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Caveat, February 22, 1977

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CAVEAT

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Vol. XII, No. 20

Golden Gate University School of Law

February 22, 1977

HONGISTO HAS STRONG WORDS FOR THE CRIMINAL JUSTICE SYSTEM IN U.S.

GOLDEN GATE UNIVERSITY

by David Cooper

Mincing few words, S.F. Sheriff Richard Hongisto spoke to a filled auditorium Wednesday afternoon at GGU. Few will recall an elected official speaking so frankly. In this, his first public presentation of his political philosophy, Hongisto spoke on a wide range of topics including class and ethnic discrimination as enforced through the criminal justice system. He also commented on the political and personal deficiencies that he perceives in Supervisor Quentin Kopp.

The sheriff's presentation concerned his understanding of the relationship between our socio-economic system and the way that we distribute criminal justice. He warned the audience away from discussing legal and criminal justice systems outside their social, political, and economic contexts. Unregulated capitalism leads to a concentration of wealth and power within the ruling strata, he claimed, and the law institutionalizes

the prevailing inequalities. "All that have money are treated equally; all that don't have money are treated equally, but those who don't have money are not treated as equally as those who do." He also quoted the oft repeated reflection of Anatole France concerning the law's ability to prosecute rich and poor equally for stealing food and sleeping under bridges. He explained that crime is a result of poverty and that if we want to reduce tensions within the community that this could only be established through a system that will restrain the most powerful and that will equitably distribute wealth and status. He contrasted this approach with the approach of those who see the problem from a purely law enforcement perspective which holds that the root of crime is permissiveness and its solution is in increased incarceration and repression of those convicted of crimes. While proponents of this view might concede a relationship between poverty and

crime, they would tell us that we suffer these disadvantages so that we can be wealthy. Hongisto disagreed and challenged these assertions by contrasting our system with those he characterized as higher on a democratic socialist scale. Scandinavia with a permissive reputation has a homicide rate of 0.5 per 100,000. England's rate is 1.5 while ours stands between 7.0 and 9. More repressive criminal justice systems in South America have double digit rates. Even so, Scandinavia has a higher standard of living with a more equitable distribution of wealth and social services.

The sheriff maintained that in the United States we substitute for a distribution of wealth with a criminal justice system and that this is a reflection of the historical development of these systems across the western world. The first modern criminal justice agency was established in France in 1654, when too

(SEE PAGE SIX)

HARP SEAL KILLING QUOTA INCREASED

by Jan Lecklikner

Each year the migratory harp seals journey south from the waters of the Arctic to those off the east coast of Canada. They come, as Nature intended, to perpetuate the species. During March and April, on the ice floes formed by the harsh winter, they give birth and nurse their white-furred pups, and then begin their migratory pattern anew.

Each spring Canadian and Norwegian sealers come to these ice floes to club and skin the infant seals for the luxury fur industry.

The young seals are easy prey. Awkward in their new surroundings and unable to move faster than a man can walk, they are virtually helpless. And, unlike adults, they cannot escape to the safety of the water. The sealers must work quickly, taking the baby seals soon after. It is the soft natal fur that is valuable, and as the seal grows, it begins to moult, developing a coarser grey coat.

New scientific techniques using ultra violet photography estimate the total seal population to be between 700 - 800,000. Last year's quota was 127,000 but the actual kill was closer to 169,000. In spite of the danger of extinction, the quota has been increased this year to 170,000!

Efforts by Greenpeace organizations to combat this kill resulted in the Canadian government passing new laws to prevent interference with the kill by environmental groups.

The seals are slaughtered for greed and vanity only. What can you do?

1) Sign the petitions on the Environmental Law Society Board on the second floor.

2) Write immediately! The kill starts at the beginning of March:

Fisheries Minister Romeo LeBlanc
Fisheries & Marine Service
Environment Canada
Ottawa, Ontario K1A 0H3
Marcel Cadieux
Canadian Ambassador
1746 Massachusetts Avenue, N.W.
Washington, D.C. 20036

S. Chr. Somerfelt
Norwegian Ambassador
3401 Massachusetts Ave., N.W.
Washington, D.C. 20036

OIL SPILLS

by Jan Lecklikner

A year ago, the California Supreme Court interpreted one of California's few oil spill laws, §13350(a)(3) of the Water Code. The statute had been intended to impose strict liability against on shore oil polluters to the tune of \$6000 per day in damages for every day that oil was in the water. This money was to go into a fund that would compensate for the unquantifiable damages (e.g. wildlife and ecosystem destruction) caused by an oil spill.

