

2-1970

The Caveat, February 1970

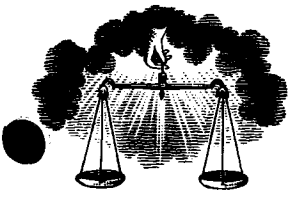
Follow this and additional works at: <http://digitalcommons.law.ggu.edu/caveat>

 Part of the [Legal Education Commons](#)

Recommended Citation

"The Caveat, February 1970" (1970). *Caveat*. Paper 23.
<http://digitalcommons.law.ggu.edu/caveat/23>

This Newsletter or Magazine is brought to you for free and open access by the Other Law School Publications at GGU Law Digital Commons. It has been accepted for inclusion in Caveat by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.



CAVEAT



AUGUST ROTHSCHILD TO SPEAK AT GOLDEN GATE

Prominent San Francisco attorney August Rothschild will tentatively speak Monday, February 16, in the 5th Floor Auditorium from 12:30 to 1:30 P.M. Mr. Rothschild, a graduate of Boalt Hall in the same class as former Dean Martin Gorfinkel, specializes in the field of Bankruptcy and Creditors Rights. He is a member of the National Bankruptcy Conference, the Commercial Bankruptcy Committee of ABA, a former member of the State Bar Committee on Federal Courts and the State Bar Committee on relations between Debtors and Creditors.

A former instructor at U.S.F. Law School in Creditor's Rights and Suretyship, Mr. Rothschild will highlight some of the interesting developments in these important areas of the law. All students and faculty members are invited to attend. Please watch the bulletin board for further details.

MINORITY STUDENT PROGRAM

At press time it has been learned that Attorney Sharon Gaines of the Berkeley Neighborhood Legal Services Program, has been hired by the law school as a Visiting Professor. Mrs. Gaines, who has taught at Boalt Hall, has been hired for the purpose of developing a curriculum in the Golden Gate undergraduate college to prepare minority students for the study of law. Later she will assist in the developing and implementation of this long-awaited program.

RIDE IN A POLICE CAR

Martin Hochman, 3rd year student, is in charge of a program whereby students can see how the police operate (at least in normal circumstances) by riding in a police car. The program is limited to Friday nights at present and students should contact Mr. Hochman for further details.

New Grading Policy

A new system of evaluating grades will be in effect by the end of this year. Numerical grades by law instructors will be retained but the office will also assign a fractional score to each grade. In no way is this to be considered either a grading curve or a mandatory flunking ratio contrary to some rumors. Furthermore, it will not be applied retroactively. The purpose of this new system is to better evaluate the student's performance in relation to his classmates.

One practical application will be where a student gets below a 70 average. In this situation the student will automatically have to go before the Academic Standards Committee which will evaluate his standing keeping in mind his fractional position in various classes. If a teacher, for example, gives uniformly poor grades this will be taken into consideration under the new system.

It should also be noted that the fractional score will be put on grade transcripts in the future so a student can show a prospective employer his standing in a particular class if that need be required. Further details will be available later according to student Christopher Wadley, one of the formulators of the new system.

BAR EXAM RESULTS

Students should be pleased to know that the latest Bar Exam results show a continued improvement in the number of graduates passing the semi-annual hurdle. Although our over-all bar result was approximately 52% of 1st time takers, the average passing of the 1st full time day class was approximately 72%. While figures are not yet available for other law schools, it is interesting to note some cumulative 1st time results from the years 1965-1968 at other schools. The percentage passing at Hastings in this period was 73%, Boalt Hall 79%, UCLA 72%, USF 72%. During this three-year period, Golden Gate ranked slightly ahead of Cal Western and the University of San Diego but the figures are misleading because Golden Gate had not yet graduated a full-time class.

IF YOU THINK YOU'RE RIGHT STAND UP AND FIGHT!

Editor - Walter Gorelick
MURPHY v. THE
LEGAL COMMUNITY

Congress recently turned down the efforts of California Senator George Murphy to amend the Administration's poverty program to provide Governors a veto over individual budget items in the O.E.O. Legal Services Programs. In editorializing against the amendment, Boston College's Sui Juris law paper said: "When men in power find that their security is in danger, they rally to flay their opposition. Governor Reagan and Senator George Murphy . . . have recently found their security dwindling by the success of over twenty-nine thousand law suits adversely affecting their state over the past three years. Their opposition - the indigent citizen! Why should men who have ominous power fear this threat of Lilliputian power? Because these 'little' people have succeeded in tilting the scale of social justice by such law suits as: an injunction to prevent the Governor from dropping 160,000 indigent people from Medi-Cal which is California's version of Medicaid . . . What makes this amendment so obnoxious is that it will directly interfere with one of the major purposes of law - to channel conflict from the streets into the courtroom for resolution . . . The Murphy amendment cuts off the only effective instrument they have for redress of grievances."

