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## Res Ipsa Loquitur

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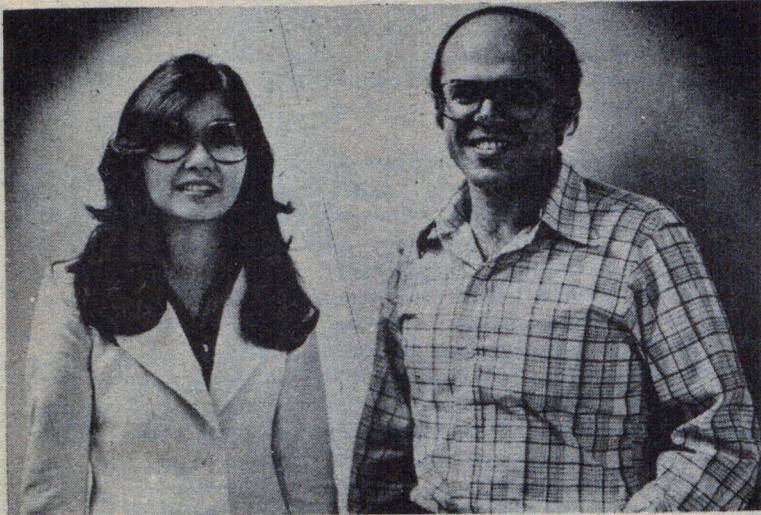
Seton Hall University School of Law, "Res Ipsa Loquitur" (1977). *Newspapers*. 126.  
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# Res Ipsa Loquitur

Volume 7 No. 6

SETON HALL LAW SCHOOL

May 9, 1977



JACQUELINE WONG AND BERNARD WISHNIA

## Seton Hall team wins national tax competition

Night students Jacqueline Wong and Bernard Wishnia won top honors at the National Tax Moot Court Competition in Buffalo, New York on April 23.

The Seton Hall team was one of fifteen entries in the competition sponsored by the State University of New York for the past four years. It is the only tax Moot Court Competition in the country.

This year's problem involved a corporate officer illegally granting a price differential to a company customer in order to postpone the payment of a gambling debt due the customer from the officer.

The problem required the student participants to write a brief for either the Government or the taxpayer and to argue both sides of the case before panels of judges. The primary issue was the taxability of the \$60,000 diverted to the corporate customer.

Miss Wong who is from Hillside and Mr. Wishnia who lives in West Orange briefed the Government side of the question. They argued both sides through the four rounds of competition.

The judges for the final round included U.S. District Court Judge John Elfvin, U.S. Court of Claims Judge Louis Spector, Professor Albert Mugel of Buffalo

Law School and Mr. Stephen Miller, Regional Counsel of the Internal Revenue Service.

Professor Eric J. Byrne of Seton Hall Law School was the team advisor.

The Seton Hall team beat Wake Forest in the finals and American University in the semi-finals.



**MOOT COURT WINNERS**-Thomas Lahiff and Maureen Garde were the winners of this year's Moot Court Competition. They narrowly defeated Allyn Lite and Robert McAndrew in the final round. The topic this year centered on the Fourth and Fifth Amendments. The judges in the final round were Leonard I. Garth, Third Circuit Court of Appeals, John Francis, Retired N.J. Supreme Court Justice and United States District Court Judge Clarkson Fisher.

## Mitchell to bypass faculty ; Hermann may be new dean

The in-again, out-again status of Donald Hermann, Dean...is apparently in...again.

A final decision has not been made but Academic Vice-President Peter Mitchell will probably introduce candidate Hermann to the University Board of Trustees this week to seek its approval.

Donald Hermann, thirty-three years old, a Professor of Law and Associate, Dean at DePaul Law School in Chicago, was the only candidate put before the faculty by the Dean Search Committee.

According to previous agreement a two-thirds approval by the faculty was needed before the candidate would be forwarded to Dr. Mitchell. His confirmation was expected. Hermann fell three votes short of the two-thirds requirement though; receiving fifteen for and ten against. Two faculty members abstained.

This left the Law School without a Dean for the next term, as the Dean Search Committee

had previously rejected approximately twenty-five other candidates. After the vote, it was generally believed the Law School would have an Acting Dean for a year. This may still be the case.

However, Dr. Mitchell appears to have waived the two-thirds requirement and will present Hermann to the Board of Trustees.

Dr. Mitchell does not think he is going over the faculty's head. He said that the Dean Search Committee made the recommendation and that it represented a broad cross-section of faculty opinion. He added that a two-thirds requirement was not absolute and that a simple majority was the general rule in these matters.

