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### Suffolkate, Vol.1 No.2

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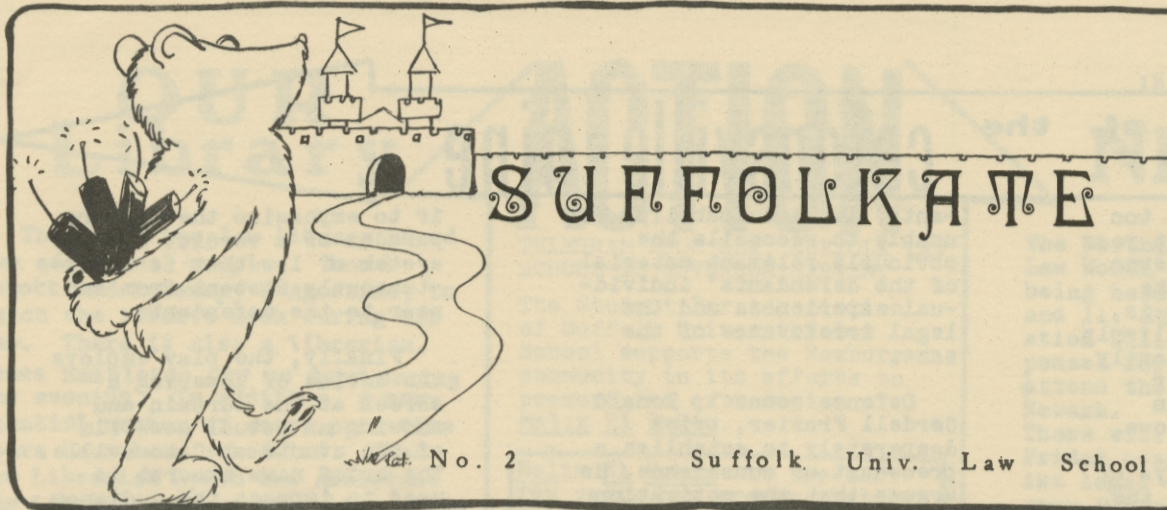
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No. 2

Suffolk Univ. Law School

NOW

# BLACK OUT

AT SUFFOLK



By now all of us should have at least recognized that there is little involvement in the legal profession by minority groups. That Blacks, Chinese-Americans, American-Indians and the Spanish surnamed are in fact under represented is no revelation - the organized Bar has repeatedly acknowledged the problem and is implementing a variety of programs to alleviate the existing inequity. One such program is right here in Boston: the "Minority Scholarship Fund" of the BBA yearly collects over \$30,000 for minority students in the 6 Boston law schools.

Suffolk's recent curriculum referendum proved our student body has the unique distinction of being more conservative than the Bar. How unique is our attitude toward minority admissions when compared to other law schools? Since the largest numerical minority are blacks, the following is a list of some other law schools percentages of Black enrollment as of 1969-1970.

Univ. of Calif. (Berkely)	4.4%
Univ. of Calif. (Hastings)	1.0%
Univ. of Conn.	1.4%
Yale Univ.	8.7%
Catholic Univ.	3.7%
George Washington Univ.	3.0%
Univ. of Chicago	2.8%
Univ. of Maryland	3.8%
Univ. of Michigan	2.0%
Rutgers Univ.	10.0%
Cornell Univ.	2.0%
Columbia Univ.	6.0%
N.Y.U.	4.5%
Univ. of Pa.	3.4%
Villanova Univ.	1.5%

Next, and more important, the percentages of the Boston Law Schools:

Boston Univ.	3.5%
Northeastern	
Boston College	3.3%
Harvard	6.1%
New England School of Law	.5%
Suffolk	.006%*

(all figures taken from the June 1971 issue of "The Student Lawyers Journal")

We don't seem to be on that proverbial bandwagon, do we? The percentages of minority students is an accurate reflection of today's law schools flowering social consciousness; our standing in this area could hardly foster an image of Suffolk as keeping up with current trends in legal academia.