(SEE PAGE TWO)

SBA ELECTIONS

Voting will take place on Tuesday - Thursday, February 22, 23 and 24 from 10:30 a.m. - 1:30 p.m., 2:45 - 3:15 p.m., and 5:30 - 7:00 p.m. and during breaks of the night classes.

(OIL SPILLS - FROM PAGE ONE)

After the Supreme Court got through with the statute, the statute was and is interpreted to be:

- 1) Requiring proof of intent or negligence on the part of the polluters;
- 2) \$6000 per day the oil is actually discharged into the water.

There is a wealth of problems with this interpretation. To name only a few:

1) California now has a lesser standard of liability than Oregon and Washington which should invite more oil production into the state, especially second rate corporations with bad safety records.

2) Under the codes, if oil is spilled by a tanker in the San Francisco Bay, absolute liability without fault is the standard. But if oil is spilled from a tank farm into the bay, the state has to prove negligence. Since oil companies conduct the research, own the cleanup operations, and employ the only people present, if any, when a spill occurs, that burden is difficult to bear. In addition, oil companies do not have the best reputation of cooperating with discovery requests when it is against their interest.

3) The Water Regional Control Board has to determine whether a case should be sent to the attorney general's office to be prosecuted. These people are not lawyers and have in the past decided not to prosecute because a particular spill was an "accident" so not negligent.

4) A simple suit against an oil spill costs a minimum of \$10,000 to prove negligence. Most oil spills happen in one day. Therefore, there's a loss of \$4000 to bring a suit when all you can collect is \$6000 per day of actual discharge.

What can you do?

There's a new bill, SB 167, that spells out strict liability with no loopholes and increases the potential damages. It has passed through the Rules Committee and has been sent to the Senate Agriculture and Water Committee, one of the more conservative committees in Sacramento. Soon after the Supreme Court opinion last year, a similar bill was put through this committee and defeated. A hearing on the new bill will be held March 1, 1977 and it is crucial that committee members hear from people be-

fore then about how important it is that we have stricter laws to combat the increasing amount of oil spills. Six votes are needed to get this bill through this committee.

You can write to:

Senate Agriculture and Water Committee, Sacramento and/or committee members:

- Mr. Nimmo - could go either way
- Mr. Caramendi - " " "
- Mr. Presley - " " " "
- Ms. Rose Buich - only woman senator vote unknown
- Reuben Ayala - chairperson, voted for defeated bill last year, reads his mail
- Mr. Garcia - unknown vote
- Mr. Stiern - voted against bill last year
- John Stull - ex-Navy commander, very conservative, probably vote against it

If you don't have enough money to spare for stamps, leave your letter in the faculty center box of the Environmental Law Society or a note telling us how to get stamps to you.



LETTERS TO THE EDITORS

Dear Second Floor People:

I can't think of anything "catchy" to say, so I'll put it to you like it is:

Too many people have relapsed into their old ways; trash accumulates on tables everywhere. Please do take responsibility for your own.

Sincerely,
Mary Mattson

Dear Cindy:

I am not ever going to have a beer again... ever I promise.
Rita Whalen

Dear Diana:

Please come home. We love you and miss you, especially your fast fingers and quick tongue.
Cindy and Carlos

SERRANO: WHERE NOW WITH SCHOOL FINANCING?

The impact of the decision of the Supreme Court of California in Serrano v. Priest will be the subject of a public forum sponsored by the Boalt Hall Student Association, the Earl Warren Legal Institute and the Institute's Childhood and Government Project. Speakers will include Charles E. Gocke of the California State Department of Finance; John E. Coons and Stephen D. Sugarman, Professors of Law at Boalt Hall; James A. Guthrie, Associate Professor of Education, U.C. Berkeley; and Dr. Laval S. Wilson, Superintendent of the Berkeley Schools. The program will begin at 8:00 P.M., Wednesday, March 2nd, in Booth Auditorium, Boalt Hall.

