Admission Standards Toughen; Only 1 of 10 Admitted by Seven Member Committee

by Bill Sterns

New York Law School will receive over 4,000 applications for the entering first-year class. Combining its day and evening classes, the school has a seven member committee on admissions, headed by Dean Margaret Bearn. Based on two interviews conducted by the dean, this article will examine the workings of the admissions committee at NYLS as well as some of the problems it encounters.

The committee's membership represents all three elements of the NYLS community. From the administration are Dean Margaret Bearn, Dean Anthony Davis, and Dean Anthony Scanlon, assistant to the dean. From the faculty are Professors Goldberg and Hartunian. Student members are Benjamin DeCosta and Art Fisch. Each member has full decision-making powers and for this fact the committee is unique among New York City law schools. No other City law school has students sitting on its admissions committee. In a full decision-making capacity, (students at Brooklyn, Fordham, and St. John's University are not even allowed to sit on the admissions committee in an advisory capacity.) Students on the admissions committee at NYLS are chosen by Dean Bearn from a list of recommended students submitted by the AALS.

In addition to these members Ms. Audrey Corke, Admissions Assistant, coordinates the filing and completion of applications throughout the year.

To begin the job of sorting through thousands of pages of applications, the committee establishes some rough mathematical criteria by which to evaluate initially the applications. This year the committee is looking generally for a minimum of a 3.0 GPA and a 600 LSAT. Approximately 30% of the applications received will be rejected. Variations of these two scores will come before the committee for decision. For instance, a student presenting a 3.5 GPA but only a 570 LSAT would be given full consideration by the committee, though in the opposite case this might not be true. For instance, if an applicant presented to the committee a 600 LSAT and a 2.5 GPA, (s)he would face the problem that the committee believed that GPA seemed to be a better indicator of future achievement in law studies at NYLS than the LSAT. The weighting score is weighed carefully also.

Dean Margaret Bearn

To these three numbers is added a fourth, again supplies for us the score. This score is the average of the official grade point average at a particular law school, based on his/her LSAT score and undergraduate GPA. The predicted average for a given applicant is based on past performance of others at that same law school whose GPA and LSAT scores were roughly comparable to those of the applicant in question. And so we find this year that an applicant with an A+ GPA and low-600 and 725 LSAT score is predicted to obtain a B+ average at NYLS.

Dean Bearn states that the committee does not rely on this predictor to any degree.

While numbers are not the sole determinant of the success of a particular applicant to NYLS, it is obvious, as with other schools that the numbers are extremely important. And while there does not seem to be an express cutoff point to be set in terms of a GPA or an LSAT below which an application will not be considered, it seems statistically clear that none below a 3.0 or a 600 LSAT, an

Continued on Page 2

Second Annual Women's Law Day at NYLS
March 31st

74 Graduates Answer Job Survey; Many Are Still Looking for Work

by Elliot Harewitz

There was a time, it is said, not so very long ago, when law students did not aggressively search for employment after graduation. The halcyon contentions that this problem was so minimal that disciples of law scholars were free to indulge in legal lucubration without economic consideration, however, seems to have been interpreted in very wide but presumptuous parasitism that underlying, in America's Bicentennial will be the employment. Even assuming that the 100 alumni who responded to the survey had 25 (18.7%) indicated that they were not currently employed (and a considerable number of other unemployed people.

Women's Law
Day, March 31

On Monday, March 31, the Women's Caucus of NYLS will hold its second annual Women's Law Day. The program for women who have applied to NYLS will have some information the late afternoon for the entire NYLS community. The day's schedule includes rap groups and informal discussions on several areas of interest to prospective students: women with children, working women, married women, law school work load, survival in the legal system, women faculty, and evening school graduates of NYLS. The purpose of this day is to provide a forum for women interested in pursuing law as a profession.

To those who are interested in participating in this program, please contact the Women's Caucus at 575 Madison Avenue, Suite 501.