Just because everyone else is doing it is admittedly no reason for Suffolk to adopt a minority recruitment program. Along with it being in our self interest, (no matter how enlightened), there is a transcending reason for increasing minorities involvement in law: it is essential for the very survival of our society.

To understand why this is, it is necessary to understand why minorities haven't joined the legal profession. The primary reason, of course, is that it costs a lot of money to go to law school. This has caused de facto discrimination against the economically disadvantaged who couldn't afford to extend their non-productive periods for three more years. Even if they could afford the often substantial tuition payments, only the rich can afford the opportunity-cost of lost income in becoming a lawyer.

Like it or not, racism has existed in law just as in other professions. We can only imagine the subtle forms of racism that even now discourage Blacks from entering law. So instead of becoming lawyers, educated minorities have embarked on safer careers in teaching, government, and the ministry.

Both of these factors converge in a general disdain for the practice of law. A case in point is the Black community. The legal institution is viewed with distrust and often open hostility because it is viewed as a

Journal

## JUSTICE ABORTED



Florence Kennedy, a black woman lawyer, gave a talk at B.U. a few weeks ago. Florence's rap was about and for women, and here are some of the highlights: A woman in Florida was tried and convicted of manslaughter because she had an abortion. According to Florence, the detectives came into the jail after they arrested Shirley Wheeler, carrying the aborted fetus, screaming nice things like, "this is your child," and "look what you've done." Perhaps that isn't true, but Shirley did have a nervous breakdown, postponing sentence until recently. By that time Shirley's cause had received publicity and some pressure must have been felt by the Judge sentencing her. This is evident by the strange disposition she received: a suspended prison term AS LONG AS she married the man she had been living with or return home to her parents. Equality of justice? Shades of the old folk song, "Sad is the fortune of all woman kind - she's always controlled, she always confined; Controlled by her parents until she's a wife, and a slave to her husband the rest of her life." It goes without saying women are not prosecuted in the other states; not at all. They are simply not allowed to have abortions. Florence also quoted a state senator, Joe Ward from Fitchburg, (who is known as a "Liberal") that he wasn't going to allow some girl who "gets herself knocked up" in some motel room have an abortion. Well - that called for a few jokes about the girl checking into the motel and performing major miracles. But quite seriously, that sort of politician has to be done away with. That statement evinces a firm belief that women do not matter in the political world. No self-respecting politician would make that sort of derogatory comment about any minority.

It seems odd to refer to these women. I don't know by  
Con't pg. 2

# the trial of the catonsville nine

While it is perhaps too presumptuous for a first year student of the law to even attempt a comment on the subject of the law, it is, nevertheless, his peculiarly strong desire to constantly do so. Thus, the proper indulgences having been begged, a comment follows.

From the initial days of this experience termed the study of law, it has been overtly apparent that one of the chief purposes of that experience is to formulate a rational, argumentative, investigative and objective point of view. To perform within certain formulaic patterns of logical thought; to "make sounds like a lawyer" in speech are among the many qualities extolled as the signposts of the development of a law student. Qualities that are held as the operative necessities of the vast American legal system are the subject of Daniel Berrigan's surprisingly moving play, The Trial of the Catonsville Nine, presently enjoying an indefinite extension at the New Theater on Holyoke Street in Harvard Square.

The play is precisely as the title would lead one to believe. It is a reconstruction of the trial of Daniel Berrigan, his brother, Philip, and seven others accused of burning draft files at Catonsville, Md., on May 17, 1968.

Daniel Berrigan is both author and commentator as he assumes the role of a narrating character who walks between the significance of the events as a whole and the strength of his own personal feelings. And while the rational, argumentative, investigative and objective man would coolly remark that the play is clearly intended to exhibit the point of view of Daniel Berrigan alone and as such should be disregarded as an overly subjective view of the events, even he must admit to the strength of Berrigan's point of view.