The amendment originally passed in the Senate was turned down by the House after vigorous opposition was mobilized in the legal community. Dean Monrad G. Paulsen and the Legal Assistance Society of the University of Virginia Law School were responsible for the initiation of a petition opposing the Murphy amendment and should be commended for their action. The Virginia Law Weekly reported that "the final petition contained 11,193 signatures of law students and faculty members collected in eighty-eight law schools throughout the nation. Here at Golden Gate, SBA President Jonathan Rutledge organized a press conference in which he and other law school student presidents announced their op-

continued on back page

VIETNAM AND THE LAW

(Ed. note — Attorney John E. Thorne, author of this article, practices law in San Jose. His practice consists mainly of trial work with emphasis on civil rights and civil liberties litigation. A member of the National Executive Board of the Lawyers Guild, he attended the Bertrand Russell War Crimes Tribunal in Stockholm as a representative of that organization. His article deals with the Nuremberg precedent facing soldiers in Vietnam and the constitutional questions raised by the war. We invite comments on his presentation in our next issue.

The following quotation is from U.S. News & World Report of February 15, 1965:

“QUESTION: Questions have recently been raised on the legal aspect of what we are doing in Vietnam. In what way are we justified by international law?

ANSWER: As far as I am concerned, the legal aspect of this affair is of no significance . . .”

The sad fact is that the reporter asked the question of, and the answer came from, the then United States Ambassador to Saigon, Henry Cabot Lodge. But even more disturbing is the fact that the courts of the United States take the same position when asked to answer questions on the legality of the United States military force in Vietnam. The answer of the courts has always been, “These are political questions, not legal questions for the courts.” This is “buck-passing” of the worst kind. In fact, the courts have not only a moral obligation, but a very definite legal obligation to answer questions on the legality of the United States’ actions in Vietnam.

Let us take the case of a young man who has just reached his eighteenth birthday. He knows that he must register for the draft or, in the alternative, face five years in prison and a fine of \$10,000. Now, he looks at the other side, namely his registering and being drafted. He hears United States Senators, Congressmen, leading international lawyers and political scientists from across the land saying that the United States violated its own treaties and international law in sending a military force into Vietnam, and that we are engaged in a war of aggression. These same individuals state that in the conduct of the war itself we are now committing war crimes, and finally some of these individuals further state that we are committing genocide, or as the law defines it,

Crimes Against Humanity. This young man undoubtedly knows of Nuremberg, or at least the court would say, “He is presumed to know the law,” and he will know that the United States representative at that time, Justice Robert Jackson, assured the world:

“That while this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose, it must condemn, aggression by any other nations, including those which sit here now in judgment.”

This young man knows that if he commits a war crime, he will not be able to defend himself by claiming that he was ordered to do so by a superior officer. Nuremberg says that is no defense. The second thing that Nuremberg tells him is that you may not belong to an organization which is itself engaged in criminal activity and then use the fact that you remained silent as a defense. Of course, the executive branch of the United States Government tells the young man that the war is perfectly legal and that no war crimes are being committed. Now he faces a real dilemma.

If he allows himself to be drafted into the Armed Forces, he might ultimately face real penalties should a second War Crimes Tribunal be established to investigate the Vietnam War, assuming that those voices who claim the United States is violating international law are correct. If he refuses to register, he faces the draft penalties. Thus, he needs a direct answer to the legal questions as to the legality of the United States’ involvement in this war. Where can he go? Certainly not to the courts of any other country, and not to the World Court, since that is reserved for nations. Obviously, he cannot ask the draft agencies, the military forces, or the executive branch of our government, for if a tribunal is established, they would be the real culprits, and he could hardly rely upon their answers for a defense. This means his only possible protection lies in the courts of this country. He needs to have an answer from the courts as to whether or not we are in violation of the law. Should the courts indicate that in fact the law is not being violated, this answer could provide him with a defense if he allowed himself to be drafted. On the other hand, if the court answers that the war is illegal, then he has a defense to a charge of failure to register for the draft.

Let us now turn to the question of

whether or not the United States has and is violating international law in its Vietnam activity. Space is not sufficient to detail all of the treaties and agreements which bear upon this point. Let us turn, however, to one document which the U.S. helped bring into being and has constantly urged all nations to support and abide by, namely, the Charter of the United Nations.

The Charter calls for the elimination of the use of force or the threat of force in international relations. The actual provision is as follows:

“Article 2(4): All members shall refrain in their international relations from threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.”

The drafters of the Charter recognized that to maintain peace, force itself might be required at times, and gives to the Security Council of the U.N. the right to make a determination in this regard. Article 39 provides:

“The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression, and shall make recommendations, or decide what measures shall be taken . . . to maintain or restore international peace and security.”

We now come to Article 51 of the Charter, which recognizes that emergencies may arise calling for immediate military reaction prior to action by the Security Council. The language is as follows:

“Article 51: Nothing in the present Charter shall impair the inherent right of individual or collective SELF-DEFENSE IF AN ARMED ATTACK OCCURS AGAINST A MEMBER OF THE UNITED NATIONS, until the Security Council has taken measures necessary to maintain international peace and security.” (emphasis added)

The key words in this section of the Charter are, “self-defense” and “armed attack.” The United States, in order to avoid a holding that it is engaged in a war of aggression as defined by Nuremberg, must establish that it has acted in Vietnam in “self-defense” following an “armed attack.”

continued on back page

"... Like It Is!"

