He was admitted to the bar in 1926, and then joined White & Case, in which he became a partner 10 years later.

Mr. Johnson was a life trustee of Trinity College and president of Its Alumni Association. He received the Eigenbrodt Alumni Award in 1969.

Since 1944, Mr. Johnson had been a trustee of Trinity Episcopal Schools Corporation, operating schools here and in Pawling, N. Y., and during this period had acted as treasurer, president and chairman.

He was a member of the Sons of the Revolution. His clubs included the Blind Brook, Board Room, Brook, Down Town Association, Wall Street and Siwanoy Country. He had been a trustee and officer of the Larchmont Yacht Club.

Surviving are his widow, the former Dorothy Murray Algeo; two daughters, Mrs. Charles J. Werber and Patricia Hinckley Johnson, and three grandchildren.

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Feminist Viewpoint

THE RAPE FANTASY

by Frances Brown Salten

A defendant is presumed innocent of crime until found guilty by the jury, on the basis of evidence beyond a reasonable doubt. But no such presumption clings to the complainant.

Nowhere is this more clearly illustrated than in the prosecution of rape. By definition, the complainant is always a woman; the defendant always a man. On the books, that is. In fact, it is the woman who is the accused, and it is the man who is the alleged victim — of false accusation by "... the archetype, of the 'hysterical and vengeful female'."¹ Some have gone so far as to advocate, in New York, where "... rape is the easiest crime to get away with,"² that a new kind of corroboration be required — corroboration by psychiatric examination — not of the defendant, but of the complainant!³ In fact, Wigmore, "... the greatest legal scholar who ever wrote in English," recommended that "No judge should ever let a sex offense charge go to the jury unless the female's history and mental makeup have been examined and testified to by a qualified physician."⁵ An extraordinary suggestion, particularly since a Philadelphia study by M. Amir of Hebrew University, based on 646 rapes in 1958 and 1960,⁶ found that 70% of convicted rapists had symptoms of schizophrenia.⁷

The falsely accused always has redress through a tort suit for malicious prosecution, provided that he was acquitted; there was no probable cause for the criminal proceeding; and there was malice.⁸ It is this possibility, rather than the hurdle of "corroboration" which is the proper deterrent to those who might consider making false charges of rape.

Even after conviction and imprisonment, rapists are a special class. They deny their guilt, something which even murderers do not do.⁷ Perhaps this is one reason why the myth of the rapist as victim of false accusation is so strong. Prison psychiatrists have been startled to find that in group therapy, one rapist will get an admission from another, simply by knowing what accusations to make.⁷

Is this because the psychiatrists, like the attorneys, judges, and most of the jury are males? Is it possible that a woman psychiatrist would not have the same difficulty getting an admission — because she would identify with the victim, not the prisoner?

If we are not going to have the defendant examined by psychiatrists prior to the verdict, perhaps we ought to have psychoanalysts examine the extraordinary rape fantasy which seems to pervade our legal system, so that we may get to know ourselves better. For there appears to be a persistent male fantasy concerning rape which, because it is unexplored, hence not yet understood, is stronger than reality. Because only males can have this fantasy, females face the reality of having been raped, then treated as liars, disease-carriers, sluts — and have been dropped by husbands, lovers, and friends. More destruc-

tive to most adult females, perhaps, is this terrible entanglement in another's madness, so that, like Cassandra, even while speaking the truth, one is disbelieved.

Were the legal profession not in the grip of this fantasy, they could not continue to tolerate "... the theory [in a judge's words] that a woman who has previously consented to an act of sexual intercourse would be more likely to consent again to such an act, thereby negating the charge that force and violence were used against her in order to accomplish the rape?"⁹

Judge Irving Younger's explanation of our corroboration requirement for rape when no corroboration is required for "... any other hideous crime of violence"⁴ is "Male chauvinist pigs. Men have created the law. It is sexism of the worst kind. It is psychological vulgarity."⁴

Lieut. Julia E. Tucker, commander of New York City's new Police Dept. Sex Offenses and Rape Analysis Squad since its inception a year ago,¹⁰ opposes the corroboration requirement bitterly. She has found that the percentage of rape complaints determined by the police to be unfounded is 2%, much the same as the unfounded rate for all felony complaints.¹¹ Yet William E. Hellerstein, head of the Legal Aid Society's Appeals Section, and another apparent victim of the "myth," while admitting that he knows of no documentary evidence to support his view contends that false charges are brought more frequently in rape than in other felonies.¹¹

Rapists, like other criminals, should be exonerated, not by lack of corroboration, but by a jury. The corroboration requirement amounts to a denial of due process, for is it not such a denial to circumvent our Anglo-American legal system, which promises trial by a jury of one's peers?

And the corroboration requirement in rape, a crime rarely, if ever, performed before an audience (except of accomplices), is not the only sexism. There is also the ordeal of cross-examination, which, in the name of credibility, may go to any lengths permitted by the judge on the question of the complainant's sexual life style.

Although the charge is forcible rape, and therefore the issue, once sexual intercourse or attempted sexual intercourse has been established, is force or consent; the line taken by the defense, and permitted by some — or is it many? — judges, is that the complainant is not a virgin (which is not an element of the crime, not alleged, and therefore immaterial and irrelevant, so should be inadmissible); that complainant has had a boy friend or boy friends; or, better still, is a prostitute; or, best of all, had voluntary sexual relations with the defendant on other occasions. (Judge Shirley Levittan, one of our graduates, has said, "A prostitute cannot be raped," and, when asked if prostitutes were not entitled to the equal protection of the laws, replied that evidence of sexual conduct went

to credibility. If a prostitute can't be raped, then, by the same logic, a storekeeper can't be robbed.)

Leaving aside the fact that a woman cannot charge her husband with rape, the different rules applied in the case of rape present the question of just how women are regarded by society. Have they not the right to refuse sexual intercourse on a particular occasion to non-husbands, even if they have on other occasion consented?

