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### The Advocate

The Advocate, Fordham Law School

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The Advocate, Fordham Law School, "The Advocate" (1975). *The Advocate*. 67.  
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# The Advocate

The Student Newspaper of Fordham University School of Law

Vol. 5 No. 6

New York, N.Y.

March 18, 1975



Professor Sheila Birnbaum, sole full time woman professor and backbone of several innovative programs here is going back to New York University Law School next year as a visiting professor.

## Birnbaum takes leave to teach at NYU Law

by Lofton Holder

Professor Sheila Birnbaum will take a leave of absence next year to teach as a visiting professor at N.Y.U. Law School. The surprise move by our sole, full time woman professor is certainly one that raises a lot of questions.

It is common for law faculty to take visiting professorships from time to time. Professor Birnbaum offered proof of this statement by examples such as, Harvard faculty visiting Yale, American Law professors teaching in Europe, and law professors being invited to teach temporarily at Harvard.

Is N.Y.U. raiding the talent at Fordham? "Absolutely not" answered Professor Birnbaum. "There has always been a mutual interest between N.Y.U. and me. The interest on my part does not interfere with my allegiance to Fordham." Professor Birnbaum is a graduate of N.Y.U. Law School. "This will give me an opportunity to get a faculty perspective as opposed to the student perspective already acquired."

Professor Birnbaum wants to make it clear that there are no negative reasons that contributed to her decision to leave. She said that her three years at Fordham were filled with good experiences. The move is being made for the experience offered. The change of venue will expose her to a different group of law professors. It will give her an opportunity to teach a different course. Moreover, the prestige of teaching at another school will enhance her career as a law professor.

Does she feel N.Y.U. is a better school than Fordham? "N.Y.U. by many ratings is considered more prestigious. However, Fordham is not inferior in the level of education or caliber of students accepted. The student body at Fordham is strong and dynamic." Fordham students and Professor Birnbaum are a mutual admiration society. In 1974 the Professor was awarded the Keefe award by the students for her outstanding teaching. In her three years here, Birnbaum set up the Consumer Law Clinical Program, and The Moot Court Board. She serves as faculty advisor to the

Women's Law Group and played a role in initiating the "Women In The Law" course.

The Consumer Law Clinical Program might suffer from her absence. Other members of the faculty have expressed an interest to take it over. WABC has plans to expand their end by providing more funds and making it a daily feature on the 6 p.m. news. To

— NOTICE —

The Advocate has learned that neither Dean McLaughlin nor Professor Birnbaum will be teaching New York Practice next year. Next year's seniors will be taught Practice by Professor Peter J. O'Connor in the day session and by an unnamed professor in the night session. Birnbaum will be going to N.Y.U. for the year and Dean McLaughlin will teach Evidence.

date, the center claims to have solved 1600 problems. The Moot Court Board, of course, is out of its infancy stage. It is well established and has considerably strengthened the Moot Court Program. Since Birnbaum did not have a great deal of experience in women's rights law, she didn't teach it. The Professor feels, however, the course will stay in the curriculum, as Title VII litigation is presently increasing.

Do you hope to come back? "This is just a leave" smiled the Professor. Do you feel you can accomplish more at N.Y.U. "No — N.Y.U. has always been progressive. It is just lately that other schools have been catching up. There is more room for innovative ideas at Fordham."

## McG slate sweeps SBA; 700 Students go to polls

by Sanford H. Siegal

Stu McGregor received 460 of 693 votes cast to win the March SBA presidential elections. The entire McGregor slate was elected by a landslide.

The other SBA offices will be filled by Brian Sullivan, 1A, Vice-President; Patsy Smithwick, 1A, Secretary; and Steve Markstein, 2B, Treasurer.

McGregor was very pleased majority was more than double the combined votes cast for the other two candidates, as were the totals for his running mates. (see box for totals.)

McGregor was very pleased by the size of the turn-out to vote, which was twice as many as in previous elections.

McGregor stressed the importance of getting Fordham Law Students involved in

Election Results			
	McGregor	Moore	Frawley
Pres.	460	135	87
V/P	385	145	152
S	418	135	129
T	386	158	138

supporting and running SBA activities. He feels the SBA can supply funds and leadership, but unless the students themselves put some time into the areas they want to improve, little will be accomplished.

He suggested that the organization of the Tang competitions showed what interested students can accomplish.

If students won't give some of their time, Fordham is destined to remain a barren academic turnstile sandwiched in between two subway rides. McGregor said that committees will be formed to deal with various problems such as Placement, the Speaker's Program, etc. He hopes that the student body will provide the ideas, input and minimal time commitment needed to put some punch into the proposals. Fordham is not likely to change itself in these areas.

Uppermost in the minds of students is the inadequacy of the Placement program at Fordham. When compared to the high powered operations at NYU, and Columbia, the resources placed at the disposal of Leslie Goldman are small. Ms. Goldman is presently assisted by a staff of one — her secretary. The new President feels that it is imperative to channel substantial funds into the Placement Office so that Ms. Goldman can do what she feels is necessary to improve Fordham's operation in the midst of a drastically shrinking job market. McGregor plans to form a Placement Committee to do research on the funding and operation of Placement Offices at the other area law schools. The Committee would then formulate concrete proposals to put before the Law School and University Administrations.

McGregor also reported that the SBA is planning to put out a critique of courses and exams, to be published in the fall. The critique is being developed by Rick Caputo, 2E. It will probably consist of a check list, rating courses and professors in about 20 areas. The plan is to distribute the list for each course immediately following each final exam. Whether or not the SBA will publish the critique depends on the student response. McGregor quotes an 80% response as a break-off point. The critique would serve a number of purposes. It would aid the students in selecting courses; and would give the SBA input in shaping the curriculum. McGregor also sees it as the vehicle of a student role in decisions on hiring, firing and granting tenure to faculty. He feels that student influence can be exercised more effectively through the evaluations than through membership on student-faculty committees.

McGregor favors the continuation of the SBA's sponsorship of Tang. He will also try to get fruit juice and fresh

fruit machines installed in the cafeteria. He would like to resurrect the Speaker's Program, as well as an annual dinner dance featuring a nationally known speaker. Asked about minority admissions, McGregor favored a more active recruitment program, but opposed the institution of quotas.

McGregor repeatedly stressed that student support is the sine qua non of an effective SBA. He and his fellow officers promise to do their part. What they are able to accomplish will depend on the willingness of the average Fordham Law student to cooperate in improving the life

Cont'd on page 7

## Advocate names Wallace Editor-in-Chief for '75-76

by Jane S. McMahon

The Advocate's role should be an "adversarial" one, akin to that of a lawyer's, commented Ed Wallace, 2B, newly named Editor-in-Chief of this newspaper. "Taking an adversarial role involves the duty to be fair and ethical, while having to ask the questions that may be irritating."

Wallace was chosen by the Editorial Board of The Advocate to succeed Tom McDonnell, the present Editor-in-Chief. Wallace graduated from Columbia University and completed his studies for a masters degree in literature before entering Fordham's class of '76.

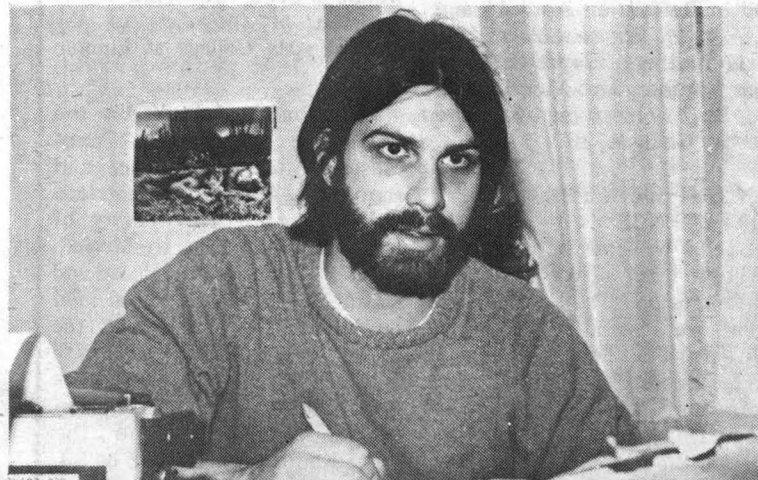
Although he denied ever having had aspirations to go to journalism school, he did admit to one previous writing experience before joining The Advocate staff. "I did do an article once on Dr. John the Night Tripper for the Seattle Sun, which is a community newspaper in that city."

Wallace is looking forward to running Fordham's law school newspaper. He believes the present Advocate is giving the law school the kind of newspaper coverage it needs. But with an eye to the future, he noted that he'd like to see it "sharpened up" in several ways — for example, with closer

editing and more comprehensive coverage of law school events.

