

4-6-1972

The Advocate

The Advocate, Fordham Law School

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Recommended Citation

The Advocate, Fordham Law School, "The Advocate" (1972). *The Advocate*. Book 36.
http://ir.lawnet.fordham.edu/student_the_advocate/36

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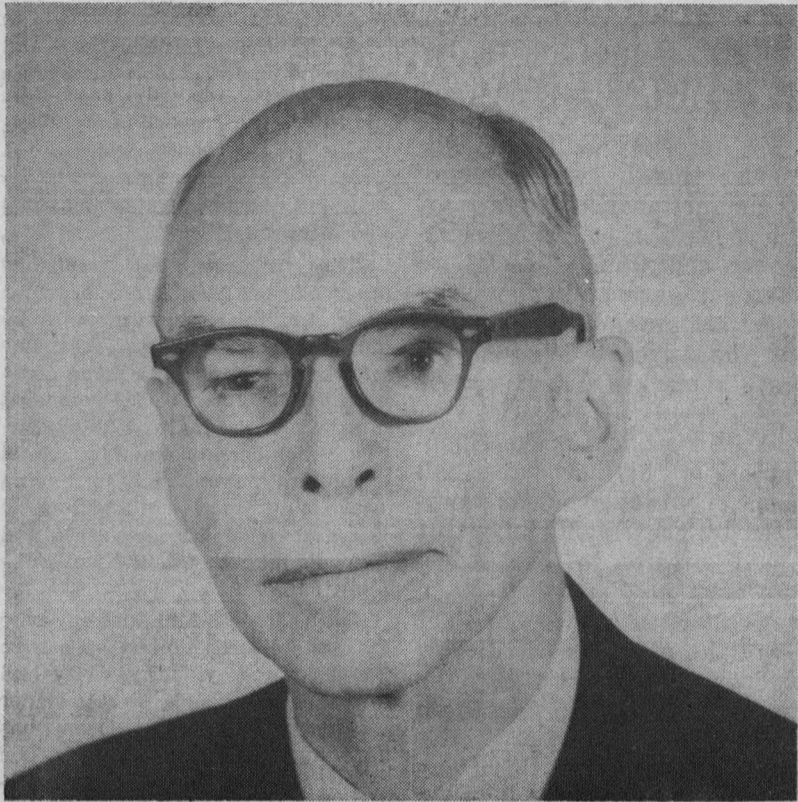
The Advocate

The Student Newspaper of Fordham University School of Law

Vol. IV - No. 6

NEW YORK, N. Y.

April 6, 1972



Keefe Award recipient Professor John E. McAniff

Prof. McAniff Wins 1972 Keefe Award

On March 7th, the Student Bar Association Board of Governors selected Professor John E. McAniff as winner of the 1972 Keefe Award For Outstanding Contribution to the Law School. Professor McAniff is the fifth recipient of this coveted award, which is presented annually in a formal ceremony at graduation.

The Keefe Award, named after Prof. Keefe, who taught at the Law School for many years, was first offered in 1967 and constitutes the highest recognition that can be given by the students. It represents the most significant honor that can be bestowed upon a man whose contribution to the Law School has merited the deepest respect and most profound sense of gratitude.

Among the factors which de-

termined the selection of Prof. McAniff as recipient of this year's award were his consummate teaching ability, his more-than-a-quarter-of-a-century dedication to the Law School, and his enthusiastic concern for law and law students. No list of factors would be complete, however, without mention of his undaunted lightness of spirit and ever-ready wit. These latter qualities, particularly, single him out as a teacher of eminent distinction and a man of genuine warmth.

Professor McAniff's association with Fordham is a long one. After graduating from Regis High School, he attended Fordham College, where he remembers two of the finest teachers he ever had: Fr. Joseph "Whitesocks" Murphy and Fr. Robert I. Gannon, who later became the well-known president of the University. Two years after receiving his diploma, he was asked on short notice to instruct a Latin class in Horace and managed to get through a hundred lines a day, not having reviewed the material for a number of years. He recalls this as a memorable experience.

Early Assignment

Professor McAniff's cram course in Latin was to prepare him admirably well for his first assignment in the Law School. In 1945, he was asked to teach a summer session course in Trusts, which consisted of a full year's work to be taught in two months. This was another stimulating experience. The following year, he took the place of Professor Carroll and continued to teach Trusts, gradually including in his schedule Real Property, Conflicts, and Damages. During this time, he maintained his position as counsel

for the Emigrant Industrial Savings Bank and finally in 1953 he began teaching full time at the Law School. He held this position until 1958, when he divided his time, while teaching at Fordham, with the firm of McCann, Liss, and Early. In 1968, when this firm was dissolved, he became a member of Monaghan and Walsh, where he is — as can be expected — the expert on Wills, Trusts, Real Estate, and — a course he has yet to teach at the Law School — Securities.

A Busy Professor

During this time, Professor McAniff found the opportunity to get married and raise three children. He also became the grandfather of eight. His son, Richard, attended N.Y.U. Law School on a scholarship and practices law in Los Angeles. His first daughter, Mary, works in N.Y.C. in government and business research and his other daughter, Ann, lives outside of Philadelphia, taking care of her husband and children.

As the adage says: it is the busy man who has time. Professor McAniff attends every school dance; he attends every annual and monthly luncheon of the Alumni Association and he attends every commencement. He likes to see the product of his work.

Much can be said of this professor. Certainly, he is an outspoken advocate of integrity. He states: "The more the accidentals change, the more the essentials remain the same. These essentials include the character, honesty, and integrity of the lawyer." He says further that "there is some talk of inflexibility as regards these essentials. He adds emphatically: "There should be more of it." He claims that what Judge Cardozo (in Meinhard 249 N.Y. 458) says about fiduciaries should also be applied to lawyers.

Absolute Integrity

"Regarding the essentials, there should be 'uncompromising rigidity.' And this 'should not be undermined by the disintegrating erosion of particular exceptions.'"

When asked what makes a teacher great, he remarks simply: "the ability to convey clear ideas." Showing his respect and gratitude for his students, he quotes the line from the "King and I": "By your pupils you are taught. They are my inspiration."

As students we can only be humbled by such a compliment. It is he who is our inspiration. It is for him that we are grateful. It is he whom we hold in respect.

Of Professor McAniff, it can be said: he is a teacher of the highest caliber. He is a man of the greatest magnetism.

By offering him the Keefe Award as a token of our appreciation, the students of Fordham Law School salute the invaluable contribution he has made and the man that he is. It is a privilege to be able to offer him this tribute.

Solleder Disputes Placement Report

By ALLEN P. KAREN

A New York Times article dated March 14, 1972 revealed the percentages of third year law students who allegedly found jobs as of February 29, 1972, as reported in a study released by Columbia Law School. The study was compiled by Columbia Law School's Placement Director, Howard F. Maltby and released by Columbia Dean Michael Sovern, and it purported to give the individual statistics for all law schools located in New York City.

The report stated that employment prospects were still "very good" for graduates of prominent law school such as Columbia, but were less than promising for students in "local" schools such as Fordham. The report classified Columbia, Harvard and Yale as national law schools while describing Fordham, Brooklyn and St. John's as "local." NYU Law School was characterized as being both national and local.

Percentages Claimed

Fordham, whose placement office strongly disputed the survey's findings as did the placement offices of NYU and Brooklyn Law School, was shown to have the lowest percentage of graduates placed in jobs. The study disclosed the percentages of seniors who had procured positions as follows: Columbia — 66%; Harvard — 64%; Yale — 53%; New York University — 28.4%; Brooklyn — 25%; St. John's — 17.2%; Fordham — 14%.

Solleder Disputes Findings

Fordham's Placement Director, Assistant Dean Helena P. Solleder, stated to *The Advocate* that the figures contained in the report were "grossly inaccurate." She contended that 59% of Fordham's seniors had procured employment.

When pressed about her basis for the 59% figure, Dean Solleder stated that her office had determined that "more than half" of all the students who sought employ-

ment had been placed. She claimed that she had eighty-seven placement cards of seniors in her files. (there are 237 students in the graduating class). Dean Solleder contended that the number of cards on file reflected a smaller percentage of students with jobs than is actually the case, as some students who have secured employment have not filled out placement cards.

Report Background

The Advocate investigated the circumstances surrounding the disputed report and has compiled the following chronology of events; Howard Maltby, Columbia's Placement Director, phoned Dean Solleder on March 2, prior to a Bar Association meeting of law school placement directors at which various placement techniques were discussed. According to Dean Solleder, Maltby stated to her that he wanted an approximation of Fordham's placement statistics merely to aid the upcoming Bar Association discussion, and at no time did he indicate that the statistics would be publicly disclosed.

Dean Solleder gave Maltby a quick count of the cards on file and from that figure Maltby ostensibly computed the percentage that was revealed in the report. When *The Advocate* checked the Placement Office files on March 15, we found that there were 35 cards in the file. Dividing that number by 237, the number of senior students, we arrive at the 14% figure (or, to be more precise, 14.8%).

The Advocate obtained a copy of a letter of complaint that Dean Solleder sent to Maltby after the report was released. She wrote, "... I gave you a quick card count. I never stated to you that 14 percent of the students at Fordham had been placed. You figured that out on your own, and it is grossly inaccurate." Dean Solleder went on to say that Mr. Maltby "took advantage" of information

that was given to him in confidence. She closed by saying, "I consider your actions a serious breach of courtesy and confidence."

