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The Opinion

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Opinion  
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SUNY/B, North Campus  
Buffalo, New York 14260

# Opinion

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Volume 15, Number 13

State University of New York at Buffalo School of Law

May 8, 1975

## Opinion Budget Tabled; SBA Investigation Due

by Ray Bowie

One of the greatest budgetary and constitutional crises ever to shake the Student-Bar Association erupted last week following an SBA decision to withhold approval of next year's *Opinion* budget pending the outcome of an investigation into charges that this newspaper has been inaccessible to certain people.

The charges were first broached at the SBA budget meeting on April 25, during consideration of *Opinion's* budget, when SBA director Laura Zeisel claimed that she was aware of several complaints that *Opinion* had refused to publish contributions or allow open access to its staff. While declining to specify these allegations, she suggested that an investigatory committee be established to hear them prior to any approval of the 1975-76 *Opinion* budget.

With only director Mark Linneman voting in opposition, the SBA tabled further action on the *Opinion* budget and voted to have President Rosemary Gerasia Roberts appoint an impartial investigatory committee, which has been charged with a duty to hold hearings on any complaints against *Opinion* and report back to SBA on May 9. No representative of *Opinion* was present when SBA undertook the action.

Reaction from *Opinion* Editor-in-Chief Dave Geringer, who said he learned of the SBA action from rumors circulating the following week, was to charge that the SBA investigation was "without a doubt" the result of SBA's displeasure over critical editorials, particularly one which sharply criticized an allocation from activity fees for what *Opinion* termed legislative lobbying for an Attica amnesty bill.

Mr. Geringer claimed that no allegations against *Opinion* had been specified when SBA took its action, and that the investigation seemed only an

attempt to intimidate the editors or replace them with "people favorable to SBA."

Ms. Roberts responded that the investigation "had nothing to do with the editorial" and that the real issue was whether a "student newspaper funded by student fees should be accessible to student input." She conceded that *Opinion* had "a right to whatever editorial policy" it wanted, but added that "a student newspaper should not be perpetuated by a few people... it should be open."

Ms. Zeisel, who introduced the investigation motion in SBA, likewise agreed that *Opinion* should have editorial freedom, while contending also that the editors must make a "good faith effort" to attract people to its staff and publish items of interest to the entire student body. The budget meeting, she continued, provided the "only real input" SBA has into the operation of *Opinion* and hence offered an opportunity to investigate any allegations.

Ms. Roberts told *The Spectrum* last week that it was "merely allegations" that SBA was investigating and that "there may be no truth in them whatsoever." When questioned by that newspaper as to specific allegations, however, she said that the investigatory committee she was appointing would document the charges.

J. Michael Kilburn, Daniel Golden and Doren Goldstein were appointed to the committee and will report to SBA tomorrow on their findings.

Ramifications of the SBA investigation have been felt outside the Law School, most strongly in the form of a *Spectrum* editorial which last week warned against infringements upon press freedom. "By tabling *Opinion's* budget and trying to dictate what its obligations are," concluded *The Spectrum's* Editor-in-Chief Larry Kraftowitz, "the SBA will only create an atmosphere of intimidation and transform its free student paper into a shallow public relations sheet."

## Burns, Goldstein Resign

Professors Haywood Burns and Paul Goldstein have announced their resignations from the Law School, effective in September. Burns will join the faculty at New York University School of Law, while Goldstein will move to Stanford, where he had a visiting professorship two years ago.

Burns announced his resignation in a note to the faculty, citing "a wide range of personal and professional factors." Burns specialized in criminal law, teaching criminal procedure among other courses.

Goldstein stressed the fact that positive factors relating to Stanford, rather than negative aspects of this law school had led to his decision. "I view this as a decision to go to Stanford and not one to leave Buffalo," Goldstein said. "I had been out there before (in 1972-73) and had plenty of time to get to know the place and the people there."

Goldstein indicated that he would be teaching in the same area of law at Stanford. "The main area of my teaching activity

here has been in the intellectual property area (copyright and patent law) and the real property area (property and land transactions), as well as environmental management," eight years.

## Summer Course Cut

The number of courses to be taught at Buffalo this summer was reduced from six to five last week with the announcement that a planned section of Federal Tax I to be taught by Professor Louis Del Cotto has been dropped from the summer schedule. The remaining section, to be taught by Professor Bill Greiner, will handle "whatever comes," according to Registrar Charles Wallin.

Del Cotto reported that he had obtained a grant which precluded him from teaching his section this summer. "I can't teach, I got a grant," Del Cotto explained. "What happened was that the Baldy fund (headed by Dean Richard Schwartz), which gives summer grants, gave me a grant. Originally, the time to apply for grants ran out before I could apply, so I asked to teach in the summer and was scheduled to do so. Then the Baldy fund reopened, and I applied for a grant and got one," Del Cotto added.

Del Cotto claimed that faculty members hadn't been given sufficient notice the first time that the grants were offered. "They said that there was a notice in the faculty mailroom, but I never saw it," Del Cotto said. "They reopened the fund because there had not been sufficient notice."

Del Cotto offered that research had been his first priority. "Our field [teaching] lends itself to doing research, that's what the summer is for," Del Cotto stated. "Summer school comes second."

## Allocation Vetoed; Copier Funds Used

by Dave Geringer

After their planned use of mandatory activities fees to send students to Albany last week was vetoed by Student Affairs Vice President Anthony Lorenzetti, the Student Bar Association expended \$400 from its photocopier account to send one bus to the state capital. Approximately 35 or 40 students went to Albany in what SBA Vice President J. Glenn Davis termed "an educational experience."

One of the original purposes of the excursion was to watch Assemblyman Arthur Eve introduce a bill calling for amnesty for all those indicted in the wake of the Attica riot. However, Mr. Davis was not sure when the bill was to be introduced.

"Originally, the bill was to be introduced on Monday," Mr. Davis reported. "We were then told that it was going to be introduced on Wednesday. The motion passed by SBA did not reflect that change" in the date the bill was to be introduced, Davis Added.

### Letter of justification

Mr. Davis stated that a letter had been sent to Dr. Lorenzetti justifying the trip to Albany. "The letter was phrased in terms of being an educational experience," Mr. Davis said. Dr. Lorenzetti's attention had been called to the matter by Ray Bowie, who claimed the expenditure was in violation of the SUNY trustees' guidelines for mandatory activity fees, which prohibit expenditures for political purposes.

Mr. Bowie, Sam Kazman, and Mark Linneman also filed a note of issue to initiate legal action in the Special Term of State Supreme Court before Dr. Lorenzetti eventually decided to veto the allocation. The three students had requested a show cause order against the SBA

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## Schechtman On Professional Union

by Robin Skinner

Thinking of joining a union of lawyers? Don't say no too quickly. According to Ronald Schechtman, a labor lawyer from New York City who spoke recently as a guest of the Distinguished Visitors Forum, more and more groups of professional employees are coming together to form units capable of bargaining to improve working conditions.

In the past, professional people generally were self-employed. Thus they were free to set the terms and conditions of their labor. Recently, though, Mr. Schechtman noted, the government has become the employer of thousands of professionals, hired to deliver the services of the New Frontier and the Great Society to lower-income Americans. For these professionals, the terms and conditions of employment, were beyond their control.

### Grievance

"Professionals are normally close enough to management to have an informal mechanism for solving problems. It is when this grievance mechanism breaks down that the need for a union arises," Schechtman said. In some ways, it is the Marxist alienation of a worker both from the product of



his labor and from the control mechanism. Individual complaints are not heard in the bureaucracy. The union gives a voice that can be heard.

Schechtman indicated that the professional has been hesitant to turn to the union as a possible solution to his problems for several reasons. Professionals have a stereotyped concept of unions and they would prefer not to associate themselves with that stereotype. Professionals have usually worked quite closely with management and usually choose not to make the relationship adversarial. Often, professionals view union membership as a

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# Editorials

## Investigation or Inquisition?

Supported by vague allegations, the Student Bar Association has tabled this newspaper's budget pending an "investigation" which will "determine" whether or not *Opinion* turned away students in disagreement with editorial policy and/or refused to print articles opposing this policy. While only time will tell whether this investigation (or inquisition) attempts to abolish freedom of the press here, the fact remains that the budget was tabled one day after the SBA was heavily criticized in this space.

While articles or students disagreeing with our policy have not been barred, comments will continue to appear in this space whenever they are necessary. If SBA wishes to fund a house organ, they had better look elsewhere.

Another charge made by an SBA official was that *Opinion* was operating under a constitution that was never approved by the SBA. Article 6, section 5 of the SBA Constitution states that no student publication shall be suspended, and that freedom of the press shall not be abridged. Before the SBA begins charging others with violating their constitutions, they had better check to see that they are not violating their own first.

## Correct Appraisal

We applaud the integrity and courage the University's Student Affairs Office exhibited in prohibiting the expenditure of mandatory activity fees to bus students to Albany for an Attica amnesty demonstration and lobbying effort.

Despite the smokescreen of "educational experience" the SBA repeatedly tried to generate, the University saw through this fraudulent claim to the substance of the activity to which the students were to be bused, which was legislative lobbying in the classical sense. Both the SBA's April 18 statement, which accompanied the allocation, and the events which actually transpired April 28 in Albany established, beyond any reasonable doubt, that the University's appraisal of the allocation was correct.