James J. Sloyan is the legally embattled priest who reiterates the events of the trial in a semi-documentary fashion. The various defendants move between three witness stands as they relate the powerfully personal motivations for their actions at Catonsville amid incessant objections by the Government's prosecutor, Harold Scott. Each of the defendants tells of his reasons such as work in South America among the peasant population; missionary experiences in the poverty areas of the world as well as religious and social work within the poverty areas of the United States. The testimony is constantly attacked as irrelevant to the crime charged until the audience, clearly aware of the defend-

-ants' legal culpability, is unable to reconcile the obviously relevant material of the defendants' individual experiences and the legal irrelevance of the same.

Defense counsel, Ronald Gerdell Frazier, tries desperately to establish a precedent of conscience. He argues that the motivation of the defendants cannot possibly be divorced from the acts of those same persons while the trial judge, Mr. Alexander Reed, argues for the necessity of the continuance of the society as dependent upon the maintenance of an objective system of law. And it is through this debate that the pen of Daniel Berrigan reaches its highest achievement of the play.

After testimony is taken and the jury has retired to consider its verdict (the jury being made up of members of the audience who actually sit on stage in the jury box and weigh the evidence), the true issue of the play is exhibited through argument. Asking for any remarks from the defendants, the judge engages in an argument that clearly reveals the true thrust of the play with all its ramifications.

Daniel Berrigan is to be credited with giving the judge an excellent argument which is not only substantially tenable but intermittently eloquent as well. The playwright is to be credited for it is here that he could have directed the argument to support his own point of view rather than a true representation of the problem.

The response from the defendants, chiefly Daniel Berrigan himself, results in a conflict of immense proportions. The defendants argue that they in fact were acting in defense of the lives of those who may die in a senseless war and in that defense it was necessary to destroy the weapon of the government, the draft files. The trial judge answers that they cannot expect to act contrary to the promulgated position of the society as a whole because of personal feelings and expect impunity. For such an allowance would result in utter chaos with men being responsible only to themselves and not the sustenance of society. The argument rages between these two points of view: a legal system qualified by conscience and a legal system abstracted from the personal standard and placed on the pinnacle of a socially abstract ideal.

The result is a verdict of guilty for each of the nine defendants delivered over an intercom system as

if to emphasize the bizarre paradox of a verdict and system of law that is simultaneously distant from and near to the defendants.

Finally, the play employs the device of lowering a screen at the curtain and showing an actual newsfilm of the events at Catonsville. The brief news excerpt is used to impress the audience with both the immediacy and reality of the issue. The play is intended to relate an ongoing reality; an immediate reality and an immediate experience in the life of a committed priest.

Excellent performances are turned in by Sloyan as Daniel Berrigan; Daniel Berrigan as David Darst; Alexander Reed as the trial judge struggling between the force of personal misgivings and a conflicting faith in the legal system of which he is an integral part; and lastly, by Harold Scott who plays the rational, argumentative, investigative and objective prosecutor, concerned only with the definition of the crime, the acts of the defendants and the compliance between the two.

Robert Blackburn suffers from moments of over-acting and frequently threatens his role with an abrasive self-righteousness. His portrayal of Philip Berrigan is a bit self-confident and he would do well to be aware of the possible alienation of the audience as the cost of projecting a white knight image.

John DeMaio should not go unnoticed for his quietly powerful portrayal of John Hogan: the defendant of few words but such feeling.

In the final analysis, the play is presenting the duality of a legal system; the other side of the coin. Whether or not an objective system should be tempered by allowances for conscientious violations is a question for the audience to wrestle with. Playwright and dissident priest, Dan Berrigan, has presented his feelings as well as the validity of the "other side" as he says in a quote from a speech delivered in Los Angeles in August of 1970 (found in the program):

"... I would have you think, too, of all us Catonsville Nine who had at one time sat in your seats, that is to say, led your life—spectators at events, crises, dramas, which we neither initiated or carried forward. You will witness all of this tonight and will judge for yourselves of our folly and our hope."

