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Caveat, October 27, 1976

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CAVEAT

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Golden Gate University Law School

GOLDEN GATE UNIVERSITY
October 27, 1976

FREE SPEECH AT G.G.U. ?

This Tuesday, October 26, several other law students and I set up a table of Democratic campaign literature on the fifth floor outside the cafeteria. Surrounding the table were some traditional and handmade political posters generally aimed at promoting student discussion of election issues.

Within two hours of setting up the table, I was informed by Dean Mc Kelvey that John Teitscheid, Business Manager, wanted the table and literature removed. The University has guidelines and regulations which govern the use of college facilities and resources for political purposes. The regulations were adopted by the Board of Trustees in 1970.

The introduction of the guidelines states:

"Golden Gate College is a community, made up of many people of diverse backgrounds and holding diverse views. The College exists for the transmission of knowledge, the pursuit of truth, and the development of its students. If it is to maintain itself as a forum for free inquiry and expression, it must avoid involve-

ment, as an institution, in any form of political activity which would, at best, represent the views of only a fraction of its members."

The guidelines also note that, in order to maintain its tax exempt status the university must be able to show that it is organized and operated exclusively for educational purposes and "that no substantial part of (its) activities are devoted to carrying on propaganda, or otherwise attempting to influence legislation." Further, the College may "not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office."

The purpose of the table was to distribute literature on issues, Democratic candidates and various propositions --- all of it was political. The people operating the table are students acting in their own behalf and representing no campus or institutional organization.

The regulations provide that use of University floor space, tables, chairs, etc., for political pur-

poses, and anyone posting political signs must request permission in writing from the appropriate University official. The University banned the Democratic table set-up until such time as the regulation process has run its course. After receipt of my written request for permission this afternoon, the administration will contact in writing all opposing sides in this upcoming election. Until these persons and/or groups respond, permission to continue with the Democratic informational table will be withheld. This process seems to contradict the intent of the non-political goals of the guidelines. Why should the University restrain free speech for any time period whatsoever? Why should the University take on the burden of contacting all other political groups?

It is necessary and laudable that the University does not align itself with any one political party or issue. But by actively soliciting the various political groups, the University

(continued on Page Three)

NINTH CIRCUIT SURVEY PUBLISHED

The Golden Gate University Law Review is pleased to announce the publication of its first annual survey of the decisions of the Court of Appeals for the Ninth Circuit. The Survey issue is an analysis of the decisions of the Ninth Circuit in the following areas: (1) Administrative Law; (2) Admiralty; (3) Antitrust; (4) Bankruptcy; (5) Constitutional Law; (6) Criminal Law and Procedure; (7) Environmental Law; (8) Federal Practice and Procedure; (9) Immigration Law; (10) Intellectual Property; (11) Labor Law; (12) Securities; and (13) Taxation.

The Survey issue attempts to define

and clarify the position of the Ninth Circuit in these fourteen areas of law. It analyzes significant opinions of the Ninth Circuit and points out the similarities and differences in the views of the Ninth Circuit and other circuits on important legal issues. The contents of the issue are aimed at the general practitioner; regardless of whether he or she appears regularly before the Ninth Circuit.

The Survey issue may be purchased for a cost of \$5.00. A student subscription to the Golden Gate University Law Review, beginning with Volume 7, costs \$8.00 for three issues, including the Second Annual Ninth Circuit Survey. The Second

Annual Ninth Circuit Survey will contain analysis of significant opinions of the Ninth Circuit from September 1, 1975 to May 31, 1976. In addition, the issue will contain a Practitioner's Guide, a manual describing the proper procedures to be followed for an appeal in the Ninth Circuit, designed specifically for those attorneys who do not frequently appear before the federal appellate courts.

Students may purchase copies of the Survey issue or subscribe to our forthcoming Volume 7 at the Law Review Office, which is located at the rear of the Law Library adjacent to the vending machines.

SEVERAL LETTERS TO YOUR EDITORS

Dear Editors:

I am gratified to have irked at least one person with my artistry. In reply to the letter of Ms. Breault I have a few observations and explanations.

To begin with, Mayakovsky, perhaps the greatest revolutionary propagandist of all time, and one of the few who has (sic) also gained recognition as an artist, delighted in the opportunities to deface the posters of the opposition and caricature those whom he regarded as class enemies of the Bolshevik Revolution. It is a shame that after such a promising beginning that the degeneration to the dull formalisms of "socialist realism" should be so complete.