News services in Albany reported that Attica indictees addressed the demonstrators in favor of the amnesty bill, that Attica defense attorney Dennis Cunningham also told students to learn from the success of the Communists in Indochina, and, according to the *Buffalo Evening News* (April 28), "The U.B. group spent most of the day in the Legislative Office Building . . . lobbying with state legislators to support an amnesty resolution that will be introduced . . . by Assemblyman Arthur Eve."

Much has been said, especially by various student government officials, as to how SUNY's restrictions on political expenditures of this sort violated the demonstrators' First Amendment rights. No one, of course, did any such thing, unless the First Amendment is to be ludicrously translated into a right to have one's desired legislation supported by people who are conscientiously opposed to it. What the University did in disapproving the use of mandatory fees for such purposes was to protect the rights of the minority, or perhaps even majority, which refused to be conscripted into this lobbying effort.

The State collects the mandatory activity fee upon pain of withholding registration each semester and permits student governments wide discretion as to its use. Student governments must, if they desire mandatory activity fees, only accept the legitimate conditions which the State imposes to protect the Constitutional rights of students who oppose being forced to support political action with which they disagree.

The Student Affairs Office here has, we believe, admirably fulfilled its responsibility in this regard, while our own SBA dismally failed.

The Student Bar Association of the State University of New York at Buffalo School of Law is deeply concerned with the lack of due process, denial of equal protection of the law, the lack of regard for basic standards of justice and decency which have characterized the conduct and attitude of officials of the State of New York in the prosecutions arising out of the Attica rebellion.

Being located in Buffalo, we have had the opportunity to observe first hand the Attica prosecution. We have witnessed the use of pre-emptory challenges to eliminate minorities as jurors, the denial of funds to the defense while nearly ten million dollars and the full resources of the State have fueled the prosecution, the offers of parole and release for time served to elicit desired testimony, the disclosures of

I would like to respond to your editorial in the last issue of *Opinion* condemning the SBA for allocating \$1300 for two buses to go to Albany. Attica has been an issue that has concerned a large number of law students at this school. Many students have aided in the defense of those indicted and have gained invaluable experience by their participation in that defense. As evidence of

A few comments on your distorted and irresponsible editorial, "Onto the Bandwagon . . . Into Disgrace":

(1) You suggest that the analysis in "Budget Priorities Needed" should be applied to the trip to Albany. But that editorial states that activities which offer "an equal opportunity for participation for all students should clearly be accorded priority . . ." The bus trip was this kind of opportunity — certainly not, as you imply, an activity

ATTICA MAY BE ALL OF US, BUT SBA SURE AS HELL ISN'T!

I shall remember last week as the week in which SBA, long relegated to the childish endeavors of fund allocations, sporadic pretzel purchases, and ping-pong ball maintenance, cast off the bibs and diapers of infancy and leapt full-grown into the heyday of personhood. Last week was the week in which SBA not only learned how to walk, talk and tidy up after itself, but learned as well how to preach morality and practice law, at simultaneously as revered church and learned counsel, all within the confines of O'Brian Hall. Hallelujah!

SBA decided to send buses to Albany for an Attica demonstration. When reminded, rather rudely, that the SUNY Trustees' Guidelines might very well forbid this, SBA, taking advantage of the vast legal educations and resources at its command, came up with the argument that this activity was a

# Letters to the Editor

former members of the prosecution indicating the reluctance of the prosecution to pursue allegations of crimes committed by state troopers and prison guards, and as if this were insufficient, the recent disclosure of an FBI informant in the midst of the Attica Brothers Defense Committee.

We question the wisdom of any further prosecution of the Attica Brothers. We feel that the irregularities in the conduct of the prosecution, together with the presence of inflammatory publicity, much of it false, have created a charged atmosphere in which the probabilities of fair trials are nil, if not impossible. We are of the mind that justice can only be served by dropping all remaining charges against the Attica Brothers and by pardoning of those already convicted. We fully support the resolution to be introduced in the state legislature on April 30, 1975 to that effect.

As potential members of the bar, we are alarmed at the growing lack of faith in the judicial system, especially as it affects minorities and the poor. We are concerned lest this example of selective and invidious prosecution further contribute to the erosion of confidence in the law enforcement system. Our society can ill afford such an erosion of basic principles and values. Perhaps most disturbing of all are the recent charges alleging an official cover-up on a scale comparable only to the Watergate scandals.

The recent decision by Governor Carey calling for an independent investigation into the conduct of the prosecution, itself provided by media disclosures, while welcome, is a case of too little too late.

We strongly urge the Governor to support the April 30th resolution.

Student Bar Association

## A Viable Issue

student concern, [SBA Vice President] J. Glenn Davis introduced a petition signed by 125 students declaring their interest in the trip before the money was allocated. With the recent revelations by Malcolm Bell of the failure of the state to prosecute state police involved in the debacle and by an FBI informant that she infiltrated the defense counsel of the Attica

defendants, Mr. Eve's bill will not be passed over lightly by the Assembly. Attica is still a viable issue and will continue to be so for a long time. Students should have every opportunity to view their legislature in action over an issue in which they have shown a great deal of concern and in which they have expended a great deal of effort.

Warren Gleicher,  
SBA Second-Year Director

## "Uncontrolled Ranting"

"available only to a few."

(2) Generally, the largest SBA expenditures each year are for parties. How this can be defended, while a trip to the state legislature to observe the making of a resolution relating to the penal system is called "a disgrace" is beyond me. Why is chartering a bus to the state capitol a less appropriate collective action for a law student government than providing open bar in the Crossbow?

(3) The SBA's action is said to

reflect "an unwelcome change in the composition of that body . . ." Unwelcome to whom? Former Editor-in-Chief, now Senior Editor, Ray Bowie, who lost the SBA election by a substantial margin? Clearly, SBA's composition is not "unwelcome" to a majority of the student body.

More offensive than these particulars is your strident and bitter tone. SBA's action — in response to a petition signed by well over 100 students — is called

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## Educational Opportunity?

"unique educational opportunity." For this legal exercise, however, SBA can receive only a C (or is it Q?): Education is only one of the grounds upon which the bus allocation could have been justified, and SBA totally ignored the numerous alternative, and in no way inconsistent, theories upon which to base its ratio decidendi. Not only was the

Albany demonstration educational, it was also quite obviously:

1. *culturally enriching* (Guidelines §302.14(c)(3)(i)), there being many buildings of historical and architectural significance proximate to the demonstration area, their ornate facades available for visual study and observation by the visiting students as they demonstrate;

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Volume 15, No. 13  
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Editor-in-Chief: Dave Geringer

Senior Editor: Ray Bowie  
Alumni Editor: Earl Carrel

Feature Editor: Louise Tarantino

Contributors: Jeff Chamberlain, Ian DeWaal, Gerry Schultz, Carl Heringer, Eric Zaetsch, Robin Skinner, Pearl Tom, Zeck.

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# President's Corner



by Rosemary Gerasia Roberts

One of the most profound features of our legal system that a law student can respond to, is that its creation was not spontaneous and that its growth will never be completed. Rather, our system was and is the result of continuing social, cultural, and moral development. And it will continue to respond to these factors, changing and evolving according to the demands of our society. It is with this insight, and in consideration of a petition signed by more than 150 students, that the Board of Directors of the SBA allocated money to send buses to Albany to observe the direct relationship between social demand and the legislative process.

While the allocation was being considered by Dr. Anthony Lorenzetti, Associate Vice President for Student Affairs, the SBA was informed by Ray Bowie that if we succeeded in having the expenditure accepted, he would attempt to get a Temporary Restraining Order issued against the SBA. In response to this, the Executive Board retained Handschu and Klaf as counsel to defend against such an order in case Mr. Bowie was able to procure one. Subsequently, and despite a letter of justification from the SBA and a reaffirmation of their original resolution, Dr. Lorenzetti refused to process our allocation on a technicality. The merits of our request were never reached.

Pursuant to a directive from the Board of Directors to take any necessary action to see that their allocation was executed, and on the advice of our counsel, the Executive Board then expended \$400 from the SBA photocopy account to send one bus to Albany on Monday, April 28th. This money was not subject to mandatory fee guidelines and there were no internal SBA restrictions on its use.

In taking this action, the Executive Board felt that it was fulfilling a duty not only to the Board of Directors and those students who signed the petition, but to the entire student body. We considered the denial of Student Affairs to process our allocation to be arbitrary and capricious. According to SUNY regulations, when a budgetary request is denied, a Board of Review must be convened to review the allocation and forward its recommendations to the president of the university. The board must be composed of four members appointed by the administration, and an equal number appointed by the organization making the request. This review was not afforded to the SBA. In fact, the Law School's case was never even submitted to President Robert Ketter for his consideration, as was intimated by Dr. Lorenzetti.

The purposes and intent of the SA are not necessarily those of the law school. A law student has both a moral and professional obligation to observe and respond to those factors which influence the very system to which he expects to contribute. The right to determine how this responsibility is to be discharged should not be dismissed arbitrarily, but should be protected and insured.

To conclude, I would like to thank both the Executive Board and Board of Directors for the professional and responsible way they dealt with one of the most difficult issues ever to be placed before the SBA. Have a good vacation!