Dr. Mitchell has already met Mr. Hermann, who along with two other candidates was brought in for an interview last month. He reportedly favors Mr. Hermann and was said to have remarked to a rejected applicant from the Faculty, here, that he hoped he would still vote for Mr. Hermann.

That particular faculty member didn't. But his and the other eight votes in opposition touched off a faculty fracas, that soon spread into student view.

It began with the Dean Search Prof. Robert Diab chaired the Committee, which included Professors Ahmed Babulia, Eric Byrne, Mark Denbeaux, Leroy Fykes and William Garland.

Many faculty members felt that after a semester long search the Committee would present three to five candidates to the faculty for approval. Only one was offered. The Dean Search Committee felt that Mr. Hermann was much superior to any of the other candidates. However it was a split committee that voted to send a single candidate forward.

As a result many of the nay voters felt they were presented with a fait accompli, and that the Dean Search Committee had

elevated itself to the Dean Selection Committee.

Some faculty members also thought that Mr. Hermann was not qualified, despite an impressive resume. He is, after all, only thirty-three.

Still others felt that the committee had not searched hard enough. That it adopted a passive wait-and-see role instead of actively pursuing attractive candidates. It was commented that top-notch people in sensitive positions do not apply for jobs. Instead they must be carefully approached and wooed away.

It was also posited that a young and inexperienced dean could be easily controlled by a faculty faction.

Yet, in fact, the Dean Search Committee did advertise for applicants and put in long hours reviewing resumes and interviewing candidates. They apparently felt, as did the letters of recommendation, that Mr. Hermann was a top-flight candidate. It seems that Dr. Mitchell agrees.

The rejection sparked the ire of the faculty members in support of Hermann. Accusations rang through the faculty hallways tolling tales of betrayal and self-interest. Finally a list of nine faculty members who voted against Hermann was circulated through the building and posted on the bulletin board. The list mentioned those of the nine that were rejected for a spot they were voting to fill. Unflattering remarks concerning the academic accomplishments of the nine also appeared. The faculty members listed, now known as the Newark Nine, were Profs. Bershad, Clancy, Holton, Carey, Ventantonio, McQuade, Slowinski, Wefing and Dean Lynch.

The tactic, backfired, though, as most students thought the list

See New Dean Page 4

## Report charges discrimination in faculty hiring

Seton Hall University Affirmative Action Officer, Aaron Campbell, has leveled charges of racial discrimination against the Law School regarding its selection of new faculty members...

In his April 19th "Report of an Investigation of the Selection Procedures of Faculty at The Seton Hall University School of Law", Mr. Campbell said that recently rejected Black applicants for faculty positions here have grounds to establish a legal cause of action against the law school. He added "There is sufficient evidence to make out a prima facie case of racial discrimination under Title VII of the 1964 Civil Rights Act."

The report also warned that the Law School could only over-

come this "presumption of discrimination" by articulating legitimate reasons for the rejection of each of the Black candidates. He continued "Unless the Law school can meet its burden of proof, I shall conclude that the selection procedure is discriminatory and therefore must be modified to eliminate items suggestive of employment discrimination before that procedure is utilized again to select faculty members."

The investigation stems from complaints of irregularity made to Academic Vice-President Peter Mitchell by unidentified law school faculty members concerning the selection process.

At the March 8, 1977 meeting,

the faculty selected two candidates of the eight put forth by the Faculty Recruitment Committee. There were also two nominations from the floor. The two selected were Wilfredo Caraballo and Sandra Hanneken Johnson. Of the rejected applicants four were Black. The faculty reconvened in special session on March 15. At that meeting the faculty approved Denise Carty-Bennia to fill an additional position if the budget allowed. She is Black. According to Campbell's report, the faculty members who contacted Dr. Mitchell "disavowed" the charges at this meeting.

The selection procedure begins with the Faculty Recruitment Committee. Campbell



WILFREDO CARABALLO

said that he was satisfied that the procedure followed by the FRC did not have an adverse effect on minorities.

However the report did find fault with the interviewing of applicants by faculty members and the actual vote at the faculty meeting on March 8. It also said that the policy of nominating candidates from the floor "should be eliminated".

After the recommendations of the FRC were revealed each faculty member had the option to interview the applicants. Campbell said of these interviews, that they were subjective evaluations of ability "at best" and that no uniform standards or criteria had been

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**MOOT COURT DIRECTOR**-Second year student Kathy Marsh will be the Moot Court Director for the 1977-78 School year. She replaces Anne Babineau. The position carry a full tuition scholarship plus \$2,000 stipend.

