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The Caveat, January 28, 1974

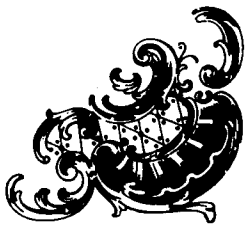
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CAVEAT



REGISTER NOW!

If you haven't registered yet, register NOW whether or not you have the money. There is already a \$10 late fee and registration will become much more difficult after February 1st, maybe even impossible. If you don't have the money, fill out the forms available in the law school office and take them to the cashier's office on the first floor where they will be held for ransom. If you do have the money the procedure is the same.

LAW STUDENT CRIME SURVEY

by Jeffrey Blum

A continuing emphasis on Water-gate related matters nationwide, and the high degree of criminal involvement by once respected lawyers, has led two law students to initiate a survey related to criminal activity among law students. The two students, Jimmy Firman, a first year student at Georgetown, and Jeffrey Blum, a first year student here, intend to emphasize a correlative trend towards criminality between today's leaders, and the prospective leaders of tomorrow.

Along with attempting to show such a correlation, the survey is designed to illustrate the apparent disregard of the law by law students, most often in cases of victimless crimes. The two students hope such a trend would bring publicity to the urgent need for new legislation in certain areas of the law. The survey could give direction to such a need by pointing out which areas of the law are most often violated, and with what frequency by each individual.

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MARIJUANA INITIATIVE

By Sandra Miller

It's hard to get very excited about the California Marijuana Initiative. The illegality of marijuana really isn't much of an issue anymore. When was the last time someone you know got busted for having a little dope around? And it's not even a very good political issue. There's the usual ambivalence about drugs--are you sure you want to be so mellow that you might not give a damn while your country is being run by a bunch of gangsters? As Mao said in his Report to the Second Plenary Session of the Seventh Central Committee of the Communist Party of China, "Any thinking that relaxes the will to fight and belittles the enemy is wrong."

The end result of this ambivalence is that you really don't care whether or not they get enough signatures by February 18 to get on the ballot. (And incidentally, they probably will not, barring a miraculous intervention by the gods in the earthly form of Participatory Democracy.) And who could blame you?

Does it change your mind to know that 76,000 human beings were arrested for marijuana offenses in California in 1972? Ninety per cent of these arrests were for simple possession, and this figure represents an increase of 22% over the 1971 figure. Did you know that it costs California taxpayers \$100 million dollars a year to enforce the marijuana laws, and that 22% of all adult felony arrests in 1972 were pot busts!

So who are these people getting busted for dope, if they're not people like you and me?

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EDITORIAL

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The bottom G.P.A. quartile of the 1973 graduating class passed the July bar examination at the rate of 22.2%. This figure is and of itself indicates something drastically wrong. This success rate is less than half as great as that of the next higher quartile. As serious as the smallness of the rate is, the gap between the third and fourth quartiles is even more serious. It suggests that the smallness of the rate is due to the affirmative acts of the administration. These acts consist in the maintenance and operation of the probation and re-take system. Abolishing retakes and abolishing or severely limiting probation would be a harsh measure, but getting a "We are sorry to inform you that. . ." letter from the Committee of Bar Examiners after three years of school is not a particularly attractive prospect either.

In the normal course of things there is a presumption that one who completes law school will pass the bar and thus become an attorney. It is on the strength of this presumption that one enters and continues in law school. When that presumption is demonstrably false then it is almost fraudulent for the school to carry people in school. The school it seems has a duty not to reserve seats for, and extract thousands of dollars from, people who have a very small chance of becoming attorneys. Of course no one would suggest ousting those already in the toils of retakes and probation. We propose merely the abolition of retakes and probation as to the current and future first year classes.

We have heard the argument that bouncing people out of school for failing to pass their first year classes is contrary to notions about self-determination, that people in academic difficulties should be able to decide for themselves whether or not it is worth continuing in school on the small chance they may eventually become attorneys anyway. But the admissions office sending out its interminable supply of denial of admission letters and waiting list letters, even more severely cuts off people's power to choose whether or not they may become attorneys. If more students were admitted the first year and those who didn't maintain a C average in first year were flunked out, such that second year and third year classes either their present size or smaller;

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LETTER

Editor:

The continuing prominence with which the Caveat displays articles about the Fascist speakers shows the true bent of that paper. The students at G.G.U. were, on the whole, a pretty together group and had the potential to achieve some radical activities. This obviously worried the faculty and administration. What to do? Of course! The old divide and conquer trick. And what's a better issue than that old heart sob of the liberal: FREEEE SPEECH!

All you need is a lackey to stir up trouble, read ALLEN, and another lackey to publisize it, read KESSLER. By the way, it should be noted that Mr. Jack Kessler pays NO tuition because of his being Caveat editor. I suggest we ignore the attempts of the Administration to split us over free speech (for Fascists), kick out ass-kissing tools like Kessler, Allen and Grover, and get down to business. Greg Simmons

Not a running dog, too?--Ed.

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Radicalism, n.

The conservatism of to-morrow injected into the affairs of to-day.

more people would have the opportunity to become attorneys than presently have that opportunity. The question really is not whether one can exercise self-determination as to whether or not to stay in school, but rather whether that determination will be made by the admissions office or by first year grades. Briefly put, the question is whether the criterion for going to second year should be admissions requirements alone or the combination of admissions requirements and first year grades.

Law school grades and bar success correlate quite well as the figures for the July 1973 bar show. There is only a low correlation between admissions qualifications and law school grades. It follows that the combination of admissions requirements and first year grades is a better criterion than admissions requirements alone.

