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## The Caveat, January 11, 1974

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# CAVEAT

Volume IX No. 5

Golden Gate University School of Law

January 11, 1974



A photographic libel of Roger Bernhard

## ERUPTION AT U.S.F.

by Kathy Henry

In April, 1973 ten law students at University of San Francisco School of Law filed a suit asserting their right to a quality legal education at an American Bar Association accredited law school.

In early 1971 D. Delos Putz, Jr., the present Dean of the USF Law School, met with the Board of Trustees and corresponded with the then President of the University, Albert Jonsen, to discuss whether he should become the Dean. During these conversations, Mr. Putz made it clear that the school should begin a major faculty expansion, or leave the business of legal education. Putz was generally looking for a Board of Trustees commitment to a general program expansion to span more than one year. Specifically he requested an increase in full-time faculty to twenty full-time (exclusive of the Dean and Assistant Dean) by Fall, 1973, with student-faculty ratio then falling from 38-to-1 to 26-to-1. He also expressed concern

(continued on page 6)

## NEW FORMAT

Sometimes one gains speed by going downhill. This our endeavor in adopting this glorious, new, tacky format. We are going to attempt to make the new CAVEAT appear weekly or thereabouts.

The new CAVEAT will also incorporate "Mary's Bulletin" which appears herein at page 2.

## THE REST OF 'BUSTED'

by Peter Paul Alcantara

The morning sunlight crept across the bars and danced into the corridor, soon, "I will be freed from this Bastille," I thought. The groans, the snoring and the belching of the toilets continued.

"Good Morning," sang out a basso profundo voice. I rose from my plastic pallet and looked at a genial Aldo Ray type and faintly smiled. "All right, all you guys with alcoholic seizures line up over here on the right." Like Lazarus, some dirty, scruffy and smelly men rose, shuffled and staggered to the right. Aldo gave each man in the column some pink pills. Then, he vanished down the hall for a few minutes.

Soon breakfast arrived, it was served by three trusties; we lined up on the right side single file and walked up to the serving cart and were served coffee, cornflakes with watery powdered milk and three slices of thick wheat bread without butter or jelly.

I sat down and bravely tried to drink the steaming cup of swill that passed for coffee—with gourmet's disgust, I nearly spat it out. I then sat and stared at the rest of the meal. "Hey, don't you want your bread?" I shoved it across the table towards the beggar; other voices chorused, "don't you want your cereal?" I shoved it across the table and they grabbed for it.

After breakfast was cleared away, the mooches struck, first trying to hustle my cigarettes, money, magazines and even the shirt off my back!

Soon, we were moved from the overnight cell into a holding cell with other prisoners who were going to court etc. The inmates looked and acted as tho they were out of a scene of Burroughs, Genet, Camus and the "Lost Weekend".

FRIDAY, January 11, 1974

All the grades which have been received to date and approved by the Committee on Academic Standards are posted: first year grades on the old "Class Assignment" bulletin board, and all others on the board beside the elevator at our end of the hall. The next meeting of the Committee on Academic Standards will be Monday noon, at which point more grades will be posted. The Committee, which is composed of students and faculty, will continue to meet as needed as more grades are received.

Over the vacation period, the many bulletin boards were put up around the hallway. They should eliminate some of the problems of the walls, and we'll label them all for specific purposes in the next week. Suggestions are welcome.

June Wolliver's Community Property class is much bigger than we expected, and she has agreed to section it. She will be teaching one group on Monday from 12 to 1:30, and the other group on Wednesday from 12 to 1:30. Please sign your preference for Monday or Wednesday in the Dean's office. We'll try to accommodate preferences, but keep the classes approximately equal in size at the same time.

There has been a request for one "no smoking" classroom each noon hour, so that those who are allergic to smoke can eat lunch in good health. Accordingly, we'll post a sign on Room 203 and ask that you observe the rule for the noon hour there.

FROM THE OFFICE OF THE VA COORDINATOR, through Butch Grover: any graduating senior who needs less than 12 units to graduate may still be certified as "full time" for VA purposes simply by leaving a note with your name and the number of units you have remaining with the VA Coordinator on the first floor.

The University student body organization, the Inter Club Council, is providing two typewriters for student use in the building. One will be on the third floor and one in the Business Library. Law students may use these machines. Rules for the use of the machines will be posted.

Student Bar Association elections for officers and representatives will be held during Spring registration. Results will be announced on February 15 and the new officers and representatives will take office on March 1. Petitions for office must be submitted by 12 noon, 17 January, 1974. They must be signed by five members of the group electing that officer. Several constitutional amendments requested by the Board of Trustees will also be on the ballot.