Dean Solleder admitted to us that she acted imprudently in disclosing the card count to Maltby. She questioned the worth of discussions with placement directors of other law schools, stating that, "I personally don't believe in getting together with the competi-

McCallion New Alumni President

Harry J. McCallion, Vice-President and General Counsel of the New York Life Insurance Company, was elected President of the Fordham Law School Alumni Association at the annual luncheon held at the Waldorf-Astoria. Mr. McCallion is a former Chairman of the Executive Committee of the Association of the Bar of the City of New York and is now Vice-President of that Association. He is also a former President of the Association of Life Insurance Counsel, and a former National Chairman of the Fordham University Alumni Federation. Commenting upon his election, Mr. McCallion stated, "I swept the primaries, so the election was a mere formality." Mr. McCallion succeeds Mr. Denis McInerney of Cahill, Gordon, Sonnett, Reindel & Ohl to the two-year position.

The outgoing Editors of *The Advocate* would like to thank our readers for the support they have given us. We hope you enjoy our final issue of the year.

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The Advocate

The student newspaper of Fordham University
School of Law

Editor-in-Chief
ALLEN P. KAREN

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Responsibility and S.B.A.

The Advocate wishes to congratulate all those who were victorious in the recent Student Bar Association elections.

The new S.B.A. administration has indicated that it plans a series of sweeping "reforms" in the running of student affairs and in the effect of "change" at the Law School. It is to be hoped that in effecting his "reforms," the new S.B.A. president will not follow a course of action which will undo many of the solid accomplishments achieved this past year under the Siano Administration. This past year, the S.B.A. established a bond of trust and unprecedented cooperation with the faculty and the administration. Reckless adventurism on the part of a so-called "reformist" crusading S.B.A. president can have a deleterious effect on student-faculty/administration relationships.

Among the student body, there are those to whom political provocation and incitement are of primary importance, and the garnering of an education merely a consequential effect of law school. Rooted in an ideological dogmatism which is anathema to the average member of the Fordham community, these persons would counsel confrontation. These radicals can only harm the Law School.

The Advocate strongly urges the new S.B.A. president to disassociate himself from those among his close advisors who would sow the seeds of chaos, and instead to seek a working relationship with the Dean and the entire school administration. Dean McLaughlin has proven himself to be a friend of the student body, and only through close, cordial cooperation will the S.B.A. be able to produce positive change.

The Law School is no place for the gratification of egomania. The tawdry spectacle of the S.B.A. leading the law students into the streets two years ago should have provided a lesson as to the inanity of such actions.

The Siano Administration, which is ending its tenure, has been a model of responsibility, and has achieved progress by its sensible approach to student politics. Contrary to the views of those whose roots lie in the soil of anarchism and who are nihilistic by nature, real advancement, whether in the field of social affairs or academic relations, emanates not from belligerence and recalcitrance, but from concurrence of effort and coadjutant.

As President-elect, Mr. Dubroff has exhibited sophomoric tendencies to an alarming degree. His puerile arrogance and paltriness in the days following his election can perhaps be attributed to his inexperience and apparent paucity of administrative and diplomatic expertise. To assist him in obtaining proficiency in the requisite skills of leadership, it would be advisable for Mr. Dubroff to consult with his predecessor, Mr. Siano, who is a master in the art of diplomacy and a true gentleman. Humility and gentility were the hallmarks of the previous administration. It would be lamentable indeed if the new administration abandoned these virtues as "extravagant encumbrances."

It is the sincere desire of this newspaper to cooperate with the new President in any constructive ventures which he might pursue during the coming year. We hope that his deportment will be such as to provide a basis for cooperation.

Freedom of the Press

Newspapers are of inestimable importance in the protection of the people from the potential excesses of government. The Founding Fathers of our nation recognized this when they inserted the Freedom of the Press clause in the First Amendment to the Constitution. The Supreme Court of the United States has affirmed this in its decisions placing freedom of the press in a "preferred position." Certainly, there is universal agreement among persons representing all legitimate political viewpoints, whether they be Republicans or Democrats, conservatives or liberals, that in order to retain the independence which is necessary for the protection of the public, the press must be free from government influence and intimidation.

Yet, at Fordham Law School, this is not the situation.

The press at Fordham is dependent upon the student government for the funds which are its life blood.

The situation at **The Advocate** dictates that its operations receive subsidization if the newspaper is to exist at all. Potential revenues from advertising for a monthly law school newspaper with a limited circulation will not sustain the operations of the paper. Thus, it was recognized by all previous Student Bar Association administrations that S.B.A. subsidization of **The Advocate** was essential. In the past, there was funding of **The Advocate** in amounts which permitted regular publication. However, **The Advocate** has been served notice that members of the Board of Governors, including at least one person who is ensconced on the Executive Committee, intend to press for a reduction in **The Advocate's** subsidy to the point where it will cease to exist as a functioning entity.

Mr. Dubroff, when he was the Associate Editor of **The Advocate**, stated on several occasions that he was unhappy with the S.B.A.'s controlling of the newspaper's source of revenue. He felt that with such power, the S.B.A. could exercise control over the newspaper and would attempt to compromise its integrity if the student government and the newspaper were in disagreement over certain policies affecting the school. The Editorial Board of **The Advocate** agreed with Mr. Dubroff when he issued those remarks, and it agrees with him now.

It is essential that **The Advocate** receive funding independent of S.B.A. control. The Editors of this newspaper call for an implementation of the concept of an independent newspaper which Mr. Dubroff advocated by the establishment of an independent subsidy to be paid directly to **The Advocate**. The subsidy should in no way be dependent upon approval by the S.B.A. Executive Committee or the Board of Governors. Only in this manner can the students of the law school be assured that their newspaper will continue to be independent of the political pressure which stifles a free press and is deleterious to democracy.

Considering the position Mr. Dubroff took on this issue when he was an editor of **The Advocate**, we are certain that this proposal will have his sincere and unqualified support.

A Question of Diplomas

Prior to the Easter recess, a referendum was conducted of the entire student body concerning the size of diplomas for this year's and all future graduating classes. It was the unanimous decision of the student body that the diplomas should measure 20 inches by 24 inches. It now appears that the University, in an arbitrary decision, will grant diplomas which are less than half the size of those approved by the students.

A diploma is more than a piece of paper. It represents three or four years of intensive legal training. It should be a source of pride to the man or woman who receives it. However, the University, in yet another effort to display its contempt for the Law School, is foisting its will upon the student body. The University, in its halving of the diploma, is engaging in an act of symbolism.

Most of the cost of the diploma is borne by students themselves, as part of the \$25 graduation fee. It is their right to receive a diploma of a size appropriate to the degree which it represents. The University, in its niggardliness, is attempting to demean the achievement of the law graduates. That it can never do.

The Advocate is of the opinion that the University should make amends, retract its decision to halve the diploma, and grant a diploma of the size unanimously approved by the students. Perhaps this can herald a new era of good will between the Law School and Rose Hill.

A Word of Appreciation

The Editorial Board congratulates Professor John E. McAniff on his receiving the Keefe Award for 1972. He has been an inspiration to all his students and Fordham has been fortunate indeed to have been associated with him for so many years.

We also wish to express our appreciation to two other men who have served the Law School well over the past year.

Dean Joseph M. McLaughlin, in his first year as Dean of the Law School, has labored energetically on behalf of the students. His insight and empathy for the students mark him as an administrator of the highest caliber. We are certain that he will make his mark as one of Fordham's most illustrious and beloved Deans.

Anthony Siano worked under conditions which would have stifled a man of lesser integrity and perseverance. From the day he took office as President of the Student Bar Association, he was set upon by a curious assortment of self-righteous hypocrites and a small but highly vocal group of disaffected radicals, whose opposition bordered on the pathological. That Mr. Siano succeeded in overcoming these difficulties and in producing unparalleled positive results in his tenure is a testament to his character and devotion to duty.

To these three men **The Advocate** dedicates this edition, in recognition of their contributions to the Law School.

Letters

As my tenure as Editor-in-Chief of **The Advocate** comes to a close, I wish to thank the students, faculty and administration of Fordham Law School for the support they have given **The Advocate** over the past year, and I wish to thank my editorial board for the excellent job they have done.

The goal towards which the editors of **The Advocate** continue to strive is service to the school and its constituents, and we measure such service in terms of high-caliber journalism and decisive, fairly presented investigative reporting. I would hope that history will judge us as having achieved these purposes.

The Advocate has published more editions than in any previous year, and this past term we have doubled the size of our issues. The efforts of many people have combined to produce the achievements that we have realized this year. Four members of the law school community stand out as having made substantial contributions to the success of **The Advocate** and I would like to thank them publicly.

Dean Joseph McLaughlin, who has established himself as a man of great energy, perspicacity and brilliance and as a strong leader in his first year as Dean, has fully supported the efforts of **The Advocate** to forge new journalistic frontiers at Fordham. He has fostered a spirit of openness, mutual respect and free exchange of ideas in which **Advocate** reporters have been able to investigate stories without restriction and where their inquiries have been willingly entertained.

Professor Joseph Crowley, faculty advisor to **The Advocate**, has given wise counsel to the editors, and has supported the journalistic efforts of the paper, while giving the editors a free hand in policy determination and news judgment.

SBA President Tony Siano has given **The Advocate** financial independence necessary for us to operate free of the political machinations of student government and has encouraged us to investigate all areas of concern to the law school; whether we have come out for or against the Siano Administration position on any particular issue, Tony Siano has supported our right to function independently and has opposed those who would restrict our right to journalistic freedom.

Finally, I wish to extend a special note of thanks to Michael A. Schwartz, who has served as Business Manager, chief columnist and top-notch technician in my administration and without whose mammoth efforts, the advancements made by **The Advocate** this year would not have been possible.

