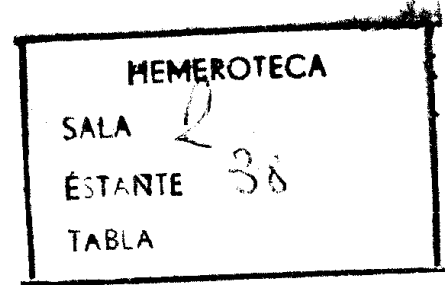
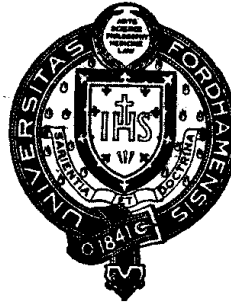


FORDHAM LAW REVIEW



ARTICLES

PRISON: THE JUDGE'S DILEMMA *Irving R. Kaufman*

SUPERSEDING THE DISTRICT ATTORNEYS IN NEW
YORK CITY—THE CONSTITUTIONALITY AND
LEGALITY OF EXECUTIVE ORDER No. 55 *Robert M. Pitler*

THE POWER OF THE SECURITIES AND EXCHANGE
COMMISSION TO REQUIRE STOCK EXCHANGES
TO DISCIPLINE MEMBERS *Donald J. Dawidoff*

CONTENTS

ARTICLES

- PRISON: THE JUDGE'S DILEMMA *Irving R. Kaufman* 495
- SUPERSEDING THE DISTRICT ATTORNEYS IN NEW YORK CITY—THE CONSTITUTIONALITY AND LEGALITY OF EXECUTIVE ORDER NO. 55 *Robert M. Pitler* 517
- THE POWER OF THE SECURITIES AND EXCHANGE COMMISSION TO REQUIRE STOCK EXCHANGES TO DISCIPLINE MEMBERS *Donald J. Dawidoff* 549

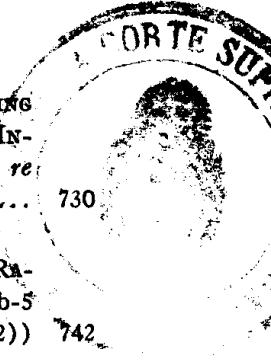
COMMENTS

- PRIVATE DIVESTITURE: ANTITRUST'S LATEST PROBLEM CHILD 569
- EQUAL PROTECTION IN TRANSITION: AN ANALYSIS AND A PROPOSAL 605
- "INTERESTED DIRECTOR'S" CONTRACTS—SECTION 713 OF THE NEW YORK BUSINESS CORPORATION LAW AND THE "FAIRNESS" TEST 639

CASE NOTES

- CONSTITUTIONAL LAW—CAPITAL PUNISHMENT—DEATH PENALTY AS PRESENTLY ADMINISTERED HELD UNCONSTITUTIONAL (*Furman v. Georgia*, 408 U.S. 238 (1972)) 671
- CONSTITUTIONAL LAW—DUE PROCESS—NEITHER STATEMENT OF REASONS NOR ADMINISTRATIVE HEARING REQUIRED BEFORE NONRENEWAL OF NONTENURED TEACHER'S CONTRACT (*Board of Regents v. Roth*, 408 U.S. 564 (1972)) 684
- CONSTITUTIONAL LAW—EQUAL PROTECTION—RACIAL DISCRIMINATION BY PRIVATE CLUB HELD NOT STATE ACTION DESPITE STATE ISSUED LIQUOR LICENSE AND ACCOMPANYING REGULATIONS (*Moose Lodge v. Irvis*, 407 U.S. 163 (1972)) 695
- CONSTITUTIONAL LAW—EQUAL PROTECTION—SEX-BASED DISCRIMINATION IN SECTION 712(b) OF THE FAMILY COURT ACT HELD UNCONSTITUTIONAL (*Patricia A. v. City of New York*, 31 N.Y.2d 83, 286 N.E.2d 432, 335 N.Y.S.2d 33 (1972)) 703
- CONSTITUTIONAL LAW—IMMUNITY STATUTES—STATUTE GRANTING USE AND DERIVATIVE USE IMMUNITY SUFFICIENTLY BROAD TO COMPEL TESTIMONY (*Kastigar v. United States*, 406 U.S. 441 (1972)) 712
- CONSTITUTIONAL LAW—RIGHT TO COUNSEL—RATIONALE OF *Gideon v. Wainwright* EXTENDED TO ALL CRIMINAL PROSECUTIONS AT WHICH ACCUSED IS DEPRIVED OF HIS LIBERTY (*Argersinger v. Hamlin*, 407 U.S. 25 (1972)) 722

PAROLE—SENTENCING—FIXING SENTENCE AT THE STATUTORY MAXIMUM AND REFUSING TO CONSIDER FUTURE PAROLE, SOLELY BECAUSE OF THE NATURE OF THE CRIME INVOLVED, HELD AN ABUSE OF DISCRETION BUT NOT VIOLATIVE OF DUE PROCESS (<i>In re Minnis</i> , 7 Cal. 3d 639, 498 P.2d 997, 102 Cal. Rptr. 749 (1972))	730
SECURITIES—MERGER PROPOSALS—NAKED ALLEGATIONS OF UNFAIRNESS IN MERGER RATIOS PRESENT NO COGNIZABLE FEDERAL CLAIM UNDER SECTION 10(b) OR RULE 10b-5 WHERE THERE IS FULL DISCLOSURE (<i>Popkin v. Bishop</i> , 464 F.2d 714 (2d Cir. 1972))	742



BOOKS REVIEWED

DOWNIE: JUSTICE DENIED: THE CASE FOR REFORM OF THE COURTS .. <i>Joseph D. Grano</i>	756
MIDONICK: CHILDREN, PARENTS AND THE COURTS: JUVENILE DELINQUENCY, UNGOVERNABILITY AND NEGLECT	<i>Walter W. Steele, Jr.</i> 760

BOOKS RECEIVED	765
-----------------------------	-----

FORDHAM LAW REVIEW

Volume XLI, Number 3



March 1973

EDITORIAL AND GENERAL OFFICES

Lincoln Center, 140 West 62nd Street, New York, N.Y. 10023

Published four times a year—October, December, March and May. Member, National Conference of Law Reviews. Printed by the Heffernan Press Inc., Worcester, Massachusetts. Second class postage paid at New York, N.Y. and at additional mailing offices.

SUBSCRIPTION PRICE \$10.00, SINGLE ISSUE \$3.50. Make checks payable to FORDHAM LAW REVIEW. Subscription renewed automatically unless notified to contrary.