This is our first experience at including this in the Caveat, and if it is repetitious, our apologies, but you're sure to find something refreshingly different in everyon's style. And my typing.

Peace.

Mary

# LETTERS

Editor:

I would like to engage the assistance of the *Caveat* in acquainting all law students with some law library developments. The University has provided a reading and study area for law student use in the Basement of 536 Mission. It is well lighted and ventilated and there are some 100 seats. All users of the law library are aware of the overcrowded conditions at 562 Mission. As a partial solution to the problem I request that students studying their own materials, or reading newspapers etc. make use of the Basement study area. You will be contributing to your own comfort and that of other students who must remain in the law library in order to use its books.

The other new law library development is the installation in the East Wing of the College Library of the following law book sets:

1. Deering's California Code Annotated;
2. California Reports;
3. Cal. App. Reports;
4. A.L.R. First, Second, and Third Series;
5. Shepard's California Citator.

These sets belong to the Law Library and have been shelved in the College Library for your use. Comfortable study carrels are available near these law books.

Sincerely yours,  
GERARD MAGAVERO,  
Law Librarian.



Editor:

On November 13, 1973 free speech was denied to representatives of the Chilean Military Junta, who were seeking to speak at this school. They had been invited by the S.B.A.; but were prevented from speaking by people who do not agree with their military seizure of power and the subsequent campaign to eradicate leftists as a threat to their rule.

I personally deplore militarism in general and military takeovers of legitimate governments in particular. I'm sure that most of us here at Golden Gate share these feelings. Those feelings do not however, justify or explain the rude, unreasoning, and almost violent treatment afforded our invited speakers.

If democracy is to survive in this country, free speech is not, and cannot be, a privilege afforded only to those people whose views are compatible with our own. The First Amendment prohibits Congress from making laws abridging freedom of speech. Does that

11/14/73 San Francisco 12:50 AM

Thinking about sitting in the law library today, trying to study, and about the notices on the School hall walls, taped on, notices about a Chilean "representative" (or something) to speak today, at noon (I assumed in the auditorium) and now I was sitting, remembering these notices hearing someone (at 12:30 PM) at the table (in the library) next to me talking about having been at the "meeting?" "rally?"; gathering, in the auditorium where the students had refused to permit the Chilean "representative" to speak or even begin to speak by booing and catcalling and name and slogan and dogma calling (from an intrinsic understanding??) until he strode thru the exit with his female interpreter(?) and other "greasy haired" aides(?) ('cause no one really knew why they disliked these people so much particularly as they thought of themselves as many law students do as being rational, reasonable, thoughtful, and generally just) and then a banana peel alit on the representative's shoulder and the President of some student organization apologetically (faintly) removed the peel, and now no one even knows why the man and his troupe ever dared (or cared) to *press his views upon us . . .* (and he never even said goodbye . . .

Deacon Peker

Piker ??

constitutional prohibition mean that we should feel free to privately restrict that fundamental right? Or does it indicate instead an abiding belief in the proposition that freedom, and especially that type of freedom represented by a democracy, cannot really exist unless people of all persuasions are free to communicate their ideas and beliefs to others?

Those who would not allow the Chileans to speak certainly exercised their own freedom of expression. They communicated their beliefs quite vociferously to all who were listening. It also must have been quite apparent that almost everyone present agreed with their views of the situation in Chile. Why, after making their own views known, could they not have the courtesy to allow that same right to those with whom they disagreed? I don't know the answer to that question but I do believe very strongly that their actions were in derogation of the fundamental principles of freedom of expression.

(continued on page 4)

# SPEAKERS ASSAILED

by Andrew Allen

Four invited speakers were shouted down, insulted, and finally forced to leave. As the speakers were leaving somebody worked up enough courage to throw a banana peel at them.

I trust that we would have no reservation about condemning the hecklers if they were Klansmen disrupting a Civil Rights meeting or off-duty policemen breaking up an anti-war lecture. Why not now?

When a person disrupts a discussion she or he does three things which I feel are objectionable. One is a type of rude self-righteousness, lack of consideration of what used to be called "courtesy". The disrupter obviously thinks so highly of her own views that she wants to make sure everyone hears them, whether they want to or not. Furthermore she is shocked and outraged that anyone would state or even hold different views. There is a type of petulant self-righteousness which often marks the white middle-class radical and leads her to abandon manners even when dealing with fellow students or guests.