The Advocate's focus will continue to be on such areas as admissions, hiring, placement and law school/university relations. "Why do students' gripes remain the same year after year?" he asked, citing

Cont'd on page 5



Ed Wallace, 2A, new Advocate Editor-in-Chief, hopes to sharpen its coverage and broaden its adversarial role.

# Newsbriefs

by Jane S. McMahon  
**FORDHAM LAW WOMEN**  
 In conjunction with the N.Y.S. Women's Trial Bar Association, there will be a symposium for women lawyers on Saturday, April 19 at Fordham Law School. The panel discussions will center on such topics as Women in Politics, Alternatives in the Job Market, and How to Form Your Own Law Firm. A reception with newly admitted members of the Bar will follow the symposium.

For further info, see Jill Jacobson, 3A, Lucille Falcone, 3A, or Liz Starkey, 2B.

**PHONOTHON RESULTS**  
 Yes, the phonothon fund raising campaign proved to be a real success. This three week telephone solicitation of gifts for the Law School Fund raised a total \$25,680 according to Sean Driscoll, Associate Director of Development at Fordham.

**McLAUGHLIN TO GIVE HUGHES LECTURE**  
 Dean Joseph McLaughlin will deliver the annual Charles Evans Hughes Memorial Lecture at a stated meeting of the New York County Lawyers' Association on March 20. He will speak on "Legal Education - 2000 A.D.: Sense and Nonsense."

**FLAW REVIEW**  
 John Ribeiro, 3B, will be distributing copies of his latest satirical review on April Fools Day - which should be a clue to its content. This time the theme is a salute to the Urban Law Journal. Those students who missed his earlier review on Mafia property law should be delighted to learn that John will make additional copies available soon.

**UPCOMING MOOT COURT COMPETITIONS**  
 The Moot Court Board announces the following competitions:

1) The Queen's Bar Association is sponsoring the 1975 Annual Moot Court Competition between Fordham and St. John's University School of Law. Fordham will be represented by Thomas Tennenbaum, 2A, Robert Nigro, 2A and Vinnie Carroll, 2B. Oral arguments will take place at the Queen's Bar Association, 90-35 148th Street, Jamaica on April 7 at 8:00 PM. A trophy will be awarded to the winning team. Fordham students are invited to attend the arguments.

2) The Annual Albert R. Mugel Tax Competition sponsored by the State University of N.Y. at Buffalo Faculty of Law will be held in Buffalo on April 11 and 12. Sixteen law schools will be participating. Representatives from Fordham are: Nick Letizia, 2B, Paul Schietroma, 3B, and Gregory Galligan, 2B.

**MINORITIES IN THE LAW CONFERENCE**  
 Staten Island Community College is sponsoring a conference on "The Lawyer as an Agent of Social Change; A Blueprint for Minority Participation in the Legal Profession." The stated goal is to encourage women and minorities to enter the profession. Speakers include Carol Bellamy, State Senator; Judge Bruce Wright, Manhattan Criminal Court; and

Hayward Burns, Director of the National Conference of Black Lawyers. Workshops cover law school admission and financial aid, problems encountered in law school by minorities and law careers. The Conference will be held on Saturday, March 22, 9:00-4:00, at Staten Island, N.Y. \$2.00 registration fee (\$5.00 on site registration)  
 For info call 390-7807

**BECKETT PRODUCTION ON WEST SIDE**  
 A production of the Time & Space Ltd. Theatre Co., Endgame by Smauel Beckett, opened March 1 at 8:00 PM. The place is 4 West 76th Street at the Universalist Church. Linda Mussman will be directing this early Beckett play. You can catch it every Saturday and Sunday evening through April and get involved in the coffee/discussion session following each performance. Tickets at \$2.50. For info call 741-1032.

**LAW STUDENT DIVISION SBA COMPETITION**  
 The Law Student Division of the ABA is sponsoring a competition to select the most outstanding student bar associations for the 1974-75 school year. The value of the SBA's projects and activities as a contribution to legal education, the difficulties overcome, administrative efficiency and results achieved will be factors considered. The deadline for entries is June 1, 1975. The awards consist of engraved parchments mounted on walnut plaques.

For info, contact the ABA, Law Student Division, Competitions, 1155 East 60th Street, Chicago, Ill. 60637.

**PRIZE FOR STELLAR ADVOCACY COURSE**  
 The American College of Trial Lawyers has announced the establishment of an annual \$5,000 award in honor of Emil Gumpert who founded the organization 25 years ago. The American College is a small (2,500) organization of experienced practitioners who have been trial attorneys for no less than 15 years. The award will be made to the law school offering the best course in advocacy.

**FREE CONCERTS AT LOWENSTEIN**  
 A series of free concerts open to students and the general public is being sponsored by the Division of the Arts of the Liberal Arts College at Lincoln Center.

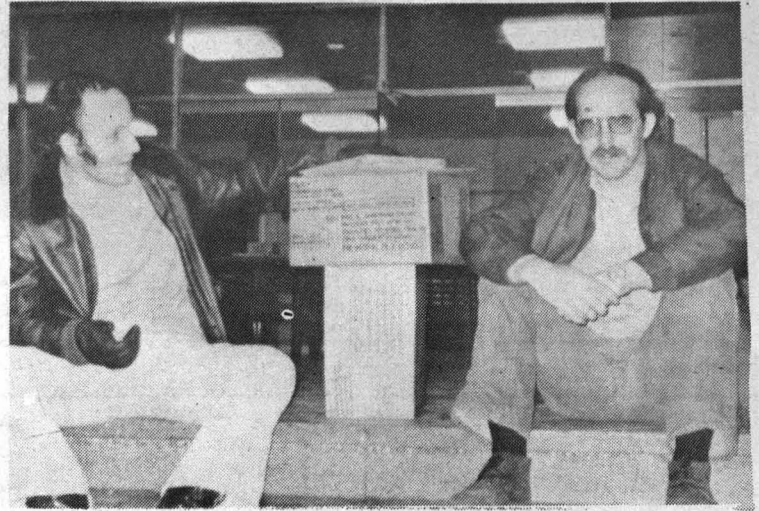
The concerts will feature the following programs: "Dance Music of the Renaissance and Baroque", April 1; "Concertato Players", April 15; "Poetry of E.E. Cummings Set to Music", April 28; "Songs for Voice and Guitar", May 12. All will be held in the faculty lounge of the Lowenstein building. On April 8, a concert by The New York String Soloists will be held in Pope Auditorium, and the general admission fee will be \$3. Student admission will be \$1.  
 For further information call 956-4774.

**3rd Annual Craft Show at the Coliseum**  
 Crafts as well as supplies will be highlighted at this Craft Show and Fair, March 20-23 at the N.Y. Coliseum. The show is sponsored by the N.Y. State Craftsmen, Inc., a 22 year old, non-profit, educational and cultural organization whose purpose is to further public interest in crafts and to aid both professional and amateur craftspeople. Displays will include looms, potters wheels, kilns and tools, dyes, metals, plastics, woods, leather, books and magazines on craft subjects.

Admission is \$3.00, from noon to 9:00 P.M.

**ABA-LSD redefines rape**  
 The ABA House of Delegates approved a recommendation of the Law Student Division to redefine rape and related crimes in terms of "persons" instead of "women" and to revise the rules of evidence to protect the prosecuting witness from unnecessary invasion of privacy. The LSD position at the mid-year meeting of the ABA in Chicago was that existing rape statutes afford inadequate protection for women and they exclude men, although incidents of male rape are an increasing phenomenon. The resolution, the first on rape ever to be considered by the ABA, called for the elimination of corroboration requirements that exceed those applicable to other assaults.

**ULJ WRITING SAMPLE**  
 The Urban Law Journal writing sample is now available in Room 310, the Journal Office. Samples must be submitted by June 6.



Tim Graham, 3B and Tom Hawley, 3B, are two members of the Jessup International Moot Court Team that recently tied for second at the Eastern Regionals.

## Jessup team ties for second

by Tom Hawley

The Jessup International Law Moot Court Team tied with St. John's for second place in an extremely close competition held at Rutgers-Newark Law School on March 7 and 8. Brooklyn Law School won the Eastern Regional, which also included Yale, NYU, Columbia, and Rutgers-Camden.

The contestants argued over the pollution of a river running between an industrialized nation and a developing nation.

The competition, sponsored annually by the American Society of International Law, involves over 100 law schools in the United States and 10 foreign countries.

Brooklyn received 25 of a possible 36 points, while Fordham and St. John's each had 23. Rutgers-Newark was third with 18. Fordham also placed second in the competition for the best written memorial, this time losing to Brooklyn by 2 points out of a possible 600.

Fordham, traditionally a strong contender in the Jessup, placed second in the Regional in 1973. In 1974, the team submitted the best memorials in national competition, defeating teams from 70 U.S. law schools.