## The Outside World

by Carl S. Heringer

As pressures grow ant time grows short on the Inside, it becomes harder and harder to find the time to go Outside. Some things do encroach themselves upon one's mind. The cruel Buffalo winter seems to be over; witness the sunlight falling on my typewriter in the early evening. There is even warmth in that light, and green life is beginning to appear. It has been said that this city is a very nice place to be this time of year. It would have to be in order to compensate for the rest of the year.

According to the *Buffalo Evening News*, that all-news radio station will not be coming to Buffalo, as the station owner did not give the go-ahead to those who were planning it.

Due to the vagaries of time and the definitiveness of deadlines, my annual Kentucky Derby survey falls in-between the time of this writing and the printing. That is, the race is this Saturday for me, and last Saturday for you. Did you ever try to break a contract with your bookie? As promised, here's Myles the Magician:

"You dedicated readers won't be reading this prediction on the Derby until after it was run. On the positive side, nobody can blame the prediction for any money lost at your local OTB parlor. You can have some fun though, saying what a fool the predictor was. To the issue at hand.

*FOOLISH PLEASURE* has the best record of the entrants but really has not been dominant in his recent races. He barely won the Wood, was solidly whipped by *PRINCE THOU ART* in his last race in Florida and appeared to be tiring in his first Florida win. *PRINCE THOU ART* and *SYLVAN PLACE* will run as an entry and come from the people who gave us *LITTLE CURRENT* last year. *PRINCE THOU ART* is a closer and will need a fast pace to win.... *SYLVAN PLACE* will probably cut some of that pace along with *BOMBAY DUCK AVATAR* and *DIABLO* come in from California and are really unknown quantities. *DIABLO*'s last race was a "monster" and he is ably ridden by Laffit Pincay. We would rate him the dark horse in the field. *AVATAR* was unimpressive in the Blue Grass and really has shown only one worthwhile performance. Bill Shoemaker will help him. The last major contender is *MASTER DERBY*, who has won two races over the Derby track. The horse is razor-sharp and if the track is muddy his chances are even greater. For long-shot freaks, *MEDIA* might be the best bet.

No horse in the field looks outstanding, but we'll go with: 1. *MASTER DERBY*, 2. *FOOLISH PLEASURE*, 3. *PRINCE THOU ART*. As a cop-out, we are wary of *DIABLO* just on the basis of our ignorance."

# END OF THE BAR

by Jeff Chamberlain

"How to Write Good Without Actually Cheating"

"Though this be madness, yet there is method in't."

— Shakespeare, *Hamlet* (II ii 208)

Another school year is ending, and another baseball season has begun, the latter holding more promise than the former. Due to the prevailing environment, the end of a semester is primarily distinguishable by final examinations. Everyone, it seems, is presumed to know the law except law students and lower court judges. The latter have courts of appeal set over them to put them right. The former are thralls to law professors who tell them what they've done wrong.

Final examinations are examples of the general idiocy of sociological methods. The good-professor (one word, like damn-Yankee) asks Mr. Smith (a student) what he understands to be implied in Rule 10-x-b-7 of the Code of Hammurabi, and its influence on the syncretic evaluation of Regulation 29-376 of I.R.S. Code (1894), Section G — in conceptual terms, of course. Mr. Smith, reasonably conversant with the subject, proceeds to write furiously for three hours, the result of which is gibberish whose incoherence is exceeded only by its illegibility. Great piles of completed bluebooks are then delivered to the good-professor who must spend eighteen hours a day "correcting" them, all the while complaining of the hardship of his lot — as if poor Mr. Smith was responsible for the outrage in the first place.

The end result is a grade which is supposed to reflect Mr. Smith's ability in one petty area of law or another. There have been some slight misgivings as to the accuracy of such a procedure.

Some final examinations masquerade as term papers. Most students have trouble writing term papers because they are stupid. Most students who do not have trouble writing papers are stupid, too, but they do know one thing that their colleagues do not: Since most concepts of law are relatively simple (once you understand them), any ambitious writer must, in self-preservation, prevent the reader from understanding that his ideas are simple, too.

There are several techniques which can be used to accomplish this goal. One is to write a paper so obscurely and uninterestingly that no one will attempt to read it, but will instead genuflect in awe before such erudition. This approach is too subtle

for most professors. A second approach is to write logically, that is, with well-constructed syllogisms. A syllogism, because of its absolute uselessness, always has been of interest to lawyers. Briefly, it is a device for inferring a conclusion from a major and minor premise. The major premise makes a statement about a class of things: for instance, "Not all major premises are true." The minor premise says that the thing with which we are concerned is a member of the class, for instance, "The six words quoted above are a major premise." From this we conclude, "It is not always true that not all major premises are true." Such is the overwhelming capacity of logic to inform us of the realities of daily life that its usefulness in writing term papers cannot be overestimated. It has been repeatedly shown that logic has absolutely no relationship to law, so it is suggested that you use this device sparingly.

A third technique is the typographical trick. The foundation for this gambit is to introduce symbols or abbreviations into your writing. "P" for plaintiff and "D" for defendant are elementary examples. The trick is to slip in the wrong letter. This subterfuge — while admittedly an infraction of the ground rules — rarely incurs a penalty, as it can always be blamed on the typist. In fact, you probably need not stoop to it yourself, as most typists will gladly enter into the spirit of the occasion and cooperate voluntarily. But if, by chance, your argument does not get badly garbled, your reasoning is likely to be all too easy to follow, provided that the reader knows what the symbols stand for. Here, your line of defense is: at all cost prevent him from finding out. Thus, you state in the fine print of a footnote on page ten that the leading case in the field (carefully cited) will "hereinafter be referred to" as "the Smith Case," and then, on page twenty-two, introduce "the Smith Case" out of nowhere. Although your reader will eventually catch up to you, you can further throw him off temporarily by making him think he knows what the symbol-or-abbreviation means. For example, every professor will know "the Griswold case," so you can hold him at bay by heaving into your analysis some other case involving a "Griswold." The poor fellow will automatically start thinking in terms of "penumbras," then begin wondering how rights of privacy get into your paper on corporations anyway and finally discover that all the while "the Griswold Case" to which you referred was an 1861 writ of mandamus.

Speaking of footnotes, a subtle ruse is the "unconsummated asterisk" gambit. Suppose you are

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## Environmental Notes

by Gerald R. Schultz

Buffalo is in a unique position, in many ways. In this city, we have a chance to study and interact with air pollution, water pollution, thermal pollution, land use issues, urban mass transit, and, last but not least, nuclear pollution. There is a nuclear fuel reprocessing plant thirty miles south of Buffalo in West Valley, New York, while nuclear power plants are planned for Somerset, North York on Lake Ontario, north of Buffalo.

The reprocessing plant, which operated in the late '60's and early '70's, has been shut down since 1972. It is owned by Nuclear Fuel Services, Inc., which is owned by Getty Oil. NFS has applied to the Nuclear Regulatory Commission (formerly the Atomic Energy Commission) for licenses to reopen and expand. The Sierra Club and several other groups and individuals have intervened in the licensing proceeding, with several members of the Environmental Law Society assisting the Sierra Club.

Nuclear power is generating an increasing current volume of debate and controversy. In order to give some background to this debate, the nuclear fuel cycle will be outlined and the main issues of the controversy identified.

The nuclear fuel cycle begins with the mining and milling of uranium ore. Uranium oxide is then shipped to a conversion plant where it is converted to

uranium hexafluoride. This compound is shipped to an enrichment plant where the gaseous diffusion process increases the proportion of U-235. (There are only three of these plants, all owned by the federal government. A single plant costs two billion dollars to build. A single plant in Portsmouth Ohio, uses 10% of the electricity used by the entire state of Ohio). The enriched uranium goes to a fuel fabrication plant where fuel rods for reactors (power plants) are made. The rods are transported to the power plant and placed in the reactor core where they generate heat which is converted to electricity. The rods have a useful life of three to four years. After this period of time, they must be removed and replaced. The "spent" rods are taken to a reprocessing plant (such as the NFS plant in West Valley) to recover the uranium and plutonium in the rods, while the other fission products and the radioactive waste created at the reprocessing plant must be disposed of. The uranium and plutonium is reused.

The main issues in the nuclear power controversy are: (1) How to dispose of the radioactive waste material. The Current Energy Research and Development Administration (ERDA) proposal is to store it indefinitely while they attempt to determine how to dispose of it permanently. (2) Reprocessing of the spent fuel. Reprocessing plants contribute far

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## Allocation Denied

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regarding the issuance of a temporary restraining order to block the activity fee expenditure. The suit was withdrawn following Dr. Lorenzetti's favorable decision.

### No limitations

SBA President Rosemary Gerasia Roberts indicated that money from the photocopier account had been spent in various ways during the past years. "There were no restrictions on the use of the account," Ms. Roberts noted.

## Schechtman

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threat to their image and status position in society. Also, professionals are basically skeptical, Mr. Schechtman pointed out, and want to see results before they accept the union.

### Major distinctions

There is one major distinction between the professional union and the blue collar union. The blue collar union is concerned primarily with bread and butter issues such as wages and hours. The professional union, on the other hand, is more concerned with non-economic issues such as self-governing powers for university faculties and client continuity for Legal Aid lawyers. Because of this, professional members may easily be alienated from the union as well, if they find that it is unable to solve non-economic problems.