As I pass the reigns of leadership to the new editorial board, I am confident that the paper will continue in able hands, and that under the leadership of Editor-in-Chief Harry Kutner and Executive Editor Bruce Kasson, **The Advocate** will continue to expand and improve as a hard-hitting, independent journal at Fordham.

—Allen P. Karen,
Editor-in-Chief

February 25, 1972

Dear Mr. Karen:

Thank you for your letter of February 18th enclosing the current edition of **The Advocate**. I found it very interesting and informative, and I am sure that many of the members of our Association would enjoy reading it.

My own feeling is that if all of
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The Year in Review

By **JOSEPH M. McLAUGHLIN**
Dean, Fordham University School of Law

As we approach the end of the academic year, it seems appropriate to reflect over our successes and failures during the past year.

We began last fall in a rather awkward logistical situation: with the largest student body in over twenty years, we had the smallest full-time faculty. With the cooperation of the faculty and the sympathetic understanding of the student body, we managed to keep most problems under control.

Fortunately, next year we will have eight new full-time faculty. This will enable us to implement the first stage of the five-year plan. As is well known, the plan makes elective many of the courses which are presently required. With the vast expansion in the number of electives, it is apparent that we will have to add several adjunct professors to the faculty. The University has already approved a substantial increase in the number of adjunct faculty for next year.

Clinical legal education, as an academic component of the curriculum, arrived at Fordham this year and six such programs were inaugurated in the second semester. They are now under review by the faculty to determine how they may be strengthened and whether they may be better integrated into the formal course presentations. Professor Denzer will conduct a special clinical program this summer for prosecutors as well as students who intend to join District Attorneys' offices after graduation.

The ancient policy followed in all law schools that after the final examination in a course a student's grade was determined was altered this year in favor of giving interim examinations. While this placed an increased burden upon the faculty, their cooperation was splendid. The experiment proved a great success, particularly in first year where the students were given an indication early in their academic careers as to how their studies were progressing.

From my own selfish point of view, however, the best news is that next year the University has authorized me to appoint an addi-

tional Assistant Dean. This will relieve me of many of the administrative chores which occupied a disproportionate amount of my time in my first year as Dean. The new Assistant Dean is Robert M. Hanlon, who was with Fordham for six years before accepting an appointment at Hofstra Law School. We are fortunate, indeed, to have him back with his alma mater.

Of equal importance was the permission given the Law School to engage in its own campaign to raise funds to be used exclusively for Law School purposes. No other branch of the University raises funds separately, and our initial efforts have been quite successful. The funds being amassed will be available to the Law School to cover programs not otherwise budgeted. It is my firm conviction that the future of the Law School depends heavily upon the success of this fund-raising effort, and the generosity of our loyal alumni thus far gives me every reason to expect that we will do well.

As my first year as dean passes into history, I wish the record to reflect my sincere appreciation to the Student Bar Association. A committee of that association was the moving force behind the five-year plan that was presented to the University last January, and I have no doubt that without the Herculean efforts of that committee, the five year plan would have died aborning. I should also like to express publicly my thanks to Tony Siano and the other members of the SBA team who never failed when I turned to them for help. I am sure that I will receive the same cooperation from Chuck Dubroff and his team.

Finally, I extend my congratulations to the editors of Volume IV of The Advocate. Its vigorous discussion of all the issues facing the Law School served to focus the thoughts of faculty and student alike upon the solutions to our problems. I am confident that under its new editor-in-chief, Harry Kutner, The Advocate will continue to flourish and will remain a keystone in the Fordham Law School structure.

How to Win An Election

By **EDWARD HYNES**
Member, New Jersey State Assembly

If you've ever been so exasperated as to exclaim, "There oughta be a law", your hopes may come to fruition in one of the 50 state legislatures across the land as a State Assemblyman. In the State of New Jersey, the quest for membership in this rather exclusive club (80 members — 7 million constituents) begins to materialize in early 1973 as incumbents warily eye the potential candidates who in turn are planning the demise of the incumbent.

If you're interested in joining that club, I may be able to give you a brief glimpse of what efforts are required to become the voice for 180,000 constituents, based primarily on my own experience.

As late as 1966, I truly abhorred the thought of becoming a politician, no doubt influenced by the stereotype our society attributes to its public officials and the fact that no one in my family was involved in politics. But politics, like a mysterious malady, can be contracted by close proximity to the

political process. My own initiation happened in France while I was a student in Paris. Somehow I became attached to the lackluster National Assembly campaign of then Foreign Minister Couve de Murville, a stern, subdued diplomatic professional pressured by De Gaulle, into an elective campaign to test the De Gaulle Administration's popularity. I followed poor Couve from meetings to receptions, to defeat at the polls and I had an opportunity to interview him on several occasions. From that unportentous beginning, I became infatuated with politics as a career.

The first lesson I learned was the necessity for enthusiasm and zeal, something Couve lacked.

First, I felt the Democratic Party was the most viable means of instituting progressive change in our country. Secondly, the Republican Party in Bergen County was a very dominant force — in fact, it was until about 5 years ago, the citadel of Republicanism in the State of New Jersey. Masochist or



"To Hell With Integrity"

—Allen P. Karen

Despite the current division and characteristic chaos in Democratic quarters, it appears that our faltering economy and the gutter morality that permeates the Nixon Administration may cause the country's Agnewites great heartburn in the upcoming election. The Nixon Administration may be hard-pressed to come up with a winning slogan that can capture the essence of the current regime.

Having had some experience in slogan-writing for various Democrats, I have volunteered my services to the Republican National Committee. I have communicated several suggestions to the committee in a super-secret communique, with a carbon copy to Jack Anderson to save him the trouble and expense of obtaining it on his own. I must advise the readership that should the communique fall into the wrong hands, a complicated shredding operation would become necessary (I wish to avoid a recurrence of the unfortunate incident that occurred during the recent SBA election. A shredding operation became necessary when a top secret Advocate memo concerning the purchase of a color television set for the student lounge got ripped off and in our haste to tighten our security, our shredder, in addition to gobbling up sacks of Advocate documents, also accidentally destroyed two unreleased Chuck Dubroff position papers containing 189 planks and Mike Schwartz' Civil Procedure class notes.)

My basic suggestion for a Nixon campaign slogan is, "To hell with integrity." Another suggestion I offered was a poster with a picture of President Nixon smiling above the caption, "Look what \$400,000 can buy." A proposed bumper sticker would read, "Legalize prostitution. Vote for Nixon." When Nixon is introduced on TV blurbs, instead of merely calling him the President, the announcer could say, "Here he is; America's top trader, T.V.'s big dealer, Dick Nixon." Another suggestion is a palm card containing the caption, "Vote Republican. All sales final."

Variations on the campaign theme would depend on who Nixon's running mate is. For example, should Nelson Rockefeller get the nod, he could use the slogan, "Buy a piece of the Rock". Should Nixon win again, as Richard Kleindienst may not become the next Attorney General, Nixon could get a man with vast experience in the type of judicial administration that Nixon favors; for example, Monty Hall would fit right in. As a fund raising gimmick, the Republicans could incorporate the President and sell shares of Nixon. Then, instead of having our elected officials make decisions, Nixon Corporation shareholders meetings would decide policy for the country. Let's face it, it's tough coming up with campaign gimmicks for the man who has given used car dealers a bad name.

no, I felt that the GOP had stagnated and abused its monopoly of power in Bergen County. I wanted one day to challenge the goliath.

My challenge was deferred by the U.S. Army. It was during my 30 month stint in the service that my mind planned while I main-

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Moral Sloth

The current administration will go down as possibly the shabbiest regime in this country's history. Along its trail of lies and deceit are strewn the broken bodies, spent dreams and smashed hopes of throngs of Americans, left to rot among the putrifying stench of Nixon's false piety. No amount of prayer breakfasts with Billy Graham can wipe away the moral sloth of this administration; nor can they bring back the lives of thousands of young men who were 'wasted' in Nixon's war, the war he had pledged to end; nor can they repair the physical and psychological damage to thousands more of those innocents who went to fight for a government once worthy of such perilous effort but which has become bastardized by an administration under the misguided direction of the deluded despot from Whittier, California.

This administration has destroyed in three short years the moral leadership that this country had established over nearly two hundred years. Lies about Vietnam, support of petty dictators in Southeast Asia and Greece, lies and deception concerning India and Pakistan, dirty-dealing Japan, backstabbing Free China; these and other deceptions have taken a calamitous toll. It is a dirty shame that a government once respected for the moral leadership it exerted, and for the fact that its leaders' public pronouncements and promises could be trusted, now has been reduced to the moral force of a forty-second street whore. In a companion piece my colleague, Michael Schwartz, speaks of this administration's latest foreign policy culinary masterpiece as "Peking duck a la Munich." The Nixon regime has forced a form of diplomatic thalidomide down the throat of this nation and I fear that the seeds of an ugly, divisive, mutated, self-destructive conception may have already been irrevocably planted.

And now we have the ITT affair, along with assertions in Time magazine that the Nixon Gang has interceded to halt the criminal prosecutions of several of its well-heeled friends. Is there no limit to the depths to which this administration will descend, as it further perverts and subverts justice and undermines the public trust, and as it unceasingly drags the country down into the muck and mire of its lies, despicable deals and callous, anti-humanitarian policies.

In the ITT affair, we are witnessing the spectacle of an administration that would auction off this country's good name for a price: Has ITT bought itself a very favorable anti-trust settlement for pledge of \$400,000 to

the Republican National Committee? If so, in the process ITT also purchased a piece of a President and a portion of a government — a government administration now rich in campaign funds but morally bankrupt. It is a sad sight to watch the pathetic machinations of the administration's spokesmen as they twist and squirm, seeking a plan to effectively lie their way out of this latest ethical atrocity. Meanwhile, the Republican brass are in a dissolute stupor as they try to get Dita Beard's head together and, in the process, further confound the situation.