This year's team-Stuart Bernstein 3B, Jim Donohue 3B, Tim Graham 3A, Tom Hawley 3A, and Marlene Nadel 2B-was selected from among twenty applicants on an interview basis by Professors Byrn, Crowley, and Hawk in October.

The team began research in October but like true eleventh-hour litigators, the big push came in the final days. Only twenty minutes before the February 14, midnight deadline, the memorials, still warm from xeroxing, were delivered to the General Post, a full 15 minutes improvement over last year.

The Jessup Team's faculty advisor is Professor Barry Hawk, whose close contacts with the Fugitive Squad of the Newark Police Department proved useful during the overnight stay in that City.

"It would be worthwhile to drag the children here by the ears" - Robert Potts, NBC-News, March 11, 1975

# Philly Mignon

on 9th Avenue between 57th and 58th Streets

Yes! At last you can buy the food Philadelphia students are surviving on and thriving on - We're almost on campus!

- #1 STEAK  
Tender beef sauteed in finest oil and served on special Italian bread - with or without onions \$1.45
- # 2 CHEESE STEAK  
Our steak sandwich with delicious melted cheese \$1.60
- # 3 SAUCE STEAK  
Our steak sandwich with our won home-made Italian sauce \$1.60
- # 4 PIZZA STEAK  
Our steak sandwich with both cheese and sauce \$1.75
- # 5 HOAGIE  
Finest Genoa Salami, Ham, Capicola, and Provolone Cheese with sliced tomato, lettuce and onion. Italian bread \$1.45
- # 6 STOVE HOAGIE  
A Hoagie, fresh from our oven \$1.45

**50¢ OFF: ALL SANDWICHES WITH THIS COUPON**  
 Offer good until March 25, 1975

# Student say in hiring to remain minor

by Joyce Cleveland

The Advocate's November 12, 1974 issue carried a letter from Fordham Law Women (FLW) criticizing the "School's hiring policies." They said it appeared to deny them (women who had proposed the "Women and the Law" course) of the "opportunities to benefit from the insights which come with experience and scholarship". The group's protest came after Dean McLaughlin hired Adjunct Professor Marilyn Gainey as course instructor while

apparently ignoring FLW's request to sit in on interviews with applicants.

People).

Dean: "He has given me some good names".

Just suppose you are a fairly young black candidate, male or female who may not have worked in a local firm; your field is not civil rights and you don't know Jack Greenberg and he doesn't know anybody he respects professionally who knows you, would Fordham consider you?

At best "knowing somebody" is an incident of either influence, position or happenstance that operates to hamper recruiting, certification and approval of excluded groups such as women, minority group members, the politically radical (including feminists) and others who could add some of the diversity the Dean wants to achieve — and that some students would welcome.

### Hiring committee

Hiring is not solely the Dean's responsibility. The Dean and the Faculty Hiring Committee composed of Professors Crowley, Byrn, Fogelman, Calamari and the Dean participate directly in the recruitment, interviewing and selection process. But all faculty members have the right to recommend a candidate and to express their evaluation of a candidate, because hiring faculty is a faculty responsibility under University By-Laws.

Among the committee there has been little disagreement over hiring, according to the Dean. "I have never appointed anyone over the opposition of the Committee. I don't think there has ever been a split other than 4 - 1. If it were 3 - 2, I wouldn't consider the candidate any further."

The Dean is allowed to select part-time faculty members on his own but says that he consults with the Hiring Committee anyway. Paul J. Reiss, Ph.D., Vice President for Academic Affairs, appoints faculty members of all schools and colleges at Fordham. Only rarely would he reject an appointee recommended by a dean, according to McLaughlin.

### Student participation

Would student participation help broaden the base from which selection of faculty members is made? According to Dean McLaughlin and other faculty members at the University who have served on hiring committees, the consensus is that students are not in a position to advise or evaluate with regard to hiring faculty.

Stu McGregor, incoming SBA president, agrees, but for different reasons. He feels student input would be ignored anyway, but feels that several people could sit with Dean Robert Hanlon and do staff work such as scheduling, "which has bothered lots of people," he said.

Student interest is defined by what students feel affects them presently or potentially. Right

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### Hiring policy

What is the school's hiring policy? Dean Joseph McLaughlin in a recent interview said: "My top priority is to develop and keep a diverse faculty." He explained that in addition to consideration of the candidates academic record and experience, potential development and commitment to the school are important factors he considers when hiring faculty members.

"Fordham receives hundreds of faculty applications annually," he indicated. "We want them (the candidates) to be smart, devoted and willing to stay put — that is to gain identification with the school," the Dean emphasized. Typically the average candidate has three to four years experience. "We don't even look at those applicants just out of law school and we aren't interested in those who are retiring."

### Screening process

What is the evaluation process like? "We can always check resumes to determine if a person is smart, continued Dean McLaughlin, but when it comes to commitment you check them out with people you respect."

As Professor Joseph Crowley put it, "If the candidate has taught law before, we check with the school administration or, if the experience is with a firm we check there."

"The candidate's practicing experience may not be related to the courses he may be teaching here," the Dean said, "I feel if the candidate will 'work up the course' (do the preparation that will inform and test the students), he will be accepted if he meets the other requirements."

The screening process has resulted in a faculty that is typically male and white with previous practice experience ranging from two to five years. There are four female faculty members (one full-time) and two minority group members (one female—part time).

### Women and minorities

Can the process be made to work for females and non-white candidates?

One hint of the difficulty involved may be seen in the exchange that follows here.

Dean McLaughlin, after indicating that he would like to see more racial diversity, was asked by this reporter: "Do you have any contact with black professional groups or presidents of black colleges (meaning law schools)?"

Dean McLaughlin: "Well, I know Jack Greenberg. Do you know who he is?"

Reporter: "Yes". (Greenberg is director of the Legal Defense and Educational Fund, originally the legal arm of the National Association for the Advancement of Colored



Professor Joseph Crowley, member of the faculty Hiring Committee, sees faculty diversity as increasing and sees no problem with the present system of choosing professors.

## National Lawyers Guild takes Activist Approach to the Law

by George Kehayas

One of the most important phases of a law student's education occurs outside of the classroom. Part-time legal employment, clinical programs or participation in volunteer legal projects of various descriptions all provided the student with the same valuable opportunity to exercise the skills learned in the classroom under authentic circumstances. This experience is also valuable to the extent that it permits the student to gain exposure to different areas of the law. Such exposure permits one to at least make a more reasoned decision as to an eventual choice of career. It may also lead to the start of a post-graduation career.

At the present time, Fordham provides its student with opportunities for practical experience through the facilities of the placement office as well as the various clinical programs which are part of the curriculum. Unfortunately recourse to the third source of extra-curricular legal experience is not actively encouraged either by the school administration or by any student organization. Thus students who wish to exercise their legal skills on behalf of the social political or religious causes of their choice must do so without any assistance from the institution which taught them their legal skills.

Encouraging such extra-curricular organizations would foster pluralism in the values of Fordham's students which could find active expression within the law school community. Moreover, students on all sides of these issues would profit from the inevitable exchange of legal ideas surrounding these issues.

In the past few years one such social action group, the National Lawyers Guild, has enjoyed increasing success both in the establishment of regional and law school chapters. Formed in 1937, the Guild premises its activities upon the philosophy that human rights are more sacred than property rights. Guild members consider themselves part of a progressive legal organization which exists to aid the poor, working classes and third world peoples. According to Bob Gibbs, a member of the guild's National Executive Board, the views of the group are decidedly on the left of the political spectrum, but he quickly points out that the Guild is committed to no single political principle beyond its primary service function. Perhaps owing to this divergence of opinion, the Guild is involved in many

different projects and struggles. Locally, the Guild's New York City chapter represented and advised faculty members and their supporters in the recent Brooklyn College teacher's strike. The city chapter also is actively involved in the field of immigration law, seeking to safeguard the rights of the foreign born living this country.