Additionally, if there is too much emphasis on the financial conditions of employment, the professional may feel that he is being wrongly characterized. As a result, most professional unions are not affiliated with any national organization or union, preferring to be independent and self-sustaining. Although there is more "political clout" with a larger unit, Mr. Schechtman said, professionals have such specific needs and interests that smaller units serve them better. For

instance, in unions of faculty at private schools, the faculties of the law school and the medical school each have their own union. Even though the union may be small, it does have a significant amount of leverage over the employer since the best professionals can always leave and be hired elsewhere, which is not the case with the blue collar workers.

### Professional unions

Mr. Schechtman's firm currently works with unions of professionals including architects, curators of art museums, civil service lawyers, faculties, physicians, interns and residents in hospitals. While there have been strikes carried out by some of these groups, most recently interns and residents in the New York City hospitals, many professionals are hesitant to strike because of the ethical considerations involved. Also, the success of any strike by professionals is critically dependent upon the sympathies of the public for its ultimate success.

Mr. Schechtman is a contributing editor of *Juris Doctor* magazine and wrote the cover story for the November 1974 issue on this topic, titled "The Bluing of the White-Collar Professional."

## Law Spouses Elect 75 - 76 Officers



l. to r. Sally Schermer, Tina Stoufer, Sheilah Rostow, Steve and Roberta Pheterson. Not pictured, Marilyn DeLorior.

New officers were chosen at the Student Law Spouses Association elections at their April meeting at Professor and Mrs. Burgenhal's home. The officers elected at that time were: Tina Stoufer — President, Sheilah Rostow — Vice-President, Sally Schermer — Recording Secretary, Roberta and Steven Pheterson — Treasurers, and Marilyn DeLorior — Corresponding Secretary.

On April 11th and 12th, S.L.S.A. held a plant sale to raise money for the Scholarship Fund. Approximately seventy dollars

was raised and the sale was such a success that plans are being made to hold another sale in the fall.

Coming up is the final business meeting for this semester, to be held May 6th at 7:30 p.m. in the Faculty Lounge. Plans for this summer will be discussed and committees appointed to organize activities for the fall and the upcoming year.

On May 16th, a bake sale and box lunch will be held at the Law School, another fund raiser for the scholarship.

# BALSA Attends National Convention

by Brent L. Wilson

More than 500 delegates from various law schools across the nation convened in Atlanta, a city illustrative of black professional success, for the national convention of the Black American Law Students Association from March 26-29. The setting was uniquely appropriate in that Atlanta is a city with a 50% or more black population, the first southern city to elect a black mayor, and a city which served to give young black students an optimistic look at the possible benefits of their educational rigors.

Appropriately, Atlanta's black mayor, Maynard Jackson, is a senior partner in the successful black law firm of Jackson, Patterson, Parks, and Franklin, and the convention headquarters were at the all-black-owned Paschal's Motor Hotel.

The well-planned convention contained many informative and significant events. On Friday, March 28, a luncheon was held in which Ronald Davenport, the black Dean of Duquesne Law School, was the principal speaker. The luncheon was held in the Morehouse College dining facility which is a part of the historic Atlanta University system. The system, which consists of Morehouse College, Clark College, Spellman College, Morris Brown College, Interdenominational Theological Seminary and Atlanta University, is laden with significant contacts with people who have influenced the black experience in the United States, including the late Dr. Martin Luther King, Jr.; Maynard Jackson, Julian Bond, Howard Moore, and W.E.B. DuBois.

On the closing night of the convention, a benefit was held for the defense of Jo Anne Little. Karen Galloway, who is representing Ms. Little in the controversial case, was the principal speaker. The grass-roots approach of the speaker and what she called the serious miscarriages of justice in the United States, the State of North Carolina and the

Little case in particular made anybody concerned with balancing the scales of justice reassess their current position and to direct their future efforts toward a more positive commitment. The Rev. Martin Luther King, Sr., made a dramatic and moving appeal to all people to dedicate themselves to the realization of his late great son. An aura of dedication and commitment permeated the surroundings at this, the convention's final activity.

Other activities of the convention included several seminars ranging from access to health care (an in-depth analysis of the recent sterilization scandal, a constitutional right to health care, a national health care plan, and litigation in the health care area) to litigating with a Law School (a survey of the continuing struggles by law students against racism in admission, grading and living practices at various law schools).

There was also a job placement and career planning program in which law firms, legal aid agencies, government agencies, and corporations participated and recruited at the convention. Recruiters included the Central Intelligence Agency, American Telephone and Telegraph, Standard Oil of Ohio, and the Legal Aid Society of Birmingham, Inc. This is in no way an exhaustive list of the recruiters present, but can give one an idea of the diversity of the groups represented.

Other distinguished participants in the convention included representatives of the Gate City Bar Association, the National Bar Association, the National Conference of Black Lawyers and the Black Law Professors Association.

The convention consisting of regular business sessions, election of national and regional officers and social gatherings ended with a commitment by all present to return to their respective schools and become actively involved in the reversing of the current trend in the acceptance of and graduation of fewer black people from law schools.

## SBA Refuses Recognition

Prior to consideration of the 1975-76 budget requests, the Student Bar Association voted on April 18 to table indefinitely, and in effect kill, a request for recognition made by a newly-established student group, Law Students For Equality Upon Merit.

The organization claimed in its constitution that it stood for the proposition that the law school and legal profession should treat students without consideration of race, sex, or other accident of birth, and that it opposed affirmative action or any ideology which denigrated individual merit.

Several weeks before, the same group had submitted a constitution for a male Law Students Association, which was rejected. Submitting a constitution as Law Students For Equality Upon Merit, the group hoped to fare better in the SBA,

feeling that the organization's name now merely described its philosophy.

Upon a motion by SBA 2nd Vice-President J. Glenn Davis, however, the recognition request was tabled indefinitely without debate on the request itself. SBA director Mark Linneman, a supporter of the new organization, requested that SBA at least debate the propriety of the group's philosophy if that was the objection to its recognition, but the motion to table passed by a substantial margin.

SBA must approve the constitutions of all newly-established organizations so that they can function within the law school, seek an office, or request a budget. Supporters of Law Students For Equality Upon Merit alleged that never before had SBA denied recognition to a student group. The organization pledged to strive again for recognition when conditions in SBA were more favorable.

## Abortion Symposium Attacked

An exchange of memos last week kept alive a controversy in the SBA as to whether the Student Bar Association should fund an Abortion Symposium next year, as the Women's Law Association (WLA) and the Abortion Symposium Committee traded charges on whether the Symposium was biased against the pro-abortion position.

Two weeks ago, the SBA voted to provide \$500 to the Abortion Symposium Committee for panelists' honoraria, and another \$500 should the Committee secure additional funding from other University sources. The Women's Law Association had lobbied against the allocation, both at Budget Committee hearings and again at the April 25 SBA meeting where it was passed.

In a memorandum circulated to SBA directors last week, the

WLA urged SBA reconsideration of the allocation and demanded that WLA be given either the right to decide upon one half of the panelists for the symposium or have an "equal say in developing non-discriminatory criteria" for selection of panelists. They asked for an immediate freeze on all symposium arrangements until they were afforded this participation.

The memorandum also charged that the Symposium Committee was "closed to any democratic decision-making and has lost the trust of the WLA," had misrepresented having certain consultations, and was "dangerously motivated by misogyny." The WLA asked how it, "the recognized student organization whose ongoing purpose is to defend the rights of women," could trust that a

pro-abortion viewpoint would be presented when "women have not been given the right to choose conference participants."

Members of the Symposium Committee, which is organizing the event, are Mark Zehler, Karen Gorbach, and Howard Stirling.

The committee responded to the WLA's memorandum with a memorandum of their own, in which they denied the allegations of misrepresentation; and termed that WLA's charges were "a personal affront." The committee also explained efforts it had made to represent "a stronger pro-abortion viewpoint" on the panel and welcomed all input.

At the SBA meeting of May 2, the SBA completed action on the 1975-76 budget, except for *Opinion*, without any reconsideration of the Abortion Symposium coming to the floor for discussion.

## Bleicher: Human Activity Safe for Planet

by Robin Skinner

Professor Samuel Bleicher of the University of Toledo Law School spoke recently on the topic of regulation of internationally shared environmental resources. Several goals were mentioned by Prof. Bleicher, including the use of the environment to improve the standard of living, the protection of the environment, the protection of human health, and the preservation of the environment for beauty and recreational purposes.

In controversies, nations also hope to achieve a settlement that will be acceptable to the other countries which share the resources. It is important too, that plant and animal species not be allowed to become extinct, since it is not yet known which of them are vital to the ability of this planet to support life. The priority which one assigns to these various goals depends greatly on the level of economic development which a nation has reached.

### Concepts adopted

Since the current upswing in environmental awareness, some basic concepts have been adopted for use in planning the regulation of resource utilization. There must be limits on the use of resources, either because the resource itself is limited and non-renewable, or because there must be time for the resource to renew or regenerate itself. It is desirable to preserve some resources for use at some other time in the future. Since the use of resources must be limited, the uses that are allowed and desirable at this time must be shared by the interested nations. There may be an actual sharing of the resources, or one nation may make some form of payment to others for the right to use more than its share of the resource.