The initial Republican strategy was to attempt to discredit Mrs. Beard by painting her as a neurotic, raving drunk who is not responsible for her actions. When that approach failed, there was an unsuccessful attempt to establish a conspiracy between Jack Anderson, Dita Beard, and the arch-enemy of all Nixonites, the free press. Then after three weeks, Mrs. Beard suddenly discovered that she did not write the memo so the Anderson missive must be a forgery (if it is a forgery, one must wonder why the ITT shredders breakfasted on "sacks of ITT documents." I think by now we have a fairly good idea about what ITT was trying to hide).

The latest strategy, which has unfolded in a makeshift Senate committee room at Mrs. Beard's bedside, entailed Mrs. Beard admitting that she wrote part of the memo (how does one write part of a memo?) — but of course the incriminating sentences are a forgery. In the process of revealing her testimonial confection, Mrs. Beard may have slipped up. She admitted that there was correspondence between the White House and ITT concerning the corporation's sudden burst of beneficence shortly before the Justice Department demonstrated uncommon leniency concerning the settlement of the anti-trust lawsuit pending against the corporation (certainly, demonstrators against Nixon policies have never known such leniency).

Among the criminal statutes under which the protagonists in this regime could be punished are the obscenity laws. This administration clearly is without redeeming social value, and if its acts do not offend contemporary community standards, then our society is in far worse shape than I would have thought.

I could go on lamenting the debacles of this administration, but perhaps that is not necessary as hopefully a new, honest and ethical administration will emerge victorious in the upcoming election; if not, in view of the direction we're heading, it may not matter anyway.



Assemblyman Edward Hynes

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The Devil and Niccolo Paganini

By MICHAEL A. SCHWARTZ

Violin Concerto No. 3
in New York premiere

The Cleveland Orchestra came to Carnegie Hall on February 16 in the first of two concerts it performed in the International Festival of Visiting Orchestras series. The concert offered the audience two debuts, one by design, the other by an accident of fate, but both fully welcome.

The scheduled novelty was the New York premiere of the Paganini Violin Concerto No. 3 in E Major, a work which is over 140 years old. The Concerto received its first performance in the 1820's with Niccolò Paganini as soloist. However, it remained dormant from the composer's death in 1840 until 1971, when, after rediscovering the work, violinist Henryk Szeryng presented it at a London Symphony Orchestra concert in London's Royal Festival Hall. Mr. Szeryng was also the soloist in this Cleveland Orchestra performance, and quite possibly is the only violinist other than the composer to have performed the work.

This concert, as is the case with four other Paganini works in the genre, was written by the composer as a vehicle for the virtuoso violinist. Thus, the Concerto represents a redoubtable challenge to any soloist, with its formidable writing in harmonics, double stops, and arpeggios. One cannot wallow in sentimentality in a Paganini concerto — there simply is not enough time.

Paganini was the greatest violinist of his day — perhaps in the history of the instrument. His writing for the violin was purposely difficult, to display his unusual virtuosic powers, which were such as to cause rumors to circulate that he was a descendant of the Devil. Reports were published declaring that the strings of his violin were made from the intestines of a murdered mistress, and once he was required to submit affidavits to the effect that he was born of human parents.

It requires considerable skill to perform his Third Concerto, and

Henryk Szeryng demonstrated a mastery which was equal to the task. The performance was aristocratic, polished, and marked by a sureness which is characteristic of a master of the instrument. Szeryng's tone was opulent and mellifluous. It was violin playing in the grand style.

The Concerto itself is not as rewarding to the listener as are Paganini's first two concerti. In lesser hands, the Concerto would be but a difficult series of violin exercises with orchestral accompaniment. It is to Szeryng's credit not only that he was able to perform the work (which Paganini left unpublished because he believed that no other violinist would be capable of performing it) but also that he made the Concerto seem greater than it actually was.

The second debut of this Cleveland Orchestra concert was the first New York appearance of conductor Alexander Gibson. That Mr. Gibson was at the helm of the Cleveland Orchestra on this evening resulted from the indisposition of Paul Kletzki, Music Director of L'Orchestre de la Suisse Romande, who was scheduled as the evening's conductor. Presumably, Mr. Gibson was selected as a replacement because of his past affiliation with Mr. Szeryng. (Gibson was Szeryng's collaborator in the "world premiere" revival of the Paganini Violin Concerto No. 3 as well as in the recording of it, and frequently has accompanied Szeryng on records and in concert.)

Prior to the Concerto, which was the second item on the program, Gibson opened the concert with the Berlioz "King Lear Overture." The work is one of the composer's earliest orchestral efforts and lacks the finesse, brilliance, and cohesiveness of some of his other overtures, of which the "Corsair" is probably the finest example. Gibson certainly made the most of this composition, lavishing much care to detail though minimizing the overture's tend-

ency toward fragmentation. The Cleveland Orchestra played with a perfection of tone and ensemble which was reminiscent of the glory days when George Szell was Music Director.

The last piece on the program was the Sibelius Fifth Symphony which, though no rarity, has been played infrequently in recent years, probably as a result of Sibelius' falling from favor with the musical "cognoscenti." It is a fine, heroic work, written by the patriotic Finnish composer during the First World War, and revised in 1919. Like much of Sibelius' output, the Symphony leans heavily on the darker timbres of orchestral coloring. There is also much effective scoring for the brasses, particularly in the last movement.

Alexander Gibson's account of the Symphony was never less than illuminating and exciting. Quite often, it successfully scaled the grandest of interpretative heights, and clearly evidenced Gibson's authority as a Sibelius conductor.

Gibson proved himself to be an articulate, intelligent and knowledgeable maestro who is imbued with spirit and who has the ability to bring out the best in an orchestra. He is a most accomplished and masterful conductor. Unlike many of his more publicized colleagues who glory in showmanship, Alexander Gibson is a serious musician to whom the music is all-important. He would be an excellent candidate to succeed Pierre Boulez as Music Director of the New York Philharmonic as soon as the latter's present contract terminates.

Carnegie Hall — February 16, 1972
The Program:

Berlioz: Overture to "King Lear",
Op. 4

Paganini: Violin Concerto No. 3
in E major

Sibelius: Symphony No. 5 in E
flat major, Op. 82

Henryk Szeryng, violinist in the
Paganini. The Cleveland Orchestra
conducted by Alexander Gibson.

Superstar at the Met

WILLIAM ROBBINS

Sutherland Displays

Vocal Prowess

In Donizetti Opera,
La Fille du Regiment

Of the many new productions at the Metropolitan Opera House this season, *La Fille du Regiment* was perhaps one of the most eagerly awaited. It was not so much the opera in particular that one looked forward to, but instead, Joan Sutherland. Joan Sutherland commands perhaps the most loyal fans and following of the Metropolitan Opera. Whenever and whatever she does the house is certain to be sold out. Thus, every performance she sings in has the expectation of being superb. She has definitely proved this. Was *La Fille du Regiment* superb?

The entire house was sold out and yet few members of the audience had ever heard the opera before! Surely this attests to the supreme draw that Joan Sutherland can command. The audience impatiently awaited the beginning of what was sure to be an operatic event. Was *La Fille du Regiment* an event?

The overture went well as conducted by Richard Bonyne, the husband of Joan Sutherland; and Regina Resnik sang admirably, but then the awaited moment . . . Joan Sutherland appeared. The expectation was great, could she live up to it?

La Fille du Regiment is one of Gaetano Donizetti's light comic operas which contrasts greatly to his more dramatic ones such as *Lucia di Lammermoor*. It has been performed very few times in New York and came into the limelight currently as a new vehicle in which to see and especially hear Joan Sutherland. The opera sets and costumes were adequate and appeared to be consistent with the mood and needs of the opera. The singing by Joan Sutherland, Regina Resnik, Luciano Pavarotti, Fernando Corena and the rest of the cast was indeed perfection. I

could not imagine a more perfect combination and casting of singers for the opera. Each singer fit his role ideally and everyone was in the best of voices and spirits. Surely accolades such as these seem to give the impression that the opera was a "smash hit." Yet, is the opera a "smash hit"?

When you have such excellent singers and facilities as were used in this opera it makes you wonder what they could do with a more substantial work with the same people. *La Fille du Regiment* is not what I would call a major opera, nor do I necessarily feel it warranted the coveted use of such excellent talent. This was surely the best production possible. However I wonder how many people would attend the opera if Joan Sutherland was not appearing in it? A singer should not make the opera to a point where her absence is dreaded! *Carmen*, *Aida*, *Tosca* and operas like these are always in demand because they have substance. *La Fille du Regiment* lacks the necessary quality singing and vehicle to entertain. As soon as a singer gets warmed up, the aria seems to be over. This was not a completely fulfilling opera.

La Fille du Regiment was a disappointment only because the opera itself was not more substantial. The production itself was superb. The opera was not however an event. Joan Sutherland is the prima donna of the opera but she can do so very much more! She did her best as did all of the cast in a magnificent effort. Should one be satisfied to be the best night court judge and conduct the court perfectly, when one knows that one can possibly be the best Supreme Court Justice and do an even more impressive job? *La Fille du Regiment* was an exciting new production; however, should not the talent of Joan Sutherland be used more fully?

Secretarial or Law Courses?