Except that the rape victim can sue a man of means civilly, needing then only a preponderance of the evidence, the complainant, and other women, are left for their protection to the male-dominated legislature.

What can we do? The New York Assembly Codes Committee in Albany has invited comments and recommendations for legislation modifying the requirement of corroboration. We can take Judge Younger's position that there should be NO corroboration requirement, just as there is none in any other charge, including murder.⁴ It is not to our credit that, even as amended in 1972, New York's rape law is "... the strictest in the nation regarding evidence"¹¹ — for that means the most lenient with regard to rapists. Harsh penalties (up to 20 years) may be another factor in the jury's unwillingness to punish one who shares their own rape fantasies — forgetting that the accused's acting then out makes all the difference.

In addition, therefore, to recommending a return to the common law, which required no corroboration in rape, as in other crimes, we ought to recommend that treatment, for as long as necessary, be the "penalty" for conviction, rather than a non-productive, excessively harsh, yet merely custodial imprisonment. Let us join New Jersey, Massachusetts, California, and Wisconsin, the only states which have treatment programs at present.⁷ At Bridgewater, Mass., repetitive rapists (considered the most dangerous group of all⁷), were there no more than ten years.

Having recommended a return to trial by jury, rather than keeping cases from the jury by the extra device of corroboration and having recommended treatment for the rapist; what can we do for the victim of the rape? Feminists recommend that women go to rape crisis centers, "run by women who care about women,"¹⁴ as quickly as possible, and forget about pressing charges because the "... prejudice against women is so strong."¹⁴, ¹⁵. That leaves the question of conscience, as the victim weighs her responsibility to get the rapist off the streets, for the protection of other women. It is this question which accounts for the increase in reported rape.

But to help those women who feel dutybound to endure the suffering of prosecuting (one social worker did; got a conviction; and said that the entire process was much worse than the rape itself^{2, 16}), we must ask that judges be required to follow impeachment rules strictly, and

(Continued on Page 7)

Equitas Editorials

Up Up and Away

Tuition will be raised again for the Term which commences in September '74.

The second year day class and the 2nd and 3rd year night classes will have thus undergone two raises in tuition in the course of their law school careers.

Even with the raise, the tuition at NYLS is low in comparison to other schools, and the students currently in attendance will be paying less than the incoming class.

We know too that prices have soared, and we also realize that classes are smaller and that more faculty members have been hired. (In addition, the placement service which had begun to seem like the myth of El Dorado to the upper classmen is now a reality.) We know that this takes money.

Nevertheless, EQUITAS feels that the raise is extremely hard on the students al-

ready at NYLS. We feel that the administration should adopt a firm policy of raising tuition only for the incoming classes.

Many people have made arrangements for loans, have taken jobs, and made general living arrangements based on the cost of the old tuition. It will be very difficult for some of these people to change these arrangements to meet the cost of the new tuition.

On the other hand, the entering class is on notice, and they can make plans both as to loans and working hours before they enter the school.

Each member of an entering class should have the security of knowing that the tuition he pays when he enters will be the tuition he pays when he leaves three or four years later.

No Quota System

It is perhaps laudable that the SBA President has decided to allocate one of the four student position on the Student Faculty Alumni Committee to a woman. However, why have all the women in the school been considered for only one of the positions, and all the men for the other three?

Wouldn't it be more equitable for every student in the school regardless of sex to be considered for all the positions? Wouldn't it be more equitable for the SBA president to choose the four MOST QUALIFIED students regardless of sex?

Another Step Forward

Once again, EQUITAS is moved to comment in wonder at how much can be accomplished by people who are determined to accomplish things.

The latest accomplishment of the new administration has been to reduce the number of required credits and increase the number of electives so that NYLS is now in line with other law schools.

Now, people who are interested in tax law, for example, can start the basic tax course in their second year and will be able to take several tax course before they graduate. Students who are interested in specializing in other areas of law will thus have

an opportunity to take several courses in the area in which they hope to specialize.

One warning: choice involves greater responsibility for the student, because no matter what courses a student may choose to take, the bar exam will continue to test in particular areas of the law. (See List Page 2).

A student has a right not to choose to take a course, but he ought to know that he is going to be tested on it.

But despite any possible problems, the increase of elective choices by over 450% is a great step forward for NYLS.

Questions not Ego Trips

EQUITAS confesses to being old-fashioned. For example, we once thought an asset was something non-controversial, tangible and matter-of-fact. Now we realize that the first cousin of an asset is the philosopher's stone and that an asset is anything that can be conjured up by the wit and imagination of an accountant.

Similarly with questions. We always thought that a question was what one asked when he wanted an answer.

But lately we find that questions have purposes other than information gathering. Instead, they seem to serve as ego calis-

thenics for many of our classmates.

It is unfair for a single individual to take the time of the entire class for such a purpose. (Generally, the longest, most complex and least relevant questions come 2½ minutes before the end of the period.)

If someone has a long question, not on point but he's wildly curious to know the answer, he should talk to the professor either before or after class.

Questions are valuable, and all of us can learn from each other's questions, but only if the questioner himself is interested in the answer.

POINT OF VIEW

JULIE'S BIRTHDAY

RENEE SACKS

JULIE NIXON'S TWENTY-FIFTH BIRTHDAY CELEBRATION AND THE STATE OF THE NATION

Sometimes, a single incident, trivial in itself embodies so perfectly the essential spirit of a large and complex series of events, that, with regard to these events, the incident becomes a kind of telescopic lens simultaneously magnifying and reflecting the world beyond it. Through its medium, we are able to perceive the entirety with a new and sharper focus.

Julie Nixon Eisenhower's twenty-fifth birthday celebration which was reported by the press some months ago was such a "focusing" incident. It was a lens through which one could see with painful sharpness the hypocrisy of the first family; the falseness of the image of themselves that they are attempting to present to us; and, further, a lens through which one could focus one's speculations about the genuine attitudes that lie behind the choice of particular false images.