Once the goals have been established, Bleicher noted, the question arises whether the international legal system operates to achieve those goals either in the short run or the long run. Guidelines for the environmental obligations of nations have been set out in the United Nations Declaration on the Human Environment in the Helsinki Rules and the Stockholm Principles. Bleicher indicated that since the international legal system relies heavily on negotiated settlements, extreme and self-serving principles are often articulated by the nations involved. Often, these extreme positions serve the immediate interests of the nation espousing them, but they are not long term solutions, and they can easily be turned around to the detriment of the originating nation. The Harmon doctrine is a prime

example of this. In that case, the United States claimed that it had no obligation to Mexico to insure the reasonable cleanliness of the Colorado River before it flowed into Mexico. Later, when the United States was objecting to pollution in the Columbia River as it flowed from Canada into Washington, the Canadians argued that under the Harmon doctrine, they had no obligation at all.

### Environmental damage

The Stockholm Principles state that the use made by any nation of an international resource must not damage the international environment. Compensation must be paid by the nation making use of the resource for any damage that results from that use. The compensation required may be either economic, environmental or both. The Helsinki Rules, rather than dealing with the problem of existing injury, are directed to the formulation of a plan of shared, non-injurious use of limited resources known as equitable utilization. Each nation is entitled to its fair share of the use of the resource. Ideally, there is no inherent preference of one use over another. However, non-use is subordinate to active use and an existing use often gets preference over a new use.

There is a basic problem with equitable utilization in that the final division of the resource and the type, location and degree of use of the resource are not usually the same as would be arrived at if one nation controlled the entire resource. It would be desirable, Bleicher said, if there could be an international comprehensive plan for the development and use of shared resources. The needs of the sharing countries would be considered with facilities located at ideal sites. The nations would then share the products of the resource. Carrying out this type of arrangement would be extremely difficult at this time, since the channels for transfer of the products or payments for use are poor or nonexistent. Protection of the environment requires that the condition of the whole be considered before any action is taken. For this, Prof. Bleicher suggested the use of experts and the submission of a document similar to an Environmental Impact Statement before changes are made in the use of the resource.

### Change suggested

We need a fundamental change in our attitude toward the environment, Bleicher suggested. Where in the past we attempted to make this planet earth safe for human beings, we must now aim to make human activity safe for the planet.

## Moot Court Consolidates Gains

If there was a theme that pervaded the Moot Court Board's activities this past year, it was one of consolidating the gains from past years' experience, and making that experience pay off by working hard to achieve respectable success in this year's endeavors.

In September, 1974, the Moot Court Board was the largest it had ever been, with approximately 20 members. At the same time, the Board anticipated participating in five national and regional competitions, including two that had been entered for the first time the year before.

In order to insure better preparation for the upcoming national and regional competitions, the Board instituted a two-pronged program to improve briefs and oral performances. The first part consisted of assigning two Board members to edit the rough draft brief of each competition team. After editing, the competition team was required to rewrite the brief into a final form. The key to the project was that the editors were not to be members of the competition team, nor were they

to have done any research in the area. In this manner, the arguments were sure to be clear, concise, and understood quickly by judges both familiar and unfamiliar with the subject matter of the brief.

The second stage consisted of requiring a competitive run-off between the members of each competition team in order to determine which two members were to be selected to orally argue at the competition. Teams were instructed to contact both faculty members and area attorneys with expertise in the subject area in order to have them act as judges for the competition. In several cases, Board members who edited a particular competition team's brief were also required to act as judges in the run-offs.

Other Moot Court Board activities included:

### The National Competition

In its best showing in several years, the Board's National Competition team finished third out of eleven teams in last November's regional at Cambridge, Massachusetts. Buffalo defeated Suffolk Law

School and the University of Connecticut in the first two days of the elimination competition, before losing to a strong Cornell team in the semifinal round. Buffalo's brief was also third out of eleven, with 93 out of a possible 100 points.

### Desmond Competition

For the second consecutive year, the Board broke records for student participation in the Charles S. Desmond Moot Court Competition. Twenty-four teams, the largest number ever, competed in last fall's competition. When the briefs were in, the oral arguments began in earnest. Each team argued one practice round in front of a panel of three Board members, who critiqued the oral performances and offered suggestions on how the arguments could be improved. The following week, each team argued once per evening for three consecutive nights, and all teams were required to switch sides at least once.

The top two teams advanced to the final round on November 23. The final round panel consisted of

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## Many Panels at Int'l. Law

by Pearl Tom

Panel discussions and lectures on several different areas of international law were held at the American Society of International Law's annual conference in Washington, D.C. from April 24-26. Students from the International Law Society of this Law School were among those attending.

Some of the topics covered were quite timely. A panel on "International Law and the Food Crisis" covered the recently held World Food Conference and the Budapest Conference on Population Control. Participants discussed the accomplishments of each of these world meetings and the work that remains to be done. The panel indicated that while the world hunger situation has improved somewhat, a crisis still exists and cannot be overlooked. Food aid is still desperately needed. A system of grain reserves needs to be established, along with a means of insuring distribution of those reserves to those who really need them when the time comes. As a long-term solution, a dramatic increase in production of food is needed if the problem is to be genuinely solved.

There already have been problems in the distribution of food aid. In some nations, domestic authorities have held some of the food in storage, where it rots. Some of the food is stolen and sold on the black market, thus defeating the purpose of the aid which is to get free food to the starving. Several suggestions were made as to what could be done in the cases where food was being used as a political weapon. (Such use of food is a war crime according to the Geneva Convention.) A proposal was also made that courts should not grant sovereign immunity to offending nations. The basic conflict is one between the human right to food against the domestic right to self-determination. One method of assisting poorer nations in their importation of food is to let those nations include their food needs as an element in trade negotiations, and allow them to export more goods in an effort to offset the costs of importing food.

### Relationship recognized

Both the Food Conference in Rome and the Bucharest Conference recognized the relationship between the population explosion and the food crisis in the statements which they adopted. The Bucharest Conference recognized the right of each family to extensive information on population control and warnings on the dangers of population explosion. The World Food Conference adopted a similar statement without dissent just a few days after the Holy See reiterated its anti-birth control position. While it is readily acknowledged that volunteer population control may be too slow in achieving results, the question was raised whether compulsory birth control might not be a violation of international law and the Bucharest Conference, which reaffirmed the right of each family to decide the number and spacing of its children. One proposal indicated that nations donating food might require the recipient nation to show good faith efforts to limit or halt population growth. In all of these instances, public support is vital. To maintain that public support, it is necessary to show that it is in our own national self-interest to pursue this problem and solve it.

### Changes sought

Another panel discussed "Women's Transitional Privileges and Disabilities," which acknowledged that the changes sought by the women's movement are extensive. Although the Equal Rights Amendment cannot change personal biases, its value should not be minimized. The panel declared that it would be useful as a "battle weapon" and will provide leverage to accomplish further goals. It is necessary that there be constant progress in the movement, no matter how small the steps, the panel indicated. Without some progress, the frustration would be uncontrollable. "Separate but equal" was quickly rejected as a satisfactory solution, although one panelist did indicate that it might be one step in the process of achieving the goals of the movement.

### Proposals outlined

Several proposals for methods of caring for children while allowing a woman to maintain her job were outlined. Paid maternity or parent leaves with continuing job security were thought by the panel to be insufficient, since a woman would still not be able to reach the upper echelons of the business world because top positions are viewed as requiring long term, focused and uninterrupted attention. Child care centers are of some assistance, although they do not deal with the problem of daily household chores. It was also suggested that work done in the home should be counted as a unit of labor and compensated accordingly, either through income or tax breaks. It was further proposed that grandparents or other able elderly persons could be used to care for young children, thus solving two current problems. The young parents would be free to pursue their careers and the elderly would have responsibility that would help overcome their feelings of uselessness.

### Honesty needed

Honesty in foreign policy was also the theme of Kingman Brewster, President of Yale University, in his speech at the final dinner. Brewster indicated that the U.S. can no longer have its own way in the world. The United States must be willing to make compromises with other nations if it is to come anywhere near reaching its goals. The interdependence of nations has made it necessary for us not only to be willing to make compromises, but to

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## Environmental Notes

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more radioactivity to the environment than the power plants. (3) Transportation of the nuclear materials. While in transit, accidents will occur, perhaps resulting in a release of radioactivity. The material might also be stolen. (4) Persons might attempt to sabotage a nuclear facility or steal nuclear material from such a facility. (5) Because of the possibility of theft, hijacking and sabotage, vastly increased security measures (more police and guards) will have to be instituted. (6) Worker Safety. Workers at several points in the fuel

cycle will be exposed to high levels of radiation. (7) The safe operation of power plants and the consequences of a major accident. Proponents say chances of such accidents are infinitesimal. Opponents say that, if such an accident did occur, would you want a nuclear power plant near where you live? (8) Net Energy. There is evidence to suggest that if many nuclear power plants are built in a short time (i.e., twenty years) they will actually consume more energy than they generate. (9) The Capital cost of nuclear plants is increasing by leaps and bounds. The nuclear power industry

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## Moot Ct.