By SAM DeLORENZO

TUITION INCREASE AT GOLDANG GAIT (or MOISHE'S MUFF)...

The dean was in a quandary ... the school was in turmoil ... the students were heard in the halls grumbling, "The school isn't famous — its reputation isn't great enough — it just isn't like the other area 'name' schools — and now they're thinking of raising tuitions — it's intolerable — they're getting too much as it is." The Dean, to rebut this absurd argument, pointed to the one distinction that the school had; i.e., it was "the cheapest private law school West of the San Andreas fault line" ... which prompted the dissident students to start a drive to change the name of the school to Thrift U. (many felt this would be more inspiring than the current name). The unsympathetic student body complained to the dean unceasingly. The poor harried dean would go home at night and have nightmares of student confrontations ... his worst one was the one in which Steve Cone, a vociferous first year student, would point at him and shout for the entire student body to hear, "If you raise tuitions, what's to prevent a mass exodus from this school?" ... It was always the same ... he would then patiently explain the school's situation ... (it was memorized) ... "In order to become famous and respected, the law school would have to increase the size of its full-time faculty by some six full-time professors ... a full-time librarian and sufficient staff personnel to maintain the library would have to be included ... pay levels would have to be increased in order to be competitive with the area 'name' schools ... the library inventory would have to be increased another 10,000 volumes along with an overall improvement in the library layout ... the funds (oh yes, this would definitely cost money) necessary to accomplish this would be more than \$160,000 ... the student body membership would be increased from 350 to 425 ... the administration had long withstood the pressures from above to raise tuitions (after all, it was "the cheapest private law school ...") these plans to raise school standards would be put into effect at the earliest possible moment." ... There were times when the harried dean would seriously consider taping this 'State of the School Address' and playing it over loudspeakers situated in the halls, classrooms and restrooms during class breaks ... perhaps then the students

might get the message ... i.e., the money had to be raised somehow.

There were several abortive attempts to alleviate this situation ... the faculty-car-wash-in had netted the school some \$28.50 ... this wouldn't have been too bad except that the faculty had forgotten their galoshes and all had contracted severe colds necessitating the closing of the school for two weeks to prevent a major epidemic ... Besides mass efforts of this variety there were notable individual attempts worthy of mention ... Mr. Pay Gano, with high expectations and donated baked goods, had conducted a cookie sale in his office at Clown Zellerbach ... he figured that after expenses, deductions, carryover, carryback, taxes and breakage, the school owed him the \$28.50 made at the car-wash-in ... Mr. Goldang, figuring that he had a special duty to keep the school going (he still couldn't figure out which one of his ancestors the school was named after) and knowing that every little bit helped, had hired out after school as a demonstrator (Have Sign — Will Picket ... No cause too small) ... it really was a labor of love ... it had to be, as one day he was severely beaten on and about the head by an angry group from the militant Jewish Defense League as he marched in a National Socialist demonstration. The dean tried to assure Mr. Goldang that the school would survive without his crusade ... but Moishe (oh—I forgot to tell you his first name for reasons you will soon see) was not finished ... he had to save his school. The 'Chief' was looking more worried every day and the students were growing more restless ... the situation was desperate ... if the school was to become famous and respectable, it had to be soon ... or else ...!

Then unexpectedly the answer came to Moishe in a news release from Israel which described in detail the famous and respectable Israeli feat of infiltrating a group of commandos into Egypt and capturing a top-secret Russian radar installation complete with its Egyptian operators intact. Upon reading this Moishe became elated ... it was the answer to the school's problems ... his mind began to race ... he would form a top secret commando outfit for the school ... it would be relatively easy ... he could see himself leading the deadly group ... he needed a rallying name ... what else? ... he would name them in honor of the Chief ... they would be "Bader's Raiders" ... The possibilities were unlimited ... he could see his raiders swooping in on Hastings, dismantling their new building (he hated that symbol of their affluence) with some

of their profs still in their classrooms and setting them down intact on top of Goldang Gait ... in one swoop they would increase the faculty, classroom space, library facilities, etc.; the school would get the much-thirsted-after fame and reputation ... but, drat it, there was the proverbial fly in the ointment (i.e., how do you get it to the top of Goldang Gait once you steal it) ... brushing this minor setback aside, he decided on a simpler tactic ... his raiders would descend on all the law schools in the area and would snatch the much-needed books for G.G.'s library. Whatever books couldn't be used would be sold back to the victimized law schools ... this added money would allow the Chief to hire those six additional profs ... Oh Joy! He proceeded to put his plan into effect ... Moishe, emphasizing secrecy, placed a recruiting notice on the bulletin board ... this was of little effect so he recruited most of his raiders from his class in Remedies ... he convinced his class that the maneuver was to be a part of their final exam (Self-help, etc.) ... he drilled his raiders hard in booksnatching ... they had a lot of spirit ... he knew that they were ready when, practicing on G.G.'s library, they successfully snatched the entire first floor's volumes and Roger Levy intact. Flushed from this victory, he then assembled Bader's Raiders and gave them the good news ... they were ready for the biggie! ... Yep! Hastings would be had first ... God and the Chief were on their side ... if anything went wrong with the operation, there was nothing to worry about ... F. Lee Paoli would get them off ... How could they go wrong? ...