# OUR Library

This year the law library hired two additional people, David Abbott and Rosemary D'Agostino, to watch the reserve desk during the day. There is also a librarian, James Hambleton now on duty during the evening. In addition, a substantial number of extra part-time hours have been scheduled. Head Law Librarian Lynch and Assistant Law Librarian Brown have hired this additional help as part of a campaign to upgrade the quality of our library. Right now new reporter series, state law series, periodicals and research series are being ordered and the formidable job of registering and shelving these books, as well as other gift books, has begun.

The most glaring shortcoming of the library still remains the seating inadequacy. But this is also being dealt with: it now appears that the library will be dramatically enlarged in the future.

As a showing of good faith and in their genuine attempt to improve the library, the librarians have promised to purchase any titles recommended by the SBA, including horn books, reference series and case books. All that a student who knows of needed books has to do is give the book title (and publisher if possible) to his SBA rep and he will do the rest.

All this brings us to our role in creating a better library. No one wants reserve books. The reason we all must suffer this inconvenience is simple: if they are left on the open shelves they are taken by our closet rip off pigs. Yes fellow students, respectors of the law, we steal them to keep for our own private use, a very uncollective action. A few years ago the Mass. Practice series was placed on the open shelves and was clean gone after 3 weeks. Because of a genuine intention to serve students as well as they want to be served, the librarians have promised to again try to place a copy of the Mass. Practice series on the open shelf. If this experiment works we could place more and more books on the shelves and eventually eliminate the need for a reserve desk at all. Is this blind optimism or can it work? The answer depends on us and only us. We must begin to take an active interest in what is ours. It is imperative that we are considerate of others, and at the same time police our fellow students and come down hard on those among us who steal and defile the tools of our trade- OUR books.

Bill Grant

# ACTION

TELEGRAM FROM SBA, SUFFOLK LAW SCHOOL TO GOVERNOR SARGENT

The Student Bar Association of Suffolk University Law School supports the Roxbury community in its efforts to prevent the extradition of Malik El Hakim.

Malik El Hakim in the last few years has proven that he is a part of the life blood of Roxbury and a creative force in a decayed community. To extradite him would be another example of a miscarriage of justice. We urge Governor Sargent not to foster this miscarriage and to let Malik El Hakim go back to his community, his people and his important work.

(In addition to this telegram SBA has sent a \$100 check to the Malcolm X foundation in Roxbury where Malik was a director and also was instrumental in co-ordinating a drug rehabilitation program in the community.)

Most of you are probably vaguely aware of this situation. Malik is accused of rape and assault in Missouri, a state which he fled while on parole.. It is insisted that Malik left Missouri because of the master-slave relationship which exists between the former prisoner and the parole officer. A tragic element of the whole case is that if Malik goes back to Missouri and is found innocent he is still in jeopardy of life imprisonment because of parole violation.

Malik has already spent 16 years in jail. What is the purpose of a correctional system? Is it rehabilitation? Revenge? Racism? Will prison do more for Malik or the people of Roxbury than he is already doing? We don't need nor desire to have the very individuals who are daily battling our problems, while we read about LAW, to be dragged off to a rotting prison system

We hope that the lily white student body of Suffolk Law follows the example of SBA and sends letters and telegrams to Gov. Sargent. Some reports indicate that only black support has been voiced for Malik and therefore Sargent hasn't responded. It is in this and similar cases of vital importance to the black community, where so-called white liberals and progressives usually fail to do anything. Justifying a common belief in the black communities that whites talk a lot but do very little.

At present, Sargent seems willing to allow the extradition to take place. But no politician will fail to act if the voters shout loud enough. Usually there are only a few yelling. Perhaps you are too busy studying law to do anything right now. Perhaps in a few years when a new Malik is being victimized you will respond. But then again you may be too busy with your law practice.