The Serrano decision has held the present system for financing elementary and secondary public education in California to be in violation of the State constitution. The fault in the system, according to the court, is that differences among school districts in the amount of taxable property per pupil are permitted to affect the level of spending for a child's education. The legislature has until 1980 to virtually eliminate the influence of such wealth differences. The impact of this reform upon the present distribution of tax burdens and edu-

cational benefits will be profound. However, the court has left the legislature a very wide range of options as to how education may be financed. Therefore, it is expected that the legislative process will be boiling with new suggestions for the reform not only of finance but also of the organization and governance of our schools.

Mr. Gocke will describe Governor Brown's tentative plan to respond to Serrano. Mr. Gocke is the State officer responsible for overseeing the development, preparation, presentation, and administration of budgets for all education programs in California. He acts as financial advisor to Gov. Brown on education matters.

Professor Coons will explain the Court's holding and indicate how much discretion the legislature has in designing a new system. Professor Sugarman will describe a variety of legislative options including special aid to urban areas and to disadvantaged students, centralized and decentralized budget systems, systems based upon local income taxation and systems based upon autonomy of the family or child him or herself. Coons and Sugarman have developed new systems for finance and originated the constitutional theory upon which
(SEE PAGE SIX)

SBA ELECTIONS : CANDIDATE STATEMENTS (VOTE!!!)

RICHARD WRIGHT
2D YEAR NIGHT
CANDIDATE FOR PRESIDENT

Subjective: Good points first: dedicated, enthusiastic, tireless, hard working, sensitive, a good listener & not a bad talker. Bad points: stubborn, not perfect.

Objective: I am 35 and graduated from college in 1965. Before coming to Golden Gate, jobs that have "had" me ranged from teacher, accountant and engineer to salesperson.

I came to Golden Gate University School of Law because this school had garnered a reputation in the Bay Area of being liberal in its thinking and progressive in its approach. This is evidenced by its seemingly relaxed air and a large degree of interaction between administration, faculty and students. After a year I began to wonder if this image was a facade, an opaque veneer hiding the "same old thing". Let's look at the record.

There are presently no Third World faculty members and only two women. I felt very strongly that this situation had to be remedied. Renewed with a vigor generated by passing my first year classes, I decided at the beginning of this academic year to try out for the Hiring Committee. As a member of the Hiring Committee this year, I have consistently proposed doing everything possible to increase the pool of Third World and women applicants. To date, the actions of the Hiring Committee indicate that my efforts have been well-received.

I was chosen not only for the Hiring Committee, but also acquired the position of student representative to the Faculty Student Committee (FSC). Duties of this position entailed: attending FSC meetings; attending SBA meetings; representing student concerns as best as I could with my vote on the FSC; and reporting the progress of the Hiring Committee and FSC happenings to the SBA and anyone who would listen. The combination of my experiences with the Hiring Committee, SBA, and FSC has enabled me to gain understanding and insight into the administration faculty and student population at Golden Gate.

To accomplish anything, the SBA President must have rapport with the students, faculty, and administration. This does not imply an undying love, but rather a mutual respect in order to communicate. There are some pro-

student things that can be accomplished at this school. I believe that we have, for the most part, a relatively enlightened administration and faculty. But, many times, good ideas are lost and less desirable paths are followed for the want of a strong, articulate advocate. I can be that advocate. This is not to say that I will be all things to all people. Nor will I fight everyone's battle with equal resolve. But, I do make a commitment to carry through on what I see as very pressing issues:

1) This school's commitment to an active affirmative action program in the areas of admission and hiring of qualified Third World and women candidates, irrespective of the "BAKKE BULLSHIT".

2) Getting financial relief for a large part of Golden Gate's student body who cannot afford the ever-increasing tuition vis-a-vis a constantly decreasing amount of available financial aid.

The students, administration and faculty, as represented by their leaders, must not be afraid to take new approaches to old, unresolved problems. This school not only has a student body with superior intellect but a student body committed to progress. With a combination like that, how can we be anything but successful?

I welcome not only your vote, but, if elected, your continued support and guidance.