The likeness of Mao, so often repeated in poster form, has become as much totemic as representational. This is not inappropriate if Mao is to join the Armageddon of Plastic Gods with which the salesmen of the world assail us, but there is an ample supply of Gods as it is without our elevating politicians, even successful ones, to that exalted status.

My primary complaint is against the Theocracy of Maoism, if that is what government by dogma is best called. Dissuading a person of a belief they truly want to hold is of course a Sisyphean task, and one which I have no intention of assuming. I for my own part often find more virtue in doubt than in belief. There seems to be no shortage of Visionaries, Revolutionaries and just plain politicians in this world. They all beg us to believe them and I generally don't. I don't even believe their statistics. If I were to give a short answer as to the meaning of my art for the benefit of Ms. Breault it would be a simple "Humbug", or perhaps some slightly less polite word meaning simply, "I choose not to believe."

I will confess that the impulse to "demand equal space" was wholly impish. There is something so piteously righteous about the assertion of a right to equal time, an aspiration to equal importance so rarely born out, that I could not resist coupling it with something slightly frivolous.

I am quite serious, however, in not choosing acquiesce to the deification of, or any act respecting a tyrant, especially when paid for, however

minute the increment, out of my own pocket. I will not deny the apparent equality of persons in the self-promoted image of Mao's regime, but this equality appears to be accomplished through rather large sacrifices of individual freedom. Although I recognize that freedom and equality are antagonistic to each other in terms of their literal meanings, I must say that my metaphorical accommodation of the two in the term democracy falls rather more on the side of freedom than did that of the late chairman Mao.

While there may be an important distinction between power held through secret police style overt oppression and the constant indoctrination and correction of errors' of Chinese socialism, I cannot see it. If any, the latter seems to me the more pernicious of the two. By aspiring to direct the very thoughts of man it becomes unnecessary to demand his obedience.

The assertion of Ms. Breault that 800 million persons support (she used the term "please") Chinese Communism is not true by any standard which makes intellectual capacity and opportunity to choose a part of its criteria. Nor is the propagation of Mao-think necessarily limited to such saturation-programming of the populace. The International Commission of Jurists credited reports of High Lamas being dragged to death by horses in Tibet and went so far as to accuse the People's Republic of genocide under the United Nations definition.

I think that the iconography of my "Masterpiece" has been sufficiently explained.

I further compliment Ms. Breault on her modesty in holding such a high opinion of the intelligence of law students. I, of course, realize that no respecter of the Chairman would ever allow elitist thoughts to pollute their revolutionary fervor.

Yours truly,

Ed McAlpine

To the Caveat:

There has been no clear policy at GGU Law School concerning whether or not to count the first year classes' December midterms toward their final marks. The policy in practice has been to leave this decision to each individual professor's discretion.

In August, professors announced to their first year classes what their policies would be. A few weeks ago, Michael Golden circulated a letter among faculty and administration urging a uniform policy. From what I've gathered it was suggested that all the tests count to some degree. It appears that the idea had some acceptance in the administration. It seems that there was concern that students would only study for the tests that were finals (Civil Procedure) and that students might feel that it was unfair that teachers might be weighing tests in their section differently than the teachers in other sections. I'm not sure to what extent anybody consulted with students on this. Two weeks ago, some teachers announced to their classes that there was a good possibility that they would be changing their policy on the December tests to conform with the proposed uniform policy. Students already had some wind of this before the announcement and, in some sections, had already circulated petitions upholding their professors' discretionary choices and protesting what was considered an unfair change of policy. Since then, all first year classes have independently circulated petitions to the same effect. Within the last few days, the Dean's office has decided to allow teachers to use their own discretion in weighing the December midterm exams.

All of the above is extracted from a large amount of hearsay. I've seen some of the petitions and have talked with people who claim to have talked with other people. My gut reaction to all this is that we (students, faculty, administration) have been doing a tremendous amount of talking and petition writing and very little in the way of communicating. I feel that we all could use a little criticism, but I'm more concerned that in the interests of constructive criticism the SBA, FSC, faculty and administration consider how to avoid this sort of confusion in the future.

My suggestion is that a mid-semester change in testing policy should be considered of sufficient concern to everybody that it should have been dealt with by a publicized meeting of the SBA followed by consultation between student representatives, faculty, and the Dean's office. In addition, I feel that the Caveat could have been better used in airing school controversy.

Thank you - David Cooper

LETTERS (MORE)

To the Caveat:

The Bakke decision came down September 16, 1976. Two weeks later, October 1, 1976, Hastings had organized a panel of law professors to discuss the decision and its implications. Although the opinion is, in the original, 100 pages, Hastings xeroxed copies and the panel members prepared for a timely meeting.