At this point it's not clear exactly what happened ... one thing happened for sure ... the dean found out about Moishe's plans ... someone had ratted ... Moishe's moment of glory was denied him ... the Chief quickly disbanded Bader's Raiders and demoted Moishe to civilian again ... he again assured Moishe that the school could get along without his crusades (and him, too — if there were any more such episodes) ...

The Bader's Raiders episode was the last straw ... the dean decided that in order to be able to keep Moishe (he was an excellent professor but a ba-a-ad tactician) and to do away with the causes of unrest at the school, he would have to resort to the unpopular tuition increase. He would brave Steve Cone ... he would somehow have to get the point across that probably the reason why the reputation and respect of the school was not as high as the students (and everyone else

continued on page 4

"... Like It Is" continued from page 3

for that matter) would like it to be, was the same reason for its singular distinction (i.e., it was "the cheapest private law school ...") ... It takes money to become famous and respectable ... the choice would be theirs ... did they want to attend the cheapest private law school or a noteworthy private law school ... one thing was sure ... they couldn't have both ... Thus the dreaded tuition increase came to pass ... and the dean breathed happily and easily ever after ...

MORAL: YOU GET WHAT YOU PAY FOR ... NO MORE AND NO LESS!!!

MISCELLANEOUS

MOOT COURT PROGRAM ... off to a great start ... Dean Bader has assured the program of the administration's enthusiastic support (\$\$) ... Results of the elimination competition ... the winners (alphabetical order) Ron Haber, Larry King, Arnie Klein & Joe Starita ... congratulations! There will be another competition to select the two who will represent Golden Gate in the national competition ...

MIKE HALLINAN WEDDING ... married in Muir Woods by minister of Universal Life Church in a ceremony which specifically excluded the mention of God ... **MORALE BOOSTER** ... it is extremely hard for students to make it to class on Monday mornings at 8:15 ... Mr. Gerald Hill of Trusts and Estates fame has seemingly found a remedy for this which makes the class more interesting ... without a prior announcement, he has one of his secretaries show up for class dressed in a miniskirt ... the result is magnetizing ... attendance the following week is 1000% ... the class hasn't been able to figure out the frequency of these unscheduled appearances but we trust that Mr. Hill will not allow attendance to dwindle ... **STUDENT RADICAL PHOTOS** ... Pat Waks and Tony Rothschild posed for a college publication ... the picture shows them standing in front of the school with Pat holding a shotgun and wearing a bandolier ... Tony is holding a Molotov cocktail ... the photo was supposed to be used for the cover of the publication and was supposed to illustrate a story entitled "The Law Student In Revolution" ... the story was dropped and the photographer, probably in fear that his picture would never see a front page, decided to sell the photo to UPI ... without asking permission or getting a release from the two models ... we shall wait with interest to see how this situa-

tion is resolved ... UPI beware!!!

RUMOR DEPT (BIG BROTHER IS WATCHING ... It has been reported by reliable sources that the portrait of the former dean hanging in the library is alive!!! i.e., the eyes have been seen moving from left to right, up and down ... could it be that Dean Gorfinkel hasn't really left? ... the school has a right to know ... Many students relate that upon entering the library and sitting for five minutes, they feel extremely uncomfortable and break into a cold sweat ... several claim that "but-for" the eyes (maybe Mr. Jones could check out that part) they could get their required sleep ... one suggestion has seemingly caught on ... i.e., turn the picture to the wall ... that's gratitude for you!!! ... Another rumor laid to rest ... there will be caps and gowns for law school graduation ...

AUTOGRAPH DEPT. ... Bernie Garber is the proud possessor of a letter from Kenneth York (WOW!) ... the signature appears to be authentic and is noticeably placed at the end of the letter ... anyone who would care to gaze on it for several seconds may make an appointment with Mr. Garber in the Law Survey room ... Bernie is attempting to get a life size blowup of John Gorfinkel's signature (for those who may not recognize the name, all we can say is that it appears from time to time in various places around the law school) ... we will keep you posted on any further exciting developments ... **NEW YEAR'S RESOLUTIONS** ... Tony Pagano ... to go skiing on Fridays instead of Thursdays ... Mr. Smith ... to lose his temper once in a while ... Mr. Golden ... to refrain from praising Barr and to be more liberal with those %†*@ Conservatives and Fascists ... Mr. Jones ... to clear up the conflict in Conflicts ... Mr. Bernhardt ... to make his socratic lectures less socratic ... Mr. John Anderson ... to disclose the source of his suspenders and to prove that the hearsay outline exists (as well as the course in Evidence) ... Mr. Leo Paoli ... to give equal time to murder, manslaughter, larceny, burglary, etc. ... Mrs. Judith McKelvey ... to continue in exactly the same manner as last year - i.e., to maintain her genuine interest in students ... Mr. Gerald Hill ... to continue his Monday morning incentive-to-appear program ... Dean Lani Bader ... to please everyone, everywhere, everytime, on every issue ...