A FAMILY DINNER

The press reported when Julie was given her choice of a big celebration or a small, quiet family dinner, she unhesitatingly chose the latter and immediately requested her "favorite" menu: steak, grilled tomatoes, corn-on-the-cob, and a white cake with coconut frosting.

Why was this announcement released to the press, one might ask? Nixon is the least spontaneous of men and appears to take no action without calculating its public effect (The fact that he frequently seeks to avoid any public effect by keeping things secret, and further that many of his recent calculations have been grievously erroneous is irrelevant here.)

As in so many of the first family's "personal announcements," there seems to be an attempt to infuse certain choices with a moral dimension, when, in actuality, the sole basis for such choice rests on nothing more than personal taste and temperament.

And just as the message of moral rectitude stood behind Pat's simple Republican cloth coat of long ago, we might now ask just what moral presumptions lurk behind the recitation of the simple facts of Julie's birthday?

First fact: Julie chose a small family dinner at home rather than a large celebration outside involving outsiders.

First lurking message: People who spend time with family groups and prefer a quiet time are better than gregarious people who like lots of noise and lots of company. (This is also a great movie myth. Those of you who watch the late show have doubtlessly noticed that the heroine (blond) is invariably a home-loving type suffering silently through the first reels as the hero squanders his patrimony on some brunette vamp by taking her to night clubs, theatres and expensive restaurants.)

Second: who needs outsiders; who needs people different from ourselves?

Vance Packard has pointed out that the higher an individual is on income and educational scales,

the more varied his social contacts tend to be. There are friends from school, colleagues from work, fellow club members and so on. On the other hand, exclusive socializing with one's own family group is a pattern much more typical of working class families who are further characterized by suspiciousness of and hostility toward those outside their immediate group.

ABOUT THE MENU

Next, consider the menu itself, so simple, so "just folks." Why didn't Julie ask for something festive and French? Why didn't she, at any rate, request something a little out of the ordinary?

Reason: people who like simple food are better than people who like elaborate food, the latter are too wound up in the gratification of their stomachs (bad) and tend to be self-indulgent sensualists (very bad). Back to the late show for a confirmation of this myth. On the late show, home cooking is treated sacramentally. Mary Jane will learn to make a meatloaf as good as mom's while evil Magda saunters forth to gulp down tigerishly quenelles de brochet mousseline and tournedos rossini.

The white cake with the white icing reminds me of a series of children's books which were all about a revolting little goody-goody girl named Honey Bunch. In one of the endless volumes of this treacly series, Honey Bunch, Mommy and Daddy stop off to have ice cream sodas. As the book tells it, "Daddy chose chocolate, Mommy chose strawberry, and Honey Bunch chose vanilla because it was sooo pure."

And, indeed, that white cake, like a grown-up twinkie is sooo pure. the menu is equally free from any taint of either originality or sophistication. One question was left unanswered by the article: Did the Nixons drink wine with the meal, or did they wash it down with milk and Coke?

PROVINCIALISM v COSMOPOLITANISM

The whole atmosphere of the party is claustrophobic, provincial, determinedly, even aggressively anti-cosmopolitan.

Attitudes towards cosmopolitanism seem to vary directly with attitudes toward individual liberty. The ancient Greeks thought cosmopolitan was a good value. To be a citizen of the world meant to be free from local prejudices, to be tolerant, to be able to feel at home anywhere, and to be open to new experiences.

Dictators, on the other hand, loathe the idea of cosmopolitanism. When Stalin called the Jews "cosmopolitan," he meant the word as an opprobrious epithet and used it to justify his treatment of them. The thought that people could have differing points of view from those of the national government (embodied in Stalin, of course), and, further, could believe that they were actually entitled to have different views was intolerable to him.

"Extremes meet because they are meant to meet," observed Aldous Huxley. It is interesting that Nixon and Stalin, each a noisy and aggressive represen-

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Exclusive Equitas Interview:

Innovation in Public Office and No Political Connections Necessary At N.Y.S. Atty. General's Office

by Jim Pagano and Sal Bate

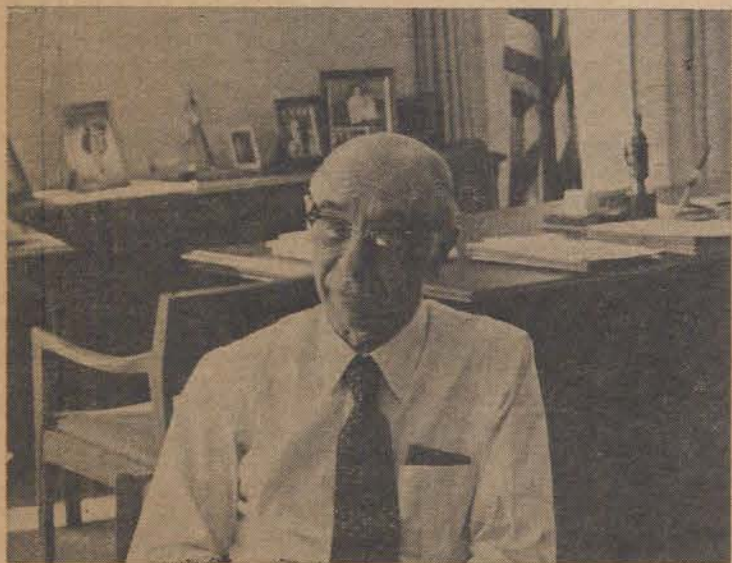


Photo by Basil O'Connor
Attorney General Lefkowitz

Louis J. Lefkowitz, Attorney General, was born in New York City. After attending public schools in NYC, he received his law degree from Fordham. Mr. Lefkowitz served as a member of the State Assembly from 1928 to 1930. He was appointed a Justice of the Municipal Court of NYC by Mayor La Guardia in 1935. Appointed Attorney General by the State Legislature in 1957, he was elected in 1958, re-elected in 1962, 1966 and 1970.