Some of us at Golden Gate are intellectually curious about the Bakke decision and want a forum for discussion. We also want to know the impact on the Law School's admission policy. Although the latter issue may be difficult to appraise now, the former should not be. We have asked Constitutional Law professors to discuss this at a noontime meeting, but the administration says that we must wait for the opinion to be published in Law Week; we must wait for the professors to read it; we must wait for ... Now, almost four weeks after Hastings "got it together", we at Golden Gate are still waiting.

Must we settle for less? Bakke is a current concern to us, also. (See Caveat editorial of October 20, 1976) We want a forum now.

S. Thornally Martin

Freedom of Speech (continued from Page One)

is engaging in the very involvement in political activity which the guidelines purport to prohibit.

The University should not be engaged in the arrangement of forums, times of activity or placement of political information.

With the election so close, it is ridiculous to feign even-handedness in contacting all interests and giving adequate time for response.

If the intent of the University is to protect us against one-sided propagandizing, I resent the help. Universities in particular should be the institutions in society which can entertain and house free exchange of information. The election is next Tuesday and, as a matter of practicality, the requirements and delays are a denial of free speech -- something I, for one, took for granted.

Carl Ferrentino

NOTICES

WALLY'S WONDERFUL WORLD OF PLACEMENT

Reginald Heber Smith Program - Thursday, October 28, 3:30 to 4:30 PM, Room 209, Director Glenn Carr will meet informally with Third & Fourth year students to discuss the program and answer questions. Applications are in the Placement office.

California Rural Legal Assistance - Friday, October 29, resumes due for forwarding to CRLA. See Placement board for particulars.

Federal Trade Commission - Wednesday, November 3 is closing date for applications, due in D.C. There are two San Francisco openings - see Placement board. Applications in the Placement office.

Army Judge Advocate Corps - Tuesday, November 16 on-campus interviews for graduating students and graduates. Sign up sheet on Placement board.

U.S. Coast Guard - November 3, noon to 1:00, Room 205, the U.S. Coast Guard will talk with any interested students about legal opportunities in areas of International-Admiralty-Real Estate-Environmental Protection-Legal Aid-Trial & Appellate Law. See Placement board Announcements for details.

Former Dean John Gorfinkle - November 5, noon to 1:00, Room 205. Former Dean John Gorfinkle, an active person in legal activities and excellent speaker, will meet with us. Details in next Caveat.

Will the individual who walked off with Placement's only copies of the ABA Federal Legal Directory and SF Bar Directory kindly return same. Other students and graduates need these resource materials. Thanks.

Wally

DISCUSSION

On Thursday, November 4, the Golden Gate women who participated in the annual regional conference on feminism and the law will discuss the events and speakers of the conference with other interested women. The meeting will be at noon in Room 205. For those interested in continuing the discussion of the conference issues: racism, classism, professionalism, and lesbianism. A time will be picked for a potluck meeting.

ONE MORE REMINDER:

Registration for the Spring 1977 semester for students beyond the first year is taking place this week. Friday is an open registration day for those students who may have missed their scheduled day to register. See the Bulletin Boards and registration material for details.

Carol Goldman

WOMEN'S ASSOCIATION

Next Women's Association meeting will be Monday, November 1, at noon in Room 209. (Meeting will probably continue from noon to 1:30.)

Contrary to rumor -

Exams will be held!

MEETINGS TO EXPLORE A NEW APPROACH TO LOOKING AT YOURSELF AS A LAWYER

A series of four meetings will be held to consider career decisions for lawyers from a humanistic perspective. The first meeting will be held in early November and the course will run for four weeks. It is open to students currently involved in a clinical project or working in a law related position. The purpose of the meetings will be to facilitate the transition from your present work to your post-graduate career. Particular attention will be paid to the choices you are and will be making regarding your style of practice and the effect that these choices have upon the other parts of your life. Issues that will be addressed will include: finding a way to be comfortable with yourself and be effective as a lawyer at the same time; dealing with the inter and intra-personal conflicts that permeate the life of the lawyer; integrating your life experience and understanding into your law practice; regarding yourself beyond the role of technician as a person who wants to and can help others resolve their problems; understanding the direction and evolution that the course of your life is taking as a lawyer. These will be largely experimental meetings and will be limited to fifteen (15) people. The meetings facilitator will be Gary Friedman, a San Francisco lawyer interested in "humanistic law". An organizational meeting will be held for interested persons on Wednesday, November 3 at noon in Room 302.