I guess people can be rude if they want, you can't stop a skunk from smelling, but the people who shouted down the guest speakers violated those guests' right to speak. Now one either feels that the Right to free speech is important or one doesn't. I think it is very important, the corner stone of Democracy and all. The reasons given for violating the speakers' rights ranged from denying that they were people to striking a blow for Democracy in Chile. One fellow said that there is no free speech in Chile, implying, I assume,

First Amendment considerations aside, there is yet another cogent reason why we should allow everyone to freely communicate their views. It is through knowledge of our enemies that we learn their strengths and weaknesses and, ultimately, how to defeat them. Do any of us really seriously entertain the notion that courtroom victories will fall into our laps if we proceed to trial blissfully ignorant of our opponent's case? I'm sure that none of us do. I'm also personally convinced that we should not expect to conquer militarism, violence, poverty, oppression and all the other evils of the world without a thorough knowledge of what we are dealing with. We might have gained some of that needed knowledge by listening to the Chilean speakers.

As members of the legal community in the United States, we are presumably among the most highly educated people in the world. We should be among the first to respect the right of free speech and among the last to forego a possibly rewarding learning experience. In my opinion, we failed in both respects on November 13, 1973.

Bob Brown

that, therefore, there should be no free speech here either. The speakers were labelled pigs, murderers, lackeys, and any other name you might care to think of. Therefore they didn't have the right to speak. This seems a bit funny. I had imagined that free speech was really only important in cases of controversy. I mean it seems to lack something to cry out, "FREE SPEECH TO ALL WHO AGREE WITH ME!" Plus it's a little long to put on a banner. Either one has free speech or one has censors.

The third thing that is wrong with disruption is that it violates peoples' right to hear. I may be stupid or naive but I wanted to hear the guests' point of view; listen to it and maybe ask a few questions. I didn't want to force anyone else to listen, nobody had to pay anything for the speakers. I just wanted to hear what those people had to say and to think about it for myself. Instead, in came the Right On Radicals, telling me who I can listen to and who I can't. They say that these speakers are Fascists, that they have no right to speak, and I have no right to listen.

I presume that most of the people who shouted down and insulted the speakers were GGU students, I surely didn't see Chileans. Therefore, these people are going to be the Law one day. It is worth thinking about that when these people had the power to deny free speech to someone they did not hesitate to use it.

I also wonder what kind of game these people are playing. They are right on fighting oppression when it comes to little bespectacled men speaking at their school or to tearing down posters. But it's strange the New Left never produced anything with a third the guts of the Lincoln Brigade or Old IWW. Maybe it is because they are students. They are quite happy to fight fascism at a distance, get their little law degree, and show how groovy radical they are by going to a demonstration once a month or so. But I wonder if anybody could show how keeping the Guest Speakers from talking at Golden Gate made a tittle of difference in Chile.

God save me from the Self-Righteous and the Fanatic.



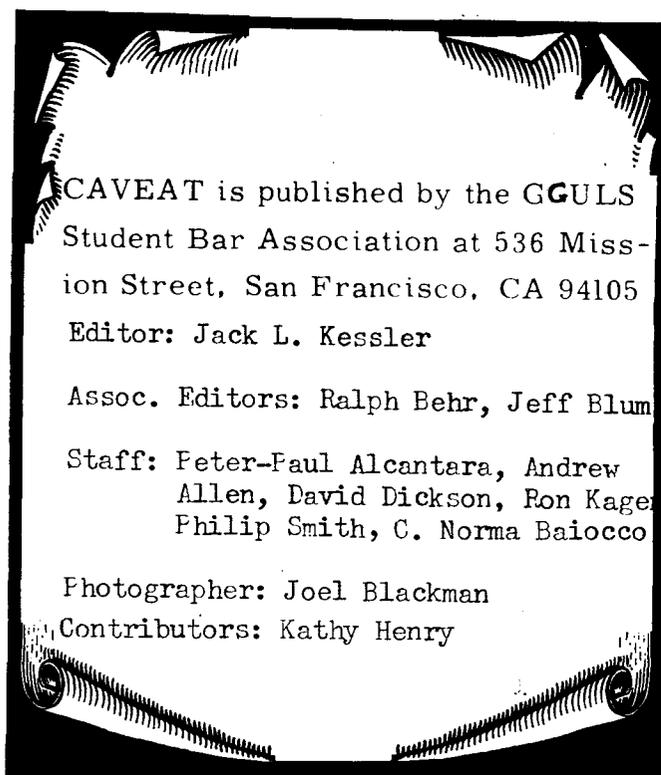
APPEAL, v.t. In law, to put the dice into the box for another throw.