Continued on Page 2

Fraternity Selects Simak Professor of the Year

Dwight Inn has elected Andrew Simak as NYLS Professor of the Year. The award will be presented at the Spring Phi Delta Phi Dinner Dance on April 19.

A graduate of St. John's Law School, Professor Simak has been

Professor Andrew Simak

Professor Andrew Simak supervises the legal research, brief writing, and oral argument courses offered to all first-year students. He is available to students who take the trouble to seek him out, and is very helpful with particular research problems.

Outside NYLS, Professor Simak renders community service as a Small Claims Arbitrator in the Civil Court of the City of New York. Inside NYLS he is involved, again by choice, in several student activities. He is faculty advisor to the Law Review Board. Additionally, he handles arrangements for orientation and commencement ceremonies.

For his work on behalf of the College and particularly on behalf of the students, Dwight Inn honors Professor Andrew Simak as 1975 Professor of the Year.

Copyright, EQUITAS, New York Law School, 1975 Tuesday, March 25, 1975

Page 5
Are the Equal Educational Opportunity Laws Unfair?

by Mark D. Offen

The volatile issue of reverse discrimination hit the campus directly and dramati
cally to the public's attention by the way the DeFunis case was handled. DeFunis was denied admission to the University of Washington Law School, which at the time had a policy of accepting only students with lower grades than did other law schools in the country. DeFunis felt that he was thus denied his 14th Amendment right to equal protection of the laws. Fortunately for the Villanova student, the case finally reached the Supreme Court last year, but in the interim DeFunis had been admitted to the school by court order, and was about to graduate. As a result, the Court was able to tack the issue by declaring the case to be moot, relegating this controversy to the back-burner of popular debate.

SHREDS AND SHEETS

Unfortunately, not all NYLS students have succumbed to pressure from the elements and issues of this case. On the contrary, a number of students expressed the belief that DeFunis was an af
dication denier who was certain that the Child Labor Code was under attack, while Youngstown Sheet and Tote involved some issue over transportation.

Fortunately, a new reverse discrimi
nance code is being used in the law school has suffered which may serve as a means of accu
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B. Offen

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James Tully Jr., NYLS '58 has

New Taxation Commis

Robert J. Tully, an estate-tax specialist, is a partner in the New York City firm of Manning, Redmond and Tully. An old

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Consumer Law affects everyone in our society. Rich or poor, young or old, rich or not, we are all consumers, cost daily into the marketplace in search of goods and services. With the growth and development of technology and population, some have eroded the time honored consumer protection laws.

One major problem area was the consumer's protection, the prevailing salesperson. Consumers constantly complained of being high pressured into signing a contract in order to be rid of the haranguing salespeople who were offering a "chance in a lifetime" deal. The consumer inevitably went the route that they could be too good to be true. This has been the downfall of the New York State Personal Property Law, which provides that a consumer has a claim against the seller in order to cancel the contract. In addition, the seller must provide a true copy, attached to the contract, by which the buyer may void the contract within 3 days. Finally, the statute prescribes the meaning of the word "cooling off period" in sales, which are collectively known as "consumer protection laws."

Another common scheme was the purchase of defective products to people who had not or were defrauded. The seller now tries to induce the consumer to return defective products to the store. The consumer who receives such products are not...
EQUITAS

Equitas Editorials

The Widening Gap

A short time ago EQUITAS asked for the appointment of a Dean of Students to help bridge the growing gap between the expanding administration and the student body. It is our understanding that the gap has continued to grow and now for the first time the administration is faced with a militant student body which is not to be placated with "There is no reason for it. It's just my policy."

Dean Ralphoe's hands may have been tied, but his door was open. It wasn't necessary to write a memo to explain why you were there. To see the Dean. As surprising as it may seem to the administration, there are day to day problems which occur in a law student's life for which he or she needs some assistance.