At its recent Executive Board meeting in San Francisco, the Guild approved its third annual and most ambitious summer intern program for law students. Present plans call for the employment of 30-60 students in a variety of projects across the country, many of which attempt to remedy the new species of social ills created or aggravated by the ongoing economic slump. A partial listing of these projects is as follows:

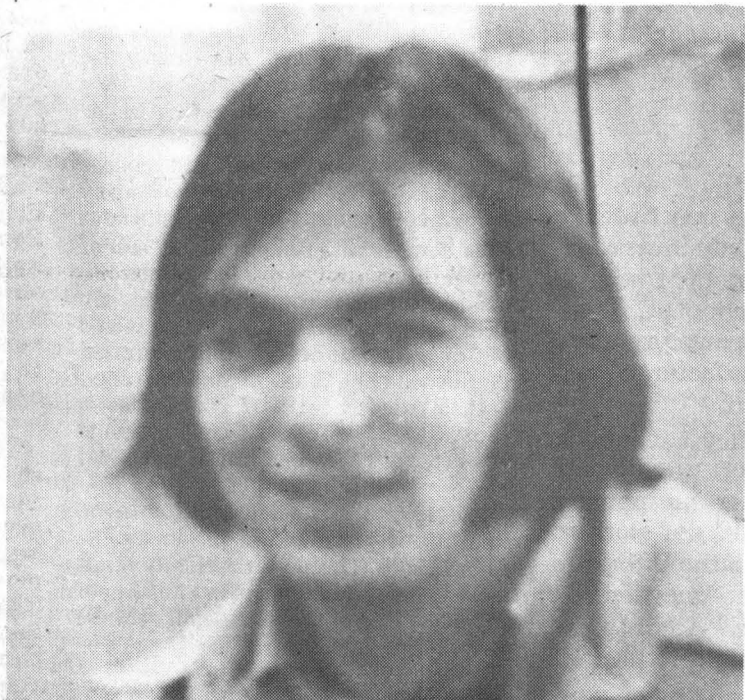
- Organizing and representing the interests of working class women in St. Louis and Oakland;
- Working in Appalachia with grass root organizations such as retired miners, black lung groups, etc.;
- Working on gay rights and immigration projects in Los Angeles;
- Defending black defendants involved in the Boston school busing crisis as well as intervening in the desegregation suits;
- Prison reform projects in Atlanta;
- Organizing and fostering Chicano rights in Texas;
- Studying racism as expressed in the

disproportionate number of blacks laid off as the result of the economic crisis; Working in the Georgia Power Project, an anti-corporate group focusing on exorbitant utility rate structures.

Further information concerning the Guild or its activities, or the possibility of establishing a Fordham Law School chapter, may be obtained by addressing all such requests to the New York City Chapter of the National Lawyers Guild, 23 Cornelia Street New York City, 10014. Student dues are \$12 and include a subscription to *Guild Notes*, a monthly newspaper. Those students wishing to organize and publicize any other student law group are encouraged to contact the Advocate. The Guild is more than happy to send speakers and materials to Fordham if sufficient interest is shown. The same would undoubtedly be true of most other groups.

A representative of the National Lawyers Guild will be in the Student Lounge at 12:30 on Tuesday April 8 to speak in connection with the Guild — sponsored city-wide seminar on alternative legal employment. The seminar will take place on April 19.

Increasing the number of law student organizations on campus is primarily the responsibility of the students interested in soliciting law students membership. It is up to the student body of Fordham whether they take advantage of these opportunities.



Consolation prize: Although defeated in his recent bid for SBA treasurer, Frank Allocca, 2A was drafted to be president of his section.

The Advocate

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## Admissions...

Fordham's admission's policy as interpreted by William Moore, Dean of Admissions, approaches McCarthyism and infringes on academic freedom. Moore excludes "Types (applicants) who want constant change." *The Advocate*, February 19, p. 3. Buttressing this close minded policy is the admission application question asking whether the applicant believes in the present form of government of the United States. The question impliedly says that radicals and left wing "types" need not apply.

In addition to this exclusionary question, Fordham asks its applicants to describe in detail their arrests, if any, as well as their convictions. Columbia, NYU, Northwestern, University of Chicago, St. Louis, American, Buffalo, Boston University and most other law schools ask only for their applicants' convictions. (None of these schools ask an applicant if he believes in the present form of U.S. government)

Dean Joseph McLaughlin's argument that since the character committee of the Bar asks about a candidate's arrests, the law school should also, is unpersuasive.

First, since the presumption of innocence is firmly embedded in U.S. legal system, it's most questionable whether the character committee should be permitted to inquire into arrests.

Second, while the law school should inform prospective applicants of the ethical requirements of the character committee, there is no reason for the law school to obtain all the information a character committee must obtain in order for the school to make an admission's decision.

Since hardly any other law school asks its applicants about arrests or about their belief in the U.S. form of government, Fordham stands out clearly as a limited and non-pluralistic institution. These questions should be eliminated immediately, and the admission policy must be turned around to encourage the admission of students with diverse backgrounds and views.

## ...Hiring

Fordham's hiring policy reflects its limited and non-pluralistic admissions policy. Although the faculty are very highly qualified, they tend to be drawn from institutions representing the status quo, most notably, District Attorneys offices and Wall Street.

Not a single criminal defense attorney has taught here at least in the past three years. With perhaps the most skilled criminal defense bar in the country at the school's doorstep in New York City in both the Legal Aid Society and in private practice, there is no reason Fordham can not get one or more highly qualified criminal defense attorneys to teach here.

Although the hiring of the young faculty over the past few years has considerably increased the faculty's diversity, hiring remains an inbred process. Applicants are checked with people "we know." Such a policy militates against hiring activists, minorities and other persons without Fordham establishment connections.

Excluding students from hiring interviews is an additional manifestation of the closed hiring policy. Permitting students to play a purely advisory role in hiring would be merely according a significant portion of the adult population of this institution a modest voice in decisions that greatly affect them.

To become pluralistic, Fordham must hire criminal defense attorneys and open its hiring policy to those without traditional connections.

## McGregor

Stu McGregor's landslide victory in the SBA election constitutes a mandate which should help him in bargaining with the administration. That 700 students voted in the election shows that the student body is very interested in participating in the workings of the law school.

McGregor is wasting no time in trying to fulfill his campaign promises. He has negotiated with some photostat machine manufacturers and reports that it's likely the five cent copy machine will return.

McGregor said that he would work on an important policy issue: he is willing to sit down with Dean Moore, Admissions Director, to eliminate the question on the admission application asking whether an applicant has been arrested. McGregor said, however, that he would not work to eliminate the question asking applicants if they believed in the U.S. form of government. Although he favored the deletion of the question, he thought it was unimportant. For reasons outlined in the "Admissions" editorial above, eliminating this question is vital if Fordham is to become a pluralistic institution.

McGregor, therefore, should take an activist stand on this issue and on minority recruitment and hiring.

# Commentary: Perspective on FLS

by Tom Gillooly

Those of us who are about to graduate came to Fordham some two and one half years after the U.S. invasion of Cambodia. It is difficult today to imagine the law school was almost shut down over such an event, but, that must have been hard to imagine at the time as well. One wonders if that experience, probably more traumatic for Fordham than for some other schools, was the seed of the now openly proclaimed no-activists admissions policy. (Re Feb. 19, *Advocate* interview with Dean Moore) Or is that a tradition of longer standing?

### Subversive Elements?

The recent disclosures conjure up an interesting image: security guards protecting the glass facade from throngs of college activists, Fordham Law School their last best hope for a radical education. The only real puzzle is where the Admissions Committee can find a college activist to reject these days.

Although the representative student here is not an activist, (s)he still doesn't look the same as the student of yore. Suits and ties were a mandatory feature of life at the law school until well into the sixties, we are told, and the unregimented dress has a clearly subversive flavor.

### History of Change

On the other side (the top side?), the arrival of this graduating class coincided with a major shake-up in the faculty and administration here: a complete revision of the curriculum, the departure of a number of older professors, the installation of Dean Joseph McLaughlin (who is found of dark suits but not of pomposity) and his appointment of a number of young professors, who are breaking new ground as they probe beyond recitation.

What has all this meant to Fordham's tradition of political and academic conservatism, its educational pragmatism and intellectual... skepticism? Skepticism of intellectuals, let's say.

Some sort of thaw in the icier aspects of Fordham's tradition, certainly. But how deep and how long-lasting?

The admissions crunch which has been building for some years has enabled Fordham to compete for students who might not have come here when the market was less crowded. And the developments which came to a head some three or four years ago, represented a watershed in the life of the school. The new curriculum, new administration and new faculty were crucial to the quality of the institution and the education it offers. The question now is whether those gains will be consolidated.

### Holding the Line

Two factors have combined to keep a lid on things. First, while the quality and variety of applicants has risen, the admissions process has changed only minimally. Fordham still seems to be looking for the same kind of student: only the numbers (law boards and college grades) are different. Given the largely homogeneous student body which results in the absence of a campus setting and of any significant continuous community life outside the classroom, students are necessarily passive and disorganized politically (i.e., students are not interested in influencing the character and operation of their law school). Of course this is traditionally true of law students anywhere; but the condition is magnified here.

The second and related factor is the retention of real political power by the senior faculty. This power is closely if not jealously held and exercised in a number of key areas. Two of the most significant are admissions and tenure.

### Parochialism

There is a clubby aspect to the way policy is made here. Decision-making

procedures are informal and secretive, making it difficult even to find out who makes decisions. This style may have been appropriate when the school was smaller and the student body more limited. Today, however, openness in the administration and decision-making process should be sought, not discouraged.