By BRUCE KASSON

In seven short weeks this term I have taken more notes in Income Tax I than I took all year in Prof. Calamari's Contracts Course, and at that time he practically dictated his book. I sit for three straight hours losing my fingerprints and growing bumps on my fingers from callouses. I listen to hastily explained charts, examples, rules because Mr. Katoris realizes he must hurry to to cover what he has to cover. I listen to the muttering from the students who didn't catch an important word which makes what they've already taken down worthless.

I sit in Evidence and wonder why it takes 8 weeks to beat to death the hearsay rule and exceptions, briefing a total of three cases in two hours. I scratch my head and wonder why the Professor then tells us we'll have to add on a few extra hours to cover the material that we're going to miss out on during the Easter break.

To think that such a grueling course as Income Tax I is a one semester 3 credit course and that Evidence is a full year course is to realize that someone is playing a bad joke on me.

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International Moot Court Tournament

On March 18 and 19th, the Fordham Law School International Moot Court Team participated in the annual Philip C. Jessup International Law Moot Court Competition. The competition this year was hosted by Harvard Law School in Cambridge, Massachusetts.

The oralists for the team, John Richardson of 2A and Terence L. Kelleher of 3A, defeated Columbia in the first of four rounds. In subsequent rounds the team lost to Boston University, the eventual winners of the competition, and to New York University, the runner-up team, while defeating Yale for the team's second victory. Fordham finished in a tie for third place. There were seven schools represented this year — Boston College, Boston University, Columbia, Fordham, Harvard, Rutgers and Yale.

In addition to the two oralists the Fordham team included Manuel A. Cuadrado of 2A, Hugh D.

Fyfe of 3A, and Andrew Galway of 2A; Michael McGovern of 3A was team manager.

Professor Joseph C. Sweeney, the team's faculty advisor, was especially pleased with the topic chosen for this year's competition. The topic included a number of issues dealing with the General Agreement on Tariffs and Trade, the International Monetary Fund and the United Nation's boycott of Southern Rhodesia.

The team for the Jessup competition is organized at Fordham under the auspices of the International Law Society. Membership on the Jessup team and membership in the International Society itself is open to all interested students. Information is available from Professor Sweeney and the Student Bar Association.

The next annual competition which will take place around this same time next year, will be hosted by Columbia Law School.



Peking Duck á la Munich

MICHAEL A. SCHWARTZ

President Nixon's visit to Communist China was widely advertised by the White House and the American news media as the most historic journey of this century. Though certain members of the scientific community may opt for Admiral Peary's expedition to the North Pole, Roald Amundsen's discovery of the South Pole, or the Apollo 11 mission to the Moon for honors in the field of travel, on the political scene, most observers are willing to accord President Nixon the distinction which was so heralded by his aides and the press corps.

However, some observers who are also students of history have suggested that the 1972 Peking visit was but a mere American remake of the classic British performance of 1938. The current scenario, according to this interpretation, has Richard Nixon taking the part played by Neville Chamberlain, Chou En-lai succeeding to the role formerly played by Adolf Hitler, and Henry Kissinger playing the messenger boy, though in a less obstreperous manner than his counterpart in the Thirties, Sir Neville Henderson.

The real question is whether the obvious parallels are indeed significant enough to warrant alarm — will the final act be played out in the 1970's much as it was in the 1930's? In the Thirties' production, it will be remembered that though Chamberlain was well-intentioned, his concessions to Hitler were interpreted by the latter as a sign of Western weakness, and furthered the aggressor's designs and adventures. Thus, "peace for our time" was but a prelude to war, with disastrous consequences for all parties concerned. Is the current scenario a mere replay of that classic production — is "a generation of peace" but the modern equivalent of "peace for our time"?

As for the Nationalist Chinese, they have been cast in the unrewarding position as lepers in the world community. Nationalist China's crime is that it happens to be located offshore an imperialistic communist colossus which has stated designs upon its territory and people. For the sake of convenience and political expediency, the Nationalists' protector has abandoned them — an act which is inconsistent with friendship, trust, or honor.

Sovereignty of Nationalists

There have been circulated position papers to the effect that Nationalist China is merely a province of the mainland, and that its legitimate government sits not in Taipei, but in Peking. The British government, whose foreign policy with respect to most of the world has been decrepit and illaudable for the past two centuries, has endorsed this position in the recent shutdown of its diplomatic missions in Nationalist China. Several other countries, including the entire Communist bloc, also support this view.

Yet, Nationalist China and the communists on the Mainland are

just as much one nation as are North and South Korea, North and South Vietnam, East and West Germany, and East and West Pakistan. If we are to maintain ourselves in contact with reality (as certain members of the sinister wing of our political spectrum have claimed over the past years that we have not) then we must acknowledge that the Nationalists and not the Communists are the *de facto* as well as *de jure* government of Formosa.

The 15 million people on the island have prospered under Nationalist rule. Their per capita income is more than twice that of those on the mainland, and their Gross National Product is one of the fastest growing in the world. The Red Chinese have declared that all those who live in Nationalist China are welcome to move to the worker's paradise, across the Taiwan Straits, to live. The response of the people of Formosa to this invitation has been a unanimous rebuke. The thoughts of Chairman Mao cannot mask the poverty, regimentation, dehumanization, repression and tyranny which are inherent in the communist rule of the mainland.

Opposition to Communism

The people have indicated their unalterable opposition to amalgamation into the communist hegemony. Certainly, the United States, which has supported the principle of self-determination of peoples, should not be a party to the enslavement of a people by abandoning them in their time of crisis.

The record of our government has not been unblemished in this regard. The peoples of Hungary, Czechoslovakia, East Germany, Latvia, Estonia, Lithuania, Poland, Rumania, Bulgaria, Yugoslavia, and Albania were all forcibly brought under Soviet domination as a result of agreements to which the United States was a party and signatory. Though we later atoned for this by standing fast against communist imperialism in Korea and Vietnam, we are at one of those periods which historians refer to as "watersheds." With the Peking visit and the Shanghai communiqué, the United States seems to be on the verge of abandoning its forthright stand against international communist aggression and suppression of peoples. If such is truly the case, one can but recall the words of the philosopher who stated:

Those who have failed to learn the lessons of history are condemned to relive it.

New ULJ Editors

The editors of the Urban Law Journal have chosen its first elected board of editors for 1972-73. Howard Pitt of 2B will succeed Ken Weinman as Editor-in-Chief, and the remaining editorial positions will be held by Manuel Cuadrado (managing editor), Mark Tuohey (writing and research), Peter Calamari and Wendy Jones (articles), Tom Ryan and Ed Vasalo (comments), Mike Keese and Steve Rich (casenotes), and Dan Keenaghan (book reviews). The new board will be responsible for selection of staff members on the basis of a writing sample due April 27, and for preparation of material for the second issue.

The Journal's first issue, which has gone to press and is scheduled for distribution on June 1, will contain articles by Attorney General Louis Lefkowitz and environmental specialist Joyce Davis in addition to student material.

JOURNAL FUNDING

The increase of available funds from tuition has resulted in certain increased University commitments to the law school, specifically the hiring of additional faculty for 1972-73, with one new faculty member assigned solely to the legal writing program.

Despite these plans to restructure the legal writing program, there is still a pressing need for students to acquire writing experience on a professional level while in law school. One course of such experience is membership on Law Review, but membership is restricted to a limited number of students selected on the basis of academic performance.

The only other vehicle is the Urban Law Journal which, now that its manuscripts have gone to press, will permit Fordham to include itself among the metropolitan law schools that offer their students the necessary variety of legal writing experience. Furthermore, the fact that staff selection is based upon submission of a writing sample means that this professional experience is made available to students ineligible for or uninterested in Law Review.

If the University allows this publication to wither for lack of sufficient funds, it will seriously impede efforts to improve the legal writing program at Fordham.

There are two Asian nations — both important allies of the United States — who are potential losers as a result of President Nixon's visit to Peking.

The Sacrificial Lamb

Nationalist China appears to be the sacrificial lamb which has been offered to the Peking regime. The Shanghai joint communiqué clearly states that relations between Nationalist China and the Mainland are to be exclusively Chinese in determination, with no American interference. To that end, President Nixon has ordered the withdrawal of American forces from the Taiwan Straits and from the island of Formosa. This communiqué, which was signed by the President, effectively abrogates the Mutual Defense Treaty of 1954, concluded between the United States and Nationalist China, under which the United States guaranteed the Nationalist Chinese protection in the event of aggression by the Red Chinese. However, such protection would now be prohibited foreign intervention, under the terms of the Nixon-Chou communiqué.

Importance to Japan

This development can be viewed only in the most serious of terms by the Japanese. China is the traditional enemy of Japan. Japan is the most prosperous country in

ADVOCATE SELECTS NEW EDITORS

On Monday, March 6, the current Managing Board of *The Advocate* met to select the Editorial Board for the 1972-1973 academic year. Chaired by Editor Plenipotentiary Michael A. Schwartz, the Board appointed the following persons to be editors for next year: Chuck Dubroff, Editor-in-Chief; Bruce Kasson, Executive Editor; Alan Michigan, Managing Editor; Karen Lind, Associate Editor; Bob Kelley, News Editor (Day); Glen Walker, News Editor (Night); David Yeres, Copy Editor; Bob Fiedelman, Photo Editor; Richard Lind, Features Editor; Bill Robbins, Arts Editor; and John LaCava, Business Manager.

As a result of Chuck Dubroff's being elected President of the S.B.A. and resigning from his Advocate position, and Bob Kelley's being elected S.B.A. Secretary and also resigning, a special meeting of the Managing Board was convened on Monday, March 20, for the purpose of selecting a new Editor-in-Chief and a new Day News Editor. Harry Kutner was selected as the Editor-in-Chief for the coming year, and James Martorano will be the new Day News Editor. In addition, Wendy Jones has been named as co-Managing Editor, sharing that position with Alan Michigan.