Right-on Wright
(not to be confused with White on white)



MARK DERZON
2D YEAR DAY
CANDIDATE FOR PRESIDENT

Since entering Golden Gate I have concerned myself with various aspects of student government.

- 1) I ran the SBA elections last fall.
- 2) I've worked for two years on the Caveat staff trying to keep students informed on important issues affecting them. (Such as tuition raises and softball games.)
- 3) I'm a member of the Academic Standards Committee. In that role, I've tried to inform all students (especially first year) what the grading system means.

4) I'm a member of the FSC. During my term I worked to add an additional student to the committee, and to remove the shroud of secrecy that previously surrounded the evaluations committee.

During my 3 years at Golden Gate the number of fulltime faculty will have grown from 16 to 23. Their average salary will have increased by nearly 50%. Last year since a \$60,000 law school budget surplus was turned over to the building fund, my classmates and I each paid \$96 for a structure we will never use. (Hopefully this year's and next year's budget will be more carefully thought out so there will be no huge surplus.) The University refuses to solicit alumni for badly needed financial aid Programs until the new building is paid for. Add all this to the fact that we were screwed this year by staggered tuition and it's no wonder we're all in such a financial bind.

Because the students attending GGU during these years have been hit so hard, I have been working with Bernie Segal to institute a faculty financed student assistance fund. Our goal is to raise \$2000 (\$100 from each professor) by next fall. Six professors have already given their approval to this idea and most of the others have reacted favorably.

One small financial aid fund is obviously not the answer, but I can assure you that if I'm elected, and for that matter even if I lose, I'll continue my efforts to ease the financial burden on all of us.

The SBA presidency is a paid position. He/she receives a tuition waiver worth \$2500. If elected I'll work hard to earn that money. I'll try my best to be around to help you with any problems. You have a right to expect at least that much.

Thank you.



BILL BENJAMIN
2D YEAR DAY
CANDIDATE FOR PRESIDENT

Dear fellow students and friends:

My name is Bill Benjamin and I am a candidate for SBA President.

I am 41 years old, married, Sandra and I have a 7 year old daughter, Stacy, I have lived in San Francisco since 1963. During that

(SEE PAGE FOUR)

(BENJAMIN - FROM PAGE THREE)

time I have worked as an Operation Officer, Accountant and Office Manager. I am now a student and the question before me is -- Why do I want to be President? The overriding reason is that the experience of serving as President will be beneficial in my pursuit of a legal career.

There were other less determinative considerations. I would like to spend more time at school. The President receives a full tuition scholarship. That scholarship would permit me to be a truly full-time student and a full-time President, involved in my studies and the interests of the students. I enjoy those activities and believe I would continue to enjoy them as SBA President.

The question before each of you is -- Why should you vote for me?

I have not served on any formal school committees and perhaps one might expect an apprenticeship on a committee should be a prerequisite for serving as SBA President. I have not served because in my first year I chose to concentrate on my studies and my work as a law clerk; however, on two issues which concerned the entire student body I became involved; split tuition and library noise level.

The end result of a long line of meetings on split tuition was an agreement that no further split tuition scales would be authorized. I still support that position without reservations.

In a series of meetings with President Butz, Dean McKelvey and Librarian Carter, I instigated a poll of students on the library noise issue. The students concurred by a 5 to 1 ratio that the noise level was too high. As a result the following changes were made: The photo copy machine was moved into Professor Levy's ex office, quiet signs were restored and the Law Review Staff began utilizing the Law Review Office for conferences and other related Law Review activities. The result has been a quieter atmosphere in which we students have all benefitted.

I recognize that the office of President has limitations; therefore, I am not making any promises that I may not be able to keep. Still, the Presidency is a forum and a focal point at which student concerns and opinions can coalesce. I will work full time to continue an expansion of student influence on matters that

concern students most: Increases in scholarships, relevant guest speakers and proper course scheduling.

Not being affiliated with any single group of students or committees will allow me to bring a neutral and fresh attitude into student government. If you agree with me that our SBA could use a new voice, and that my background and experience are qualities needed, then vote for me, Bill Benjamin, for SBA President. Thank you.



BARBARA SILVERSTEIN
1ST YEAR DAY
CANDIDATE, VICE-PRESIDENT

Having spent a year at GGU I have been confused and confounded by what I perceive as a lack of information as to all issues concerning students. Inherently, 1st year students suffer from a lack of orientation and have no access to student government or other informed sources.