Without this kind of change, students should beware of participating in such things as teacher evaluations. In the climate of frustration and alienation, which results from students' powerlessness, the temptation is to lash out at teachers. Filling out a questionnaire does not represent meaningful student participation in this area, particularly when the results are subject to manipulation in a forum where students are not represented. If students are to participate in tenure and other important decisions, we should do so in a serious and deliberate fashion. In the absence of proper institutions to that end, we should not allow ourselves to be used.

### Advance or Retreat

Fordham's traditional backbone, represented by the night school and the strong orientation toward the bar and the practicing lawyer, has not been weakened by the changes of the past few years and should not be sacrificed for the sake of further innovation. This is the unique character and strength of the school and should remain so. It can turn to weakness if used for retrenchment rather than opening up, but it can also be a solid foundation for the school's continuing growth and development.

### Aspect

Admissions policy should look for variety, not uniformity. The Committee on Admissions should include untenured faculty and, lo, even students. The school should admit more women and minority candidates, even an activist or two, and some other non-conforming types. The conventional wisdom needs a healthy challenge. Our appreciation of society and its legal institutions needs to be broadened. There are now significant numbers of qualified applicants in all these categories. The question is whether the present policies seek to protect the quality of the school or the position of the powers that be. It is a fact of life that those in power have difficulty seeing the distinction.

### Strength in Diversity

It is not simply that we can do these things without threatening our historic strengths. The point is that we need to move in this direction in order to realize our full potential. We even need a few eggheads, a little unconventional, non-pragmatic thinking on the faculty. We need to be in touch with the full range of society, if only to be adequately prepared to be lawyers in it. This means hanging onto what is strong and healthy in the school's tradition as well as striking out into new territory.

The argument is straightforward: the stature of this institution will not depend alone on the high quality of its technical legal competence, but also on its ability to serve a broad segment of society, to accommodate a wide range of cultural, political and philosophical backgrounds and viewpoints, and to structure itself internally in a democratic and professional manner.

The changes of three and four years ago and the tone of Dean McLaughlin's administration hold significant promise for making this an outstanding institution of legal education. That will not happen if the movement toward constructive change is stifled by policies and philosophies from the distant past. It will not happen if the creativity and talent of students and younger faculty are suppressed. Full participation by all the elements of this community is the only sane path for the future.



Outgoing Editorial Board of the 1974-1975 *Advocate*: (clockwise from left) Tom McDonnell, 3B, Editor-in-Chief; Terry O'Rourke, 3B Business Editor; Aaron Reichel, 3E, Special News Editor; Jim O'Hare, 3B News Editor; Jane McMahon, 3B, Associate Editor. Out on a scoop was Jack Ingraham, 3A, Features Editor.

## Advocate Editor: Wallace in '76

Cont'd from page 1

placement and the library as examples of ongoing gripes. "Why do Fordham's student body and faculty appear to be such closed shops? The full time faculty should be as diverse in background as the part-time faculty is."

Asked whether the newspaper will be taking positions reflecting some particular political viewpoint, Wallace quipped: "Well, I'm not a member of the Communist party," and then replied more seriously that *The Advocate* will play 'gutsball.' We won't shy away from any hard issues." Wallace emphasized his belief that anyone who might come under scrutiny should understand that while the newspaper has a job to do in its adversarial role, "the *Advocate* is a part of Fordham."

Wallace's first issue as Editor will come out in April. He plans

to make sure that the articles respect the line between fact and opinion. Because he'd like to see the newspaper pay it's own way as much as possible, Wallace noted the real need for advertising and joked: "I'm desperately looking for a good adman, and I'm ready right now to talk about a percentage."

One of Wallace's suggestions concerned better communications among the New York City law school communities. He favors an exchange of information and news on items of interest to the law students, perhaps through a limited circulation of the newspaper to other schools. In addition, he encouraged increased contributions from the Fordham faculty and student body. He'd like every student to consider writing for the paper or at least to bring to the paper's attention any matters they think are newsworthy.

## Senior week: 'Blunderland' premieres here

by John Ingraham

The premiere performance of an important new playwright's first work will highlight Fordham's Senior Week, April 21-26. With *Alice in Blunderland*, John Ribeiro, 3B, serves notice on all lovers of the American Theatre that he stands ready to fill the void left by the tragic and untimely demise of Eugene O'Neil. Upon reading the play prior to its going into production, noted critic John Simon remarked prophetically: "Judging by the vibrant and brutal, yet subtle, strength of this work, it should have a greater impact on America than any play since *Our American Cousin*."

Mr. Ribeiro permits a privileged coterie of his friends to call him "Fang." It is apparent that this appellation is a tribute to his biting wit, as this bard's play hits the mark consistently as social satire on several levels of meaning at once. *Alice in Blunderland* not only wreaks havoc with our preconceptions about the institution of the New York City Law School, but devastates the criminal court system as well. At the same time, the play serves as

a vehicle for an important statement about the Women's Liberation movement and as an allegory for American military involvement in Southeast Asia.

If Mr. Ribeiro has any shortcoming as a playwright, it would be that his opus dictates throwing economy to the winds, calling for many lavish sets and requiring enough actors to fill eighteen major speaking parts, which include several of the most demanding roles ever written for the English language. The rewards for a thespian who can pick up the gauntlet thrown down by this angry young man from Yonkers will be tremendous, however. The character of Walrus, for example, may well replace Falstaff in the hearts of theatre-goers everywhere as the Clown Prince of the Stage. Director Graham Clark, 3B, is presently assembling a glittering array of repertoirsts equal to the task.

The idea for this epic came to Mr. Ribeiro after a particularly stirring celebration in honor of Field Marshal General Erwin Rommel's birthday. Like his idol, William Shakespeare, whom he regards as "one of the all-time greats," Mr. Ribeiro possesses the ability to transcribe his literary inspirations to paper in

# Amnesty International: Group works to end torture

by Tom McDonnell

As police forces and the military grow apace throughout the world, an international organization of civil libertarians has worked successfully to reduce torture and to free persons imprisoned because of their political beliefs. Amnesty International mobilizes world opinion on behalf of "prisoners of conscience"—victims of a State's violation of human rights as defined by the Universal Declaration of Human Rights.

Founded in 1961 by Peter Berenson, a British Lawyer, AI has 30,000 members who have formed local groups and National sections in over 30 countries. AI is strongest in Northwestern Europe: there are 300 groups in Western Germany and almost as many in Sweden. AI has 100 groups in the U.S., but has few groups in the third world.

"In those countries (third world countries) there is not tradition of action by citizens for civil liberties. Because their standard of living is so low, it's very hard to find anyone who can devote the time even if he has to inclination," said Ivan Morris, Chairman of the American Section of AI and Professor of Japanese at Columbia University.

### Each group adopts a prisoner

Each group of about three to fifteen or more members adopts a prisoner. The adoptee is referred to the group from AI's London headquarters which receives information from several sources.

After adopting the prisoner, the group sends letters to the director of the prison,

government Ministers, embassies, leading newspapers and international organizations. In addition, letters are sent to the prisoner and his relatives and friends. When possible AI sends lawyers to observe trials to see that due process is accorded the prisoner.

AI's New York Group has adopted Antonin Rousek, 48, of Bruno, Czechoslovakia. Rousek was sentenced to five years imprisonment for distributing leaflets urging people not to vote in allegedly rigged elections. Before his arrest he had been a Deputy of the Czech National Council.

The New York group sent letters to the director of the prison, to various government officials and to Rousek's family. With the anniversary of the Czech liberation coming up shortly, members of the group plan to meet with Czech embassy officials in Washington to plead on his behalf. Since nations often grant amnesty on such occasions, Morris hopes that the meeting will prompt Rousek's release.

### Non-violence

To be adopted by AI, the prisoner must be non-violent. Even if the prisoner advocates violence, but has never been violent, AI will not adopt him. At AI's council meeting last September, some members proposed to change AI's policy on adopting prisoners from "never used or advocated violence" to "never used or instigated violence." The proponents argued that the notion of non-violence in Western democracies is not applicable to the needs of countries struggling against extreme forms of repression. The proposal was soundly defeated.

Morris, chairman of the American Section, explained the policy by saying, "It's not that we oppose violence as such, but to be effective we can't plead for people who advocate violence. If we tell governments that they can't imprison those who advocate violence, we would be prejudicing effective work we can do for non-violent prisoners."

Morris added that there are so many "prisoners of conscience" that AI had its "hands full" handling them.

AI does make two exceptions to its "prisoner of conscience" rule. AI will adopt a violent prisoner who is being tortured or who has been sentenced to death. AI is opposed to capital punishment.