MORE NOTICES

NEW CONCEPT IN FOREIGN AID

If you come to Room 205 at 3 PM on Monday, November 8, you will hear Unita Blackwell Wright speak on her trip to the People's Republic of China. You will also see a movie from China.

Mrs. Wright, a Black Mississippian, was a founder of the Mississippi Freedom Democratic Party which challenged the seating of the regular Democratic Party from Mississippi at the 1964 national nominating convention of the Democratic Party. She spearheaded the voter registration drives in six counties of the Mississippi Delta leading to court challenges of the Democratic Party.

Mrs. Wright was also organizer for the pioneering school desegregation suit Blackwell v. Sharkey and Issaquena Consolidated Line School in 1965-66. She established freedom schools in the two counties to protest segregationist policies and practices.

As a prominent woman leader in the Black Liberation struggles, Unita Blackwell Wright was invited to participate in the first women's delegation to visit the People's Republic of China in 1973, led by Shirley Mac Laine. Mrs. Wright has spoken about China for the U.S.-China People's Friendship Association. It is this latter organization which is bringing her to San Francisco. The G.G.U. chapter of the N.L.G. is sponsoring her visit to our school.

The film tentatively scheduled is "Freedom Railway". The Tan-Zam Railway was a project in which 14,000 Chinese people, working day and night with 40,000 Africans, pushed this railway 1,900 kilometers through jungles and over mountains, from Dar-es-Salam, Tanzania to Zambia. The film shows the new concept developed by China of what aid to foreign countries signifies.

NOTE: See the National Lawyers Guild Bulletin Board for an informative article by a Detroit judge on China's legal system. (Take it down while you read or xerox it.)

WORRIED ABOUT EXAMS?
IS THAT WHAT'S GETTING YOU DOWN,
BUNKIE?

Jerry Sack's Exam Writing Tutorials will be held Thursdays from 4:30 to 6:30 PM beginning November 4. There will be at least two meetings this semester - possibly more. Watch the Dean's bulletin board for complete information.

MORE ON N.C.C.C.

The Regional Competition of the National Client Counseling Competition of the Law Student Division of the American Bar Association will be held on March 5, 1977. In January, Golden Gate will have an intra-school competition in order to select a team of two students to represent the school. Anyone currently enrolled in the law school is eligible to enter the Golden Gate competition. If you enter individually, you will be paired into teams for the competition. Roger Bernhardt will be the faculty advisor.

The Competition tries to simulate a law firm consultation as closely as possible. A typical client problem is selected and a person acting the role of the client is briefed on his or her part. The subject matter of the problems will be Landlord-Tenant. Before the day of the Competition the student teams will be given a very brief memo concerning the problem. The content of the memo will be equivalent to the information a secretary might be told when a client calls to make an appointment. In the actual competition, each team of students is given 45 minutes; 30 minutes to interview the client and 15 minutes to confer between themselves in order to prepare a post-interview memorandum. The winners of the Regional Competition will go on to the National Competition which will be held on March 26, 1977.

Sign-up sheets will be posted during the month of November. The format of the intra-school competition has not been determined as yet. Information will be published in the Caveat as soon as it becomes available.

IF YOU'RE GETTING CLOSE

Applications for the February General Bar Exam and the February Professional Responsibility Exam are now in the Dean's office.

The filing deadline for the General Bar application is November 17.

Carol Goldman

ATTENTION LAW STUDENTS:

Here is an opportunity for you to work with a legislative group and gain experience in interpreting and developing opinions about bills before the State legislature and Congress.

This legislative group is the Legislative Committee of the San Francisco Commission on the Status of Women. The Commission began operation in 1975 when Mayor Joseph Alioto made the first appointments. There are five committees of the Commission; the legislative committee being the one where law students can use their abilities most effectively.

The group plans to study bills pending before the national and state legislative bodies that affect the status of women and to present a consensus about the bill to the Commission suggesting appropriate action in terms of support, amendment, or defeat.

This is an opportunity to develop your skills, refine your ability to analyze and construct an opinion and then see it have effect through a mayoral-appointed group.

Those interested in working on this committee should contact Joan Nosse at the offices of the Commission on the Status of Women, 50 Fell Street, San Francisco, 94102, 558-3653.

STRICKLY POLITICAL

NOTICE!

Assemblyman Willie Brown will speak for Jimmy Carter on Thursday, October 28 at noon in the Auditorium. Everyone is welcome!

For the next issue of Caveat, turn in all items for publication by 10 AM on Tuesday, November 2, to the faculty center east in the Caveat box or to one of the editors.

Please bear in mind that the views expressed in the Caveat are not necessarily those of the Law School or the Student Bar Association.

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