

9-9-1976

Caveat, September 9, 1976

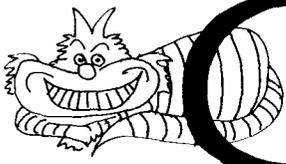
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CAVECAT

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GOLDEN GATE UNIVERSITY

Vol. XII No. 4

Golden Gate University Law School

September 9, 1976

N.O.W. v. Marin

DOES N.O.W. HAVE STANDING TO SUE?

An Interview with Karen Wells
By Cindy Duncan

Federal Court Judge Alonzo Zirpoli, sitting on the Northern California District's bench in San Francisco, heard oral arguments on August 30 for *Marin County Chapter of the National Organization for Women (N.O.W.) vs. County of Marin*, No. C76-1239. He will decide (or has decided) whether to grant the County its Motion to Dismiss on the grounds that N.O.W. does not have standing to sue under Title VII of the 1964 Civil Rights Act. The Marin Chapter of N.O.W. filed this class action on behalf of Marin County women and women similarly situated against Marin County pursuant to Title VII which prohibits employment discrimination on the basis of sex. The



Photo by Carlos

Kay Tsenin and Karen Wells entering Federal Building

precise controversy in this case points to the fact that N.O.W. brought this suit without any named plaintiffs.

Karen Wells, third year Golden Gate law student and clerk for S.F. attorney, Kay Tsenin, who is representing N.O.W., emphasizes that this decision will have enormous impact on the ability of working women as an organization to combat the sex discrimination of Marin County's employment practices and will ultimately touch the lives of all women in the U.S. struggling to achieve economic parity with men.

Numerous complaints about the County's discriminatory practices have been lodged with the Marin Chapter of N.O.W. for many years. The present case began in 1971 when Marin N.O.W. filed a complaint with the California Fair Employment Practices Commission (FECP). FECP urged the County to comply with its
(see page 8)

"Justice" at San Quentin

SEVENTEEN MONTHS AND A COMPROMISE VERDICT:

When it was discovered that Johnny Larry Spain had socialist literature in his cell, he was shipped from Soledad to the Adjustment Center in San Quentin.

When Fleeta Drumgo first came to San Quentin, a guard remarked "See you in the green room." The green room is the gas chamber.



WHY THE NEW LOGO?

We'd like to introduce you to Cavecat, our new logo. Cindy was sick of the bridge span, Diana found the cat whimsical and Carlos would go for anything that looks "spacey."

When George Jackson was killed, Willie Tate naked, hog-tied and beaten was taunted by guards, "Your daddy's dead now, what you gonna do?"

The defense and the prosecution in the San Quentin 6 trial would accomplish two different objectives. The prosecution would get three of the defendants convicted in what was clearly a compromise verdict. The defense would prove that the events of August 21, 1971 were no accident; how over a year before, 17 law enforcement officials planned the murder of George Jackson.

Charles Garry called Louis Tackwood to the stand. Five years in the employment of the Los Angeles Police Department as an informant for the Counter-Conspiracy Section made Tackwood privy to information which Judge Henry Broderick did not

want the jury to hear. Tackwood talked. Seventeen names surfaced — names of L.A.P.D. officials assigned to the Counter-Conspiracy "Black Desk" (Black Revolutionaries) for surveillance and intelligence gathering on known and feared dissidents, and the name of a San Francisco reporter. Judge Broderick abruptly cut Tackwood off, citing California Evidence Code sec. 352. It was too time consuming to explore this any further. The state had 16 months to unfold its theory of conspiracy; the defense was not allowed two days.

The 17 state officials had a gun brought into San Quentin via a California Department of Corrections guard who somehow got it to George Jackson. The gun did not work when it was brought into San Quentin and it did not work when George is said to have used it. The gun never worked
(see page 4)

Union Picket Murdered

By Cindy Duncan

Norman Ray Lewis, an International Longshoremen and Warehousemen Union (ILWU) picket, was crushed to death when a truck driven by a company superintendent ran over him at the Handyman Corporation warehouse in Tracy, California in the early hours Friday, August 6, 1976. Lewis, married and 33 years old, was the father of five children, ranging in age from three years to 14. He had been employed at Handyman for 3½ years. Handyman is a distributor and retailer of building materials, gardening supplies, and home improvement items.