IF THIS NEWS DOESN'T SUIT YOU - GO OUT AND MAKE YOUR OWN!!!

PRE-GRAD TRAINING FOR LAW STUDENTS

In a dramatic announcement the State Bar Board of Governors has announced that subject to supervisory rules law students may now engage in a wide range of legal activities. The student may even participate to a limited degree in actual trial work if a supervising attorney is present and the client has agreed to be represented by a law student. **THE COMPLETE LIST OF REGULATIONS AND QUALIFICATIONS FOR THIS NEW PRACTICAL TRAINING FOR LAW STUDENTS IS POSTED ON THE LAW SCHOOL BULLETIN BOARD.**

S.B.A. AWARDS BANQUET

A most pleasurable evening appears in the offing for the S.B.A. Awards Banquet on Saturday, April 11. The gala affair will be held this year at the Montclair Restaurant, Columbus and Green, in San Francisco's North Beach. Cocktails will be served at 6 P.M. (Bar drinks \$.70) and dinner at 7 P.M. The dinner will consist of New York steak with antipasto, salad, pasta, coffee, and dessert. Awards and the introducing of new student body officers will take place at 9 P.M. followed by dancing to a band from 10-2 P.M. The price for all of this is \$5.00 per person or \$10.00 per couple and includes tax, tip, and all the wine you can drink at dinner! The S.B.A., it should be mentioned, is subsidizing additional costs not included in the ticket price to students. Contact class representatives for further details.

39-45 STEVENSON

ECKER'S
"the taste of San Francisco"

FINE CANDIES & PASTRIES

MADE TO ORDER
SANDWICHES

RELAXING ATMOSPHERE

OUR OWN BUTTER-RICH
PASTRIES & CANDIES

COFFEE AND TEA
IMPORTED FROM
AROUND THE WORLD

ECKER'S



**RECENT
CASE
OF
INTEREST**

By Ronald P. Lubey

Nevarez v. Carrasco
1 C. 3d 518

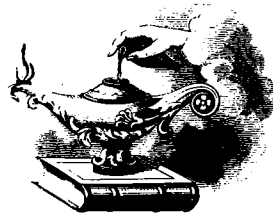
Plaintiff and defendant were casual acquaintances living in a hotel in Watsonville. Plaintiff told defendant that he wanted to go to San Mateo to have his brother help him find a job. Plaintiff told defendant that if he would drive plaintiff to San Mateo, defendant could stay at plaintiff's brother's house and that they could spend a couple of days fishing. Defendant offered to take him there and plaintiff promised to supply gas for the trip. Defendant lost control of the vehicle on Skyline Boulevard and it rolled over a cliff. In a resulting action for personal injuries, the jury found for defendant; the problem involves interpretation of California's guest statute, Vehicle Code section 17158.

The trial court instructed the jury, *inter alia*: . . . "but if the purpose of the trip is merely the joint pleasure of the participants, if that objective is what led to the trip as a social occasion, then the sharing of expenses is merely incidental, and one who thus rides with the driver, although sharing in the expense, is a guest."

The jury were thus instructed to find that plaintiff was a guest if they believed defendant's testimony as to the social purpose of the trip, even if they also believed that plaintiff's promises to pay for the gas, obtain lodging, and to supply fishing equipment were the primary inducement to defendant to furnish the transportation.

The California Supreme Court cited *WHITMORE v. FRENCH* (1951) 37 Cal. 2d 744, 235 P. 2d 671, which held that ". . . a person who accepts a ride does not cease to be a guest and become a passen-

ger merely by extending customary courtesies of the road." Where, however, the driver receives a tangible benefit which is the motivating influence for furnishing the transportation, the rider is a passenger and the driver is liable for ordinary negligence. It is not the purpose of the trip which is the central factor, but whether the compensation received by the driver was a motivating influence in his decision to furnish transportation to the rider. A rider does not accept the hospitality of the driver when the rider "pays his own way" and the driver furnishes the transportation because of this circumstance. It is the element of compensation and not the purpose of the trip which is the relevant criterion in ascertaining whether the rider is merely accepting the hospitality of the driver.



Law Books

New

Used

**SAVE MONEY
BY DEALING WITH LAKE**

All student Books & Aids
Also Practice Sets
Come where your credit is good!