## Discrimination From page 1

developed to assess the candidates. He recommended the establishment of a uniform scoring procedure.

### THE BALLOT

The faculty vote normally consists of two ballots. The first ballot requires candidates to receive two-thirds faculty approval to advance to the final round of selection. However at the March 8 meeting only two candidates received the necessary two-thirds approval while one, Miss Carty-Bennia, fell one vote short. Thus the second ballot was unnecessary.

Campbell comments "What practical purpose is served by the two-thirds requirements rule on the first ballot? It seems to be a useful tool in preserving the status quo. The requirement may be useful in a country club or social club's membership selection procedure but does not seem to be a lawful practice in a faculty selection procedure of a law school. Unless the law school can articulate legitimate and non-discriminatory reasons for the two-thirds vote requirement, it should be eliminated."

In reference to the special Meeting of March 15, the report stated, "It is evident that many of the faculty members voted without an understanding of Title VII and Affirmative Action rules and regulations".

### ADVERSE EFFECT

The report next considered whether the selection procedure "adversely effected" the employment opportunities of the minority candidates. It concluded that it did for Black candidates. Because no Blacks were selected at the March 8, meeting the report avers "Based on the results ... each Black candidates (sic) had 0% chance of employment". He did not explain how chance of employment, which exists only before selection, could be computed by results, which only exists after the selection.

The report also explained "Someone may raise the issue of the small number of candidates

(10) being statistically an unfair sample on which conclusions can be drawn. However, such an argument will not suffice. If one reviews the employment history of the law school, he will find that only two Blacks have been employed as full time faculty members, none above the rank of assistant professor and never more than one employed at a given time."

As a result of this "adverse effect", the report urged the law school to present evidence of the validity of the selection process or eliminate the conditions suggestive of employment discrimination.

### TITLE VII

Regarding the action for "prima facie" discrimination, under Title VII the report notes that a complainant must carry the initial burden of persuasion to establish a case. This might be done by showing: 1. that he belongs to a racial minority 2. that he applied and was qualified for the job 3. that despite qualifications, he was rejected. 4. that after his rejection, the position remained open.

According to the report, each of the four Black candidates was qualified for the position by virtue of the FRC recommendation. It continued "after elimination of the Black candidates from further consideration for the faculty positions, the faculty proceeded to recommend two candidates for appointments to the two vacant faculty positions.....there is no objective evidence which shows that the Black candidates were less qualified." Mr. Campbell summarizes "In light of the above.....I find that a prima facie case of racial discrimination exists. He added that the complainant's burden being met, the burden shifted to the Law School to prove its procedures were not discriminatory.

Mr. Campbell did not clarify whether, in light of the above, any time a qualified minority was rejected for a position filled by a non minority, a prima facie case of discrimination existed.

## Mitchell 'appalled'; report stands

Academic Vice-President Peter Mitchell said he is appalled at some of the procedures used to select faculty members at the law school and will not approve new faculty candidates until they are changed.

He said that the report of Affirmative Action Officer Aaron Campbell stands and that he has stopped the process without even looking at the names submitted for approval.

The faculty initially named Wilfredo Caraballo and Sandra Johnson to the two vacant faculty posts. Denise Carty-Bennia was selected to fill an extra slot if available. When Sandra Johnson took another position Denise Carty-Bennia became one of the top choices.

But Dr. Mitchell agrees with Campbell's report that the selection procedure is discriminatory and that it would be easy for rejected candidates to bring suit. He said that he would meet with faculty members to discuss the appointments. He added that compromises would probably be made and that the faculty could not simply "reiterate their position."

Dr. Mitchell mentioned that it was law school faculty members that initiated the Affirmative Action investigation by registering complaints with his office. In the report Mr. Campbell said that the complaints were later disavowed but that the investigation was made anyway.

Dr. Mitchell said the hiring of the two candidates came to a halt because of the Affirmative Action report. When asked how the Affirmative Action Officer could wield such power he answered that it was the law that was controlling, not the Affirmative Action Officer. When asked whether it was merely Mr. Campbell's interpretation of the law, he answered that someone must interpret it.

In his original charge to Campbell, Mitchell wrote "Since it is possible that these alleged procedural improprieties may have had an adverse impact on those minority candidates who were under consideration for faculty positions, I am requesting that you conduct an investigation of these allegations as soon as possible. Until I have your assurance that the faculty of the Law School acted with due regard for the principles of equal opportunity, affirmative action, to which the University is firmly committed, I will not approve faculty contracts for the two names that were submitted to me."