In terms of the SBA, the alleged student representatives, I, for one, was not informed of the opportunities to gain information and participate in the decisions which will affect my stay at GGU. I still don't know exactly what the functions of the SBA are but I believe I know what they should be.

As I see it the SBA should serve a threefold purpose:

1) Information Dispersal: All incoming students should have included in their orientation materials a description of SBA positions and functions, both elective and appointive so they have an opportunity to participate in all facets of their law school tenure.

2) Student Input: The SBA should serve as a clearinghouse for all student input into the law school decision making process. This means actively soliciting student opinions rather than just making SBA personnel partially available to the students. The burden must be shifted from the individual students to make their views known to the SBA to obtain student opinion prior to making decisions.

3) Student Watchdogs: The SBA should monitor all other decision-making bodies in the university such as the Board of Trustees, Dean's Office, FSC and FSC committees. All information gathered in this process should be distributed to the students either in the Caveat or in special SBA bulletins.

The above goals for the SBA are only a partial outline of the functions needed. Any and all students who have ideas and desires they would like to see the SBA implement would be welcome to join with me in an effort to make student representation both responsible and responsive.

RONALD GREENWOOD
1ST YEAR DAY
CANDIDATE, VICE-PRESIDENT

I am running for the SBA Day Vice-President. For those students who did not see me at "Meet the Candidates" on Friday or do not otherwise know me, I was the SBA representative for the first year A section. When I ran for first year rep. I stressed my concern with representation for Third World and Women's interests. I have been conscientious in performing my duties as an SBA rep., attending all SBA meetings and all interviews concerning selection of the Committee reps. and FSC reps. I believe the minority and women's movements must cooperate and coalesce with other socio-political movements to effectuate change within GGU. I voted for Committee persons supporting these goals including the attempt to hire women and Third World professors.

I have been an activist in the SBA and will continue to stress increased input in the policy making of the University. We, as law students, are a privileged minority and must not lose sight of the circumstances that allow us to be in our present positions. Only through the conscientious efforts of some people in our society have the disadvantaged gained part of their just rights. But as the Bakke decision clearly demonstrates, we cannot be lulled into the belief that our combined efforts are no longer needed to maintain and expand our rights and freedoms. A continual renewal of our struggle and efforts is essential. If elected SBA Day Vice-President I will continue being tenacious in representing these views.

BOB MARSDEN
2D YEAR NIGHT
CANDIDATE, EVENING VICE-PRESIDENT

I favor increased student participation in the decision-making processes of the law school.

I am opposed to increased tuition coupled with the lack of adequate student financial assistance.

I have been a second year evening division representative to the Student Bar Association Govern-

(SEE PAGE FIVE, COLUMN ONE)

ing Board for the past year and feel I have the necessary leadership qualities to fulfill the requirements of the office of evening division vice president.

ERIC B. RASMUSSEN
CANDIDATE, AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION REPRESENTATIVE

In the past, GGU students have not been adequately informed as to the functions of the ABA/LSD, or as to the benefits of membership. Among many other things available through ABA/LSD are scholarship grants and reduced rate medical insurance. It also provides student members with a number of useful legal publications at no cost, and nearly all ABA law journals at greatly reduced rates. Students also have the opportunity to actively participate in the ABA's 24 Sections on all areas of law and legal concern. The ABA has been variously stereotyped on this campus as stodgy, reactionary, corrupt, etc. Like most stereotypes, these simply are not true. I recommend a casual reading of The Student Lawyer or the American Bar Association Journal for those who have doubts. I hope to keep students better informed and to encourage students to take advantage of the benefits ABA/LSD membership offers.

FARMWORKER SUPPORT COMMITTEE POT LUCK

Date: Wed. February 23

Time: 6:15 p.m.

Place: 515 Hill St., S.F.
(between Noe and Castro, 21st and 22nd Sts.)

All people interested in finding out about working with the farmworkers through Golden Gate are invited to come and socialize. In addition to eating and drinking, we'll be talking about law student summer projects with the farmworkers and law students going down to the valley to help farmworkers with their tax returns over the next couple months. There will be a session after the pot luck to train us in filling out tax returns and tax law in general. All are welcome to come!