As it now stands one has no idea of where to go. In the "old" days, Dr. Weary handled everything, and in the Dean rubber-stamped his decisions. In our new enlightened ages, no one knows what does what. Usually one goes to see the Administrative Assistant to the Dean. — Tony Scnion. But, if Ralphoe's hands were tied, Scnion's must be fastened behind his back with some space age adhesive. He tries, but his insensitivity to the problems and psychology of a law student must seem almost insurmountable obstacles. The students also view him as part of the administration.

What is needed is an ombudsperson. Someone who the students will feel can properly present their case to the faculty and administration. Someone who is in tune with the needs of the students as persons, not as numbers. The appointment of such a person could go far in improving the widening gap between the students and the school.

It would also help if there was a clear delineation of just what the mystical "Board of Trustees" do. Whenever an unpleasing problem arises, it is from the Board of Trustees. Whenever a problem exists regarding student funds, it is the Board of Trustees that is to blame. In fact they have that much to say then it's about time that the students had the right to confront them with the issues. The student body today does not feel that the administration or the faculty is properly presenting its case to the legendary Board.

Two Way Street

Responsibility is a two way street. In other sections of this editorial page we express surprise that the administration isn't willing to treat the students as responsible adults. Maybe one of the reasons for that is the irresponsible conduct one observes.

Going to classes and being prepared are acts which one expects from mature, responsible students. Especially when one is required to sign an affidavit attesting to the required attendance. We don't want to see the return of the attendance taken, but unless some students "get smart" or she may yet return.

Alumni Awakening

Last week the crocus broke through the ground, and its color heralded nature's awakening from winter sleep. We hope that last week's meeting of the new NYLS Development Committee will awaken the Alumni from their too long hibernation.

Whose Politics?

In 1971 the National Lawyers Guild, and the Republican Club were denied official recognition by NYLS. This decision of the Board of Trustees was handed down after the NLYS had passed out a brochure listing its, and ostensibly the student body's grievances against the school's policies. Four years and a new administration later NLYS has again been denied official recognition by NYLS.

The Dean has unequivocally said that no political group will receive student funding. We wonder who or what will make the determination as to what is a political organization.

Will SRA become a political organization when it vigorously demands certain student rights? Will the Women's Caucus become a political organization when it demands equal treatment and representation by women on the faculty? Will EQUITAS become a political organization when it questions arbitrary administration policies and faculty incompetence? Will the ability to arbitrarily cut off student funds give the Board of Trustees the ability to only allow such organizations as "toe the line"?

The student activity fee is collected by the school for only one purpose — Student Activities. For many years the funds were not always used for that purpose. The best judge of how their money should be spent are the students who pay the fee.

The student publications and organizations have agreed to present a budget based on the present schedule of fees. This will include a charge for overhead, maintenance and a contingency fee. (We wonder what tuition fees are supposed to cover.) The final determination of the allocation of these fees should rest with the students, not with the administration.

The administration has also said that all student organization checking accounts must be abolished. We think this lack of confidence in the ability of the students to manage their funds is shocking. We advocate a system whereby quarterly audits or a crosssection of the bursar would be required on checks issued by the organizations. To return to a system where the school would issue each check on a per item basis, seems a lot like returning to the pre-allowance days when we would ask mommy or daddy for money for the ice cream machine. Further, if the student has reached law school, he should be competent and responsible enough to manage his/her own money.
**LETTERS TO THE EDITOR**

**Employment Picture**

Not So Rosy

Dear Editor:

I was greatly disturbed by your edition of February 25, 1975. The front page article antagonizing the prestigious scholarships obtained during the last round of examinations to be extremely misleading. The article implies that NYLS students are often faced with difficulty in obtaining employment. This is certainly not true. Most students have found the job market to be virtually non-existent, especially for students of NYLS.

In an editorial you appealed to alumni to donate to NYLS. If the placement facilities of the school were as effective as the one described in your article, almost all would be certain to ignore this plea. Why should they assist a school that educated them and did nothing to help them find a place anywhere in the employment field?

I believe that you appeal to the alumni to hire NYLS graduates would be much more in order. As a student you are hardly in a position to assist the school from the unemployment office.