The faculty has issued a response to Dr. Mitchell which criticizes Mr. Campbell's report and supports the two candidates offered to the Academic Vice-President for approval.

The irony is that both the original two selections and the third choice qualify as members of "covered groups" under Affirmative Action. Mr. Caraballo is Puerto Rican. Women are covered by Affirmative Action and Denise Carty-Bennia is also Black. It is not certain whether Caraballo and Miss. Carty-Bennia would have a cause of action under Title VII if they are rejected by Mitchell.

## Soulless bureaucracy

It is the way of slander. The tactic of purge. Assuasion anchored in circumstance, and long leaps from possible to presumption. And finally there is 'prove it false.'

It seems an unlikely method for argument within an academic community. Yet the method was employed by Affirmative Action Officer Aaron Campbell in his investigation of faculty hiring procedures.

There was one faculty meeting. There were eight applicants and two nominations from the floor. Four were Black. Initially one Hispanic man and one white woman were selected. At a subsequent meeting a Black woman was recommended for an additional place if the budget allowed.

From these facts Aaron Campbell determined an "inference of discrimination". Later in his report, without additional evidence or circumstance, he shifts to presumption of discrimination. Still later the presumption ripens to conclusion, again without additional evidence or circumstance.

All of this is accomplished through a distortion of Title VII of the Civil Rights Act and the cases he cites explaining it. He forgets that both Hispanics and women are covered groups under Title VII. The Title VII cases deal with time-worn patterns of employment involving thousands of people over a period of years. But Mr. Campbell is able to extract the conclusion of these cases and apply it to a single faculty meeting involving ten people.

He juggles statistics and arrives at an inference of discrimination. But to infer, imply or presume anything using a control group of ten and a frequency of one violates every principle of statistics. He anticipates this criticism in the report and says it won't suffice. He claims that the past history of employment practices here combined with the sample of ten give rise to the inference. He does not however establish the validity of using a sample of ten. Nor does he offer statistical data indicating past discrimination in the selection process. No, Mr. Campbell is merely reasoning to a result already arrived at. And he combs his bureaucratized over the bald spots of his logic.

This is how he established the "inference of Discrimination". There were ten applicants - four were Black - one was Hispanic. No Blacks were chosen and the Hispanic was. Conclusion: The Blacks had a "0% Chance of Employment", the Hispanic had "100%" chance of employment". Naturally if someone, despite being qualified, never has a chance of employment discrimination probably exists. But chance of employment exists only before selection. The results exists only after the selection. You cannot determine chance of employment by plugging in results. Using that method anyone who didn't get a job never had a chance.

One may argue that a probability may be established or that discrimination can only be implied through the use of results - but never without prior statistical evidence and never with a sample of ten. Isolated cases can affect the percentages in such a way as to render the findings ludicrous.

It does not end there. Armed with his tin sword of inference Mr. Campbell goes searching for more dragons. Because no Blacks were selected, though qualified, a "prima facie case of discrimination" is uncovered hulking in its lair. He waves his sword mightily warning of sanctions and threatening to tell his big brother the U.S. government. Denial will not suffice. I say you're a dragon, prove to me you aren't.

Mr. Campbell's report fails at every level. It is poorly crafted, and illogical. It jumps to presumptions on flimsy evidence and it's abuse of the statistical method borders on fakery.

Furthermore the report will do nothing to prevent actual discrimination, if it ever exists. Campbell's credibility is so marred that if he ever spots the real thing he will be thought to be crying wolf.

There is something else that is disturbing about this report. Indeed there is something disturbing about most reports cranked out by bureaucrats. It is the contempt for the individual and the subjective. Only standard form values are valid. Only Print-out is spoken here. They would raise the false idol of System and chisel objective criteria in stone. Why don't bureaucrats understand that humans created the system. It does not exist outside us. It is subservient to us as logic is subservient to whim. The System does not contain us, because every individual contains the System.

By act of will, I change all objective criteria. All present Criteria are now invalid, because I say they are. There, it is done. Simple. Pirandello would be proud.