Another argument against is that the abolition of retakes and probation is elitist. But the expansion of first year admissions is precisely the opposite of elitism. It gives opportunity to more, not fewer, people.

As to it being harsh and inhumane to kick people out of school in large numbers, the difference that abolition of retakes and probation makes is that the harshness and inhumanity comes two years and thousands of dollars earlier than it does under the current system.

A third argument against abolition of retakes and abolition of probation is that it encourages competitiveness. While the effect can be expected to be relatively small since only a fraction of any given class will be directly affected, yet even to the extent that it would have the effect of creating competition it is not necessarily bad. Our legal system is an adversarial one and the competitiveness of trial suffuses into every aspect of legal work, including such apparently noncompetitive activities as contract and will drafting. It is not an ill thing, if competitiveness is required of a good attorney, to teach it in law school. The overall effect on the school that can be expected from the abolition of retakes and probation are an overall improvement in the academic standards of the student body, better bar results, greater credibility for Golden Gate law degrees, and greater access to the job market for Golden Gate graduates. Retakes and probation don't really help anyone. They hurt some people specifically and the whole student body generally. Let's get rid of them.



initiative

Of course. They are members of minority groups and they are poor people. People too ignorant to be privileged to perceive the fine lines of social behavior beyond which it is not permissible to step in this culture and people too outraged to even care to play the game.

So the illegality of marijuana is a weapon in the hands of the white ruling class. Think about that. And if you're not impressed, think about the fact that the illegality of marijuana is also being used as a weapon of political persecution and repression in this country. One dare not smoke dope and be an activist, or, what is more insidious, one dare not be an activist if he likes to smoke dope. As it currently reads, Article 4, Chapter 6, Division 10 of the California Health and Safety Code is a direct and senseless infringement on the civil rights of the people of this state. The 1974 petition would amend the Code by providing that no person over the age of eighteen may be punished for the private use of marijuana. The Initiative reserves to the cities the right to prohibit and punish public use of marijuana by a fine not to exceed \$100. Which reminds me that we are lawyers, even if we did get really lousy grades on our exams. So maybe you are vulnerable here: Think about the disrespect for the courts and the legal profession that arises when you can break the law and nothing happens (assuming you are a member of the white middle class), or if it does, you can buy your way out of it with the price of a lawyer to lead you through the dance of criminal procedure. Think about the awkward position in which the courts are put when they

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SURVEY

Please indicate the number of offenses you think you have committed in each of the following categories. NO NAMES PLEASE. Limit yourself to those crimes committed since reaching the age of 16. Feel free to write in any unlisted offense punishable by prison sentence. For drug-related crimes of possession, consider the possession of each entity as a separate offense. (For example, the possession of a particular lid of grass is one offense and the possession of a subsequent lid constitutes a separate offense.) All crimes and penalties have been taken from the Cal. Statutes. For more than 20 offenses of any crime, just write: 20 +

Sex: Male or Female

CRIME (penalty)

of OFFENSES

DRUG-RELATED CRIMES

POSSESSION OF:

CANNABIS OR ITS DERIVATIVES (0-10 yrs. for 1st off.) _____

PSYCHEDELICS (2-10 yrs for 1st off.) _____

OPIUM, COCAINE, HEROIN, etc. (1-10 yrs for 1st off.) _____

SPEED OR BARBITURATES (including qualudes) (2-10) _____

MANUFACTURING, SALE OR DISPENSING OF:

CANNABIS OR ITS DERIVATIVES (2-10 yrs. for 1st) _____

PSYCHEDELICS (1-10 yrs. for 1st offense) _____

OPIUM, COCAINE, HEROIN, etc. (1-10) _____

SPEED OR BARBITURATES (2-10 yrs.) _____

SEX-RELATED CRIMES

ADULTERY (0-12 months) _____

INCEST (1-50 yrs.) _____

STATUTORY RAPE (under 16, even w/ consent) (1-50 yrs) _____

SEDUCTION -- To seduce and carnally know any female of previously chaste character under 18 (0=5 yrs) _____

SODOMY -- Infamous crime against nature committed with mankind or with any animal (1-20)

CRIME

of OFFENSES

MISCELLANEOUS CRIMES

GIVING OR SELLING TOBACCO TO A MINOR (under 16) (0-60 days) _____

USE OF SLUGS IN A VENDING MACHINE (misdemeanor) _____

SELLING OR GIVING AWAY INDECENT PUBLICATIONS (misdemeanor) _____

POSSESSION OF UNREGISTERED FIREARM (felony) _____

DESTROYING OR DEFACING OF BUILDINGS, STATUES, DWELLINGS,
etc. _____

PHONE FRAUD (misdemeanor) _____

CRIMES OF CIVIL DISOBEDIENCE

UNLAWFUL ASSEMBLY (0-3 months) _____

ASSAULT ON MEMBER OF POLICE FORCE (0-6 months) _____

HINDRANCE OF AN OFFICER (0-5 years) _____

OTHERS (related to civil disobedience) _____

THEFT AND RELATED CRIMES

HOUSE BREAKING (1-15 years) _____

GRAND LARCENY (1-14 years) _____

PETTY LARCENY (0-12 months) _____

RECEIVING STOLEN GOODS
 under \$200 (0-12 months) _____
 over \$200 (1-10 years) _____

UNAUTHORIZED USE OF MOTOR VEHICLE (0-3 months)
(ie. w/o owner's consent) _____

ROBBERY

 First Degree (not less than five years) _____

 Second Degree (not less than one year) _____

OTHERS (write-in) _____

PLEASE LEAVE ALL RESPONSES IN THE CAVEAT BOX IN THE FACULTY CENTER.