Bill Bennett

# NEWS

The Northeastern Regional Law Women's Conference is being held on December 10 and 11. Student Bar Association will be funding expenses for three women to attend the conference in Newark.

There will be an address on Friday evening by a feminist legal theorist, a workshop Saturday morning on the united action on the law school's responsibilities on sex discrimination in hiring and a workshop in the afternoon on women in prison

Contact S B A for more information if you are interested in attending this conference.

The SBA is sponsoring a lecture and question-answer period by Senator William Proxmire on Thursday, December 9, in our auditorium. This will be open only to law students to insure a direct and relevant exchange. An interesting time is guaranteed to all.

Seven teams comprise the Law School Intramural Football League as it enters its third week of the season. After resolving problems common to all newly formed leagues, such as the lack of a football field and adequate equipment (footballs, stopwatch, sideline markers, etc.), the availability of referees and credibility, the games have been played smoothly and without incident.

The games, played on the softball field at Boston Common, consist of two twenty-five minute halves of running time except for the last two minutes of each half when the clock stops for incomplete passes and out of bounds plays. Each team has five downs to score a touchdown worth six points. Extra points are worth one point and are attempted from the five yard line.

The officiating at the games, while at times subject to accusation of abuse of sound judicial discretion, has improved considerably in the latter games, especially since the introduction of the reasonable man doctrine to settle disputes.

If the weather remains agreeable, it is hoped that every team will play six games, or every other team once. At the conclusion of the season, the first and second place team will meet for the championship. Members of the winning team will receive either Mickey Mouse watches or free tickets to the SBA Prom.

Standings as of 11/11/71 are:

Carbolic Smoke Balls	2-0-0
Zeroes	1-0-0
Jingles Boys	1-0-0
Royal Screws	1-1-0
Swine	0-1-0
Shysters	0-1-0
Pro Bono	0-2-0

Check the bulletin board outside the SBA Office for announcements.

James & N. Biscaglia

# black

white system. And how could it be viewed otherwise when law in America is, in fact, white: only 1% of our profession is black, while 11% of America is Black.\*

But does all of this conquer your gut reaction of "screw-'em - they don't like us, we don't have to go to them"? If it doesn't, don't lament what is becoming apparent more and more as a general erosion of the rule of law, for it is of your making. As long as substantial groups of Americans feel that they aren't represented in the existing legal system, they will take Justice where they can find it: in the streets.

## NEXT ISSUE

The rationalization for why there are not more minority students at Suffolk goes something like this: All the qualified people apply to the better known schools where they can get plenty of financial aid. What about all the graduates of Boston State, Northeastern, the Community colleges and Suffolk itself? They are a source of potential community lawyers and the recruitment costs would be minimal. And Financial Aid: What did Suffolk do with the five minority scholarships from the Boston Bar Association last year? What about the \$35,000 in federally insured loans?

While we're at it, what exactly are our admissions policies here? Who sets the policy? How we can change the situation? All in our next installment. Bill Grant

Rumour has it that amongst the staff of the Suffolkate there are numerous commies and perverts. (Editor's note: there are no commies on the staff.)

The Suffolkate needs new blood. What is published reflects the personal views of those who get together to put this paper out. If you want to contribute, meetings are held Fridays at 3 P.M. in Room 14.

## WORKERS

Ed Englander	Bill Simon
Frank Foerster	Gene Gillin
Jerry Howe	Bill Grant
Jayne Tyrrell	Kat Brennan
Dennis Derrick	Bill Bennett
Lenny Polletta	Francine Vidockler
Carole Megarry	Jim & Nancy Bisceglia
	R. Groomer



# ABORTED

their first names. But some women (author included) have come to resent classifications of marital status when addressed. Women have been second class citizens for so long there is no objective language.

FRANCINE VIDOCKLER

## WOMEN'S PERSPECTIVE

"Why are you in law school?", is a question so commonly asked of the women at Suffolk. It is so hard to accept that a woman want a legal education and career? The reality of the situation is the male students and professors have not accepted this concept.