-RS

EDITOR  
STAFF

ROBERT SANTALOCI  
CHARLES J.X. KAHWATY  
JOHN SCOLLO

*Alumni and Friends*

*of*

*Dean John F. X. Irving*

*invite you to*

*"Hail and Farewell" Reception*

*in recognition of his six years of service to*

*The Law School, The Bar and the Community*

*Student Center*

*Seton Hall University*

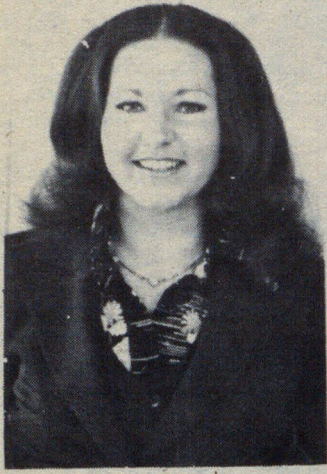
*South Orange, New Jersey*

*May 15, 1977 - 4:00 P.M. to 6:00 P.M.*

*Open Bar and Hors D'Oeuvres*

*\$8.50 per person*

# News Briefs



**DONNA KELLY**

The Spanish American Law Students Association of Seton Hall Law School has selected the following to be recipients of the following awards: Trinidad Gonzalez - Director, Puerto Rican Legal Committee, to be given the Egenio M. DeHostos Award.

Prof. James B. Ventantonio - Seton-Hall Law School, to be given the Marta Valle Award. Salvador Collazo - Third Year Day Student and Co-Student Director of the Hispanic Clinic, to be given the "Pedro Abizu Campos". Felix Orraca - Third Year Day Student and Co-Student Director of the Hispanic Clinic, to be given the "Gilbert Ramirez Award".

\*\*\*\*\*

Law Review is running a case note writing competition open to first year day and first and second year night students. Those students wishing to participate must inform the Editors before May 13. This year each competitor will have two weeks to write a note on the same case. Last year there were several cases to choose from and students had

four weeks to complete the note. However this year the students will not have to do their own research. Research materials will be provided by the Law Review Staff. Each student can purchase the research packet for \$5.

\*\*\*\*\*

The New Jersey State assembly has passed a resolution honoring outgoing Dean John F.X. Irving for his "services to Seton Hall University Law Center and his contributions to the State of New Jersey." The resolution was sponsored by Assemblywoman Curran and Assemblymen Kean, DiFrancesco, Fava, Hawkins, Owens, Perkins, and Shapiro.

\*\*\*\*\*

The Legislative Bureau is sponsoring a gubernatorial candidates forum. On Wednesday May 4 the Republican candidate appeared in the Moot Court Room. The Democrats will be here on May 11.



**ROBERT SARCUONE, GOP GUBERNATORIAL ASPIRANT**

Dean Irving gave the Law Day Address to the Cumberland County Bar Association in Vineland. Dean Irving urged that the leadership of this state should hasten the arrival of the merit system for the selection of future judges. He recommended a selection panel consisting of both lawyers and non-lawyers.

\*\*\*\*\*

The Legislative Bureau of Seton Hall University Law Center announced the election of its Editorial Board for the Academic year 1977-1978. The Board is Student Director Donna Kelly Managing Editor

Nicholas Casiello

Journal Editor Robert Moore Project Control Editor

Brian Molloy

Project Editors

Ed Eidelman

Dennis Carey

Tom Russo

Assistant Journal Editors

Beverly Graczyk

Margaret Mary McVeigh

Also announced was the selection of its new members:

Gail Abrams

Nancy Baran

Joan Bettio

Randy Bloom

Gerard Burke

Jenne Carver

B. Carol DiMaio

Paul Edinger

Marlene Lynch Ford

Kevin Gardner

Garard Gilligan

Guy Gregory

Courtney Howland

Robert Kelly

Patrick Kennedy

John McDonald

Barbara Matthews Mariani

Gary Moylan

Michael Rogers

Neil Rosen

Walter Timpone

Frank Vernoia

Law Review Editor Helena Korbin has received a \$4000 fellowship from the Americal Association of University Women Educational Foundation. Her award was granted for her last year of professional studies.

\*\*\*\*\*

The Staff Employees Association of Seton Hall University has voted to disband and join the Office and Professional Employees International Union Local 153 of the

AFL-CIO. The new union members at the law school include the secretaries and the library staff members. The Association had petitioned the NLRB for an election and the Office Workers Union received 121 votes. The Seton Hall Employees Association received 31 votes while there were 26 votes for no representation at all. The Law School members are reportedly interested in better working conditions and benefits similar to the office workers at the main campus.