As Attorney General, he established the Bureau of Consumer Frauds and Protection and the Civil Rights Bureau. The Bureau of Consumer Frauds and Protection is the first agency of any state government which is exclusively concerned with the enforcement of laws enacted for the protection of the consumer. Mr. Lefkowitz has repeatedly recommended legislation to provide greater protection for the consumer, the investor, and the legitimate businessman.

1. WHAT IS THE SUMMER INTERN PROGRAM AT THE ATTORNEY GENERAL'S OFFICE?

I started the program in 1958 or 1959 and it has grown considerably since then. We had our highest number of interns this summer, close to 90 students in New York alone, and at least 25 elsewhere throughout the state. The program has become very popular, and students from all parts of the country apply. The students interns are assigned to an Assistant Attorney General and work with him. They do research, attend Court, are present when witnesses are interviewed, and examine papers. They get practical day-by-day chances to see a law office in operation. It's very different from law school.

2. WHAT IS THE ROLE OF AN ATTORNEY GENERAL, MAVERICK OR CARETAKER?

I like the word "innovator." I like to feel that we are living in an age where things are changing and you have to be alert to recommend changes in the public interest. I've done that now for seventeen years.

I think that every public official should be an innovator. For instance, if I read a paper and see a condition exists in some part of the City or State which calls for our attention and further that no law exists to correct or alleviate that condition, I'll direct my office to move in and try to correct the situation. We might hold a public hearing to give both sides a chance to be heard, and if we think legislation is needed, it will be recommended. However,

if it can be done on a "self-code basis," voluntarily that is, that's the way we prefer to have it done.

One reason that I've enjoyed my seventeen years as Attorney General is that it gives me the chance to find extra ways to protect the public. Everything is changing. Things that you didn't hear of years ago suddenly arise. You have a choice of neglecting them or doing something about them. I prefer to do something about them.

3. DISCUSS THE BUREAU OF CONSUMER FRAUD AND PROTECTION, ITS EVOLUTION AND NEW TRENDS.

In fairness, there was a Consumer Council in Governor Hariman's Administration. But it did not have the enforcement power which comes from the Attorney General's office. We started our bureau in 1957 with only one attorney, because of the complaints we received from the public regarding services and goods which they had purchased. We felt that we had a duty to assist these people. Today, this is one of our biggest bureaus, with many Assistant Attorneys General, clerks, stenographers, and interpreters. I'd like to feel that we have been successful in letting the public know that if they come to our office, we will try to help them.

However, in order for our office to help, the problem must come within our jurisdiction. It must consist of fraud, over-reaching, false or "bait" advertising. We can't undo a contract which a person makes with his eyes wide open, where there has been no fraud. That is not our

function. Otherwise, you would have all the business people, in fact the whole economy, up a tree. However, if we find fraud, over-reaching, unconscionable practice, or misrepresentation, we move in. We also carry on an educational program.

4) WHAT WEAPONS DOES YOUR OFFICE HAVE TO AID THE CONSUMER IN HIS BATTLE AGAINST SOARING PUBLIC UTILITY RATES? DO YOU NEED ADDITIONAL "AMMUNITION"?

I want specific, expressed statutory authority to appear before the Public Service Commission (PSC) in connection with rates and other matters. The legislature has not passed this bill. We do get in, in another way however, where the State is the Consumer. Wherever the State pays a bill, electric or telephone, I can argue as a representative of the State. Once we are before the PSC, of course, we can also argue for the public.

There has been a recommendation that we be authorized to appear before the PSC on every rate case. We are prepared to do this providing we are furnished a large enough budget. There are rate cases going on every day. We couldn't to this with our staff. Impossible! We need rate experts, technical experts, accountants, far more than we have now. The rate structure business is a very technical field. We'd be prepared to take it on, if they give us enough money to set up a viable program.

Don't forget! People talk just in terms of Con Edison and the Telephone Company, but there are many different types of utilities, such as bus companies, railroads, gas companies, which are also applying for new rates. All of these would come within this jurisdiction.

5. DISCUSS THE "FULL & FAIR DISCLOSURE" LAW AND ITS APPLICATION TO FRANCHISES AND MULTI-LEVEL DISTRIBUTORSHIP (PYRAMIDS).

We have called for legislation to give our office an administrative function in regards to franchises. This would call for full and fair disclosure. Regrettably, the legislature has not passed it. It is overdue. We have also proposed another law which would completely outlaw the distributorships, the pyramids. Both the franchisers and the distributorship operators lobbied against this legislation and were successful in defeating both bills. Some of the legislators were persuaded to feel that franchising shouldn't be regulated that the public face the problem on its own. I disagree with them violently. People need protection.

The pyramids present a fraudulent situation where money is taken from individuals without their having any chance of ever recovering it. Some franchises have legitimate purposes, but all

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SBA President

CRISES REVIEWED

Frank Graves

In answer to the questions and/or accusations aimed at the SBA and at me personally by Arthur Fisch Co-Editor-in-Chief of EQUITAS I reply as follows:

Apparently, Mr. Fisch functions under the athletic theory of leadership which would have the team captain out on the field at all times wearing a properly identifiable uniform or else ignore his role entirely and bandy about a new hero who is on the field at the time.

I have never said that I was going to "demythologize the psych" at NYLS nor did I run for office in order to stand out front by our two "trees" and provide people with a "There's our leader" security blanket.

This school will change only if everyone is willing to get involved and give of themselves to make it happen.

I have been tremendously enthused by the response to requests for volunteers which the SBA has made thus far. People want to serve on committees, they are giving time and effort, the ball is rolling.

Mr. Fisch has noted that SBA meetings and Student-Faculty-Alumni Committee meetings are being held more frequently and that such benefits as theatre and parking discount tickets, cultural events and research into other areas of improvement have been forthcoming as a result of SBA action — in particular, action by a number of key individuals within the SBA. By the time this issue of EQUITAS hits the streets there will be other SBA projects in evidence and many completed that are not, and need not be, publicized, nor

is it necessary that they be credited to or under direct control of the President of the SBA.

The second area which seems to have drawn fire from Mr. Fisch is that of the very obvious presence of the vice-president of the SBA. This is as it should be for the vice-president is a day student and much more in evidence by virtue of time spent at NYLS.