Harry B. Lake Kenneth W. Lake

138 McALLISTER STREET
SAN FRANCISCO 94102
863-2900



**Kenneally's
SHAPE UP FOR SKIING**



**HEAD
SKI
SALE**

25 % OFF

67 Second Street
San Francisco, California
Phone: 362-3676



COME BACK BLANCHE DUBOIS

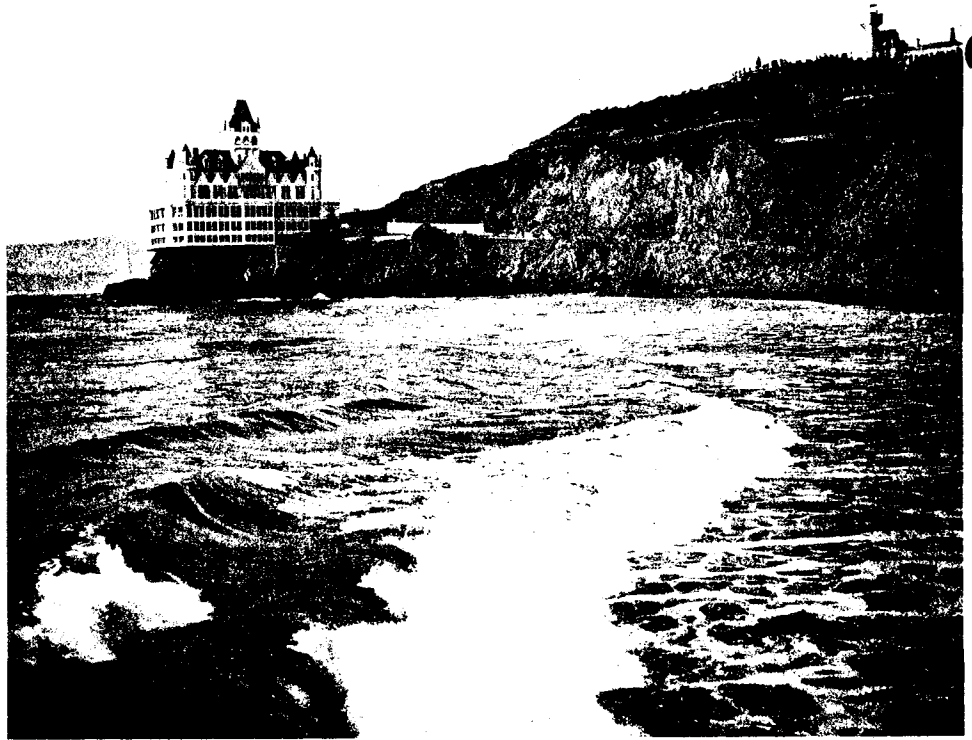
By Duncan Barr

There has been a great deal of concern voiced in recent months over the blubberings of our absurd Vice-President. Let me assure you that he is not serious — having just seen what might be his next press release I'm sure that you will see what I mean: "The V-P strode across the airport, flinty-eyed with a jaw of granite and countenance of steel. As he boarded the plane he turned, and in a steady voice stated: 'I'll take her up on this mission, you stay and marry — Judy, Judy, Judy.' Thus I think that it now becomes obvious that Spiro is nearing his goal and the Van Johnson syndrome has completely set in — he wants to be a matinee idol. Soon he will change his name to something appropriately heady like Bradd Crotch or Rhett Studd. The Jane Wyman set will flock to him. We can count on him remaking all of the Jeff Chandler movies and, needless to say, he and Randolph Scott will ride into the sunset together — tall in the saddle, of course. People will flock into the Bijous all over the country to see this pinnacle of power save the hamburger and mom's apple pie from the insidious oriental, the horrible Hun and, obviously, the savage Red Man.

But I think that we can also count on this monument to mankind to be seen sipping a soda in Doc's malt shop and taking out the girl next door. His chief advisor will naturally be Judge Hardy. All segments of our society will rally around and I'm certain that finally America will be one.

I fear, however, that this Utopia cannot last. I am convinced that one day soon in the future, the V-P will show up for a speech somewhere in a torn t-shirt and jeans, will approach the podium, beer can in hand, and will erupt in a bellowing "STELAAAAH." It is a most comfortable feeling to know that Stanley Kowalski has finally gotten off Bourbon Street. The question now is who is who.

REMEMBER WHEN?



VARNEY LETTER SHOP was located at 525 Market Street in the Underwood Bldg. and **THE CLIFF HOUSE LOOKED LIKE THIS?**

Well, we have a new name - **A BUSINESS PRINTER** - and a new address - 151 Second Street, 4th floor, San Francisco 94105 - but John and Lee McClellan still run it and still give the same personal, individual service to our customers.

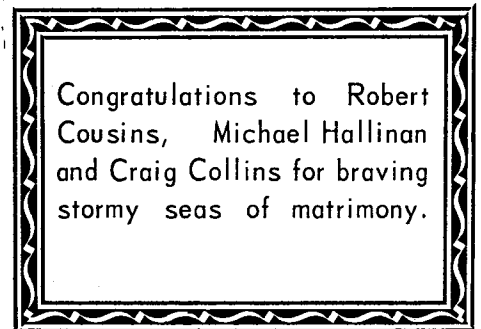
GOLDEN GATE COLLEGE BOOK STORE

DATES TO REMEMBER

BUY BACK
MARCH 5, 6, 9, 10

CHANGES
MARCH 5 - 13

LAST DAY
TO BRING BACK BOOKS
FOR REFUND
MARCH 20, 1970



Congratulations to Robert Cousins, Michael Hallinan and Craig Collins for braving stormy seas of matrimony.