**AWARD WINNER-Helena Kobrin and companion-son Russell, the favorite measuring life of Decedents Estates II.**

## Joe Hoffman , alumnus, running for governor

By Charles J.X. Kahwaty

At first glance, it's hard to believe Joe Hoffman is running for governor.

Not that there is anything wrong with his credentials, or even his approach. He is likeable, a characteristic somewhat unusual among many aspirants to public office. The problem is he is modest, even "unassuming" in the words of New Jersey Monthly, and it raises the question whether such a person could win the Democratic primary in June, let alone a tough election in November. In a rare moment, Hoffman thinks he has the answer.

"I'm the frontrunner," Hoffman noted in measured words. "Polling at this stage of the primary indicates there are five major candidates roughly within reach of each other, but I have been awarded the (Democratic) line in six counties, and I've got considerable support in twenty-one counties, and I think therefore I've got the strongest base of any candidate."

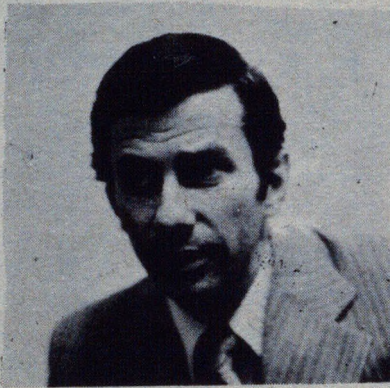
Of course, Hoffman, who graduated from Seton Hall College in the top twenty of his class, in 1955 and first among his Seton Hall law colleagues in 1961, knows that no candidate can win taking an overtly pro-income tax position. Yet, he sees no alternative.

"The Supreme Court of New Jersey," Hoffman declared, "has mandated education be funded at

the state level. That means the next governor must have a broad based tax. Any candidate that suggests differently is simply lying. Of all the alternative broad based taxes, an income tax is the fairest."

Hoffman also commented on some of the proposals of his opponents, calling Republican candidate Raymond Bateman's suggestion of a penny on the sales tax "nonsense...just a joke" and suggestions of a statewide property tax "medieval". In fact, the Newark lawyer and former Commissioner of Labor and Industry in New Jersey has three major objectives in his anticipated administration, which he also sees as the major issues of the campaign: increasing the number of jobs and reinvigorating the state economy; increasing efficiency in government ("making the system work for less money"); and taxes. Of the latter, Hoffman thinks its priority is overrated, since "there are many other challenges facing us today." Nonetheless, he considers his proposal significantly different, calling as it does for a 25% tax cut for low and middle income wage earners, based on his near-accurate prediction of a two hundred million dollar surplus in the state budget.

Moreover, Hoffman believes that the key elements of his major program - which can be summed up as promoting industry while



**JOSEPH HOFFMAN**

attending to the needs of labor - can be accomplished without significant environmental compromises. Acknowledging New Jersey to be a state with "severe environmental problems," Hoffman contended what trade-offs there were should be dealt with on a case-by-case basis, maintaining that "with the technologies available today we can not only preserve but improve the public health at the same time that we're creating jobs and rebuilding the cities." And while he felt Public Works can play a role in solving the unemployment problem, Hoffman still argued that "these kinds of programs are merely temporary expedients during periods of high unemployment, and the real effort should be on creating permanent, private enterprise jobs."

To this end, Hoffman proposed as urban economic program to

accommodate a projected 50,000 new entrants into the labor force this year, combined with a state energy program in an effort to make New Jersey a "good place for investment." The former Byrne Cabinet member also expressed general approval of the Carter energy program, although he felt aspects of it would both help and hurt the state as presently constituted.

On several issues of broad national concern, Hoffman's views were not strongly at odds with those of his Democratic competitors. He supports the decriminalization of small amounts of marijuana for personal use, noting the serious nature of narcotics use in the United States. Concerning this, Hoffman stated "I would not want to see the police wasting too much of their time and resources on marijuana when they should be concentrating on stopping the hard drugs. Hoffman also supports capital punishment, noting he would sign the present bill on Governor Byrne's desk because "it separates the trial of guilt from the sentence trial and applies to heinous and professional murders." And on the highly charged issue of abortion, he states, "I am Catholic, and I do have my religious scruples...I think the U.S. Supreme Court has ruled on this issue and I will abide by it."