There is nothing new or notable in a night and a day caucus meeting separately to conduct routine matters of current business. This is a fact of life since most evening students cannot be here during the day because of job commitments. There is nothing suspect about the vice-president conducting business which the president cannot conduct.

There is, however, something very suspect about a call for two separate executive bodies and, even more basic, it is contrary to the SBA constitution as it now exists.

A motion was passed unanimously at the November 3rd SBA meeting resolving that: "It is imperative that a strong common hour for both divisions be scheduled between 5:30-6:30 P.M. and that our primary efforts to obtain outside speakers and conduct student discussion regarding school policy be aimed at this time slot." I fully support this proposal.

If student government is to become a viable force at NYLS we must remain a unified body speaking for all students day and evening. We are fortunate to have a Dean who is eager to give

(Continued on Page 7)

SBA REPRESENTATIVES

EVENING

4th Year
Frank Graves (Pres.)
James J. Brunetti
Kenneth Grable
Esther Milstead

3rd Year
Louis Milkowski
Shlomo A. Beilis
Evelyn Cohn

2nd Year
H. Richard Adelman
Arthur Goldberg
Dick Muller

1st Year
Les Chontos
Kathleen Terrell Clark
James Reed
Joe DiDonato

DAY DIVISION

3rd Year
George M. Heymann (V.P.)
Joe Leshen
Renee Sacks
David Ledy

2nd Year
Ron Goldfarb
Michael Weisberg (Treas.)
Sue Tipograph
Patricia Donlevy

1st Year
Jean Goldblatt
Paul Forster
Steven Stark
Larry Kapp

L.S.D. REPS.
Carol Kreisberg (3D)
Ron Goldfarb (2D)

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Conclusion: The Drug Crises

by Sal Bate and Jim Pagano

Toward Solution-Treatment and After Care Service

CURRENT APPROACHES TOWARD SOLVING THE PROBLEM

The past 12 months in the City's continuing battle against addiction and drug abuse have been a period of continuing growth in the number of persons served, together with qualitative improvements in programs implemented during the previous years.

Specifically, efforts have been concentrated on seven major fronts:

1. To provide treatment for those who desire it among the roughly 150,000 hard core addicts in NYC.
2. To provide effective programs to control the drug problem in our schools, which are beset by growing evidence of extensive multiple drug use.
3. To evaluate thoroughly all facilities operating drug

each. In the large majority of cases, stabilization on methadone leads to an abandonment of heroin, a decrease in criminal activity, and an increase in employment. (See Chart 3)

The City is presently treating about 30,000 addicts via this form. This figure represents more than half of all those in the U.S. receiving this kind of treatment. Methadone is not without problems. It is a narcotic and imposes upon the patient a lifetime tie to a drug. More important, it is totally inapplicable to drug habits less consuming than heroin addiction; namely barbiturates, amphetamines, alcohol, or even cannabis dependence. Finally, methadone maintenance requires that society pick up the tab for the rest of the individual's life.

DRUG FREE TREATMENT PROGRAMS

Drug-free programs are the oldest form of rehabilitation. This

grams — Vary in intensity of treatment. Require attendance on a full-time basis. Average length of stay is 8 months to a year.

- 4) Multi-Model programs — Offer both chemotherapy (Methadone) and drug-free programs.

Whether or not one treatment form is better than the other is moot. Each has separate and valid objectives. For example, the aver-

everyone has a suggestion but no one has a solution: a viable alternative to drug taking.

RESEARCH

In 1970, the Federal Government spent \$15.2 million on research and much of that went to the study of marijuana which has now been described as worthy of decriminalization. In 1973 a whopping \$90.6 million of Federal funds will be spent.

An intensive research effort is underway to develop alternate modes of therapy. New research has begun into how drugs affect the brain, what happens to drug users, and how best to treat the problems associated with various forms of drug addiction. Coordinating this massive effort is the Special Action Office For Drug Abuse Prevention which operates out of the White House. NYC is expected to be aided by these funds.

AFTER CARE SERVICES

During the past year the City has created units within its addiction programs to seek jobs for ex-addicts. The number of rehabilitated addicts seeking employment rapidly increases as treatment capacity in itself is expanded.

In today's tight job market, the former addict's difficulties in finding employment are compounded. First, he faces marked discrimination, and secondly, he is poorly trained or educated, in most cases. The Personnel Council of the City of New York has undertaken a series of steps to assure that employment opportunities in City government are extended to former addicts. Under a grant from the Office of Economic Opportunity, the Addiction Services Agency is currently building a comprehensive manpower development system for the former addict.

CONTROL OF LEGITIMATE USE OF METHADONE

The City has devoted considerable attention to methadone diversion. The following steps have been implemented:

- A. Improvement of medication control of methadone programs.
- B. Institution of inspection teams (Quality control and Security control).
- C. Stringent Data reporting.
- D. Encouraging drug manufacturers to color code

their methadone to isolate its illicit use on the streets.

While the above is encouraging, it is plain that there is much to do. In the words of President Richard M. Nixon, "... Our greatest asset in this battle will be the energy and spirit of the American people. One of the most important lessons we have learned in the fight against drug abuse is the immense value of the one-to-one relationship — the bond of thrust between the drug victim and someone who cares enough to help that individual. The deep personal involvement of countless individual Americans is the key to success in the battle against drug misuse. Government programs can provide a means for encouraging such involvement and for providing other necessary resources, but without the concern and commitment of our people in their communities the battle against drug abuse cannot be won ..."

Acknowledgment

Charts and statistics used were derived from material published by the Addiction Services Agency and the Health Services Administration.

If further information is desired, contact the Narcotics Addiction Control Commission, 1955 Broadway, New York, N.Y. 10023 (212) 246-9300 or the New York City Addiction Services Agency, 71 Worth Street, New York, N.Y.