The new editors will assume their functions beginning with the September 1972 issue.

The choice of Mr. Kutner was deemed especially significant. Kutner, who was a candidate in the recent election for S.B.A. President, tied for second place in the race won by Chuck Dubroff. He is well known for his independence of views and for his vigor and toughness. It is expected that he will spend more time in administration than his predecessor, Allen P. Karen. This is due, primarily, to the fact that certain members of the S.B.A. Board of Governors, have announced their intentions of calling for an end to S.B.A. subsidization of *The Advocate* at the budget hearings which are scheduled for September. In addition these same persons have announced their intentions of removing *The Advocate's* seat from the Board of Governors of the S.B.A., and abolishing *The Advocate* altogether.

FORDHAM LAW ALUMNI ASSOCIATION



The Association's bi-annual Directory of Members will be published this summer. Payment of \$3.00 dues by members of the 1972 Class will entitle them to a listing therein and a complimentary copy of the Directory. Membership applications available in the Alumni Office.

An Unfashionable Case of Genocide

By RAYMOND KERNO

Everyone is familiar with the names Biafra, Bangladesh, Northern Ireland, Rhodesia and Vietnam. One word which has been commonly used with all of these is genocide. Not everyone is familiar with the names Estonia, Latvia and Lithuania. The word genocide can be appropriately used in reference to these countries, as well.

Commonly referred to as the Baltic States, they are in northern Europe, on the eastern shores of the Baltic Sea. Since World War II, they have been illegally occupied by the Soviet Union, which has been implementing a systematic policy of ethnic and cultural destruction of the Estonian, Latvian and Lithuanian peoples. If the reader of these lines has been concerned about the more familiar instances of genocide quoted above, he ought also to be concerned with the occurrence of genocide in less familiar instances, as in the Baltic.

Latvians — an Ancient Nation

The focus here will be on Latvia, but one must remember that what is written about the present situation in Latvia equally applies to Estonia and Lithuania.

Latvians are among the oldest peoples in Europe, settling in their heavily forested homeland in about 2400 B.C. Their language, Latvian, akin to Sanskrit, is one of the most archaic living Indo-European languages. Latvian culture is Western European in orientation, and has close ties to the cultures of Scandinavia, Finland and Northern Germany. Geopolitically,

the country is a buffer zone between Germany and Russia. For centuries she has been a barrier to both the German "Drang nach Osten," and Russian attempts to establish a "window to Europe."

Today, the Latvian people and their ancient culture are threatened with annihilation. The loss of life caused by this century's two World Wars, especially in young people, was higher than the country could reasonably have afforded, and has left a very distorted population configuration: disproportionately large numbers of the elderly, very few middle-aged, and a moderate number of young people.

The Soviet Big Brother

Left alone, it would have taken years for the Latvian people to recover from these losses. Unfortunately, they have not been left alone. The end of World War II saw their country become a province of a totalitarian police-state, the U.S.S.R., as a result of which they were deprived of civil, political, economic, cultural, religious, and other basic human rights.

The Soviet Union calls itself a "multi-national socialist state." The noted Yugoslav communist, Milovan Djilas, correctly maintains that socialism in the Soviet Union is dead and has been replaced by a bureaucratic and chauvinistic totalitarianism. While the Soviets propagandize a "brotherhood of Soviet peoples," the Russians are the "big brothers," who closely watch the smaller brothers, 'correcting' them if they feel them to be wrong, as was the case in Hungary in 1956, and Czechoslovakia in 1968.

As the Soviet Union is the successor of Czarist Russia, it ought not to be surprising that Soviet Markism has degenerated into Russian Chauvinism. The power of the Soviet leadership rests upon Russians, a docile, enduring people, easily exploited by authoritarian rulers, be they Tartar princes, Russian czars, or Soviet Communist Party chairmen. Non-Russian peoples, such as Balts, Caucasians, Central Asians, and fellow Slavs, Ukrainians and Byelorussians, are not so easily exploited, and therefore are second class citizens in the U.S.S.R.

Soviet ruling circles are particularly terrified of the Western oriented, individualistic Balts, for the same reasons that they fear anti-government Russian intellectuals such as Ivan Solzhenitsyn and Andrei Amalrik. Since these ruling circles are aware that they cannot destroy the independent minds of Latvians, they have decided to destroy the Latvian people in stead.

The Flooding Process

This policy of genocide has taken various forms through the years. In the post-war Stalin era, it took the form of mass murders, and even more massive deportations of Latvians to Siberia. It is estimated that one seventh of the entire Latvian people were thus affected. After Stalin's death, the cruder manifestations of genocide were replaced by more subtle and perhaps more deadly ones. Beginning under Khrushchev, and continuing today, is the process of gradually flooding Latvia and the other Baltic States with Russians and other non-Baltic peoples, with

the ultimate aim of "drowning" Latvians in a monolithic Russian-speaking population. It is a policy from which Hitler and the Nazis could have learned.

Moscow's Obedient Servant

In the 1938 census of Latvia, taken when the country was still independent, Latvians constituted approximately 80% of the population. The 1958 census showed the percentage to have declined to about 67%, while according to the most recent census (1971), there was a further drop to 56%. It is conceivable that within this decade Latvians may constitute a minority in their own country, as they already do in their capital, Riga, where they make up only 40% of the population. The Latvian birth rate, because of the relatively small percentage of young Latvians, cannot possibly keep pace with the influx of non-Balts into the country.

All aspects of life in the country are controlled by the Latvian Communist Party (L.C.P.), Moscow's obedient servant and chief instrument of genocide. Latvians constitute a minority within this sole possessor of power in their land, and many of these Latvians are quislings, as the Soviets continually purge the L.C.P. of nationally-oriented Latvians. The unresponsiveness of the L.C.P. to the people they supposedly represent can be illustrated by the fact that at its top, of the seven member presidium, only one member can speak Latvian without difficulty and four members cannot speak Latvian at all. As a practical matter, the presidium merely follows instructions from Moscow,

where all important matters concerning the Latvian S.S.R. are decided. Moscow, not Riga, is the actual capital of Latvia.

Economically, imperialism is the only word which accurately describes the economic relations of the U.S.S.R. and Latvia. "The economy of Latvia must fully serve the Soviet Union," read directives from Moscow, and the L.C.P. dutifully complies. One must note that foolish Soviet policies of needless over-industrialization have had severe effects upon the environment of Latvia. Its rivers, streams and lakes have been horribly polluted; the Baltic Sea has been turned into a huge Lake Erie; too many forests have been cut down, turning whole districts into worthless swamps and marshes. It would appear that the invaders are not content in merely destroying the Latvian people; they seem bent upon destroying the Latvian land as well.

The Museum of Peoples

In the late 1940's, Latvians tried armed resistance against the Soviets; the Soviets reply was massive deportations to Siberia. In the 1950's and 1960's, Latvians tried passive resistance and infiltration of the apparatus of power, the L.C.P.; the Soviets countered with the flooding process mentioned above, and purges of all national elements in the L.C.P. Today, Latvians are down to purely individual, psychological resistance. They need outside assistance, in the form of world opinion, which must be mobilized to force the Soviet Union to halt or slow its policy of genocide in the Baltic. (Continued on Page 8)

NEW YORK BAR — JULY EXAM

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Letters

(Continued from Page 2)

the issues are up to the standard of your February 17, 1972 issue, circulation to the alumni would be a worthwhile endeavor. As you probably know, however, my term as President of the Fordham Law Alumni Association is about to expire and, accordingly, I think I should leave this decision up to the incoming President who will be elected at our annual meeting on March 4th, and who may well want to confer with the Board of Directors with respect to this.

Sincerely,

Denis McInerney

The author of this letter is a former President of the Fordham Law Alumni Association.

Women Solicited

In an effort to encourage the enrollment of women in the Law School, Dean Solleder went up to Thomas More College and addressed a group of about two dozen juniors and seniors on the opportunities for women in the legal profession. She arranged to have three other women speak to the girls. The first was Jacqueline De Lafuente, a graduate, who had experience as a litigating attorney both in private and law firm practice and who is now corporate counsel. The second was Maureen Scannell Bateman, who is an associate with a large Wall Street firm, doing estate and trust work, by choice. The third was Mary Daly, a third year law student, a graduate of Thomas More College, who is going to work for Legal Aid and who has had varied law clerk experience. The session was extremely interesting, lively and informative.

Deans Wells and Murphy of Thomas More College hope to establish this type of program on a permanent basis because they realize the importance of informing women while they are still in college of the opportunities that lie before them.

Preceding the session with the Thomas More girls, there was a general meeting open to the entire undergraduate student body at which Dean Moore explained the procedures for applying to law school, Professor McLaughlin outlined the course of study, and Dean Solleder outlined the work of lawyers in general.

Legal Counseling Program Formed

The Riverside Democrats, a political organization located at 250 West 106th Street in Manhattan, is planning to initiate a program of counseling to community residents for landlord-tenant concerns. The Mobilization for Youth Neighborhood Legal Services office on Broadway at 103rd Street will provide training for law students and other interested persons. The training will consist of one two-hour session a week for approximately four weeks, to familiarize prospective counselors with the basic information needed to advise people in need of help or advice. Lawyers and law students interested in becoming a part of the program can obtain additional information by calling William Broudy at 662-8579 evenings.



LOUIS J. LEFKOWITZ
ATTORNEY GENERAL
STATE OF NEW YORK

80 CENTRE STREET
NEW YORK, NEW YORK 10013

March 10, 1972

Dear Mr. Karen:

Thank you for providing me with the recent issue of the Advocate, which I read with interest.