WOMEN'S ASSOCIATION MEETING

The next Women's Association meeting will be held Thursday, Feb. 24, 5 p.m. in room 207.

SCHOLARSHIP ANNOUNCEMENT

Lawyers' Wives of Sacramento County will award a scholarship to a male or female '78-'79 graduating student in certificate form at our April 27th luncheon.

Students qualifying must:

- 1) Attend a Northern California Law School;
- 2) Have been a legal resident of Sacramento County for one year;
- 3) Have completed one year of day law school or two years of evening law school;
- 4) Have need of financial assistance; middle income student may apply;
- 5) Submit a transcript of scholastic standing and three letters of recommendation, one from a professor of the law school;
- 6) Be available for a personal interview.

The grading factors used to determine the recipients of these scholarships will be:

- financial need
- scholastic standing
- recommendations

REGISTRAR NEWS

All grades for the Fall semester have been received from the instructors and are posted to the bulletin boards. Therefore, the option of changing a given letter grade to Credit/No Credit will be in effect until Friday, February 25, 1977, 5 pm. Changes will not be accepted after that date.

Applications for the April Professional Responsibility exam are now in the Dean's office. A notice regarding deadlines is posted to the Bar Bulletin Board.

PAUL JAIN TO SPEAK

Paul Jain will explain the Financial Aid Application Process to Law Students on Tuesday, March 8 at 12 noon in the Auditorium and 5:30 pm in Room 207. All students who intend to apply for financial aid should attend.

DEPUTY ATTORNEY GENERAL TO SPEAK

Gregory K. Wilkinson, California Deputy Attorney General, will speak on Wednesday, Feb. 23 at 12:00 in room 205. The subject of his talk will be the upcoming California oil spill legislation, S.B. 167. Everyone is invited to attend.

SCHOLARSHIP ANNOUNCEMENT

The Lawyers' Wives of Solano County is offering a \$500.00 scholarship to a second-year or third-year law student who is a resident of Solano County, or a graduate of a Solano County secondary school.

The scholarship will be awarded on the basis of financial need and a satisfactory school standing. The recipient is required to use the money for law school expenses.

Application must be made by July 1, 1977, in order that the award may be given for use in the Fall Semester, 1977.

For application forms, please write to:

Mrs. Michael L. McInnis
Solano County Lawyers' Wives
Scholarship Committee
409 Calle de Caballo
Suisun, California 94585

FINANCIAL AID APPLICATION DEADLINES

Applications for the National Direct Student Loan and College Work Study for Summer, 1977 and Fall-Spring, 1977-78 are now available in Room 107.

The deadline for Summer, 1977 is April 19 and for Fall-Spring, 1977 is April 2.

Students applying for the Federally Insured Loan should submit their application eight (8) weeks prior to the beginning of the semester to insure receipt of their loan checks in the beginning of the semester. FISL applications for the academic year 1977-78 will be available during the week of June 20, 1977.

BAILIFFS NEEDED

Students wishing to participate as bailiffs for 'mock' trials being held as part of a Trial Variant Litigation course are desired. In addition to having fun, see your classmates go through the ecstasy and possibly agony of a civil trial. Come to room 220 Faculty Center West before March 9, 1977, in between the hours of 12:00-1:30 Tuesday through Friday. The trials will be held on later part of March.

COME HOME DEER



(HONGISTO - FROM PAGE ONE)

many homeless and unemployed came to be roaming about in the cities, due to being kicked off the land. This same period saw the development of the welfare system which Hongisto views as part of the criminal justice system in practice. During his talk he mentioned that the original role of the sheriff in feudal times was to act as the feudal lords "bag man" in collecting rents and that only later was he charged with keeping the peace as a complementary function.

Hongisto elaborated on his thesis that the law is discriminatory by examining the processes of arrest, bail, legal representation, and sentencing. He recalled that while he was at the police academy during the 1960s he was taught that patrolmen should stop interracial couples because there was probable cause that they were engaged in the crime of prostitution or illicit use of drugs. The well off, if arrested are more apt to be released in their own recognizance or can pay their way out; if charged, can more readily afford a good lawyer; if convicted, are more likely to get reduced sentences or other preferential treatment due to the "greater suffering" that those of higher positions must feel when dragged through the criminal justice process.