Family Law Contest

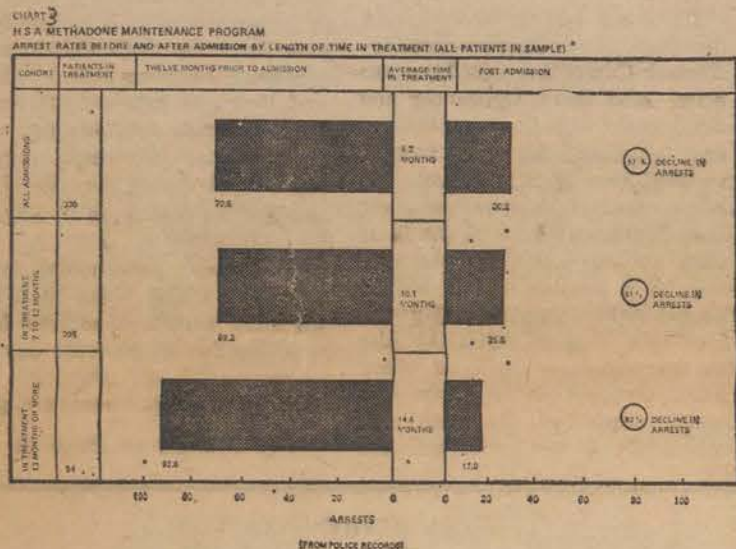
(Continued from Page 1)

tively. The winners will be announced and the prizes awarded during the Family Law Section's 1974 annual meeting next August in Honolulu.

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 American, Ohio or Toledo 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 was a past president of the Toledo Bar Association and past chairman of the Ohio State Bar Association's Family Law Committee.

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



age methadone patient in City programs is about 28 years old and usually a hard core junkie. The average drug-free patient is about 17 years of age. Both forms are valid ways of treating addiction but are not panaceas.

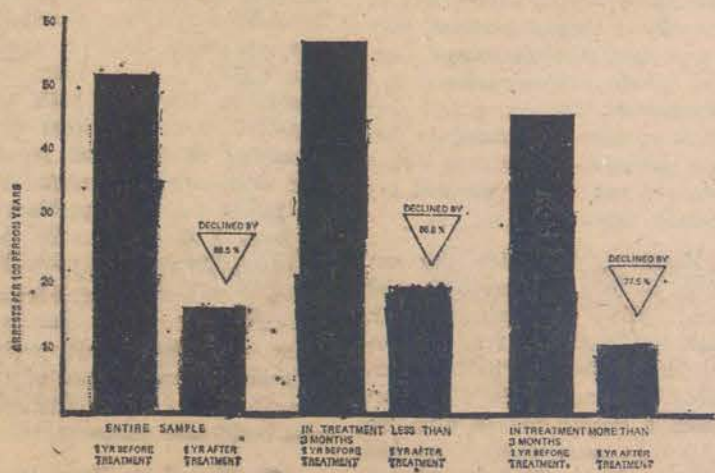
ADMINISTRATION OF DRUG ABUSE PROGRAMS

Administering a large public agency seeking to deliver effective treatment services to thousands of addicts is a huge task. Treatment programs require highly sensitive, committed and qualified medical, social science, community, research, and administrative talent. Facilities are hard to find and when they are found violent community reaction often results. The prevailing attitude seems to be "get this drug problem solved but don't put any of the programs near us." This attitude is based on the fear of the addict and in some cases is justifiable. No prospects for easy solution are in sight.

SCHOOL BASED PREVENTION PROGRAM

In 1972 more than 6000 student drug abusers were identified and referred out of the schools to treatment programs or specialized counseling. NYC's program is now operating in all the 93 high schools and the junior high and elementary schools in all 31 school districts. Some 650,000 school age children received classroom instruction concerning drugs and drug abuse. Expenditures for this City program exceed \$20 million. The Schools Program, as it is known is an ambitious project. It is facing that aspect of the drug problem for which

CHART 4
DRUG FREE PROGRAMS
ARREST RATES AFTER TREATMENT (POLICE RECORDS)



treatment or prevention programs.

4. To continuously improve the management of the City's drug effort.
5. To promote efforts in drug abuse research.
6. To expand after-care services to those who have successfully completed treatment programs.
7. To institute controls which will minimize diversion of methadone from legitimate treatment programs to illegal street use.

These seven areas will be the subject of this further discussion.

PROVIDING TREATMENT

According to Addiction Services Agency data, treatment of NYC drug abusers increased from 12,450 patients in 1970 to 52,782 in 1972. The City has been offering a varied and balanced mixture of treatment forms. For example, the proportion of methadone maintenance to drug free programs was about 55:45 two years ago and is about 60:40 today. Expanding capacity has reduced waiting times for entering methadone maintenance treatment programs to a matter of weeks rather than months.

METHADONE MAINTENANCE

Methadone maintenance presently represents one of the most significant innovations in the treatment of drug addiction. Addicts are stabilized on daily oral doses which average 100 mgs.

approach is currently used in the treatment of the youthful addict and drug abuser. (Fed. Law requires an individual on methadone to be over the age of 18). Most programs utilize a variation of the techniques that came out of the experience of the therapeutic communities of which Phoenix House, Odyssey House and Daytop Village are well known examples.

Chart 4 lays to rest the notion that one must graduate from a drug-free program for that program to have had a substantial means of success. Even those people in the programs studied who remained in treatment less than three months showed a 66% decline in criminal behavior a year later as documented by police records. (Compare arrest rates of methadone and drug-free programs.)

NYC drug-free treatment programs may be divided into several distinct types which will be briefly categorized:

- 1) Induction programs — Community based, storefront operations. Their main task is to prepare the addict for appropriate treatment programs.
- 2) Residential Programs — Therapeutic community models. Designed to effect changes in the socially irresponsible behavior of the addict. Average length of stay is 18 months.
- 3) Ambulatory (Walk-in) Pro-

... Rape is the easiest crime to get away with

THE PECKING ORDER
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Editing
Manuscripts & Reports
Dissertations
Grants & Research Papers
Mailing Services
Tape Transcription

(Continued from Page 3)

not permit the rape victim to be raped again in the fantasy of those who would explore and re-explore her sex life.¹⁷

Of course, if the rapist is not known, he cannot be prosecuted. But the victim who reports the attack to the police within 48 hours, may file a claim with the New York State Crime Victims Compensation Board¹⁸ for reimbursement of any uninsured hospital expenses over \$100, and all earnings replacement up to \$15,000, but not to exceed \$100 a week. Even psychiatric treatment, so often essential for the victim of brutal rape, is covered.