### Investigations of Torture

In addition to adopting prisoners of conscience, AI investigates charges of widespread torture and denial of due process against particular countries. AI has investigated such charges in countries such as Chile after the coup, Israel, Northern Ireland and Greece.

Murray N. Rothbard, Editor of *The Libertarian Forum* said of certain AI investigations, "Their (AI's) report on the regular use of torture by Israeli officials in interrogating Arab prisoners was bitterly denounced by the Israeli government and

other Zionist sympathizers: the British government was similarly enraged when Amnesty teams publicly reported the use of torture by British troops in Aden, and more recently, in the prison camps of Northern Ireland. Their report on the atrocious treatment of political prisoners in Greece contributed significantly to the forced resignation of Greece from the Council of Europe for violating the European Declaration of Human Rights."—*The Libertarian Forum*, August-September, 1972.

### Non-ideological

"If we aren't non-ideological, we will be ineffective. Not only should we be impartial, it is important that people see that we are impartial," said Morris.

AI has adopted prisoners in Western, Eastern and Third World Countries. These include a Jehovah's Witness in Spain who refused draft induction on religious grounds, a Ukrainian teacher who criticized the Soviet Union, a University Dean imprisoned without trial by the Mexican government and Captain Howard Levi, the American Army doctor who refused to teach first aid to Green Beret because they would use the knowledge as a political weapon.

Morris said, however, that there was an imbalance; AI does more work in the right wing countries such as Brazil, Chile and Spain than it does in a country like China.

He said, "I've been hammering away to get something done in China."

### Torture for political control

An increasing concern of AI is the growing use of torture throughout the world... AI's report of last year listed allegations and evidence of torture against 64 countries.

Although countries have throughout the ages tortured people, now they are developing torture technology according to Morris. The countries send their police to "torture" schools and exchange information and devices among the "torturing" states.

More significantly, countries are now torturing people not merely to gain information but to exercise political control over the populus. As Morris put it, "People are more terrified by torture than by execution. The knowledge that if one falls afoul of the police or a regime, one may be suddenly picked up and subjected to the most horrifying tortures is an enormously effective way of keeping people in line."

### Effectiveness

According to Morris, Amnesty's intervention in the last eight years has contributed to the release of about 7,500 prisoners, a considerably successful record for a relatively small organization. With the advance of repression around the world, AI effectively points the way toward human dignity and freedom.

Anyone interested in AI should contact its New York office, located at 200 W. 72nd Street, Room 64, New York, New York 10023.

# Estelle Fabian Retires, At Fordham since 1958

by Rich Calle

By the time you read this a part of Fordham will be missing from its hallowed halls, yet few of you will be aware of it. No, it's not the phone booths off the main corridor that are all occupied at five of any hour, nor the couch against the east wall of the lounge where more than a small minority of students have captured last 'Zs' of the night before. Most of you would not realize what part of the school is missing until it was time to register again and discover that during your wait on line to submit your registration cards, no one is admonished for failure to correctly comply, but rather only routinely instructed. Missing from Fordham is not a what but a who — Estelle Fabian, secretary to Assistant Dean Robert Hanlon.

Estelle is jubilantly expecting the birth of her first child in mid-April. Asked to comment on her departure, almost instantly she exclaimed, "The day has finally come." Then reflecting, Estelle fought to suppress a more somber moment. "What can I say? Leaving Fordham is like leaving home and believe me, becoming a mother is one of the few reasons I would do it."

It is easy to believe her. Estelle began her career at Fordham on March 31, 1958 when the school was located at 302 Broadway. At that time, the entire staff at Fordham consisted of the Dean, the Registrar, and three secretaries.

In 1962 the University moved to its present site at Lincoln Center. Estelle remained secretary to the Registrar, Mary Long, until 1963 when Robert Hanlon became Director of Admissions. She worked with Robert Hanlon until he left in 1969. George McKenna (1969-1970) and William Moore (1970-present) succeeded Robert Hanlon to the Admissions post

and Estelle worked with both. In 1972 Robert Hanlon returned to Fordham as Assistant Dean and Estelle has worked with him ever since.

In the span of her career Estelle has worked under Judge Mulligan and Dean Joseph McLaughlin. She has dealt with Dean McLaughlin in his student as well as administrative capacity, along with Professors Fitzpatrick, Lanzarone, Byrn and Dean Hanlon among others. Contrary to what some may tell, Professor Byrn was not the student who threw a book at Estelle, although in seventeen years she certainly has seen a mixture of personalities among the 4000 students she witnessed graduate.

Asked how it was to have Estelle work with him, Dean Moore replied, "I counted on her for everything and she put the pieces of the puzzle together for me. She may have been brusque with the students at times but she was fair and helped all in need of assistance. She is a solid performer and Fordham is losing a valuable member."

Similar sentiments were expressed by Professor Katsoris who described Estelle as "a person of great dedication and devotion to the law school."

Dean Hanlon was lost for words to express his feelings about the splitting up of his team. Half serious he confided, "We are going to be the only law school with a child care center."

Two of Estelle's co-workers, Chic Piazza and Melba Chamberlain lamented at the thought of working without Estelle. They recounted how the years of working together created a relationship in which they grew to look up Estelle as a big sister who they turned to for help and guidance when the need arose. They credit her with training many of the staff in

their clerical duties and commended her for working to form the union at Fordham, Local 153 ALF-CIO. Through negotiations, Estelle as shop steward enabled the staff to obtain better wages.

So readers, perhaps a staff member's departure has little meaning to you as a student, but surely the seventeen years of faithful service Estelle has shown the school merits more than this in adequate notation for posterity. Estelle Fabian's departure is all our loss.

Estelle, we wish you good luck and prosperity in the future!



"... they just fade away." Estelle Fabian, 17 year veteran of the Dean's Office, has turned off her IBM Selectric for the last time. She's retired to have a baby.

# Student say in hiring to remain minor

Cont'd from page 3

now, it is finding that job after graduation.

"More traditional electives are popular again," said Dean Hanlon. McGregor, who runs the bookstore coop says there has been a drop-off in book sales for very specialized electives. "Fringe electives are not getting the people they were a year or two ago," he commented.

### Student expectations

Who is hired then will probably not be nearly so critical to students as how effective they will help students achieve their personal academic expectations. According to McGregor students will soon be asked to complete a faculty

evaluation questionnaire. He estimates an 80% participation would be meaningful.

Faculty diversity may not be a burning issue, but it is a continuing administration goal that includes other elements operating to broaden experience and scholarship available to Fordham law students. All of them would require more money, according to the Dean.

### Visiting professors

Dean McLaughlin hopes to raise funds to establish two Distinguished Visiting Professors chairs. The school has just received a large bequest which the Dean hopes the University will allow him to use for that

purpose.

There is a faculty committee headed by Professor Thomas Quinn working to attract foundation grants. It has a student member, Tom DeJulio, who has grantsmanship experience.

The Dean serves on the faculty committee on interdisciplinary studies. "We are trying to see how we can mesh efforts to establish a "Law and Economics" course and a "Law and the Performing Arts" course." In some cases academicians outside Fordham may be appointed. The determining factor is the bottom line."

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And it can show that students still care about what goes on in the world.

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(805) 822-5571

# McLaughlin Interview cont'd: Dean reviews past 4 years

Cont'd from page 8

the U.S. Attorney's office. The only thing approximating an organized defense counsel side would be Legal Aid, and they are a very rapid turnover operation. They don't have the permanence of the U.S. Attorney's office.

**The Advocate:** How do you feel, if at all, the University should relate to the community, to New York City, in terms of both what we give to them and what we get from them, or are we just an island?

**McLaughlin:** Well, we're not an island, I suppose, but I do have a philosophy on that. There is a tendency on the part of many people to confuse roles, it seems to me. Law schools are designed to teach young people to become lawyers. Law schools are not social agencies. If, in the process of teaching somebody to become a lawyer we can do some social good, I have no objection to it and I highly applaud it. But I am intellectually opposed to putting people out in storefronts and the like to do social good, if they're not going to learn law.

**The Advocate:** But a good, solid storefront, where legal problems are actually confronted, you'd certainly support that?

**McLaughlin:** Right. Sure. I'm a great believer in practical legal education.

**The Advocate:** So you feel that a lot of experimental programs' problems are not their intent, but that they just don't work out—

**McLaughlin:**—for lack of control. That's the reason. They don't work out for lack of control.

**The Advocate:** How about social issues; such as minority recruitment and minority hiring. Should the Law School be involved in an increasing minority admissions?