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Judge Charles S. Desmond, Chief Judge, and Judge Matthew J. Jasen and Professor Ken Joyce, Associate Judges. The winner was the David Clegg-Chris Sterner team, both first year students, and the runner-up was the team of Carolyn Pasley and David Ross. The Pasley-Ross team also received the best brief award, while Gene Reibstein, a second-year student, was named the best oralist.

### The Niagara Competition

The Niagara Competition, scheduled for the first week of February, was somewhat of a problem this year. The due date for the brief was at first January 17, then January 24, both of which collided with the Law School's final exam dates for the first semester. A late start by the sole Board member working on the competition, Scott Slesinger, also hindered our participation this year. Board candidates were used to fill the gaps, with candidate Allan Mantel eventually accompanying Slesinger to Cleveland, Ohio as the team's other oralist. Arguing anonymously in this competition,

as required by the rules, the team lost a close match to the University of Toronto and suffered a not-so-close loss to another opponent. Since the competition was based on double elimination rounds, the second loss was the end for the team. However, Buffalo's brief, written and researched perilously close to and during final exams, ranked fourth among the field of competitors.

### The Jessup Competition

Elimination rounds for the Jessup Competition were held on January 24th and 27th of this year. Each individual presented the case for both sides at least once, arguing a total of four times. As a result of the competition, Ray Bowie, Gene Reibstein, and Mark Hellerer were selected to represent the Board at the Regional Competition in Syracuse on March 14th and 15th.

At Syracuse the team compiled the second highest oral score and garnered the second highest point total for their briefs. The team lost only one round during the competition to Harvard in a split decision. The Jessup team finished second overall to complete a highly successful competition for the Board. The host team, Syracuse captured first place by virtue of having the best brief score, best oralist, and highest oral scores.

## Turn of the Screw

by Ian DeWaal

This, if all goes well, will be the last column under my byline. Chris Carty, currently in the first-year class, will take over the column and my position of financial aid advisement next fall.

For those students graduating this June, it is time to arrange for the repayment of all those loans you have been accumulating during the last seven years. If you have a National Direct Student Loan (NDSL) you are required to schedule an "exit interview" to arrange for the terms of repayment. Please call Ms. Charlene Cadmen at 831-2041 in Hayes A, Office of Student Accounts.

If you have a NYHEAC loan, you will be contacted within nine months of graduation by your lending institution to arrange for repayment. Please be advised that there are arrangements possible to postpone repayment if you are unemployed. You must specifically request this, in order to avoid defaulting.

Last week, this column mentioned that PAD minority fellowships were available. Unfortunately, I misread the advertising brochure. These fellowships are available only for students entering as freshmen next year. If you know any entering freshmen in the minority program, could you tell them about this fellowship. Information is posted outside the mailroom.

The Graduating Class of 1975  
Faculty of Law & Jurisprudence  
Cordially Invites the Law Classes  
of 1976 and 1977 to our  
Commencement Exercises  
Sunday, June 8, 1975  
8:00 p.m., Kleinhans Music Hall  
Reception following in Mary Seton Room

## ALUMNI LINE

by Earl S. Carrel

Another year is drawing to a close and this is the last column for this school year, basically because this is the last issue of *Opinion* for this year. A number of things have happened since last time out, so no arrows, just bits and pieces of news.

Several weeks ago, Richard Schwartz announced his resignation as Provost and Dean of the Law School effective at the end of the next academic year. "Red" has been a driving force behind the development of the school. A tremendous amount of criticism was directed toward him when he came to Buffalo as the first non-lawyer to head a law school in this country. Most of the flak was unjustified. As a former student, now an alumnus of the Law School, I can appreciate what "Red" Schwartz did for this school. He is not the greatest teacher of law, but he has a unique ability to motivate a student to see that law is more than statutes and cases. He was and is a good administrator and will be an asset to the Law School by staying on as a member of the faculty.

I still haven't received an open letter to the Alumni from Judge Johnson, but I did receive a short note from him containing some good news and some bad news. The good news is that the Board of Directors of the Law Alumni Association has voted to donate \$500 to assist in defraying the costs of a reception to be held after commencement exercises on June 8, 1975.

The bad news comes in two parts. First, the board authorized an expenditure of \$300 to cover the expenses of obtaining jurors for the finals in the Trial Technique program. This is a waste of money. For years, jurors were drawn from among undergraduates and freshmen law students. No expenses were paid and the students were often eager to participate. Now, with a large number of undergraduates in close

## Federal Tax Z

by Gerald R. Schultz

One of the most frequent criticisms of people who propose change is that they only tear things down, not offering any constructive alternatives. Thus, the purpose of this column is to offer specific suggestions for changes in the federal tax system, in the tax code itself. I have criticized the code, the system, and the way Tax is taught at this school. The following is what I think should be done. Much of the following is embodied in greater detail in the Tax Justice Act, proposed by the National Committee for Tax Justice.

9. Eliminate the use of generation shipping trusts.

10. Use the estate and gift tax to break large concentrations of wealth.

11. Eliminate the tax exemption for state and local bonds. Tax the interest yield as ordinary income. In place of tax-free bonds, the federal government will subsidize the state and local bonds by paying part of the interest rate.

12. Change the Social Security Tax (FICA). Under the current tax structure, a person earning \$13,200 pays \$772.50 in tax — the same as a person making \$50,000. I would exempt low income people and tax middle and upper income people progressively.

In contrast, consider Chase Manhattan's six point economic program:

"1. Provide sufficient inducements for an ever-growing base of personal savings.

2. Establish more realistic guidelines for depreciation allowances.

3. Give preferential tax treatment for retained corporate earnings used for investment purposes.

4. Ameliorate our relatively harsh treatment of capital gains compared with that of most other countries.

5. Stabilize our fiscal and monetary policies to prevent violent swings in the economy.

6. Eliminate unnecessary controls. And do away with outmoded government regulations and agencies that restrict our FREE MARKET ECONOMY."

Is what is good for Chase good for us? The next time you hear someone say there is no rich and powerful class in the U.S., think twice.

## Eminent Scholar to Speak at Graduation

Soia Mentschikoff, Dean of the University of Miami School of Law, will be the guest speaker at the 86th annual Law School graduation on June 8. Dean Mentschikoff also did significant work in the areas of arbitration and international business transactions, being a member of the U.S. delegation to the Hague Conference on International Sales in 1964. She has written numerous articles on various topics and in 1969 published a major work on Commercial Transactions, and is currently the President of the Association of American Law Schools.

In 1947, Ms. Mentschikoff was the first woman ever to be invited to teach at the Harvard Law School, and from 1951 to

1974, she taught at the University of Chicago Law School. During these years, Dean Mentschikoff also did significant work in the areas of arbitration and international business transactions, being a member of the U.S. delegation to the Hague Conference on International Sales in 1964. She has written numerous articles on various topics and in 1969 published a major work on Commercial Transactions, and is currently the President of the Association of American Law Schools.

proximity to the Law School, it should be even easier to recruit jurors, regardless of the fact that the trials will be held downtown in Erie County Hall. Perhaps the reason for the funding is that virtually all instructors in the Trial Technique program are Alumni. An additional point can be made that since Trial Technique is a credit-bearing academic course, any funding should be coming from the state and not from private sources.

The second part of the bad news is that the Board decided not to fund the *Opinion* Journal. This appropriation has been hanging in the fire for a number of months and because of the delay, work on the journal of articles submitted by students has progressed to the point where publication is to occur in May. In order to make up the cost differential, non-paying alumni subscriptions will be eliminated from the mailing list of *Opinion*. To some extent, this amounts to *Opinion* cutting off its nose to spite its face, in that the alumni will be even more reluctant to fund something which they don't get to see, but as Ray Bowie and Dave Geringer tell me, you have to scrimp someplace. Perhaps, the unnecessary Trial Technique money could be put to a different purpose.

There is still no word on a program of Continuing Legal Education, but I do hear rumors that the Placement and Career Development Office has aided the job situation for graduating Law School students.

The Student Bar Association has launched an investigation into the policies of the Editorial Board of *Opinion*. I'm a member of the board, but I have to work for a living so I'm not around often enough to know what's happening. As far as I can tell, they're wasting their time with an investigation that is not only useless, but illegal as well.

Keep those cards and letters coming in, folks. See you in the fall — I hope.

# Int'l. Law

- continued from page 5

live with them happily, and even to encourage the making of them. Only in this way can we continue at our present standard of living while at the same time enabling the rest of the world to attain that level as well, Brewster concluded.

## Third world strategies

The "new rich" countries are an important element in any discussion of world economic strategy, concluded the seminar entitled "Third World Strategies for the Development of Economic Power." Carol Plumb, of Equitable Life Assurance was the moderator, accompanied by four panelists. Michael Gordon of the University of Florida College of Law, Charles Okolie of Lewis University College of Law, Peter Talderman of the International Finance Corporation, and Mr. Jose Valdez from the State Department served on the panel.

Mr. Gordon stressed that the most effective strategy of a third world nation would depend upon commodity sales, as in the case of raw materials instead of agricultural products. Professor Okolie added that third world nations must avoid market destruction and price fixing of indigenous trade goods by foreign business monopolies.

According to Mr. Talderman, the focus is shifting away from traditional notions of capital sources, as for example England and Switzerland, and moving toward the OPC countries. It is yet to be settled what OPC countries intend to do with their newly obtained monies, whether they will continue to support the World Bank or turn elsewhere. As a consideration it was noted that OPC countries have vast amounts of money, but that their individual development is still relatively low.