MORGAN & BARCLAY CO., INC.
headquarters for

College Supplies

561 Mission Street 982-4321
San Francisco, CA 94105

A VOICE FROM THE MOUNTAIN

By Bernard J. Garber

Recent disturbing events at this school have caused me to write this, my first newspaper column since the days of the Kennedy administration. I am talking not about anything which has actually taken place, but, instead, about an attitude which seems to pervade at least a significant part of the First Year class. This attitude can be summed up in three words: lack of respect.

I just want to confess to the first year class what my feelings were when I started here and to compare them with my feelings now, in my third and last year in law school, (thank God!). I'd like the first year class to see if my early feelings don't coincide with some of theirs.

In my senior year at the "greatest (all around) university in the United States," (according to "Time" magazine), I knew I wanted to become a lawyer. I had suspected this since the eighth grade, when I read THE FBI STORY and found out that you had to be a lawyer to be a "Fed." Naturally, I wanted to remain with all the "reds" in Berkeley and go to Boalt. Just to cover myself in case of a clerical error or prejudice by Boalt, though, I also applied to Hastings and USF; but of course, those were by far my second choices. However, by the spring of my senior year I recalled my Anthropology grade of a D with five minuses, and that in every other natural science course I had taken I had also managed to get D's. Covering all of my bases, one fateful drunken night, I therefore applied to Golden Gate, the first and only law school to accept me. (A 2.5 GPA didn't go very far in 1967.)

I remember the first time I showed up at Golden Gate. They were tearing up the entire building and it looked as if a bomb had just gone off. Also, my car was almost towed away, an incident which for some reason made me hate the school far more than anything else.

Starting off with this terrific attitude, my entire first year was filled with thoughts that some day, some way, somehow, I was going to get out. (Just as Faye Dunaway felt in "Bonnie and Clyde.") Incidentally, about a month ago I saw the real "Bonnie and Clyde death car" which some guy hauls around the country as a service to the public. I don't think it was the real car; but it only cost me a dime. (I wish I could say it wasn't my dime, but it was.) I was not the only one who wanted to transfer, so several of us spent a lot of time planning where we would go. Along

came mid-terms, though, and we found out that about one in three of our class had a mid-term average of under 70. "Well," we all said, "grades go up on finals. They just want to scare you at mid-term time. Everything will be OK." After mid-terms one or two members of our class dropped out; but this was attributed to reasons other than academic ones.

When we had our finals, I put a little extra into my studying, knowing that it could be my ticket out. (The night before the Criminal Law final, RFK was shot and I got about two hours of sleep — "The mighty plans of mice and men . . ."). Nevertheless, I left Golden Gate after my last final, confident that I would never return. (By choice, of course.)

That next week began my real legal education, as I got a job as a law clerk for a Harvard attorney. The very first time I walked into the office, I saw a real, live criminal walking around free, and without handcuffs. I really flipped. My only problem that summer was my embarrassment when people asked what law school I went to. Halfway through the summer, though, my attitude began to change. First, final grades took six weeks to be announced and I worked myself into a panic thinking about them. After a month, I had made a deal with myself that I would settle for transferring to Hastings, (even though, ten years ago, Hastings had entrance requirements even lower than Golden Gate!) After five weeks of torture, I was ready to settle for USF. Finally, after six weeks, a beaten man, I decided, reluctantly, that I would be quite grateful indeed if I could just get back into Golden Gate.

Shortly thereafter, I met a Superior Court judge who, when I told him that I went to Golden Gate, exclaimed that everything he knew had been taught him by a Golden Gate graduate. My final convictions concerning this school's legitimacy came when my boss and I went to jail to interview a prospective client, unjustly accused of kidnapping and rape. Walking down the disinfectant-filled corridors of the jail I realized, for the first time, that this man, or for that matter any client, doesn't care what law school you go to, (of course he has no practical way of finding out). Anyway, the real world of law, I learned that summer, has little or nothing to do with what you learn in school! Here I was, a Golden Gate student working for a Harvard lawyer. So I returned to a shrunken second year class not feeling cheated at all; and because all the smart people had trans-

ferred, I got to be on the law survey.

So to the first year class, I say — be glad you're here. You know that most of the instructors know more about the law in their subjects than anyone would want to learn, and the class sizes are ideal. (They will be even more ideal in your second year.) Who knows, maybe Golden Gate will have a great reputation someday!

By the way, the alleged kidnap-rapist, rather than endure the time and expense of a trial, although completely innocent, copped a plea.

LAW STUDENT HEADS NATIONAL TEACH-IN

Plans for a National Teach-In on the crisis of environment were announced recently by John Long, President of the Law Student Division of the American Bar Association who has been appointed coordinator for the various college campus groups who will be participating. Tentatively scheduled for April, the Teach-In calls for a day specifically set aside for community and campus groups to discuss common environmental problems. Students who desire more information should contact Long, c/o Senator Gaylord Nelson, Washington, D.C. ABA Law Student Representative at Golden Gate is Craig Collins.