The former Commissioner also

seems to be in accord with some recently proposed reforms of the judicial system, although he refused to comment on the record of the U.S. Attorney for New Jersey, Jonathan Goldstein, or whether he felt President Carter should renominate him for his present position, contending the issue wasn't "pertinent" to a gubernatorial candidate. Hoffman expressed his desire to create a program aimed at the violent recidivist involving all levels of justice administration, and which "would incorporate uniform sentencing for extended periods of time to segregate the violent recidivist from society as quickly as our constitution will allow for as long a period as possible;" and where the violent recidivist was a juvenile, he advocated the offender be treated as an adult. Finally, he indicated support for "reasonable" reforms of the No-Fault law, encompassing possibly a verbal threshold and a limitation on medical payments.

The question still remains: what do you do when your're a rather "self-effacing cult figure" who lacks "the sex quotient of politics?" (in the words of the same New Jersey Monthly issue). In Hoffman's words, I'm a major candidate, with substantial political, labor and business backing, I'm certainly entitled to be in the field, I'm two or three," June will determine whether "everybody's second choice" becomes the consensus.

## New Dean

From page 1

to be spiteful and generally unprofessional. Especially since the vote was by secret ballot, and the list was unsigned.

A few days later each of the Newark Nine received an unsigned hate letter, supposedly from a student. The letter was full of invectives and crude racial epithets.

Some doubt that a student wrote the letter.

There is speculation that a faculty member wrote it. Was it a particularly sore loser or a clever member of the opposition trying to squeeze out more sympathy?

There was also a student petition, floating around demanding a dean for next year. At any rate, some overtures toward a faculty peace seem to have been made. But not before the selection of the Dean passed the feuders by.

For his part, Donald H.J. Hermann remains the only contender. His resume tells that he graduated, with honors, from Stanford University in 1965 in History and Economics. He received his J.D. from Columbia in 1968, and holds an L.L. M. from Harvard. He lists his areas of primary interest as Anti trust, Regulated Industries, Law and Economics, Law and the Humanities, Criminal Law, and Corporations. He has published numerous articles in various law reviews as well as articles in other periodicals.

Besides teaching at De Paul, he has also taught briefly at the University of Washington School of Law.

# Rock Contest Results

I FEEL LIKE I'M FIXIN' TO DIE  
Country Joe and The Fish



It's only Rock 'n Roll. But it has outgrown its pimply pubescence to become the representative musical form of our culture. It's stars are no longer hip-swiveling groaners-but artists. Scholars discuss it's impact and document its history. It helped shape a whole generations thinking. It's only Rock'n Roll - everybody likes it.

1. "My Love don't give me presents, I know that she's no peasant. **The Beatles - She's a Woman**". Recite the litany. John, Paul George and Ringo. They speak of Rock in terms of pre and post-beatle. They may describe our society thatway in the future. This is an early, I Want to Hold your Hand era song. I still think Rubber Soul is better than Sgt. Pepper.

2. "If you won't come around, at least please telephone". Before there was long hair and LSD. Before there were Beatles; there was a King and he was called **Elvis Presley** and he sang a song called **Don't Be Cruel**.

3. "She's got a women's touch, a young girl's eyes, a second flat

and I was proselytized". Can you imagine "proselytize" in a rock lyric. It ain't moon-June. But Al Kooper sang this line in "I Can't Quit Her" on the very first **Blood, Sweat and Tears** album Child is Father to the Man. Another favorite line from this album was "I could be president of General Motors, Babe, or just a tiny grain of sand".

4. "Each time we have a quarrel it almost breaks my heart". **Teenager in Love** by **Dion and the Belmonts**. The most successful New York Italian group of the fifties. Dion plunged heavily into drugs; later made it big as a solo with Abraham, Martin, and John. Dion is the guy the white kids used to imitate.

5. Ain't it just like the night, to play tricks when you're trying to be so quiet. Is it true that **Bob Dylan's** genius is rooted in his fear of women. This is from the haunting **Visions of Johanna** on *Blonde on Blonde*. All those diabolical Madonnas that kept Bobby Zimmerman up past the dawn. Where is the one who "doesn't have to say she's faithful, yet she's true like ice like fire".

6. She done started back doin the things she used to do. **Maybelline** by **Chuck Berry**. Bob Seger says modern rockers are "Chuck's children playing his licks". Everyone, especially the Beatles and Stones acknowledge their debt to the black man who seemed to know so much about white suburban teenagers, and who could "play a guitar just like a ringin a bell."

7. There's a man who can't decide if he should fight for what his father thinks is right. **Love - You Set The Scene**. Love, a group from Southern California headed by Arthur Lee, was popular among the long hairs and dopers in the days when only freaks smoked grass. This is from the *Forever Changes* album and was one of the very best releases of 1967, or any year.