Mr. Valdez concluded the panelists' presentations by offering three questions for third world economic strategy analysts: 1) how homogeneous is the third world?, 2) will the newly-emerged third world political strength (i.e., as evidenced in the UN) also mean successful development strategy or will it be counterproductive?, and 3) what plans are there for third world development programs by the wealthier third world nations for their not-so-wealthy brothers and for their own ground root development?

Discussion in the seminar entitled "Covert Intervention and International Law" centered upon U.S. involvement abroad. Speaking in general terms, chairperson A.A. Fatouros of Indiana University School of Law described "covert intervention" as a deliberate act on the part of a country through the actions of secret agents to provide material support, either in military wares or technical advice, for the immediate goal of providing and supporting power in the hands of one faction, or else removing power. Secrecy is essential to the quality of covert intervention.

Richard Falk of the Center for International Studies, Princeton University, panelist, expanding upon Mr. Fatouros' description of "covert intervention," specified that in the case of the U.S., all countries outside the Communist block had some type of covert intervention within their borders, programmed according to the U.S. alignment of political sympathies. Pointing to the activities of the CIA, Mr. Falk queried as to the apparent dichotomy in U.S. behavior, when on the one hand the declared U.S. foreign policy advocates one style of behavior and ideals, yet on the other, through its covert intervention, is in actuality supporting a contrary polity. As a result, he said, foreign opinion sees the U.S. as a hypocrite and responds only vaguely to U.S. objections against covert action on the part of other nations.

Focusing on the impact of foreign policy in domestic matters, Mr. Falk suggested that the U.S. should adopt a foreign policy that could be told to its people. The reason for covert intervention in U.S. foreign policy, he said, is because it is impossible to trust people with the truth when the truth is so different from normative U.S. values. In conclusion, he felt, it is ridiculous to believe that covert intervention outside of the U.S. will not carry over and be practiced within the U.S.

## Aliens in U.S.

Active discussion arose in a well-attended seminar concerning the "Alien in the United States." Panel members were Jack Wasserman and Charles Gordon, lawyers in Washington, D.C., Sam Bernsen, General Counsel, U.S. Immigration and Naturalization Services, and Maurice Roberts, formerly chairman of the Board of Immigration Appeals, Department of Justice.

Bernsen briefly described an overview of the immigration system. There are two procedures for immigration, one for the Eastern Hemisphere, and one for the Western Hemisphere. In both cases, immediate relatives to U.S. citizens are allowed preferences. The two differ, however, in regards to numerical ceilings and exceptions of immigrants. Mr. Gordon emphasized in his talk the problems stemming from illegal aliens, the greatest being that concerned with Mexican aliens. He suggested as a solution to the illegal alien problem better enforcement of laws which would discourage employers from hiring illegal aliens, as in the recently enacted Rodino Act.

The deportation procedure was the theme of Mr. Wasserman's presentation. There are over 700 grounds for deportation under the Immigration Act, and there is no statute of limitations, therefore violations of the immigration law can apply retroactively. Aliens can seek discretionary relief to ward off deportation, and review of deportation orders is available.

Addressing the subject of constitutional law as applied to aliens, Mr. Roberts opened his remarks by stating that the aliens in the U.S. have more rights than aliens in other countries. He said that aliens are recognized as "persons" under the 14th Amendment, and are thereby entitled to full rights as U.S. citizens, and through a series of cases in

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# Letters to the Editor

## "Uncontrolled Ranting"

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"a boondoggle," "incredible," a "wasting of student funds," "foolish," "arrogant flaunting," an attempt "to dissemble," and "cavalierly repressive and discriminatory." Particularly galling are the accusations that SBA members who supported the trip were untruthful or deceptive. Your editorial fails miserably to support these charges.

As I think over my own budgetary priorities for the SBA, it strikes me that paying to print this kind of uncontrolled ranting is a very low one.

John Stuart

## Educational Opportunity?

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2. recreational (§302.14(c)(3)(ii)), for it is a fine and healthy thing to walk about in the brisk Albany clime, inhaling the clear fragrant breezes which, cleansed by Lake Champlain far to the north, waft gently down in a southerly flow;

3. social (id.) - no telling what friendships will form, blossom, and be sealed during the long and wearying bus ride to and fro the state's capitol;

4. tutorial (§302.14(c)(3)(iii)), for God knows these bourgeois dullards are in need of some consciousness-raising;

5. athletic (§302.14(c)(3)(iv)) (see recreational, supra) - what's good for the mind is good for the body.

No, education is but one aspect of this multi-hued endeavor. Viewed in its total context, with full interplay allowed to the many penumbras and umbrellas intrinsic to the trek, the activity is so conceptually bright and variegated as to bedazzle the judicial mind into nothing less than an awe-struck "uh-huh."

Rhetoric aside the educational argument deserves little more than contempt. The guidelines set out an exhaustive list of activities which may be funded by mandatory fees; the category of political activities is conspicuously absent. It is not my contention that all activities which involve politics are therefore impermissible; I claim only that activities which are essentially political, and whose educational aspects are in comparison either nil or non-existent, are prohibited. Lobbying, as well as campaign contributions, fall into this category. SBA, perhaps taking heart at the ballooning history of the commerce clause and various enabling provisions, wishes to inflate the term 'educational' to the point where its rubbery limits vanish from sight; in short, it wishes to make the term meaningless. Now, it would be one thing if SBA could have been honest about this tactic, but honesty appears to be one of the few things for which SBA has no room in its budgetary heart. Rather, SBA chose to embrace the

pretence. It posted huge signs asking people to reserve seats for the "educational trip to Albany" (educational underlined twice); its leaders spoke of how law students would specifically benefit from the intellectual experience (those undergrads, on the other hand, being too dumb to catch the subtler points of picketing). If it was hard to keep a straight face listening to this drivel, it was just as hard to keep a straight face delivering it, because it all came out sounding like that "educational ha-ha elbow in the ribs i kid you not trip to wisdom-dripping Albany." How many credits do we get for going?

Guidelines and education aside, how did SBA decide to spend money for an Attica demonstration? Was there a referendum even more short-lived and invisible than the much whispered-about Calendar Referendum? Did SBA Treasurer Kathy Novak reach out to the collective pulse of the law school, which I suppose hovers thirteen feet above the library rotunda, and measure its beat on this issue? Did SBA President Rosemary Gerasia Roberts stick her head into one of the huge snack bar garbage bins, stir the contents with a constructive wand, and magically read our hearts from the juxtaposition of orange rinds and chicken wing bones? Did 2nd Vice President J. Glenn Davis receive a beatific vision (blazing clenched fist with fleur-de-lis on blue) while passing under the Youngmann? How did they decide? ("Well, you see we took this vote, you know, and it was 13 for, 6 against, and uh... uh... we had a mandate, I guess...")

Now SBA speaks of taking all steps necessary to defend its right to spend its own monies. Remember that these are folks who just a few weeks ago went around pleading for candidate petition signatures and election votes; just plain old folks scrambling for the privilege of serving their beloved student body. Now they're suddenly monied patrons whose rights are being infringed. A two bit tax

collection agency is suddenly a self-righteous, self-supporting, constitutionally-protected American citizen. How so? How is it their right, other than for the fact that the guidelines spell out just what they can do with the fees? How is it their money, other than for the fact that the Trustees saw fit to let them in on the act? No, these aren't the crimes of a victim of injustice; they're the shrieks of a disgruntled bureaucracy, a collective monster which no sooner gets into office than it stops pleading "support me, won'tcha won'tcha?" and starts yelling "gimme gimme gimme!", which has no conception of human action other than thinking that if it isn't funded it won't happen, which creates walking cogs for whom a vast panorama of soft secure career niches will be ready and waiting upon graduation. Yes sir, right here in our very own SBA office are the post office clerks, civil service leeches, legislators and public executives of tomorrow; a big hand, ladies and gentlemen...

Now the bureaucracy is angry. It finds that not only does the student body not unswervingly love it, but that some of those untoward sentiments have the audacity to find their way into print. SBA-funded print, for that matter! Rather than keep a stiff upper lip and pretend it never read these nasty scribbles, rather than rest content with a printed response, SBA throws a fit. A budgetary fit. The *Opinion's* allocation has been held up for re-consideration, much like Gerry Ford announcing that American policy towards Israel is up for re-assessment. Mazel-tov!

And mazel-tov for the rest of us as well. While the Albany trip may arguably have taught us a little, last week's SBA episode undoubtedly taught us a lot. In fact, I'd say last week literally oozed educational tidbits for students to lap up hungrily. And it didn't cost a cent. It was, as those clowns in room 504 are so fond of saying, a "learning experience."

Sam Kazman

## Environmental Notes

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now receives massive government subsidies. Without these subsidies, would nuclear power be cost-competitive?

Even proponents of nuclear power state that it is needed only for about the next thirty years, because other energy sources (i.e., solar or fusion) will then be available. Yet some forms of solar-home heating and cooling are available now, as are other alternative energy forms. Furthermore, if we as a nation made a concerted effort to conserve energy, we could save as much energy as nuclear power would provide.