NATIONAL LAWYERS GUILD CONVENTION

The next convention of the National Lawyers Guild will be held on February 20-23, 1970, at the Hotel Sonesta (formerly America) in Washington, D.C. In issuing the convention call the Guild office said, ". . . The young people of our country, both black and white, are challenging the very foundations upon which the American social and economic structure stands and the effect of their challenge is being felt in every corner of our land. The N.L.G. is proud that it is a part of this movement and that it supplies the legal talent required for the struggle."

A sample of the topics to be discussed at the convention includes: Brown v. Board of Education: Reform or Racism; Women's Liberation; Employment Options for Political Lawyers; Military Law: The Lawyer's Relationship to G.I. Organizing; Black Liberation and Southern Africa; The Revolution in Legal Education; and Poverty Law: New Efforts in Organizing the Poor. If any student is interested in attending contact Michael Hallinan, 3rd Year law student.

VIETNAM AND THE LAW

continued from page 2

The classical definition of self-defense accepted in international law is that given by then Secretary of State Daniel Webster in "The Caroline Case," where he pointed out that the right of self-defense is restricted to instances "when the necessity for action" is "instant, overwhelming, and leaving no choice of means, and no moment for deliberation." Under this definition, the United States has absolutely no basis for claiming that it has acted in Vietnam in "self-defense."

Turning now to the meaning of the term "armed attack" we again look to international agreements and international law. The prohibition of war has formed a part of international law and has been accepted by the United States since we signed the Kellogg-Briand Pact on January 17, 1929. In that agreement, the so-called High Contracting Parties renounced and condemned war for the solution of international disputes and agreed "... that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means." Thus, the United States has renounced war by the Kellogg-Briand Pact, and has permitted us the right of self-defense in the very narrow exception found in the United Nations Charter when "... an armed attack occurs against a member of the United Nations ..." This language requires a direct armed attack against a member of the United Nations, that is, a military force crossing an international boundary in visible, massive, and sustained form.

The difference between "armed attack" and other forms of hostile behavior have been carefully differentiated and safeguards have been established to prevent unauthorized outside intervention in the affairs of individual states, even in the event of an "armed attack." This distinction is found in the Charter of the Organization of American States (1948). Article 25 of that document clearly differentiates between an "armed attack" and other forms of aggression. The same distinction is found in the Rio Treaty of 1947, the NATO Treaty of 1949, the Warsaw Treaty of 1955 and the United States-Japanese Treaty of Mutual Cooperation and Security of 1960. In particular, the SEATO Treaty, the document so often relied upon by the United States to justify its action in Vietnam, carefully distinguishes between "armed attack" and "subversive activities directed from without." Article 4(1) of the SEATO Treaty

covers "aggression by means of armed attack" while Article 4(2) covers threats "in any OTHER than by armed attack" or "... by any other fact or situation which might endanger the peace of the area." The entire case made by the United States upon which it bases its right to send troops to Vietnam and maintain this war, lies in its claim that there has been an "armed attack" by North Vietnam against South Vietnam. Oddly enough, the United States State Department Memorandum issued to support this position merely alleges the occurrence of an armed attack by North Vietnam "before February, 1965," but it fails to offer any evidence that such an attack actually occurred. Of course, the Geneva Accords clearly establish that the North-South dividing line between Vietnam was not an international boundary, temporary in nature, and that Vietnam is in fact one country. Finally, it can hardly be argued by anyone that the United States has sustained an armed attack against ITS international boundaries.

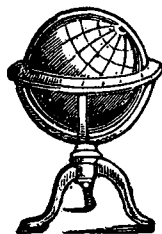
This has been a very brief look at only a corner of international law as it applies to the question of the United States' involvement in Vietnam. It is submitted that any review of international law clearly establishes that the United States acted illegally in entering Vietnam and is acting illegally in the conduct of the war in that beleaguered country.

The grave charges of violation of international law demand an examination of the issues by our courts. It is hoped that the judicial branch of our government will alter its position and instead of rejecting these questions as "political," will examine them as the legal problems that they are, and give us an adjudication on the issues.

IF YOU THINK YOU'RE RIGHT

continued from page 1

position to this ill-considered piece of legislation. These efforts and others demonstrate that the legal community can and will speak out against such negative political schemes.



EXAM SCHEDULE

FEBRUARY 24

CRIMINAL DUE PROCESS
5 PAGE PAPER DUE

FEBRUARY 27

PROCEDURE II

MARCH 2

CONFLICTS AND CRIMINAL
LAW

MARCH 4

CORPORATIONS

MARCH 6

TAX I

MARCH 9

COMMERCIAL TRANSACTIONS

MARCH 10

CLASSES RESUME



CAVEAT

Editor-in-Chief, Walter Gorelick

Copy Editors, Marjorie Goldblatt
Sandra Wood

Circulation Mgr., William Helfrick

Graphic Arts, Gary Drummond

Photographer, John Herbert

Editorial Staff:

Duncan Barr

Samuel De Lorenzo

Bernard Gerber

Ronald Lubey

Contributor, Attorney John Thorne