8. Well Sweet Sixteen's turned thirty-one. This is a current song on **Bob Seger's Night Moves** Album. It's called "**Rock 'n Roll Never Forgets**". Seger is out of Detroit where he was popular for years before making it big. The reference is to the Chuck Berry fans creeping toward senility.

9. Sprung from cages on Highway Nine, Chrome wheeled, fuel-injected, steppin out over the line, **The Jersey Shore's Own. Bruce Springsteen. Born to Run**. He's come a long way from free concerts on the Beach at Long Branch. I watched his whole career and never thought he'd become a superstar. But he deserves the billing.

10. She's down to me, the way she talks when she's spoken to. At the close of the sixties, when the women's movement grew militant, Bread and Roses of Boston used **Under My Thumb** as its theme song. Mick Jagger of the **Rolling Stones** was the world's most popular MCP. Out of the Beatles shadow, the Rolling Stones emerged as the world's greatest Rock'n Roll band.

11. Meet the new boss, same as the old boss. For pure hard drivin rock'n roll the **Who** 'have few peers. **Won't Get Fooled Again** is from *Who's Next*, an album that is considered much superior to Tommy by Who Aficianados.

12. I sit in my room, looking out at the rain. **Teardrops** by **Lee Andrews and the Hearts**. A popular song with a capella groups looking for echoes in the lavatories and hallways of metropolitan highschools. Along with the Harptones, Flamingos & Channels one of the finest of the black singing groups of the fifties. They could really sing.

13. Let me hear the scream of the butterfly. One of the favorites of the freaked out collegians of the sixties was **When The Music's Over** by the **Doors**. Jim Morrison died at 27 of old age. The American rock poet may seem a bit pretentious now but he gets better after a few joints.

14. But if you fall, you fall alone. The house band for San Francisco's Golden Gate Park; Haight-Ashbury's favorite; the hard druggin and drivin **Grateful Dead**. This is **Ripple** from *American Beauty Rose*.

15. Or find myself a rock 'n roll band that needs a helping hand. From his first public appearance with Jeff Beck **Rod Stewart's** was recognized as a voice perfectly suited to sing rock. This line is from **Maggie Mae**, his most popular single. He is rock's best lead vocalist; alone or with his group Faces.

16. I've got a mind to give up living and go shopping instead. From the South side of Chicago, the **Paul Butterfield Blues Band** brought some funkiness to the rock scene in the late sixties. The song is **I've Got A Mind To Give Up Living** from the *East-west* album.

17. Hey, mister can you tell me where a man might find a bed. After touring with Ronnie Hawkins as the Hawks, and serving as Bob Dylan's back-up band, **The Band** struck out on their own with *Music From the Big Pink*. This is **The Weight**.

18. Toss me a cigarette, I think there's one in my raincoat. **Simon & Garfunkle, America**. Paul Simon's music probably has the broadest appeal of any sixties personality. You can hear him anywhere from underground FM to a dentist's office.

19. If only you believe like I believe, baby. **Jefferson Starship...Miracles**. The latest hit of a long line. They started out as one of the original psychedelic bands from San Francisco and were known as Jefferson Airplane. White Rabbit linked Lewis Carrol and Grace Slick as mindblown collaborators. Grace was not the original female vocalist, she started with a group called Great Society founded by her then husband Darby Slick. In the seventies Marty Balin left and Grace got fat but the group didn't. Balin came back, wrote *Miracles* among other songs and Starship took off.

20. Everybody I talk to is ready to leave with the light of the morning.

They've seen the end coming down long enough to believe they've heard thier last warning. Positively the best thing to come out of Southern California, including the Dodgers and the Beachboys, is **Jackson Browne**. Very rarely do Southern Californians turn their energies inward. Jackson's self-conscious sensitivity and apocalyptic vision make him a unique product. It was proably his wife's suicide that spoiled the sunshine. The couplet is from the title song of the *Everyman* Album.

The winners were second year evening students **Peggie Maher and Wally Timpone**.



**DIAL M FOR MONEY**-William L. Kefauver, General Counsel, Bell Telephone Laboratories (left) presents a corporate contribution to Dean John F.X. Irving to aid in the amoritization of the Law Center. Fred W. Padden, an Alumnus looks on. Mr. Padden is also an Attorney with Bell Telephone Laboratories and is past chairman of the New Jersey State Bar Association Patent, Trademark, Copyright Law and Unfair Competition section. The section held its first annual seminar on licensing industrial property at the Law Center on March 5.