**McLaughlin:** Oh yeah, sure. And we are, I hope. I think we are. My admissions people tell me we are.

**The Advocate:** Well, how should that be done? The DeFunis approach?

**McLaughlin:** Oh, no, we've never had that problem. DeFunis was a self created problem in the sense that the school had a mechanical formula for admissions, and then they lowered the standards for minorities. We've never had a mechanical formula to begin with. I'm sure that we have white students with lower LSATs than our black students. I'm sure of it. So that DeFunis thing wouldn't give us any problems at all; we look at the whole record: the college record, what college it is, what they've studied, and, of course, if a minority, obviously we consider it, if we know it, which we usually do. But there are many people who are minority and we don't know it.

**The Advocate:** Another topic that comes up is interdisciplinary studies. Do you feel any need or any relevance in getting an occasional sociology professor, for instance, to lecture a course at the law school?

**McLaughlin:** Not only do I think that, but in point of fact I've spoken to the President of the SBA, Peter Holmes, and advised him that the Schweitzer Chair in the Bronx for the last year has been held by an outstanding sociologist, Lloyd Rogler. I

suggested to Peter that he arrange to have him come down and talk at the Student Forum. Nothing has come of it, but I think it's a great idea.

We're going to put a course in next year in Law and Economics, and we're going to have a fellow with a Ph.D. in Economics work with Professor Richards in developing such a course. I added a course in Law and Medicine my very first year as Dean. I'm a great believer in this kind of work so long as it's academically sound and is not just a filler.

**The Advocate:** Watergate has caused a lot of cynicism concerning lawyers and legal ethics. Do you think the law schools have any role in instilling ethics, or is ethic something a person either has or doesn't have by the time he gets here?

**McLaughlin:** The type of ethics you are talking about, which caused the Watergate problem—you either have or you don't have when you get here. No matter how many lectures on professional responsibility you give to people like those involved in Watergate—you're not going to change them. But legal ethics nonetheless, has to be taught, because there are certain ethical problems.—It's a body of knowledge that you have to acquire. But what you're really talking about is character, integrity, and that you can't teach.

**The Advocate:** Would you like to see legal ethics as its taught, changed at all. Are you satisfied with a one credit course at the end of one's studies?

**McLaughlin:** Well, we've only had that for two years. I would have to admit that at this point it is still experimental. We don't know how to teach it. We never had that course, you know, at all before two years ago. We started it before the Watergate problem.

**The Advocate:** As you know, the last dean was appointed a federal judge. Could you be similarly enticed away?

**McLaughlin:** (laughter) I would certainly entertain very seriously any serious offer made by a Court as distinguished as the Second Circuit.

**The Advocate:** Are you in the market?

**McLaughlin:** No.

**The Advocate:** You intend to be here in a few years?

**McLaughlin:** Oh, yeah.

**The Advocate:** But if drafted, you would accept?

**McLaughlin:** If by a distinguished Court like the Second Circuit.

**The Advocate:** When you are seeking out student opinion, where do you go?

**McLaughlin:** I usually go to the SBA. My reaction is normally, that is, the representative body of the students. I like to establish a working relationship with the SBA president. Thus far, I've been blessed with extremely cooperative SBA presidents.

**The Advocate:** Do you consider yourself to be accessible to students.

**McLaughlin:** Well I hope so. I hope so. You tend to get isolated. It just seems to be part of the office that students drift away from it. I noticed it perceptively once I became Dean, because I used to be just a regular old teacher, constantly talking with students. They'd come in and out of my office all the time. Now, I notice they don't come that often, but I have standing

orders with my secretary, that any time a student wants to see me, they come right in.

In course of the interview, McLaughlin indicated he is willing to meet with any student group, including the Fordham Law Women, a group that has criticized him in the past.

Asked to comment upon statements made by Dean Moore to the effect that the Law school makes conscious attempts to eliminate "activist" applications, Dean McLaughlin said "I don't think he said that. I think he was misquoted." The only thing McLaughlin said they look for is obvious instances of violent tendencies and disciplinary problems, blatant troublemakers, etc.

The application for admission to the Law School asks if the applicant has ever been arrested. McLaughlin was asked whether the question of arrests, rather than convictions was relevant, McLaughlin replied that it was since the character committee requests the same questions.

The application also asks "Do you believe in the present form of Government of the United States?" McLaughlin replied that "we have admitted people who say 'no' to that question. I don't think anyone reads it." It's probably there, he added, since its always has been there. Asked whether he planned to eliminate it, he said he would have to first see if the character committee still asks it.



Stu McGregor, 3E, contemplates his unexpected landslide victory in annual S.B.A. Presidential Sweepstakes.

# McG sweeps SBA elections

Cont'd from page 1

When asked about the school's "no-activist" admissions policy, (the Advocate, Feb. 19, p.3), McGregor said, "If an applicant had the qualifications — LSAT scores, grades and others — but had advocated a sit down or student demonstration, I don't think he should be excluded on that basis."

When asked whether the school's application for admission should ask whether an applicant has been arrested, McGregor said, "The fact that you have been arrested doesn't seem material." (Nearly every other law school asks the applicant only if he has been

convicted of a crime, not if he has been arrested as Fordham does.)

Regarding the question on the admission's application asking whether the applicant believes in the form of government of the United States, McGregor said, "I don't see where the question has any value in today's times. It's almost McCarthyism."

McGregor added that a person interested in overthrowing the government would simply give a false answer. He felt the question served no purpose. McGregor is uninterested in working to change the application form in this regard: "If I had the opportunity to vote, I would vote to eliminate the question. I would not be actively involved in campaigning to eliminate the question. It's not worth the time involved."

On the other hand, McGregor said he would work to eliminate the question on arrests. "I would certainly be in favor of sitting down with Dean Moore and changing that." McGregor, however, was uncertain as to how successful he would be.

### CORRECTION

In the article on COLPA, the National Jewish Commission on Law and Public Affairs, Mr. Dennis Rapps, the executive director of this minority rights group, said the following: (The entire paragraph, as originally submitted to the printer for our last issue, is herein reproduced in full so that the key sentence can be read in context.)

"Historically, discrimination," said Mr. Rapps, "was always a question of intent. You could do whatever you wanted as long as you did it to everybody equally. We of COLPA introduced the concept of impact into the field of religious discrimination. Perhaps our greatest achievement was the 1972 amendment to the Civil Rights Act of 1964 that we drafted to secure religious practice protection nationwide." By this landmark legislation, an employer must make "reasonable accommodation" to the religious needs of employees — and prospective employees — unless he can demonstrate that such accommodation would cause "undue hardship" to the conduct of his business. This legislation also benefits adherents to the Worldwide Church of God, the Seventh Day Adventists Church, and Seventh Day Baptists. In fact, although COLPA had drafted the law, a non-Jewish senator from one of these denominations sponsored the bill — "which was very helpful."

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## Interview: Dean reviews past 4 years

by Jim O'Hare

**The Advocate:** Dean McLaughlin, you're a graduate of Fordham College and Fordham Law School.

**McLaughlin:** That's right.

**The Advocate:** In college, what did you major in?

**McLaughlin:** Latin and Greek.

**The Advocate:** You really did?

**McLaughlin:** Go to any one of my classes you'll know that.

**The Advocate:** Do you still read the Classics?

**McLaughlin:** Yes, any time I get a chance. It's one of the few hobbies I have.

**The Advocate:** Then you came to law school. What did you do in law school?

**McLaughlin:** In those days we had an afternoon division, morning and evening. Separate schools. I went in the afternoon session and taught Philosophy in the morning session uptown in the Bronx.

**The Advocate:** What type of philosophy?

**McLaughlin:** Ethics. That's how I financed my legal education. I was Editor-in-Chief of the Law Review, and was on the Moot Court team.

**The Advocate:** Then you went into private practice?

**McLaughlin:** With Cahill, Gordon for two years. Then I came back here to teach.

**The Advocate:** Why did you come back here to teach?

**McLaughlin:** Because the guy who was teaching New York Practice dropped dead, and Dean Mulligan called, and asked would I teach. I said yes, on sort of a fling—I really had no burning desire to be a teacher and if he hadn't called I'd still be at Cahill, Gordon.

**The Advocate:** You enjoy teaching New York Practice. Is there anything else you like to teach?

**McLaughlin:** I teach evidence (at PLI) and will be doing it (at Fordham) next year more than likely. Probably. At the moment we're fooling with it but I'll probably be doing it next year. I have also taught Domestic Relations, Criminal Law, a couple of other things over the years.

**The Advocate:** But you consider yourself a specialist in Practice.

**McLaughlin:** And Evidence.

**The Advocate:** And Evidence.

**McLaughlin:** Oh yeah.

**The Advocate:** Do you see anything differently now that you're the Dean as compared to when you were a student or professor?