Letters

(Continued from Page 2)

To The Editor

I feel compelled to comment on two issues raised on your last editorial page — separate SBA's, and the Common Hour. Both topics manifest the present NYLS schizophrenia.

We have a problem getting things together. The solution expressed in your editorial would, I believe, only worsen this situation. I oppose further division. Instead of creating two schools, we should strengthen one.

Separate SBA's would necessarily result in disenfranchisement of evening students.

Evening students carry an uncommon burden, and while they make their sacrifice by choice, I believe they, even more than day students, deserve every service and activity that this school can provide. Unlike day students, evening people have virtually no choice as to when they can participate.

With this problem in mind, I proposed to the SBA that we fight for a common hour between 5:30 and 6:30 one day a week. Approval was unanimous.

If we work for an effective common hour, plan events and meetings that have strong appeal, and unite the resources and interests of both day and evening people, we will have better committees, services, activities, and indeed a better school.

The main drawback of my proposal is that it calls for increased dedication. If day students are to "hang around" until 5:30 it is incumbent that we create a more comfortable environment for them, and provide good reasons to stay. These are goals worth achieving, and I hope to find support for efforts aimed at accomplishing them. Separation is a cop-out. It is not the solution. We must not cater to convenience, but must work for cooperation.

Joel Weinstein
2d Year Day.

SBA President . . .

(Continued from Page 5)

the student body a real part in determining our own destiny. We cannot field this challenge if we are constantly being counterproductive.

I would call upon EQUITAS to shoulder its own burden, to investigate issues before publishing position statements, to print the positive rather than the controversial, to foster unity rather than disharmony.

Supervising Investigator Angelo Petromelis is very much a humanist, and a rape victim need not hesitate to speak with him. Corroboration is not required.

For the long term prevention of rape, we need more psychiatric programs available to young children and serious studies of the rapist himself. Perhaps we should also consider the excellent suggestion of one very nonsexist young man, who recommends that public schools, as part of their physical fitness program, require girls from the age of eight up, to learn really serious, no-holds-barred, self-defense, with the boys lined up — watching.

NOTES

1. Pitler, R.M. 24 Syr. L. Rev. 37 (1973).
2. "Gabe," television program, 11/19/73.
3. Note 67 Col. L. Rev. 1137 (1967).
4. Judge Irving Younger, Symposium on Rape, N.Y. Women's Bar Ass'n, 10/16/73.
5. 3A Wigmore, J., Evidence, Para. 924A Chadbourne Rev. 1970).
6. Note, Amer. Crim. L. Rev. 335, 339 (1973).
7. Judge Shirley Levittan, Symposium on Rape.

8. Prosser, W.L., Law of Torts 835 (4th ed., 1971).

9. People v. Walker, 150 Cal. App. 2d 594 (1957). Similar gems are quoted in Kanowitz, L., Sex Roles in Law and Society, 109 ff. (1973).

10. Lt. Tucker's unexplained transfer to Brooklyn resulted in picketing of City Hall by the National Organization of Women on 12/3. New York Post, 12/4/73.

11. New York Times, 11/13/73, at 47:1.

12. Note 6, at 344.

3. Prince, J. Richardson on evidence, Para. 505 ff. (9th ed., 1964).

14. Germaine Greer, "Firing Line," television program 4/1/73

15. Note 6, at 343.

16. At the Rape Crisis Center in Wash., D.C., a former victim said that the victim must be "...bruised, bloody, and damned near dead" in order for the activity to be considered nonconsensual. Note 6 at 347.

17. Not permitted in Judge Hilda G. Schwartz' court. Symposium on Rape.

18. N.Y. Executive Law Para. 624.18 McKinney 532 (1972).

19. Hibey, R.A., The Trial of a Rape Case, Amer. Crim. L. Rev. 309 (1973)

Lefkowitz Explains Policies

(Continued from Page 6)

ought to be regulated. That means filing a prospectus, a public offering. We then check it as to accuracy and protect the public accordingly.

But, I would rather protect the public before the fraud takes place. That is why both these pieces of legislation are essential. We will press for their passage in the 1974 legislative session.

REAL ESTATE

6. WHAT CAN BE DONE, IF ANYTHING, TO PREVENT HARRASSMENT AND ANNOYING PHONE CALLS BY REAL ESTATE SALESMEN?

The Secretary of State and not the Department of Laws has jurisdiction over out-of-state land sales. We tell the public to ignore these people if they have not registered as required by law. It is difficult to prevent these phonies from putting one over on the public. In addition to telephone calls, they may come to your home or even invite you to a free cocktail party. We let the people know of these techniques and the public ought to follow our advice. But, people, being what they are, are not always careful about their money.

As to condominiums and co-operatives, developers have no right to raise money until they first file their plans with the Department of Law. This offering plan, also known as a prospectus, must be accepted for filing by this Department before sales can be made to New York State Residents. We are doing the best we can to educate the public. We hope they remember what we say to them:

DO NOT PURCHASE LOTS (Subdivided land) unless you first check with the Secretary of State; and **DO NOT PURCHASE CONDOMINIUMS OR CO-OPERATIVES** unless an offering plan has been made available to you, and you have checked with the Department of Law. I don't think anyone would dare sell co-ops or "condos" in violation of the law since we have the power not only to enjoin him in a civil action but also proceed criminally.