Paul Korman

3rd Year Day

Sex Symbol

Dear Editor:

Last issue, Frances Falone attacked our practices of women professors, and the inclusion of women students, as an enigma, a Chinese puzzle, a riddle never to be answered.

Mr. Falone claims that we must decide? A student's place is in the classroom. Or is that part of a law school education - forcing us to figure it out - guess it, stumble upon it - for ourselves.

Maybe it seems to be no rhyme or reason for the grades. So what have we learned? Or more perplexing, what have we learned about us? And how? and will we ever share that knowledge with us?

Of course we all believe we deserve A's and B's and of course most of us are disappointed and believe the grades must be insane. But the most perplexing are those of us who received an A or B in one course and then (with the same amount of effort) a D or F in another course. What's the magic formula? Why is it all such a big secret? Did I misspell? Was my grammar poor? Did I misstate the restatement? Misspelled a rule? Forget an exception? Was I too imaginative? Too simple? Too much humor? Too bland? Too safe?

There seems to be no rhyme or reason for the grades. Good students get A's. Poor students get A's. But that's only my opinion. After all, what is a good student? How is it determined? What does a grade mean? As a test of the teacher? As an indication of a student's work? As a test of the teacher? As a test of the student? As a test of the administration? As a test of the teaching staff? How is it determined? And forever kept in the dark? We will never see those examinations. We will never know where we went astray. These papers will remain, like the mystery of life itself, an enigma, a Chinese puzzle, a riddle never to be answered.

Two months after the completion of examinations 95% of us would answer 95% of the questions in exactly the same way. What have we learned? Or more perplexing, what have we learned about us? And how? and will we ever share that knowledge with us?

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A Need for Precision in Legal Writing
by Professor ELLIOT L. ESKIND

Precision in legal writing means close attention to, and awareness of the practical and legal import of each sentence so that its meaning conforms precisely to a client's instructions or to the writer's intention, and so that it cannot be misunderstood or misapplied.

A coherent sentence alone will not do this, for it may contain a time bomb, sometimes concealed or often in plain view, as we shall see later. It matters little if the bomb is real or a "dud," for a client should not be put to the trouble and expense of litigating the meaning of a sentence or phrase that could have been written with precision by lawyers supposed to be capable of it. If the bomb explodes in the form of an adverse decision, the client suffers damage. If, however, the decision is favorable, the client has been put to unnecessary expense. But either way, the draftsman has been negligent, and generally negligence spawns a law suit.

Here is a case of careless drafting; it contains precise writing with an excess of precision. The landlord had a twenty-year lease renewable for an excess of twenty-year lease renewable for a graduated rental contained an option for a twenty-year renewal. The rent for the first year renewal. The rent for the first year...

The instant that then attorney had not been authorized in writing to exercise the option as required by New York's General Obligations Law.

The court held for the tenant. Had the landlord's attorney made a casual error in the problem, he would have realized that the written exercise of the option might have cost him the legal action. The law suit could have been avoided by a not infrequently used clause permitting exercising option in a real estate transaction by an agent without written authorization.

Herein
Use of the word herein in phrases like, "except as herein provided" and "withholding to the contrary herein notwithstanding" is a prolific source of litigation. In determining whether herein means "in this paragraph," "in this section" or "in this statute or agreement," requires a law suit and judicial discretion. It is not at all surprising that unnecessary trouble and expense to define his attorney's use of a word. If a court finds that herein does not have the meaning intended, it will have been, he may be faced with substantial losses. If he is lucky enough, he may be saved some...

In an effort to avoid the dangers which this casework brought to the attention of the judges, lawyers, and their clients, a law suit resulted, the tenant's notification of its intention to exercise its purchase option.

When the landlord treated the letter as an exercise of the option, a law suit resulted because the tenant claiming that its attorney had not been authorized in writing to exercise the option as required by New York's General Obligations Law.