### \* Alumni Subscriptions \*

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## Int'l. Law

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the Supreme Court, rights of aliens have been recognized to include due process rights, right to work. The current trend is toward allowing aliens to receive welfare and public benefits.

### Refugees on parole

In the question and answer session following the panel discussion, an explanation of the Vietnam and Cambodian refugee situation was offered. It was explained that the Asian refugees will be admitted on a "parole" basis pending completion of necessary papers and procedures. The "parole" status has been previously used in the Hungarian refugee situation. Under special legislation, a right to work has been extended to persons with a parole status who would otherwise not qualify to work under existing law.

### New directions in trade

"Commodities" was the key word in the panel entitled "New Directions in International Trade Policy." Chairing the panel was Stanley D. Metzger, Georgetown University Law Center. Panel speakers were John Leddy, former Assistant Secretary of State for European Affairs, Lawrence Krause of the Brookings Institution, John Rehr, formerly General Counsel for the Office of the Special Representative for Trade Negotiations, Richard Gardner of Columbia University Law School, and David Steinberg, U.S. Council for an Open World Economy.

Beginning the panel discussion, Mr. Leddy recommended the formation of a new international trade council in order to achieve greater freedom of trade. Mr. Krause, looking into the actual trading that takes place, suggested emphasizing commodity trading as being the most vital issue.

From the U.S. interest in trade, Mr. Rehr suggested that the 1974 Trade Act was indicative of a U.S. protectionist attitude, that it is more in favor of a restrictive trade behavior and is essentially against national foreign policy.

Robin Skinner of this law school, was elected secretary of the Association of Student International Law Societies at its annual business meeting held during the conference. Other officers elected were Logan Robinson, President, Harvard School of Law; Bill Raymond, Vice-President, University of Virginia School of Law; and Jim Lewellyn, Treasurer, University of South Carolina School of Law.

In addition to the ASIL program, the student section presented a selection of films and workshops. A multimedia program of films and videotapes was featured throughout the duration of the ASIL conference and included presentations on human and women's rights, the law of war and Vietnam, the multinational corporation, and the environment. Questions of organizing and strengthening school participation in ASILS, and hosting and planning regional Jessup International Law Moot Court competitions were discussed in the workshop entitled "Running a Student Society." In the workshop called "International Legal Careers," representatives from various areas of international law spoke on employment suggestions and information.

### Jessup Competition

The 1975 Jessup Competition was the major thrust of the ASILS participation in the ASIL Conference. It was the culmination of an international competition that began last September with the distribution of the competition problem to schools in the U.S. and twenty other nations. Attending the semi-finals of the competition were nine U.S. regional winners and ten foreign teams, while a team from Cuba participated for the first time as observers.

In the final round of the competition, Judge Arthur Goldberg, former Justice of the U.S. Supreme Court, Karol Wolfe, professor at the University of Wrocław (Poland), and Robert E. Stein, Director of the North American Office of the International Institute for Environment and Development, heard Georgetown University and Cambridge (England) argue the competition problem. In a close contest, Cambridge was declared the winning team.

## Playoffs Out

With their postseason tournament hopes ended, the baseball Bulls were intent upon finishing their season with a nucleus to build next year's squad around. Improvement must be shown if the Bulls are to go anywhere.

The revising of the NCAA's playoff format raises a question as to whether a good Bull team would have been able to reach the District II tournament this season. Now, Districts I and II have been combined into Region I as the NCAA has switched the tournament groupings from eight districts to a like number of regions. The net effect is to increase the number of southern and western representatives to the College World Series.

In each of the last two years, two independent squads have been chosen to complete the field in the District II playoffs, leading to Buffalo's inclusion two years ago. The Bulls joined Seton Hall, Temple and Penn State in 1973, with St. Joseph's taking Temple's place and St. John's replacing Buffalo last season.

Both Temple and St. Joseph's represented the East Coast Conference (formerly the Atlantic Coast Conference), the only conference which had an automatic bid to the District I playoffs. Now, both the East Coast Conference and the Eastern Intercollegiate League (Ivy League plus Army and Navy) possess automatic bids. Harvard, which won the Eastern Intercollegiate title in each of the past several seasons, has gone to the District I playoffs in the past, leaving another spot open in District II for an independent squad. The Crimson will now take up another slot in the new Region I.

In addition, the winner of the Metropolitan Conference (New York City area) has usually been invited to the tournament. The selection of squads from the East Coast Conference, Eastern Intercollegiate League and the Met Conference would leave only one position open for several powerful District II independents (Buffalo, Penn State, St. John's, Pittsburgh, West Virginia, plus all the District I non-conference teams. As a result, the Bulls must have both an exceptional squad and a spring of good weather to rate any chance for the playoffs in succeeding seasons.

## Sudden death

by Dave Geringer

Several months ago, the Athletic Department lost a golden opportunity to improve the overall athletic program by dropping a request for an indoor ice rink when the state cut back funds for the new campus. As a result, the hockey program at Buffalo remains in suspended animation, while students are deprived of a valuable addition to what is supposed to be a first-rate athletic facility when and if it is finally completed.

While the Amherst Campus slowly takes shape, rinks have sprung up like blades of grass at other units of the State University system. Oswego, Buffalo's archrival, has had a campus rink for several years. This year, Brockport, a team that the Bulls have soundly thrashed in every meeting, joined the fold.

Several state schools were able to obtain rinks even though they did not possess a varsity hockey squad. Both Cortland and Plattsburgh iced teams for the first time this season, after rinks were built on their campus. Additionally, Geneseo is expected to begin a hockey program in October.

While other schools prosper, Buffalo withers. The Bulls just finished their third-year in Cheektowaga's Holiday Twin Rinks, a relatively new facility that is several miles removed from either campus. Buffalo moved to Holiday three years ago, buoyed by the fact that they had attracted standing room only crowds on several occasions at their old location, the Amherst Recreation Center.

Twin Rinks, which seats 2812, was supposed to be filled with nearly 3000 fans at every Bull home game. For the first time ever, Buffalo contests would start at a reasonable time (7:30 p.m.) in a heated enclosure (The Rec Center was often as cold as the parking lot outside): Buffalo looked forward to many promising years in Cheektowaga.

However, the Bulls' fortunes were to plummet like the stock market during the depression. The Bulls no longer played before 1000 mad fans in a cold rink at 10:15 p.m.; giving them a home ice advantage few of their opponents could match. Instead, their games were played before 1500-2000 passive fans in Cheektowaga, patiently waiting for the game to end so they could get their free one-and-one-half hours of skating. As a result of the free skating, the Bulls were one of the few teams to have some of their fans arrive at the end of the games.

As the Bulls' on-ice fortunes slipped, the fans vanished. Several games at Holiday Twin Rinks this past season drew crowds at or below the attendance in the "old days" at Amherst Rec. Students, who wished to attend games and weren't on one of the few buses sent by the Student Association or Inter-Residence Council could only drive their cars to get there, and the soaring price of gasoline undoubtedly convinced more than a few potential fans to remain closer to home.

Next year, Buffalo is slated to shift their home contests to the Tonawanda Sports Center in North Tonawanda, at least twenty minutes from the Amherst Campus and a half hour's journey from Main Street. The crowds will certainly continue to dwindle, continuing the vicious cycle which will see the hockey Bulls' stock plummet even further.

Of course, a campus rink would benefit students in many other ways. The ice skating course currently taught by hockey coach Ed Wright, which has a limited enrollment due to the fact that it is allotted one-half the ice surface at the Amherst Rec Center in its only section, could be expanded so that many other students could benefit from it. Student free skating, currently limited to an hour or two after selected home games, could take place at various times during the day when the rink is not in use. The need to rent outside facilities for hockey and skating would be obviated, saving a large expenditure each year. Unfortunately, the many benefits of building a campus ice rink will most likely be ignored for years to come, perpetuating a policy that can only be termed as stupid.

## End of the Bar

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writing about a case of impleader. You use D<sup>2</sup> to represent the third party defendant, thus tricking the reader into looking for footnote "2". There isn't any, of course, but by the time he has decided that, he has lost his place and has to start over again. The other side of the asterisk ploy is to use a subscript as a key to a real footnote. The good-professor reads "D<sub>2</sub>" and tries to figure out where the impleader action came from, until he reads to the bottom of the page, finds footnote "2" and says "oh."

But by far the most successful device is to leave out several paragraphs of analysis and for them substitute the word "hence," followed by a colon. This is guaranteed to stop even the sharpest professor cold, for he will have no idea how you got hither from hence. In the case of a truly obdurate professor, you might substitute the word "obviously" for "hence," since your reader will not

be likely to show his slowness of reason by admitting that he can't see something "obvious." "Intuitively obvious to even the most casual observer," while it has a nice ring to it, is generally thought to be gauche.

Postscript: For the seniors who are graduating.

Every mornin' about this time she gets me out of my bed a-cryin' "Get a job." And after breakfast every day she throws the want ads right my way and never fails to say, "Get a job." And when I get the paper, I read it through and through; and my girl never fails to see if there is any work for me. Then I go back to the house, I hear the woman's mouth preachin' and a-cryin', tells me that I'm lyin' about a job that I never could find.

(Sha na na Sha na na na ba-doom...)\*

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## Opinion

and UNIVERSITY PRESS

Wish the Student Body

Good Luck on Exams,

Success in Employment,

And a Happy Summer!