In class the women sit in groups and the men sit together. But it is much more than just the sitting together. It is how these men act when they do approach women. They walk up to women, put their arm around them and give them the wink. When engaged in conversation most of the remarks the men make have sexual implications. Intellectual discussions are saved for their "equals". A general immaturity is prevalent among the males as evidenced by snickering and laughing at any sex crime mentioned in a casebook.

Some of the professors don't help the situation when they inflict their own

prejudices on the students. They constantly use hypotheticals referring to women portrayed as prostitutes, mistresses and adultresses.

There are professors who do not acknowledge the existence of women in their classes. When reading down a class list women's names are ignored. Whether this is done subconsciously or intentionally, it is wrong.

The women of Suffolk would like to see more women admitted to school next year and more male students associating with females on a professional level. It would be unfair to suggest that male law students cannot be of substantial help in bringing such changes about. Males are victims of circumstance only insofar as they accept their circumstances. It is possible for them to deal honestly with the oppressor within themselves to begin changing the deeply rooted psychology of sexism and treat women in and out of Suffolk Law School as equals.

Each of the above sections will be expanded upon in the next issue.

Jayne Tyrrell

## LOUIE: 1 law student

After spending two weeks feverishly researching cases and articles, and talking to professors and administrators Louie came to the conclusion that guidelines for the exercise of students rights were never definitively set down. Frustrated, Louie descended 20 feet to the lowest level of the law library stacks to ponder the problem. As he settled into one of the libraries comfortable slat chairs he noticed a dusty pamphlet crumpled between two old copies of a text on Wills - How to Avoid Probate. Picking up the booklet Louie read the title - Code of Students Rights and Responsibilities. Two minutes later the thought immediately flashed in Louie's mind that this might be what he was looking for. He noticed that the pamphlet was compiled by the Law Student Division of the A.B.A. Louie knew the reputation they had as being a hot bed of inertia. Notwithstanding these initial fears Louie began reading the booklet. He immediately noticed the dissimilarity between it and Templeton's own extensive code [§ 7 of the Student Handbook]. The L.S.D. code, especially proposed for universities and law schools, set down guidelines for the regulation of the exercise of student's rights. It included provisions for: Bill of Rights, Campus Organizations, Publications - Freedom of Speech, Proscribed Conduct and Procedural Standards in Disciplinary Proceedings. Louie thought that Templeton could easily adopt the Bill of Rights if not the entire code and he quickly copied that provision down.

### Bill of Rights:

(1) Enumeration of certain rights shall not disparage other rights held by students as members of the student body or as citizens of the community at Large.

(2) Free inquiry, expression and assembly are guaranteed to all students.

(3) Students are free to pursue their educational goals.

(4) Right of students to be secure against unreasonable searches and seizures.

(5) No disciplinary sanctions may be imposed without notice to the accused of the nature and cause of the charges, fair hearing, right to confront witnesses against him, and the assistance of a person of his own choosing.

(6) Student is entitled to a hearing before a judicial body composed solely of students.

Ecstatic over his find Louie decided to share it with his fellow students. He ran outside the law library and approached a couple of students who were discussing the likelihood of no-fault criminal law. Louie showed them the copy of the Bill of Rights and asked them why Templeton couldn't use it instead of section 7 of the Students Handbook. They said that they didn't give a shit if the students had any rights as long as they got their diplomas at graduation. Notwithstanding this enthusiastic response Louie went to talk to the members of the S.B.A. He proposed that the S.B.A. adopt the code. They were very receptive to his proposal however, the likelihood of the code being instituted simply because the S.B.A. backs it is very unlikely. To quote S.B.A. representative J. Groovy Liberal, "S.B.A. has about as much power in Templeton Law School as a busboy in a Howard Johnson's." In order to get the code adopted there has to be support from the Student Body as a whole. Is there anything that can be done to make the S.B.A. or the Student Body a more powerful entity in Templeton University Law School.

Len Polletta