You are to be commended for the excellent quality and broad coverage of the publication.

Best wishes.

Sincerely,

LOUIS J. LEFKOWITZ
Attorney General

Mr. Allen P. Karen
Editor-in-Chief
The Advocate
Fordham Law School
Lincoln Square
New York, New York 10023

OUT OF THE SLOUGH

By **BOB ROTH**

Are Homosexuals discriminated against in the legal profession? Can an acknowledged Homosexual gain admission to the Bar? Will a lawyer be fired from a law firm if his or her colleagues find out that he or she is a Homosexual. Does a Homosexual lawyer have to be afraid to help in Gay people's struggle for their civil and legal rights? These and other questions were discussed by the lawyers, law students, and legal workers who came to the first meeting of the Gay Legal Caucus on Monday, February 7.

These questions are also of great interest to a large number of students at Fordham Law School, since statistics indicate that at least 10 Fordham Law students are themselves Homosexuals. The same issues, however, should be of interest to any student who believes in civil rights and reform of the legal profession. Very soon, many of us will be faced with problems arising from the discrimination against Homosexuals, who may be either our clients or our colleagues.

"In Their Closets"

The Gay Legal Caucus is a first step in breaking the cycle of fear and oppression that keeps most homosexual lawyers underground, "in their closets," and forces them to lie constantly about their personal feelings, relationships and life plans. More importantly, it keeps homosexual lawyers from extending their legal services to Gay clients or to Gay civil rights organizations, both of which need legal help very badly. Apparently, heterosexual lawyers have a hard time understanding the values and life style of their homosexual clients, and therefore cannot establish the rapport necessary for effective legal counsel. As a result, homosexuals are not receiving good legal representation, and their oppression continues. The Gay Legal Caucus seeks to establish a large referral list of Gay

lawyers who can handle cases for Gay clients.

This list will include many different kinds of lawyers since Homosexuals receive discrimination in many areas of their lives: in jobs, housing, and public accommodations, as well as through police and governmental harassment. There is also discrimination against businesses which cater to homosexuals and against the 500 or so Gay civil rights organizations in the U.S. Every kind of lawyer is needed by the Gay community, and therefore by the Gay Legal Caucus.

Secret Homosexuality

An important question for Gay law students, which the Caucus is seeking to answer, is whether they must keep their homosexuality secret in order to gain admission to the Bar or to stay on the roster. The lawyers in the group assured the students present that the First Department Admissions Committee doesn't ask about homosexuality and doesn't seem to care, but warned that the Second Department does. It was recommended that the Legal Committee of the Gay Activists Alliance, of which some of those present were members, question members of the admissions committees as to their attitudes on homosexuality, either through the mail or personally. Within a few months there should be a definite answer for all of the Gay law students who presently live in fear in the shadow of this question.

Sweet Meet

The next meeting of the Gay Legal Caucus will take place on Monday, March 13, at a yet undetermined place. For information call the Gay Activists Alliance, the Gay Switchboard, or ask me. We should all know where the meeting will be about a week before. I will be glad to answer any questions that anyone may have about any of these groups.

Recordings: 1971 in Review

ROCK — ALLEN P. KAREN

The Advocate has composed a list of the best rock recordings and artists of 1971. We compiled the ten best singles, the best albums and the best cuts from albums. The Advocate has also named the best groups, the top individual performers and the most promising new artists.

TOP SINGLES

1. Wild World — Cat Stevens (A&M)
2. The Night They Drove Old Dixie Down — Joan Baez (Vanguard)
3. American Pie — Don McLean (United Artists)
4. Treat Her Like A Lady — the Cornelius Brothers and Sister Rose (United Artists)
5. Me And Bobby McGee — Janis Joplin (Columbia)
6. George Jackson — Bob Dylan (Columbia)
7. Put Your Hand In The Hand — Ocean (Kama Sutra)
8. Maggie May — Rod Stewart (Mercury)
9. Peace Train — Cat Stevens (A&M)
10. I've Found Someone Of My Own — the Free Movement (Columbia)

TOP ALBUMS

1. Stay Awhile — the Bells (Polydor, 24-4510)
2. Tea For The Tillerman — Cat Stevens (A&M, SP4280)
3. American Pie — Don McLean (United Artists, UAS535)
4. Jesus Christ Superstar (Decca, SXSA7206)
5. Teaser And The Firecat — Cat Stevens (A&M, SP4313)
6. Stones — Neil Diamond (UNI, 93106)
7. Every Picture Tells A Story — Rod Stewart (Mercury, SRM 1-609)
8. Tapestry — Carole King (Ode, 77009)

BEST CUTS ORIGINALLY FROM AN ALBUM

1. Fly Little White Dove, Fly — The Bells (from "Stay Awhile")
2. Vincent — Don McLean (from "American Pie")
3. Wild Horses — the Rolling Stones (from "Sticky Fingers," Rolling Stones, COC59100)
4. I Feel The Earth Move — Carole King (from "Tapestry")
5. Where Do The Children Play? — Cat Stevens (from "Tea For The Tillerman")
6. I Don't Know How To Love Him — Yvonne Elliman (from "Jesus Christ Superstar")

TOP GROUPS

1. The Carpenters
2. Three Dog Night
3. The 5th Dimension
4. Santana
5. The Partridge Family

TOP INDIVIDUAL ARTISTS

1. Cat Stevens
2. Carole King
3. Melanie
4. Neil Diamond
5. George Harrison
6. Janis Joplin
7. Rod Stewart

TOP NEW ARTISTS

1. Don McLean
2. Elton John
3. The Bells
4. Carly Simon
5. The Dramatics
6. T-Rex

CLASSICAL

It is an impossibly difficult task to specify the "best" classical records released over the last year. The following, therefore, is a listing of those records released last year which I found among the most rewarding:

JANACEK: Sinfonietta; Taras Bulba. Rafael Kubelik cond. Baravian Radio Orchestra. Deutsche Grammophon 2530075, \$6.98.

Two modern Czechs works in scintillating, inspired performances in technically masterful pressings.

HAYDN: Symphonies Nos. 49/56; 57/64; 65/72. Antal Dorati cond. Philharmonia Hungarica. London Stereo Treasury 15127/30; 15131/34; 15135/8, \$11.96 per four-record set.

The initial offering of a complete traversal of the Haydn symphonic output. A first-class orchestra led by one of the world's foremost conductors, in performances which are noteworthy for their style. The recordings are excellent, and at the price, these discs should be requisite additions to any record collection.

HAYDN: Symphonies Nos. 97, 98. George Szell cond. Cleveland Orchestra. Columbia M-30646, \$5.98.

Two symphonies, one a real rarity, the other slightly more well-known, conducted clearly and articulately by the late George Szell, who was, if any one man can possibly claim the title, the greatest and most intelligent conductor in history. An exceptional disc by an exceptional man.

HOLST: The Planets. William Steinberg cond. Boston Symphony Orchestra. Deutsche Grammophon 2530102, \$6.98

A "fun" score, in an athletic performance by a veteran conductor who ranks among the greatest living today. The sonics are spectacular enough to qualify this record as a "demonstration disc."

PISTON: Symphony No. 2; WM. SCHUMAN: Violin Concerto. Michael Tilson Thomas cond. Boston Symphony Orchestra, Paul Zukofsky, soloist (in the Schuman). Deutsche Grammophon 2530103, \$6.98.

Two modern scores which still are appealing to the ear. Expert performances by the twenty-six year old Associate Conductor of the BSO and also by one of Ivan Galamian's prize products, the twenty-nine year old Zukofsky (other Galamian "products" being Itzhak Perlman and Pinchas Zuckerman.)

SMETANA: Ma Vlast. Rafael Kubelik cond. Boston Symphony Orchestra. Deutsche Grammophon 2707054 (two discs) \$13.96.

The ever-youthful patriotic Czech score, which has become even dearer to Czechs since the 1968 Russian invasion. Kubelik, a native of Czechoslovakia, imbues his performance with spirit, in the best of the three recordings he has made of the work (the other two with the Vienna Philharmonic and the Chicago Symphony.)

KALINNIKOV: Symphony No. 1. Kiril Kondrashin cond. Moscow Philharmonic Symphony Orchestra. Melodiya/Angel 40173, \$5.98.

An authentic Russian performance of a little-known work whose elements are a combination of Borodin, Tchaikovsky, and Rachmaninoff. A work in the mainstream of Russian Romanticism.

Michael A. Schwartz

HYNES . . .

(Continued from Page 3)

tained the vital links with Party leaders. The week before I left for Vietnam, I sat down to talk with the Deputy County Chairman to tell him I was interested in becoming a County candidate for State Assembly. While in Vietnam, I continued to write the Party leaders and promoted my candidacy from 12,000 miles away. During the nomination process in early 1971, my name was placed in contention among some strong candidates. I was dubbed the "mystery man" and I feel sure that the thought of someone in Southeast Asia intrigued them. The novelty of my candidacy and the deadlock among certain delegations feuding over choices carried me into the running. Since there must be notification to the N.J. Secretary of State, the Party had to determine if I would accept, so they sent an urgent telegram to Saigon. A colonel decided to open it, fearing the worst had happened to someone in my family. As he read, he determined to do his part for the Democratic Party. Thru the Emergency Communications Center in MACV HQ he had the message relayed on TOP PRIORITY to the Embassy in Phnom Penh. It just so happened that I was on assignment with a Pentagon team in the outback of Cambodia and we moved by helicopter. I had just landed near the town of Kampong Som when the radio operator called me over to receive a message from the Embassy, "Lt. Hynes, we have an urgent message wanting to know if you'll run for the State Assembly." My next most important lesson was that perseverance pays off, even if in the middle of a war zone.