I am not suggesting that careless and often does result in overkill. The language of the law is not the language of the essence, or, a divided (three to two) vote that the court found that the Maryland statute. Thirteen judges...
Met. Life Loses Counsel; NYLS Gains Professor

by Glenn von Noestt

Richard Harbus was tiring of his job with the Metropolitan Life Insurance Company. After spending more than seven years in the general law department he was still looking for a challenge. So last year he left the insurance business and joined the NYLS faculty as professor of Agency-Partnership and Commercial Paper.

Last December, Prof. Harbus made teaching applications through the American Association of Law Schools, and attended an AALS meeting where he met Dean Donald Shapiro and several other NYLS professors. Dean Shapiro made Harbus an offer, which he couldn't refuse.

His experiences here have so far lived up to, if not surpassed his expectations at the time of the AALS meeting. "I had been a little skeptical about any ability to relate to students," he explains, "but that has not been the case at all." He has been impressed by the intelligence and general ability of the student body, as well as with the dynamics of the administration. "Even though I have been here only one year, I can see that great progress has been made," Harbus says. The professor serves on several student-faculty committees which he says have constituted a major step in opening communication between the two groups. He is a member of the Administrations Committee, and says that admissions standards are definitely toughened by the intelligence and terms this "an absolutely fantastic experience." He also feels that the "grad school" status of law school should be emphasized over the "professional school" status should be downgraded somewhat. While the introduction of new elective courses contribute toward this realignment, Harbus says that even more important would be a new feeling among students that law school should be an intellectually satisfying experience and not a grind.

Amateur Photographer

Before he went to work for Metropolitan Life, Professor Harbus worked for about seven or eight months in a small, prestigious Manhattan law firm. Immediately after graduating from Yale Law School, he went to work as a law clerk in the 2nd circuit, under Judge Kaufman, explains. There have been rumors about this, as well as with the dynamism of the student body, as well as with the dynamics of the administration.

MY LIFE SHOULD BE MORE OF AN INTELLECTUAL RATHER THAN MECHANICAL EXPERIENCE.

In this vein, he also believes that the "grad school" status of law school should be emphasized over the "professional school" status should be downgraded somewhat. While the introduction of new elective courses contribute toward this realignment, Harbus says that even more important would be a new feeling among students that law school should be an intellectually satisfying experience and not a grind.

Alumni Speak at Estate Seminar

Two recent NYLS alumni, Philip Rokemsky, '61 and Peter D. Serduke, '72, as well as our own Professor Joseph S. B. Ayers, '65 (now an assistant professor at Harvard), appeared at an estate planning seminar presented by the American Bar Association on March 6. Professor Ayers co-chaired the program with a third NYLS graduate, Assemblyman Anthony G. DePalo, '64, who was unable to speak himself because of the press of business in Albany.

Students Responsible for Own Attendance

by Diane Iskowitz

Classroom attendance at NYLS is supposed to be the responsibility of the individual student. Despite the fact that attendance is actually taking attendance, students are experiencing problems over absences. Professors often make such requests when evaluating exam results. This is information is required on the attendance affidavits we sign at the end of each semester. If a student is caught falsifying the effort at serious problems with both graduation and admittance to the bar could result.

Last year several graduating students experienced such problems. They were asked to either document their attendance or explain their absences. Fortunately for them, the committee investigated their replies and recommended that they be allowed to graduate. This year others are already undergoing the same ordeal.

If a student is absent for any length of time for legitimate reasons, such as illness or a death in the family, they can present themselves by simply letting their professors know. They could also send a note to the attendance committee (Professor Hochberg is Chairman) explaining their situation. While some may consider this a hassle for law students, it's simple and doesn't take much effort. And if it makes the burden of trouble, isn't it worth it?
Reflections... 