The strike against Handyman, in which Lewis was participating, was for better wages, working conditions, and benefits. It began on August 4, after a 23-2 vote to walk off the job. Handyman, and its owner, Edison

Brothers Stores, Inc., have a notorious anti-labor record. As quoted in the ILWU paper, *The Dispatcher*, on August 10, "The company was run like a military camp."

The workers voted in an election conducted by the U.S. government to have Warehouse Union, Local 6, ILWU, represent them in collective bargaining. The company stalled negotiations for over six months. The few times they agreed to meet they offered absolutely nothing in the way of economic gains or union security, and insisted on a sweeping management rights clause that would virtually cripple the union.

Four eyewitnesses to the fatal incident testified to the following: Lewis was peacefully picketing along with several co-workers when he was killed. At 3:30 A.M., four carloads of management personnel went through

the picket line. They were getting merchandise which was ready to ship out of the plant. A company superintendent, Leslie R. Laeger, began to maneuver a truck to a loading dock across from the pickets. The pickets stayed at the curb outside the plant. Laeger bumped Lewis, who backed off several paces. Laeger then gunned the engine, and put the truck in forward gear. He knocked Lewis down, running over him and crushing him to death while the other pickets shrieked, "Stop!" and banged on Laeger's door trying to attract his attention. These men swear that had Laeger heeded their appeals, Lewis' life could have been saved.

Two suits were filed by the ILWU, Local 6, here in S.F. on August 17. One suit, filed in the U.S. District Court charged the company with violation of the 1861 Civil Rights Act, 42 U.S.C. 1985(3), by conspiring to kill Lewis.

The other suit, filed in Superior Court, charged that the companies conspired to break the strike by the use of force and violence and prayed for injunctive relief, general damages in the amount of \$250,000, punitive damages in the amount of \$1,000,000, and all other appropriate remedies.

ILWU is asking for a boycott of Handyman and Edison subsidiaries: Leed's, Baker's, Burt's, Chandler's, Jeans West, Size 5-7-9 Shops, and United Sporting Goods. A boycott cannot compensate for a man's life; nor will it vindicate this kind of anti-labor violence that many of us thought ended long ago. It will, however, hit these corporations in the only spot to which they can relate — their pocketbooks.

(Please note that the sexist genders are not those of the author.)

Segal Still Teaching

By D. Carlos Kaslow

Bernie Segal has given this paper something to write about for over five months. It all began last spring when the Evaluations Committee voted not to renew Bernie's contract. A significant portion of the student body of the law school did not agree with the action the Committee had taken, and considerable protest followed. This protest is not the reason Bernie is teaching here this fall. The Evaluations Committee never voted to reopen the question of Bernie Segal's employment, even after receiving petitions signed by a great many students.

Bernie is teaching at Golden Gate this fall because late last May a hearing was held as to the fairness of the law school's evaluation procedure. This hearing cost the school over \$8,000. The law school's evaluation procedure was found to violate due process by a majority of the hearing board both generally and with respect to Bernie. This is one reason why the instructor evaluation forms are in the process of being changed, as is the method of computing each instructor's rating. At this point Otto Butz, president of Golden Gate University, deviated from the procedure that had

been agreed to by Bernie and the law school, and offered Bernie a one year contract instead of having his qualifications evaluated by an outside group of law faculty members.

At this time Bernie is almost assured that his contract will be renewed. Otto indicated that the only thing that could prevent Bernie's return next year is his killing a student or his own demise.

I spoke with Bernie for the first time shortly before this article was written. I found Bernie to be an extremely charming man who likes students as a class. He is a believer in the aggregate wisdom of the student body, and thinks that wisdom should not be ignored when university policy is being decided. He has continued teaching at Golden Gate because of a deep sense of obligation to the students.

Perhaps first impressions of people are an unreliable indicator of their true nature. I hope not. Bernie strikes me as a warm human being who tries to get students excited about the law by sharing his own excitement with them. As to Bernie's teaching ability I place my faith in the aggregate wisdom of the students he taught, and protested his dismissal. Apparently their judgement was no less enlightened and no less fair than the committee that fired him last spring.

For the next issue of "Notice" *Caveat*, turn in all items for publication by 10 AM on Tuesday, September 14, to the *Caveat* box in the faculty center east or to the office or to one of the editors. Items for publication in the "Biggie" *Caveat* should be submitted no later than Friday, September 24 by 5 PM. Please bear in mind that views expressed in the *Caveat* are not necessarily those of the law school or the Student Bar Association.