**McLaughlin:** I had no idea of the demands made upon a dean's time by non-law school things.

**The Advocate:** Like raising money?

**McLaughlin:** No, that's Law School. I kind of expected that. But the Bar makes incredible demands upon me. I'm on more committees. I've been appointed by Kaufman to the committee on trial practice; I've been appointed by the State Bar President to a committee on the Community and the Courts; the Mayor appointed me to the Committee on the Judiciary, a Medical Malpractice Committee, and that takes up a hell of a lot of time.

**The Advocate:** You've been Dean now—

**McLaughlin:** Finishing four years.

**The Advocate:** What do you consider your accomplishments?

**McLaughlin:** Of my

accomplishments, expanding the curriculum, and the faculty. The faculty is much more broadly based now than it was when I came in.

**The Advocate:** You are proud of your faculty.

**McLaughlin:** Very.

**The Advocate:** In the next couple of years what do you see as continuing challenges?

**McLaughlin:** Well, I think the next couple of years we're going to have more and more emphasis on litigation type courses because I fully believe that the impetus which Burger has set loose with his talk concerning trial practice is going to be reflected in the Law School curriculum.

**The Advocate:** Do you agree with the substance of Burger's charges?

**McLaughlin:** That many trial lawyers are inept. Yes! No question about it.

**The Advocate:** How has the legal education system failed? Is it the fault of law schools?

**McLaughlin:** Not exclusively. We are partially at fault. For one thing, to take a small isolated example—but an important one—so many law schools make Evidence an elective. That's a heck of a priority. It casts an attitude into students' mind, to begin with, that anything connected with trial practice and the like is something you don't have to know anything about and can be picked up with your left hand later on in practice.

**The Advocate:** At Fordham, we require evidence. Also you would like to see at Fordham more of an emphasis on the advocacy courses?

**McLaughlin:** Yeah, that's the personal axe I have.

**The Advocate:** Clinical Programs?

**McLaughlin:** In the trial practice area, yes.

**The Advocate:** How do you feel about the expansion of clinical programs in general?

**McLaughlin:** Well, I have mixed feelings about it. It depends on the program. Some of them are good, some bad. But the bad ones are so bad your blood gets riled up. When I learned that some of our students are going out and flushing dye into toilets and watching how it comes out at the other end, and getting credit for this—I get a little suspicious about the academic validity of that type of a clinical program.

**The Advocate:** Don't you think the trial and error approach has developed some valuable clinical programs?

**McLaughlin:** Oh yeah. I'm not saying we should abandon clinical programs. I think they're here to stay. But I don't think we should jump at every clinical offering that comes down the pipe just because it's labeled "clinical."

**The Advocate:** Do you feel that's been a problem at some other law schools more than at Fordham?

**McLaughlin:** Oh yeah. We're a little more careful about that.

**The Advocate:** I'd like to turn to some specific areas. The most frequently heard gripe around here concerns the placement office. Do you agree it's a problem and what steps are you taking?

**McLaughlin:** No question about it, it's a problem. What steps?

That's the big problem. We've got several committees at work—faculty, alumni. I met with the SBA President Stu McGregor today, and we're going to put together a student committee as well to work with Miss Goldman on this. I don't know really what the problem is—that's the exasperating part about it. It's easy to say its lack of space, facilities, staff, and the like—I wonder—if we had five people in there, would it help any? I really don't know what the problem is.

**The Advocate:** So we're going to wait for reports?

**McLaughlin:** Well, I'm hoping that the alumni committee—a bunch of young, vigorous people, most of whom I've taught, will somehow manage to pull this chestnut out for me. They have gone through the school. They know the placement problem we have. They're out in practice now—they now have the practice perspective and they can give us the guidance we need to get the placement effort meshed with what the practicing bar wants.

**The Advocate:** And we'll see some type of palpable results?

**McLaughlin:** Oh yeah. I think things will be much better next year.

**The Advocate:** You were criticized last semester by the women's group for not having consulted them concerning a particular faculty appointment which they were interested in. What role should the students play in the hiring of faculty?

**McLaughlin:** I certainly think that they ought to be able to make recommendations of good people that they know about, perchance they do. But I'm opposed to their sitting in along with the faculty in interviewing applicants. I'm opposed to giving them a vote on the thing, because I don't think they have any competence in the area.

**The Advocate:** Do you have an absolute veto over that type of decision?

**McLaughlin:** Well, its different, de facto, anyway between full time faculty and adjunct. The full time faculty is through a



In an exclusive interview, Dean Joseph McLaughlin told the Advocate among other things that he'd consider a draft for the Federal Appellate bench. He has also decided to not teach New York Practice next year so he can teach Evidence.

committee, and its a majority rule there. I don't have any veto, but I think there's sort of an unwritten understanding that if I don't like somebody, the committee's not going to force me to hire him, because, I'm in effect, the boss and they don't want to give me someone I don't like.

**The Advocate:** Do you only dislike people for valid reasons?

**McLaughlin:** Well, we've never had any trouble, oddly enough. Every person I've hired, we've been damn near unanimous, or one vote off unanimity.

**The Advocate:** Do you think students should have any say in other areas that were generally considered administrative such as curriculum and tenure?

**McLaughlin:** Curriculum, definitely.

**The Advocate:** just suggestions?

**McLaughlin:** I don't know how else, beyond suggestions, what else can you do.

**The Advocate:** Could you have a binding power whereby you would abide by a decision, say of the student faculty committee?

**McLaughlin:** Oh yes. I can much more easily live with a student decision on curriculum. That doesn't bother me.

**The Advocate:** Tenure?

**McLaughlin:** Well they do have a voice in tenure whether they know it or not by virtue of faculty evaluations.

**The Advocate:** Do you read them?

**McLaughlin:** Very, very carefully, and that's the point I would like to make. I have found in the four years I have

been Dean that people who write evaluations are the people who don't like the teacher—and that's natural—its human nature—but it gives a distorted view. We're making decisions on tenure based upon only the malcontents. Ah, we're not giving the teachers a fair shake. So I would like to exhort everybody to participate in the faculty evaluations so we can get a clearer picture—a more accurate picture of the person involved.

**The Advocate:** Concerning substantive issues in general, at the law school, for instance hiring decisions, or money decisions—who runs the Law School? Is it you as Dean or is it the faculty, or a cadre of faculty members, or is it a democracy?

**McLaughlin:** It kind of depends on what issues you're talking about. Some things I *de facto* run because the faculty doesn't want to get involved. They're just too administrative. Anything that smacks of policy I take to the faculty.

**The Advocate:** And are all faculty members equal?

**McLaughlin:** Pretty much so. There are some obviously whose judgment I value more highly than others.—I would go to them for counsel and perhaps not to somebody else, but at faculty meetings, you know, the vote is across the board and that's it.

**The Advocate:** You've expressed admiration for the faculty, and feel its a very strong faculty. Do you think it would be fair to describe the faculty as tending to be establishmentarian, at least in comparison to faculty at the other law schools which might be considered generally more anti-establishment?

**McLaughlin:** I don't know. Again, you've got the older faculty and the younger faculty and the younger guys, and gals, are a different breed entirely than the older guys, so I don't think you can put one label on the entire faculty.

**The Advocate:** I've noticed that we do have a number of professors who have distinguished themselves in very traditional commercial areas, for instance. We have fewer of what you'd call coproate gadfly types. In the criminal area, we have a number of outstanding advocates, but there is a heavy preponderance from the prosecution side. Is this coincidence, or is this hiring ideological or just the result of you looking for the best man?

**McLaughlin:** It's not a coincidence, its a natural result. You're going to find that in every law school, because there is no organized source of defense counsel. There is an organized prosecutorial bar in

## Stein, '26, donates \$100,000 for award

by John Kaminsky

A generous gift of \$100,000 by Louis Stein has made possible a program to select a member of the legal profession for an award for outstanding achievement.

Mr. Stein, a graduate of the class of '26, is Chairman of the Board of Food Fair, Inc. The "Louis Stein Award" will be given annually, beginning in 1976, the 50th anniversary of Mr. Stein's graduation from the law school.

The award program has been established through the Fordham Law Alumni Association. The exact amount of the annual award has yet to be determined, but is expected to be in the area of \$5,000-10,000. Ms. Francis M. Blake, Executive Secretary of the Alumni Association, believes the award will help emphasize

positive contributions made by lawyers to society.

Selection of the person to be honored each year will be carried out by a committee composed of prominent members of the legal profession from throughout the country. Among the committee members already named are Whitney N. Seymour, Sr. of Simpson Thacher & Bartlett of N.Y.;

former Deputy Attorney General of the U.S. Warren Christopher of Los Angeles; Honorable William H. Mulligan of the U.S. Court of Appeals, Second Circuit; Albert Jenner of the Chicago firm of Jenner & Block; Dean Joseph McLaughlin; and John D. Feerick of Skadden, Arps, Slate, Meagher & Flom, who is currently President of the Alumni Association. The names of other committee members are to be announced shortly.

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