I arrived back in the States in July, just in time to march with the VFW in the Independence Day parade. That day marked the beginning of a campaign that would dominate my activities until November 2nd. The odds were bleak: my opponent was a County Freeholder, I was the youngest candidate on the county slate, I was a Democrat; an off year election excites no interest, consequently the "machine" wins since it can rouse out the party faithful; I lacked financial support. Analyzing this in retrospect, I should have quit — my God, it's like climbing Mt. Everest with sneakers. People said that I was knocking my head against a stone wall — but I was so determined to beat my adversary that I went out to meet everyone I could in those 5 months. To generate excitement, I walked 35 miles, the length of my district, to underscore my concern with all my future constituents. I hobbled into pizza parlors, bars, bus stations for a week after with a full-blown blister — after all, 35 miles in 18 hours is a bit too much. I dared not risk a ride for fear of a credibility gap at the outset! Two reporters caught us in a bar nursing wounds, but at least we had tangible proof of our walk to that point. I began to sense a certain momentum to this tactic of meeting the voter, when people I had met in one part of the county were encountered in another. Imagine the odds of that happening unless you've met quite a few thousand people. Nowhere was sacred; I especially relished beauty parlors since the women under their dryers had no recourse but to listen. On reflection, it seems ludicrous that I stood like a professor before a roomful of hair drying women and expounded on my candidacy, or that I intruded upon gatherings of fierce-looking motorcyclists and gave my pitch undaunted. My

campaign was sub-grass roots.

In public forums, I was careful to be both candid and unambiguous. I gave the questioner a simple sentence response, while my adversary, if he were there, was working his way into compound-complex sentences with dangling participles, to end with a firm "maybe."

Although I wondered if all that I was doing would pay off, I never conceded the possibility of defeat. On the eve of Election, I was out in a light rain until 11 p.m. with neighborhood kids distributing campaign material to the local apartment houses. I wanted that seat so badly, I could literally envision myself seated in the high backed red swivel chair.

Election Day is not a day of relaxation! The most critical hours are those 3 or so hours between the closing of the polls and the final tally. On huge chalk boards, the votes are constantly erased as new precincts report in on a special phone setup to the Board of Elections. As towns which I hoped to represent were tallied on the chalk board, I either felt extreme exhilaration or deep despondency. As the 2nd hour passed, 16 of our 19 candidates were doomed. The cold numbers showed a widening gap uncloseable so late in the returns. Two Assemblymen were doing fairly nicely in the only semi-Democratic district (the districts were carved out by a 3-1 GOP Legislature). I was leading by a thread although I didn't realize it yet. At 10:20 p.m., I was declared the winner by 1,500 votes — a landslide for Hynes. I became the youngest state legislator for the 72-73 session — and perhaps ever in New Jersey. I was mobbed by well wishers in the humanity-packed hall as I fought to reach a phone to break the news to my family, until that point apolitical but in a period of excitement. There was absolute pandemonium among uncles, aunts, grandmother, neighbors, dogs, and close friends. At midnight my brother and uncle came to rescue me from one crowd to lead me to a victory celebration in my home town at a K of C hall. It was past midnight as I stopped in front of the hall that resounded with 150 drunks shouting "we want Hynes." The whole neighborhood must have regretted my election. A policeman on duty outside welcomed me with "Congratulations, Mr. Assemblyman." Most stories would end happily there; not mine.

The next morning at 8:30, the County Chairman phoned to report that my opponent was planning a recount — So what, I said, let him find 1,501 votes or so. **Color me defiant!** But you see there was a big error in arithmetic, my margin was 162 — **Color me worried!** A day or so later, the news reported my margin as 62 — the Republican elected County Clerk had discovered a 100 vote error in my opponent's favor in my opponent's hometown. My margin was 62 votes. Well, now I was prepared to fight to the last absentee ballot. The next day, I and my lawyer went to the Board of Elections. I was absolutely appalled. The absentee ballots were kept in a file drawer with one key between me and my new seat. Forget the key, anyone could have pried the flimsy cabinet open! The next day I was before a judge asking him to impound all the paper ballots due to the critical margin of 62 votes from a return of 52,000. He consented. The day later I lost two more votes. It seems that someone had neglected to count two absentee ballots found in a drawer in my opponent's

favor (naturally) — **Color me irate.** I called a press conference and bellowed "Wolf" so loudly that I lost no more votes until recount day. There are two stages to a recount — machine count and absentee ballot count — I was a witness at the machine count. 222 machines were tallied by a very formal procedure in a drafty warehouse. A guardian opened the panel cover to reveal the voting board. Then the County Clerk read off the official tally sheet while two members of the Board of Elections (one Democrat, one Republican) intoned the results from the numbers on the counter. Well, after a grueling day, a real Excedrin day, the results were officially pronounced — Hynes — 57 votes the winner. If you are going to win, win by a mandate is my new rule.

I left for Trenton, January 11th, as the 40th Democrat; enough to give the Democrats the leadership of the House if Tony Imperiale would vote for Reverend Woodson, a black minister.

The protagonist now was Rev. Woodson, struggling to become the first black speaker in New Jersey's history. He was pitted against a 37-year-old Republican named Thomas Kean. Incredible tension was in the air. The galleries, jammed with visitors, were absolutely hushed. Everyone sensed something momentous. It happened! A Hudson Democrat joining with the Republican Party is akin to Pope Paul promoting mortal sin. At 3:30 p.m. that day the Republican Party had the Speakership and an albatross named Friedland hung ostentatiously around their collective necks.

The life of a State Assemblyman, even the youngest one in New Jersey's history, is devoted to constituent problems, endless functions, preparation for debate on pending bills and speeches before civic groups, to name some. The demands on a public official's time are usurious. You become the epicenter for pressure group action; you become a superb listener because the problems that beset our society are monumental with no easy answer; you become frustrated because progress is only won at bitter cost.

But there are moments of such intense satisfaction that you can savor them for a lifetime. You as an Assemblyman, can exert influence to speed a senior citizen's rent subsidy payment so she can still eat, to gain admittance for a young addict into a drug program, to find employment for a father with 5 children.

And, then there is the moment which your psyche has been sensitized to — the moment between dessert and coffee when the toastmaster steps up to the microphone to introduce to the audiences their State Assemblyman, the Honorable Edward H. Hynes. This is the moment you've campaigned for, the moment you've dreamed of — you can formulate your hopes into legislation and you've come to do the most difficult chore of all. You must convince the people whom you represent that the dreams you dream are possible and deserve support. And like the disciple of old, you travel to Kiwanis Club, to VFW meeting, to Boy Scout gatherings, promoting what seems to be the best for the State. And as you wearily shake the last hand at 8 a.m. the thought creeps in as to whether this all means something in the eternal cycle of history. I think it does. One day, someone will say that I gave a damn. And that won't be a lie.

GENOCIDE . . .

(Continued from Page 6)

until such time as Estonia, Latvia, and Lithuania are able to leave the U.S.S.R., and take their rightful places in a future system of European states.

The United States must do its part in this focusing of world opinion on the Baltic question, especially in such forums as the United Nations. A majority of the world's states were not in existence when Latvia lost her independence. This country must point out to former victims of colonialism the present victims of Soviet imperialism.

The imperative "must" is used, because this country has not been entirely blameless in the Baltic question. The Baltic States lost their independence during World War II, because of a secret protocol, attached to the infamous Nazi-Soviet Pact of August 1939, under which the Baltic States, Finland and Eastern Poland were to be within the Soviet sphere of influence. Today, the Baltic States are incorporated into the U.S.S.R., Finnish independence exists for the pleasure of the Soviet Union, and the Soviet-Polish border corresponds to the Soviet-German border, as was foreseen by the Nazi-Soviet Pact. As to the Soviet Union, its agreement with Nazi Germany is still in effect, because at Yalta in 1944, the United States at least impliedly ratified this illegal Nazi-Soviet agreement's territorial aspects. To the Baltic peoples, and their "right to choose the form of government under which they will live," (quoted from Paragraph Third of the Atlantic Charter) this country protested innocence, washed its hands and turned its back, like a modern-day Pontius Pilate.

The U.S., under Presidents

Eisenhower, Kennedy, Johnson and Nixon, has made repeated assurances that this country will never recognize the forceable incorporation of the Baltic States into the Soviet Union, but these assurances seem intended primarily to placate Baltic communities in the United States. Perhaps the U.S. government believes that the problem will run its course; that after some years the Latvians in Latvia will die out, the Latvians in America will assimilate, and Latvian culture can be placed in a museum for extinct cultures such as those of the Etruscans, Visigoths, Picts, and various extinct American Indian tribes.

There is a new generation of Latvians, both in Latvia, and in the Free World, and they will not permit their ancient culture to become an exhibit in the aforementioned museum. They are numerically few, but a history of their nation reveals a people accustomed to facing great odds. Sometimes their battles have been triumphs of handfuls of free men over endless and mindless multitudes; other battles have been grim reminders that often courage alone is simply not enough. In one small, simple way, the reader of this article can help the Latvians and their neighbors in their struggle to exist — he can become aware of this unfashionable case of genocide.

Raymond Kerno, Managing Editor of The Advocate, is a member of the Class of 1972. A member of one of the most illustrious families in the Latvian community, Mr. Kerno was President of the New York Latvian Youth Association from 1965 to 1968. He is an acknowledged expert on affairs both in Latvia and in the Latvian community in America.

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