Co-Editors: Diana Baker
Cindy Duncan
Carlos Kaslow

Staff: Mark Derzon, Bonnie Maly, Mary Gerber, Sandra Golvin, and Diane Baker.

Women Fight Back

Last year the Women's Association battled unsuccessfully with the university administration over their recruitment materials. We had been mailing out such materials to all potential female applicants with the initial admissions package that goes out. This was and is standard practice in most other law schools.

Because of a complaint to a GGU trustee from *one* potential applicant about a letter and a list of women to contact (judged to be objectional), the Women's Association was (is) no longer allowed to mail out this material through the admissions office except when solicited. The objectionable list was based on women identifying themselves as older, married, having children, lesbian, bisexual, politically active, willing to help with the writing of personal statements, etc. Not only was this list excluded from the initial mailings, but a handbook prepared by the group containing much practical information about law school and Bay Area resources was likewise excluded.

The current status, the result of what is now understood by the Women's Association to be a fatal political compromise, is that a postcard is sent with application materials in lieu of the above materials. The postcard gave (gives) the option of soliciting all the previously included material and in no way has been (or is) an appropriate substitute. In fact, the response rate last year was no more than five percent. We felt and still feel that the post card defeats the concept of recruitment: That this institution has the responsibility of reaching out to applicants instead of waiting for them to request information vital to a decision to apply.

The Women's Association has received nothing but positive feedback regarding our efforts to convey our group to potential women students. This summer we received a copy of a letter which was sent to Dean McKelvey from a woman who had been accepted at Golden Gate, but could not come because of financial problems that she and her husband were facing in Washington D.C. The first two paragraphs of her letter stated: "Since the July 15 deadline for acceptance of admission has passed, I trust you have concluded that I will not be a part of the entering law school class. The conclusion is, unfortunately correct.

If my decision could be based on the law school alone, it would be dif-

ferent. I have been impressed with everything I've learned about Golden Gate, and the booklet 'Women and the Law' was the single most helpful and supportive document in my law school application process. A student body which can produce such an excellent resource is one which I would like to be a part."

The booklet she spoke of is the Women's Association booklet the school does not allow to be sent out with admissions materials. The Women's Association will not tolerate such discriminatory treatment this year. The following letter was written by Ruth Ratzlaff on behalf of first year women members of the Women's Association.

* * *

The issue of whether or not Women's Association materials should be sent to women requesting application materials from GGULS is one which touches us directly as first year women students.

I remember very vividly the application process—the catalogues piled on my desk and coffee table, and me and my trusty Prelaw Handbook in the middle trying to decide where my \$20 application fees would best be invested. It was difficult to differentiate among schools with only the sterile, impersonal paper to look at. And the deadlines and personal statements and letters of reference began to be overwhelming. But one day another catalogue arrived, and with it a blue sheet of paper with a letter which started, "Dear Sister." It was warm and encouraging and friendly. There were names and addresses of many women with many different experiences who had gone through this same process and made it. Moreover, they cared enough to want me (us) to

make it too.

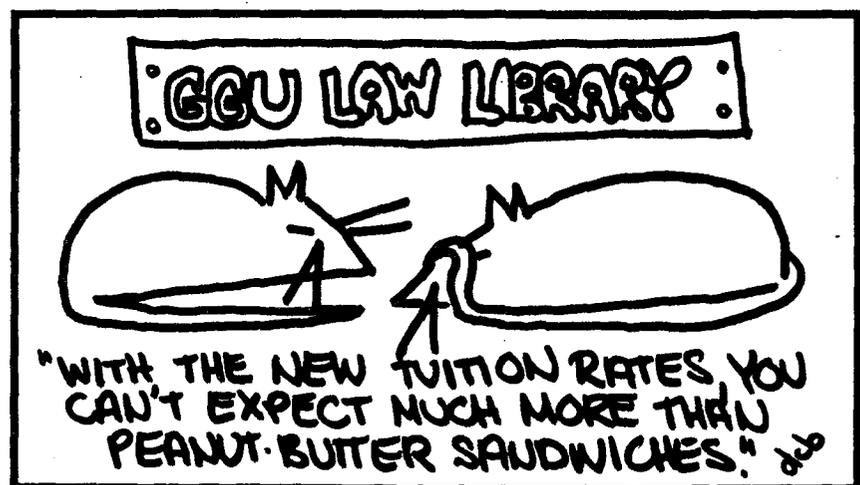
Other first year women have had similar feelings and experiences: the support we felt because of this letter and through these women was exactly the support we needed, and was instrumental in our decisions to apply here. We showed the letter to family and friends who thought we were crazy for wanting to go to law school, and we said, "See someone else has done it, and she cares and she is willing to help me." We read the section about writing personal statements and it said, "Be assertive." So we were. It said "contact us" and we did, or tried to, or just felt secure knowing we could. Many of us are at GGU because of this. But many of us never received the letter or other Women's Association materials. Yes, another letter was substituted after the uproar, but it was very neutral, bland, uninteresting. We were disappointed in our sisters at Golden Gate. Some of us came anyway, but how many were turned off? No one knows. We do know, however, that it certainly was not the encouragement that many of us found so helpful from the Handbook and the original letter.