FORMA PAUPERIS (Latin). In the character of a poor person--a method by which a litigant without money for lawyers is considerably permitted to lose his case.

HABIT, n. A shackle for the free.

## A WILDE TIME

by Andrew Allen



One of the most popular speakers at the SBA's speakers program so far was the Rev. Ray Broshears, founder of San Francisco's Lavender Panthers. The good Reverend, who is a homosexual and a known Pentecostal Evangelist, tried last Thursday to talk about the position of the City's Gay population. After blasting ex-Police Chief Nelder and a few other City politicians the Rev. Ray discussed police harassment of gays. He cited figures showing that the number of arrests of homosexuals had risen over last year despite talk of "easement" on gays. He also said he would fight the closing of San Francisco's famous Baths, even though he was against their "body swapping" attitude. The Rev. Ray also told some off-colorful stories of police entrapment of gays, stories of undercover cops soliciting and then arresting each other. Unfortunately, just as the Rev. Broshears warmed to the discussion of Gay defense and the Gay population of San Francisco the school was evacuated due to the bomb threat. However, the Rev. said that he was pleased and surprised at the friendly response given to him by the students here and he offered to come back sometime and finish his talk.

The health department arrived to fetch the men from the previous night's dragnet for drunks downtown. A truly pathetic sight!

The banter in the holding cells would put a professional comedian to shame; one two time loser "discovered" Jesus this time around and forsook his previous criminal ways. More amusing was the complaint of one middle-aged fence—he was sitting in his car "cupping a can of coors" when the heat descended upon him asking where did he get those color tv's that were brazenly protruding out of his trunk? He didn't know, some dummy must have placed them there. This was his third offense of this nature and oh yes, he found the lord at 850 Bryant.

The skinny sexual braggart who had kept us up all night complained that he had the needle in his vein, the smack in the syringe and his thumb on the plunger, when the narcs burst in. "But didn't I have the constitutional right to shoot up?" he groused. I had a vision of him crumpled up at the bottom of the steps—OD!

A rather dapper, tall Public Defender appeared. Skinny screamed and sputtered at him, "You lousy bastard, you sold me down the river!" Aldo arrived and ordered skinny to "shut up, take a piss and to cool it!" During this outburst, the Public Defender was a paragon of detachment.

Around 9 a.m., a Sheriff's deputy arrived with a chart and began calling off names. When a group was assembled, we marched off. Aldo called to some of us,

"See you soon, ho, ho, ho." There is a curious camaraderie between cops and cons.

We crammed into an elevator and descended into the bowels of the building and another holding cell. At 9:15, we entered the courtroom, all thirty of us.

After a mild mannered middle-aged judge entered we sat and my thoughts whirled back to Chicago, where at one time, if you had tickets you could talk to the clerk of the court and be taken care of; or if you had scruples, you could talk to a deputy state's attorney and he would reduce the fine and give you a very generous version of Chicago "discount justice." Wouldn't that have solved my problem I thought wistfully.

The morning ground on, I couldn't believe the incredible stupidity of people such as not bothering to ever get a driver's license, one guy saying that "he had a constitutional right to drive." The judge ordered these characters not to drive until they got proper licenses and he gave them a year's probation.

One dude had warrants from 4 counties, so he had to appear in each one of them. No one challenged the city's evidence, the overnight stay in the city's "Hilton" had chastened and tempered us. The system works, make no mistake about that.

After two hours, my name was called. I plead nolo contendere. His honor was momentarily nonplussed, then he gave me a year to pay the balance, while admonishing me to pay on time or spend another night in the "luxury suite".

I thanked him for his 'leniency' and split.

relating to raising faculty salaries to at least the national median, and increasing attention to fund-raising for the Law School.

These negotiations provided the basis for Dean Putz' employment as Dean in August, 1971. Throughout the 1971-72 and 1972-73 academic years the University and Board of Trustees substantially fulfilled their special commitment to the Law School. The Board noted its acceptance of the necessity of the Law School expansion in providing for an increased faculty, a clinical education program, faculty salary increases and in budgeting some general university overhead funds to the Law School.