HIRING PRACTICES

7. THE AG'S OFFICE IN NY ENJOYS A WIDELY RESPECTED REPUTATION OF PERFORMANCE AND RESPONSIVENESS TO THE PEOPLE

(Continued on Page 8)

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"On a single occasion that provoked widespread ridicule He tried to put fancy uniforms on the White House Guards"

(Continued from Page 4)

tative of a system which he would claim to be the complete antithesis of the system represented by the other man should both be such fierce anti-cosmopolitans.

THE CREDO OF RMN

In short, we have Richard Nixon, through the medium of his daughter's birthday party, informing the public that his horizon is bounded by his family, that he is not open-minded or accessible to new ideas, that he is not, in a word, cosmopolitan.

And he expects us to be reassured by this message! I personally am not reassured by Nixon's attempts to equate banality and safety. On the contrary, it is very disturbing.

The just "plain folks" routine is particularly revolting because Nixon is to a much greater degree than any of his predecessors enamoured of the perquisites of office.

FANCY EXPENSES OF PLAIN FOLKS

In October of this year, Fortune magazine had an article on the dizzying increase in executive spending since Nixon entered office, and Fortune, it need hardly be pointed out, is scarcely the voice of the new left (or the old left for that matter).

Though the President has ordered the floodlights at the White House to be turned off at 10:00 P.M., the Nixons have shown little desire to sacrifice any of their genuine creature comforts to the fuel shortage. According to the article, there are five 707 jets in the presidential fleet, and the Nixons, including their children, habitual-

ly travel by them. Ron Ziegler even used a presidential helicopter to fly from San Clemente to a party in Hollywood.

By contrast Mrs. Truman and her daughter used to pay their own train fare back to Independence, Missouri, and Mrs. Johnson used commercial airline shuttle on her shopping trips to New York and paid the fare herself.

A helicopter pad has been built at Key Biscayne at a cost of \$418,000 though there are suitable landing facilities only two miles or a five minute ride away.

Nixon seems to be a man of imperial tastes. Fortune states that Nixon has increased the number of White House functions. It takes note of his preference for formality, and elaborate U-shaped tables and comments on his "unusual taste for pageantry" including trumpeters blowing fanfares while presidential banners are unfurled, and "on a single occasion that provoked widespread ridicule," he even tried to put fancy uniforms on the White House guards.

But the strange thing is, that with all this pomp and all this expenditure, the Nixons never seem to be enjoying themselves. A host of Washington press people have noticed that the Nixons almost always leave their own dinners and parties as soon as they can. The Johnsons, by contrast, were indefatigable attenders of their own parties. And whatever their other sins, one must do them the credit of ob-

serving that they combined at once a greater and franker manifestation of the enjoyment of privilege with a smaller degree of its abuse than their successors have managed to do.

THE QUEST FOR MEDIOCRITY

A further sadness is, that with all the public monies that appear to have been wrongfully expended, nothing of beauty or lasting worth has been created. Ivan the Terrible at least caused St. Basil's to be built; Justinian built Hagia Sophia, and, moving to the field of domestic architecture, Louis XIV built Versailles. But San Clemente resembles an overgrown bungalow — something that might be featured in Better Homes and Gardens, but never Architectural Forum.

The characteristics of insularity exhibited by the Nixons at Julie's birthday extend to the President's administration. He surrounds himself with "yes-men." He cannot take advice from "outsiders." He disregarded the advice of his own task force which recommended oil tariffs back in 1969 to encourage local development of wells in order to make us less dependent on foreign petroleum resources. He disregarded the advice of his own committee on obscenity.

The unceasing pursuit of the mediocre, the closed, the familiar on the hand, and the favoritism, the secrecy and the greedy on the other, have helped to create the current climate of corruption, cynicism and despair in America. Happy Birthday, Julie!

"Some Staff Members Are Still Shocked That They Were Placed On The Staff Without Recommendations"

(Continued from Page 7)

OF THE STATE. HOW DOES ONE JOIN THE DEPARTMENT OF LAW?

I let the world know that you don't have to come here recommended by anyone. A good many of my staff came in "cold." By that I mean they simply wrote in letters and I hired them. But I think young young men and women in law schools know that they can write letters requesting interviews for employment and will be hired regardless of political recommendations. I do re-

ceive recommendations from judges, from lawyers, and even current staff people. We have no shortage of applicants. About 2-6 people per week are interviewed. Some staff members are still shocked that they were placed on the staff without any recommendation.

RENT SECURITY
8. ASIDE FROM THE FACT THAT MOST LANDLORDS MUST NOW PAY INTEREST ON SECURITY MONEY DE-

POSITS, DOES THE AG HAVE STANDING TO RECOVER SUCH MONEY ON BEHALF OF THE TENANT OR MUST THE TENANT BRING HIS OWN SUIT?

Yes. Although we lost a Court of Appeals decision on this issue which held (5-2) we did not have standing, the State Legislature recently passed legislation allowing us to bring suits on behalf of tenants who have been unable to recover their rent deposit money.



Photo by Basil O'Connor

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Photo by Ron Goldfarb

MOOT COURT TEAM

Professor Andrew Simak discusses strategy with Moot Court Team of Michael R. Ascher and Robert S. Franklin prior to recent competition at the Association of the Bar of the City of New York.

The EQUITAS underground gourmet will issue a full review next issue, but initial reports say that the Coffee Shop in the basement is great. "Try it you'll like it"

ALUMNI are invited to submit to EQUITAS all items of interest regarding their professional careers, and items of personal interest which they see fit to be included in ALUMNI NOTES. We try to get as much as possible from the Law Journal, and Mrs. Judy Gomperts, but your cooperation will help us to expand this area and help our alumni keep track of one another.

Power...

The only purpose for which power can be rightfully exercised over any member of a civilized community against his will is to prevent harm to others. His own good either physical or moral is not a sufficient warrant.

John Stuart Mill

RE-ELECTION IN 1974?

9. WILL YOU BE A CANDIDATE FOR RE-ELECTION IN 1974?

At this point in time I am undecided. If I decide not to run it won't be from lack of interest in the job. As of this moment I haven't decided one way on the other.

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