We think it is important for other women to receive this same encouragement. We are going to write letters to the Board of Trustee, to the President, and to the Dean telling them about our experiences and urging them to send out the materials.

* * *

The time for compromise is past. We will stop at nothing short of representing ourselves as we are and sending our materials out with the admissions materials for this year.

Cindy Duncan
Bonnie Maly
Mary Gerber



Between the Covers

The Relevant Lawyers by Ann Fagan Ginger

What do political lawyers really do?

What is political, welfare, poverty, criminal, insurance, community, and labor law work really like?

The Relevant Lawyers by Ann Fagan Ginger cuts through the mystery and elitism that is many times associated with lawyers and the law profession. Ms. Ginger presents lawyers, including herself, as not only professionals, but people — real people. Within the book, these people touch upon all significant aspects of the law: the basics of preparing a case and the variety of courtroom tactics — all the nuances of the profession, from defending revolutionaries and protecting prisoners' rights to making the best of tax laws.

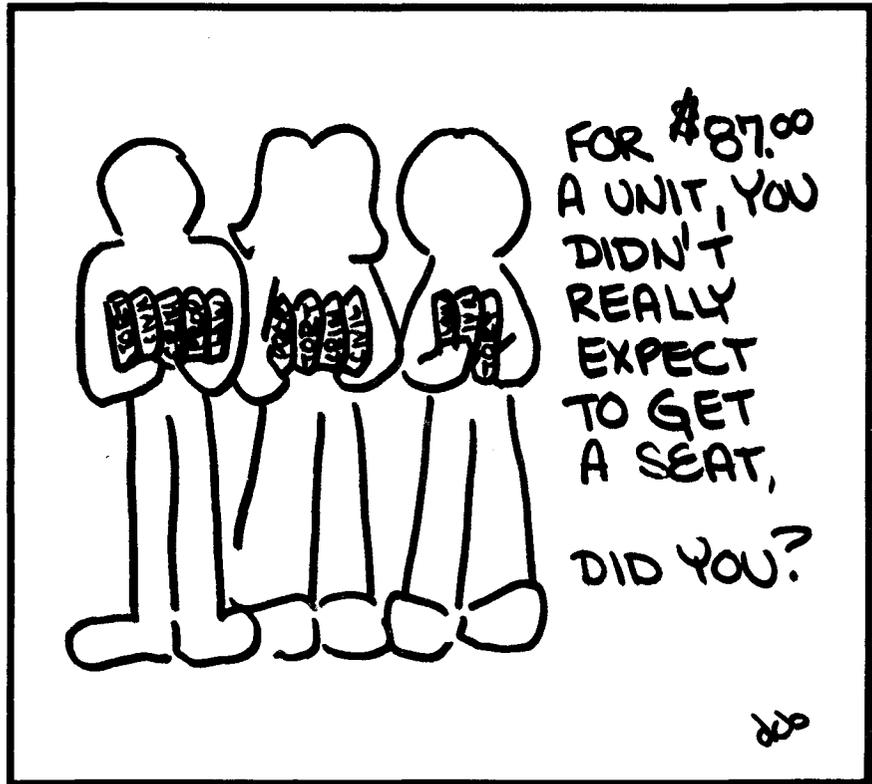
In talking about their work, the people in this book reveal themselves as hard working professionals dedicated to the movement for social change in the U.S. They present to law students a picture that is positive and encouraging in regards to working "within the system," and still effecting meaningful change. Fay Stender, active feminist and prisoners' rights attorney in S.F., said the following in response to the question, "What is a political prisoner?"