Hongisto wound up his presentation with William Nagel's study of incarceration in America. That study found that while there was no relationship between the numbers of minority people present in a state and that the state's rate of crime, that there was a correlation between the numbers of minority people present in a state and that state's rate of crime, that there was a correlation between the numbers who were minorities and the numbers who were imprisoned. That study also showed that there is a correlation between a state's unemployment rate and its crime rate.

(SERRANO - FROM PAGE TWO)

Serrano was decided. Both argued the case before the California court.

Professor Guthrie who is a national authority on school finance and a member of the Berkeley School Board will comment upon the Governor's proposals and suggest how finance may be decentralized to the level of the individual school. Dr. Wilson will act as chairperson and moderator of the forum. Wilson is especially interested in the impact of Serrano upon those urban districts like Berkeley and San Francisco that have until now been able to rely upon their richer-than-average local tax bases.

The sheriff proceeded to take questions from the audience. Below is a summary of some of his remarks:

On overcrowding in jails: The jails are approaching or surpassing the point of overcrowding right now due in part to the hysteria "lathered up" by Supervisor Kopp in regard to prostitution and crime. Hongisto hopes that public opinion will see the insanity of the overcrowding and swing the other way.

On the revoking of probation: It should be done with a hearing.

International Hotel: What happens turns on whether the owner of the hotel succeeds in defeating the city's attempt to buy the hotel through eminent domain. It does not look good for the tenants in light of the record of Judge Arnold, a Reagan appointee, who is hearing the case. If the tenants lose, the sheriff's office will have to evict but with the significant caveat that they would have to have a force sufficient to deal with the expected resistance of 10,000 people surrounding the hotel and 300 people inside (numbers from a recent resist-eviction rally at the hotel).

On the enforcement of property rights: It's fine to have property rights, but what kind? International Hotel is a good example of the problem. On a strict property rights analysis the tenants should be evicted, but shouldn't the local community have some say over the disposition of the property since they must live with the consequences, whereas the absentee owner will only live with the profits? Limitations of property rights can be analogized to Holmes; limitation on the freedom of speech.

Proposition T: Neighborhood election of supervisors will probably bring in new faces and could have the effect of

attracting people who are more interested in being good supervisors than they are in their upward mobility.

On Kopp's attacks on the D.A., Chief of Police, and on the Sheriff's Office: Best way to get ahead in politics is to do nothing. The previous D.A. and Chief while inoffensive personally were not very active. There was no big to-do until D.A. Freitas started running around doing things like establishing a consumer fraud unit. Then Kopp and co-supervisor Barbagellata started talking about a crime wave which Hongisto characterized as "manufactured bullshit".

On Supervisor Kopp: He has a "persecutorial streak" in his personality which makes him particularly ill-suited for the position of District Attorney, which he would like to be. Kopp's tactic is to "hit and run". He secretly investigates a problem and gets a paper written, then calls a press conference and disappears for a week. Fundamentally he's a coward. When Kopp once talked back to ex-Mayor Alioto at a Board of Supervisors meeting, Alioto responded, "Shut up Quentin or I'll get tough with you." Hongisto claimed that the supervisor complied.

Sheriff Hongisto is a veteran of the Marine Corp and the San Francisco Police Force. He received his Masters in criminology at U.C. Berkeley and is currently working on his doctorate. His appearance at Golden Gate is part of a series of talks by non-lawyers arranged by Prof. Tom Goetzl.

Is Allan Cadegene Taxing?
Has Ted Rosenak contracted something?

For the next issue of Caveat, turn in all items for publication by Noon on Thursday, March 10, 1977, to the Caveat box in the faculty center east or to one of the editors. (The latter action will be taken at your own risk.)

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

We regret to inform you that the Caveat will not be published over the break period. Have a good one!

Editors: Diana Baker
Cindy Duncan
Carlos Kaslow

Staff: Mark Derzon

NAME THE ANIMALS CONTEST

Sponsored by the Caveat editors. Only losers are eligible to claim 1st, 2nd, and 3rd place prizes (guess who) in the Caveat office.



vote!