“My Summer Vacation” 

A Novel Approach

by Professor Stuart C. Goldberg

Of all the great characters in the world of fiction, the one I have always held dearest to my heart is Walter Mitty. I suppose it’s a little bit of him in each of us, and a lot of him in some of us, invading the pages of our daily routines. As we all through what appear to be interminable classes, we dream of sky diving from great heights with twin oxygen systems and cutaway para-

chutes, with the wind screaming through our helmets as the ground rushes up to meet us. Later on, in long and tedious committee meetings we may look forward for but a second, and be surprised to find ourselves daydreaming. As can be seen, much is being done and much more needs doing. Someday, perhaps David will knock Golding down to his own size. 

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EQUITAS

New York Law School 

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Tuesday, March 25, 1975

All of us in the legal profession, practitioners, professors, and students alike, work in an arduous and highly pressured environment. This has led me to assume we mentally and drain us emotionally. Therefore, if we are fortunate enough to be able to take a month or so off, it is far more rewarding and healthy to go to different places and attempt different conquests. By doing so, we can rest our minds and quiet our emotions in order to better meet the challenges that await our return.

It took but six weeks to complete the entire trip, but it was the most personally satisfying period I have ever spent. During the course of that trip, I had an opportunity to really think things out, to find out who I was, where I wanted to go, and with whom I wished to share these life experiences. Upon arriving in Los Angeles I telephoned Nancy, my girlfriend of some eighteen years, and proposed marriage. In a few days Nancy joined me in Los Angeles where we both took the ride down to Tijuana to complete the Alcan trip. What I had in mind was the lifelong dream of driving from the northern tip of Alaska to Mexico on a motorcycle.

There must be more summers like this more adventures like this, I only wish that some of you could share them with me. After all, we are fortunate enough to be able to do this summer’s that’s more important. Certainly if you have kids I don’t have the desire to do it on my own, can’t say what I want to do. Take your chances. What I have done, the rest of the trip would have to wait until Christmas season occurs when the climate around the South Pole would be more favorable.

P.S. Motorcycles are faster than grizzly bears.

POTENT WEAPON...

(Continued from Page 3)

Many businesses, notably, employment agencies, contractors, banks, learning how to manipulate the 500 pound machine with an acceleration rate somewhat similar to the thousand horsepower “rail” that you find on the drag strips. Evenings were spent improving personal mechanics of the bike. You see, there are simply no motorcycle service stations in the backwoods of the Yukon.

In order to begin from the northern-most point possible in Alaska, I started the trip by driving north on what is hilariously known as the Steese “Highway.” The reason for the hilarity in the second part of this name is that besides being entirely composed of gravel and runs the road has mountain cliffs as steep as anything found in Francisco has to offer. The added feature of a conspicuous absence of guard rails affords the errant rider an opportunity to instantaneously transform himself into a skylayer upon Chen. 

The weather was less than cooperative. Even though it was late June when I started the Circle trip, the weather often went into the 20’s. At one point, upon traversing a mountain pass I found myself alone, with a west wind and six inches of snow in a full Alaskan Blizzard. You’d be surprised how well a motorcycle can track through deep snow. Within two hours the storm had passed, leaving the sun to melt the snow so bike and rider could once again play in the sand.

From Circle, the next order of business was a return to Fairbanks. And through servicing of the bikes. Equipment was there added to permit the carrying of some two hundred pounds of survival gear for the Alcan trip. Upon leaving Fairbanks, I was joined by two other BMW owners, both students at RPI. Without question their company made the Yukon trip much more enjoyable, providing conversation and a split of the camping and cooking chores. Incidentally, you can’t fully appreciate how real you whether you’ve driven a motorcycle, “on the pegs” as the saying goes, for twelve hours. 

Motorcycling through the Yukon is an experience, not unlike no other. It is like being pressed back in time — the wilderness is everywhere and every person in your friend. Where nature provides the only place, people naturally must band together. In another sort, the illusion of the wilderness is enough to create a synthetic state — each turn in the road discloses a picturesque view more breath taking than the one disappear ing. Furthermore, when you can see something new, you welcome the opportunity to offer your help to fix a disabled motorcycling through the Yukon, you’re a motorcyclist...