"One meaning is people who have a consciousness of themselves. I think we are moving into a time when you could argue that everybody in prison is a political prisoner ... You certainly could argue that all blacks who have committed ghetto crimes or have records for being picked up in the ghetto are political prisoners, or all persons whose economic situation impelled or compelled the acts for which they are imprisoned..."

Ann Ginger is the founder and president of the Meiklejohn Civil Liberties Institute, a unique research library and publications center in Berkeley on civil rights and liberties. She currently teaches at New College Law School and lectures frequently, after decades of McCarthy-Nixonite defeats interspersed with occasional victories from the Warren Supreme Court. Some of her other books include: *California Criminal Law Practice*; *The Law, the Supreme Court and the People's Rights*; and *Jury Selection in Criminal Trials*.

The Relevant Lawyers is a book that all law students should read before entering the profession, whether or not they intend to take political cases.

— By Cindy Duncan



"Unfortunately your son is not dead."

(from page 1)

but it gave the California Department of Corrections the opportunity to shoot George Jackson in cold blood claiming that he was trying to escape. George, two other inmates and three guards died.

The jurors came from Marin County which is one of the ten wealthiest counties in the United States. The story Tackwood related as to what was planned for August 21 would either blow the minds of the jurors and they would acquit all six defendants or it would be too much for them to digest and they would convict. To them it would be inconceivable that seventeen of the state's law enforcement officials would conspire to murder one prisoner (Where were they when the Watergate story broke?).

They did not believe. They convicted. Johnny Larry Spain got it — 2 counts of first degree murder and 1 count conspiracy for trying to escape. Hugo Pinell (Yogi) and David Johnson were each convicted of assault.

I remember Charles Garry's closing argument. He said, "The story of Johnny Spain is the story of American racism." The verdict proved this.

I remember Yogi's mother's tears when she observed, "Hugo, you al-

ways cared so much about the other prisoners. I hope they cared so much about you as you did for them."

I remember Fleeta's mother saying that she called San Quentin on August 21 when she heard that Fleeta had been killed. The guard said to her, "Unfortunately, your son is not dead."

Post Script: If you love someone you want to touch him. I have never been able to touch Johnny Spain. When I visit him at San Quentin I wait one hour for an "escort" guard to bring him from the Adjustment Center. When we do see each other it is through thick dirty plexiglass. We are both locked into a small partitioned room. But there is a difference between Johnny's situation and mine. His hands are chained to his waist. Johnny cannot reach his own face without bringing his head down to the middle of his chest. His feet are chained to each other. There is a guard who stands in the hallway on Johnny's side of this tiny room. The guard watches us, the California Department of Corrections monitors our communication, and the real conspiracy — the conspiracy to deny the humanity of those who "live" in San Quentin goes on.

(Editors note: The author wished to remain anonymous.)

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DAVID RAMADANOFF, Assistant Conductor

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**AUGUST 11 -
SEPTEMBER 10, 1976**
Golden Gate University
Peter Wohlfeller
or Kitty Holden
at Faculty Law Center,

SERIES A Eight Concerts

DECEMBER 1

SEIJI OZAWA Conductor
Mahler/Symphony No. 7
("Song of the Night")

JANUARY 5

SEIJI OZAWA Conductor
ANDRÉ WATTS Pianist
Penderecki/Threnody for the
Victims of Hiroshima*
Franck/Symphonic Variations for
Piano and Orchestra
Liszt/Piano Concerto No. 2
Schumann/Symphony No. 1
("Spring")

JANUARY 26

LEONARD SLATKIN Conductor
STUART CANIN Violinist
LYNN HARRELL Celloist
Bizet/Symphony in C
Druckman/Mirage*
Brahms/Double Concerto for Violin
Cello and Orchestra

FEBRUARY 16

DAVID RAMADANOFF Conductor
MISHA DICHTER Pianist
Berlioz/Overture to "Le Corsaire"
Bartok/Piano Concerto No. 3
Dvorak/Symphony No. 8 (Old No. 4)

MARCH 9

EDO DE WAART Conductor
ITZHAK PERLMAN Violinist
All-Stravinsky Program
Symphony in Three Movements
Violin Concerto
Ragtime for Eleven Instruments*
Symphonies of Wind Instruments*
Suite from "The Firebird"

MARCH 30

KLAUS TENNSTEDT Conductor
Strauss/Le Bourgeois Gentlehomme
Schubert/Symphony No. 7 ("Great")