The Law School's problems began in February 1973. At that time the Law School's proposed 1973-74 budget was drastically cut, all overhead allocations were deleted, and monies from Law School tuition were diverted to finance undergraduate programs. The effects were severely detrimental: full-time faculty, with no salary increases, were reduced to fifteen (the goal had been twenty); due to the clinical program's requirement of one and three-quarters professors teaching faculty was effectively reduced to 13¼, with a resulting faculty-student ratio estimated at 53-to-1; part-time faculty positions and hours were reduced, as well as the library budget and placement office staff; and financial aid was generally reduced by 42%, with first year student scholarships and the special minority enrollment program being totally eliminated. The seriousness of the proposed cuts was compounded by the fact that the American Bar Association was sending an accrediting team to the school in the Spring of 1973 to re-evaluate it. With these factors in mind, Dean Putz met with University President, William McInnes, and expressed his concern that the proposed cuts would have a detrimental effect on the Law School educational process and might jeopardize the school's accreditation.

The Board of Trustees of the University met in February, with President McInnes presenting the budget. The President did not discuss the upcoming accreditation; and, the Board adopted the budget with no changes, and no special discussion relating to the Law School.

During March, students, faculty, and the administration of the Law School repeatedly expressed their concerns regarding the budget cuts and accreditation to the President. The faculty sent a memo to the President noting that it was their belief that the actions would substantially impair the quality of the education and halt the momentum of the Law School in its drive to upgrade the institution commensurately with the increase in number of students.

By April, 1973, it had become evident that the Law School could not expect much satisfaction from the University. Ten law students then filed a suit in Superior Court in San Francisco and the faculty began talking of unionizing.

The students' suit stated three causes of action:

- 1) Breach of contract, between the University and the law students, for a quality legal education at an ABA accredited law school.
- 2) Third-party beneficiary contract action relating to the contract between Dean Putz and the University upon Putz' employment.
- 3) Action for Fraud and Misrepresentation as defined in the Education and Business Codes of California.

This suit has been actively supported by the students of the Law School and the Student Bar Association.

In June, 1973 the University received the ABA accreditation team report and sent replies at the end of June and early July. **THIS REPORT HAS NEVER BEEN SEEN BY THE STUDENTS OF THE LAW SCHOOL!** The President bases his refusal to disclose the contents of the report (the Board of Trustees has not even seen a complete copy of the report) on the fact that it is only the team report and not the final report, though the final report will be based on the team's findings. The plaintiffs were offered a chance to view a copy of the report, if they would agree to refrain from showing it to anyone else. The plaintiffs refused the offer, finding it "totally unreasonable".



The litigation progressed slowly and there was a feeling that unless stopped the University would spend the funds the budget had diverted from the Law School. As a result, in September, 1973, the plaintiffs filed a motion for a preliminary injunction to enjoin the University from spending the diverted funds. Ordinarily Judge Ira Brown would have heard the motion but he disqualified himself since he felt too closely associated with the Law School. On September 11, the motion was to have been heard by Presiding Judge Joseph Karesh; but, at that time the Judge, exercising his authority as Presiding Judge, ordered the parties to participate in a mandatory settlement conference. Negotiating teams were selected and the Judge set the trial date at October 23, 1973.

On October 18, 1973 a settlement, between the University and the plaintiffs-students, was reached. The terms agreed upon provided for:

- 1) In the Spring, 1974 the school is to provide, at a minimum, the same number of elective units as it did in the Spring of 1973; with the cost of such units to be funded by budgeting additional monies to the law school.

- 2) The University must provide an additional \$25,000 for financial aid for the Spring semester, 1974.
- 3) The University must provide a full-time placement officer for eight months of the year, and a part-time officer for the remaining four.
- 4) For Fall, 1974, the University must authorize and budget the Law School twenty full-time faculty, and an Assistant Dean and Dean.
- 5) For Fall 1974, the school must provide, at a minimum, the same number of elective units as it did in the Fall semester of 1972.
- 6) The University recognized the Law Fund drive's solicitation of funds for the Law School. And, any funds so collected shall be in addition to, and not in lieu of, other monies budgeted for the Law School.
- 7) The Law School will be represented on the President's Budgetary Committee by a person chosen by the law school faculty or Dean. And, any budget information will be channelled to law student representatives through the Dean.
- 8) The University reaffirmed its commitment to the development of the Law School begun in March 1971, and recognized its responsibility relating to the school's continuing accreditation.
- 9) The plaintiffs-students agreed to dismiss with prejudice their suit; yet it was understood that if the University did not fulfill their promises, the students can recommence litigation.

It is evident, from the terms of the agreement, that the actions at the University of San Francisco have had a profound effect on that school. They seem to point toward the proposition that a law school which begins major student and facility expansion must continue with that commitment until it is reasonably fulfilled. What effect can, or do, the events at USF have on our school? Is our situation in any way similar to USF's? I will be considering these and other questions in an article in the next issue of the *Caveat*.