MAY 4

ANTAL DORATI Conductor
Mozart/Overture to "Lucio Silla"
Haydn/Symphony No. 97*
Beethoven/Symphony No. 7

MAY 25

SEIJI OZAWA Conductor
SUSAN DAVENNY WYNER Soprano
MAUREEN FORRESTER Contralto
SAN FRANCISCO SYMPHONY
CHORUS, LOUIS MAGOR Director
Mahler/Symphony No. 2
("Resurrection")

*First Regular Series Performance
Programs and Artists subject to change

SERIES B Eight Concerts

DECEMBER 8

SEIJI OZAWA Conductor
BENJAMIN LUXON Baritone
LAWRENCE MOE Organist
SAN FRANCISCO SYMPHONY
CHORUS, LOUIS MAGOR Director
Mozart/Symphony No. 34
Hindemith/Concerto for Organ
and Chamber Orchestra, Op. 46, No. 2*
Walton/Bershalzar's Feast*

JANUARY 12

SEIJI OZAWA Conductor
JANET BAKER Contralto
Haydn/Overture to "Armida"
Haydn/Cantata, "Ariadne auf Naxos"
Buckner/Symphony No. 2*

FEBRUARY 2

LEONARD SLATKIN Conductor
CHRISTOPH ESCHENBACH Pianist
Ginastera/Concerto for String Orchestra*
Beethoven/Piano Concerto No. 1
Sibelius/Symphony No. 5

FEBRUARY 23

EDO DE WAART Conductor
LEONA MITCHELL Soprano
NINA HINSON Mezzo Soprano
FRANK LITTLE Tenor
DOUGLAS LAWRENCE Bass
SAN FRANCISCO SYMPHONY
CHORUS, LOUIS MAGOR Director
All-Beethoven Program
Incidental Music to "Egmont"
Symphony No. 9 ("Choral")

MARCH 23

KLAUS TENNSTEDT Conductor
PHILIPPE ENTREMONT Pianist
Zimmerman/Photoplasis*
Mozart/Piano Concerto No. 26 ("Coronation")*
Prokofiev/Symphony No. 5

APRIL 13

KAZIMIERZ KORD Conductor
JEAN-BERNARD POMMIER Pianist
Tschaikowsky/Piano Concerto No. 1
Shostakovich/Symphony No. 10

APRIL 27

CHRISTOPH ESCHENBACH Conductor
Schoenberg/Transfigured Night
(Verklärte Nacht)
Brahms/Symphony No. 1

MAY 11

SEIJI OZAWA Conductor
FLOYD COOLEY Tenor
Respighi/Ancient Airs and Dances, Suite No. 3*
Vaughan Williams/Tuba Concerto
Other works to be announced

SERIES C Eight Concerts

DECEMBER 15

GUIDO AJMONE-MARSAN Conductor
RUDDOLF FIRKUSNY Pianist
Percichetti/Symphony No. 5
("Symphony for Strings")
Beethoven/Piano Concerto No. 4
Mendelssohn/Symphony No. 3 ("Scottish")

JANUARY 19

SEIJI OZAWA Conductor
PHINCHAS ZUKERMAN Violinist
All-Bartok Program
Two Portraits, Op. 5*
Violin Concerto No. 2
The Miraculous Mandarin
(Complete Ballet Music)*

FEBRUARY 9

SARAH CALDWELL Violinist
PHYLLIS CURTIN Soprano
WOMEN OF THE SAN FRANCISCO
SYMPHONY CHORUS
LOUIS MAGOR Director
Debussy/Printemps*
Debussy/Three Nocturnes
Poulenc/La Voix Humaine/ "The Human Voice"

MARCH 2

EDO DE WAART Conductor
GARRICK OHLSSON Pianist
Brown-Cross Sections and Color Fields*
Haydn/Symphony No. 88
Rachmanninoff/Piano Concerto No. 3

MARCH 16

EDO DE WAART Conductor
Mozart/Symphony No. 38 ("Prague")
Buckner/Symphony No. 5

APRIL 6

EDO DE WAART Conductor
KATIA RICCIARELLI Soprano
GWENDOLYN KILLEBREW Mezzo Soprano
SETH MCCOY Tenor
PAUL PLISHKA Bass
SAN FRANCISCO SYMPHONY
CHORUS, LOUIS MAGOR Director
Verdi/Requiem

APRIL 20

KAZIMIERZ KORD Conductor
PAUL RENZI Flutist
Bach/Suite No. 2 for Flute and Strings
Beethoven/Symphony No. 8
Honegger/Symphony No. 3 ("Liturgique")

MAY 18

SEIJI OZAWA Conductor
JESSYE NORMAN Soprano
PETER HOFMANN Tenor
PAUL PLISHKA Baritone
Wagner/De Walkure, Act 1*

Cruising the City

By D. Carlos Kaslow

The only way I have found to make law school a bearable experience was by allowing myself liberal amounts of time simply for wasting. Rest and recreation can be as important as study to the successful completion of each year's work. San Francisco is a city full of diversion and places to hang-out. This column is dedicated to the frivolous needs of the law student, and their fulfilment.

ICE CREAM MADNESS is not a dreaded form of mental illness. It is the name of one of the truly great ice cream stores in the nation. Ice Cream Madness has been in business for about a year, and has a fanatically loyal clientele who sing its praises loudly. The reason for such loyalty is the gigantic size of the scoops they put on each cone. Not only are the scoops large, but the ice cream is so rich and creamy that it sends shivers up the spine of the most fastidious butterfat junkies.

The ice cream is made by hand, and imported from Santa Cruz by a little old lady named Mary Anne. There is a fantastic selection of flavors ranging from rich chocolates to the lighter fruity varieties. My personal favorites are Fudge Brownie and Coffee Almond Fudge. For the truly adven-

turous ice cream glutton I recommended the Jocelyn Special. This colossus consists of 24 ozs. of ice cream and anything else you want on it.

Ice Cream Madness is owned and operated by a couple of Smith Brothers look alikes named Bob and Steve. They are more than happy to share their extensive knowledge of the product with customers, and conduct ice cream tasting classes every Thursday afternoon. When it's ice cream your tummy demands remember that Ice Cream Madness, at 1803 Haight, satisfies.

At the corner of Hayes and Cole there is a refuge for the weary mind. The Sacred Grounds Coffee House is a mellow place where one can relax over a cup of tea or coffee. If you're hungry they offer a variety of sandwiches, salads, and an always delicious soup of the day. The Poor Man's Lunch, at one dollar, is a true bargain. It consists of a cup of soup, cheese, bread, half orange, and tea or coffee. If you're a sweet freak the Sacred Garden has mouth watering sweet breads and cakes.

What makes the Sacred Garden is its relaxed and friendly atmosphere, and free nightly entertainment. It is like spending an evening with a

friend who has invited over some friends who are also pretty good musicians. Sunday is classical music night. On other nights of the week you can expect to hear anything from jazz to rock. The Sacred Grounds opens at 11:30 A.M.; the entertainment begins at 8:30 P.M. Do yourself a favor and drop by some afternoon or evening and give your nerves a vacation.

Caveat Birth

Giving birth to a newspaper is an exciting, frustrating, satisfying and often aggravating experience. The *Caveat* you are now reading is the product of that birth process. It is the beginning of an experiment. An attempt on the part of your editors to bring you a paper that is more than a social calendar. A newspaper with a point of view, but not blind to the diversity of opinion within the study body or devoid of a sense of humor. If the tenor of this months issue distrubes you don't just sit there, write something.

The editors have repeatedly told you the *Caveat* is your newspaper. It can only be *your* newspaper if you participate... If you have something on your mind come into the Caveat office and talk to one of the editors or staff. Your idea might just become front page news. And if we're lucky I won't have to write something as silly as this again because I'm seven inches short of copy.

Letters to the Editor

Dear Editors:

Can you please tell me what goes on behind the doors of the Caveat office? I have heard numerous rumors. Is it true that the Caveat staff meetings are fronts for Sado-Masocistic orgies. Is Carlos really bald? His Cindy Ducan really reading *Fascinating Womanhood*? Did Diana start law school only after being kicked out of a nunnery.

Please answer these questions because I am trying to decide whether to join the circus or the Caveat staff.

Your Truly,
Name withheld by request



Bill Weiner — Man of Changes

By Diana Baker

Bill Weiner walked into the jail interview room of the Oakland Municipal Courthouse. There were several other attorneys discussing cases with their respective clients by way of phones which allow communication through the glass partition which separates the attorneys from the accused. Because the phones do not work and there are no partitions between the attorneys or between the various clients, the volume in the room had reached the level of "yell." Admittedly, Bill introduced himself to his client as a public defender who had come to talk over his case. The client burst into a tirade about his dislike of public defenders. "You all want to be D.A.! I never have the same attorney! You're just trying to send me down the river! I don't want a P.D.!" For Bill, this was the end of a very long day. He replies: "Listen, I don't pick and choose my clients either. You were caught in the act, they've got your fingerprints and, on top of that, you gave them a confession! I don't want you for a client!"

Bill Weiner, GGU's new civil procedure instructor, may not have been able to choose his clients but his life is replete with choices.

He decided to make some major changes this August. He bought a house in Berkeley, became a teacher and a commuter on AC Transit. Bill says "I'm on the road to middle class."

Change, however, is nothing new to Bill Weiner. At the age of seventeen, he went to Michigan State. After one year, he quit and joined the Army for eighteen months. He returned to Michigan State and worked his way through school as a gas station attendant, a waiter and a maintenance person in a spray paint pump manufacturing firm. He graduated in 1965 with a B.S. in Divisional Social Science.

Putting his degree to good use, he sold used cars in Ann Arbor. He decided that being a professional used car salesperson was not his goal in life. He went to work for Ford Motor Company as a production control foreman and saved his money for law school.

Bill entered Michigan Law School in 1967 and stayed for twelve months. It was time for another change so he came out West. He spent three months hanging out in Berkeley and then travelled on to Los Angeles where he again sold used cars. Four months of this was enough to con-

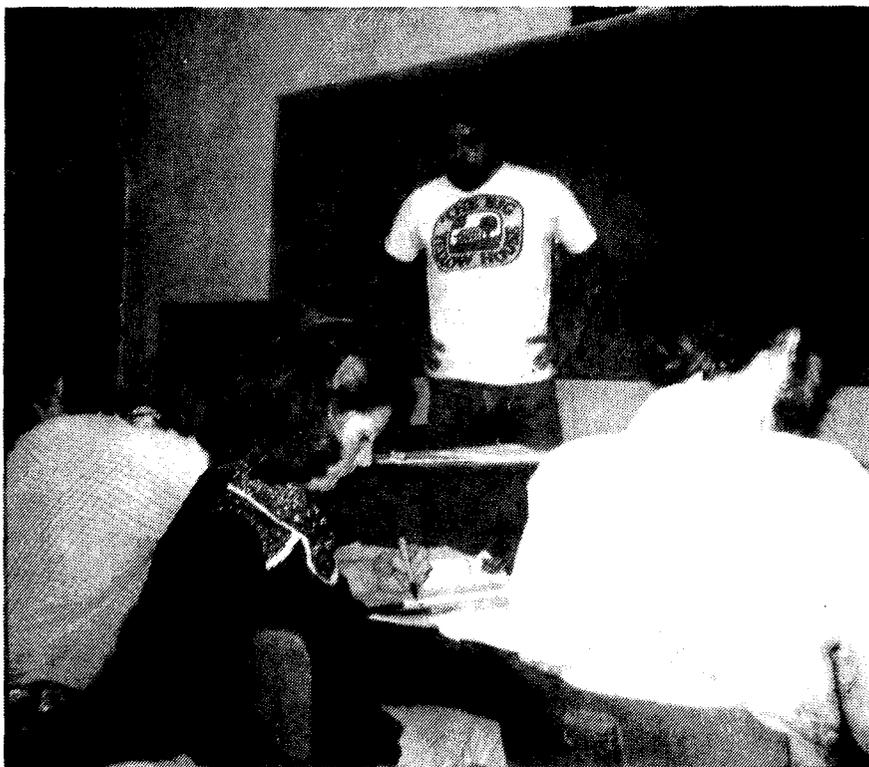


Photo by Carlos

Weiner Shaping Young Minds.

vince him to return to Michigan Law School. He completed a semester and then got a summer job working for a Wall Street firm doing anti-trust litigation research.

After another two semesters of law school, Bill was hired by the San Francisco firm of Heller, Ehrman, White & McAuliffe. Since he still had not completed law school, he took some independent study units through the University of Michigan Political Science Department which were credited toward his law degree. He graduated in August 1970 — the same month he took the California State Bar exam.

In 1972, he chose to change again. He quit Heller, Ehrman and travelled around the country camping for about six months.

Finding himself a defendant got him interested in criminal law and he joined the Alameda County Public Defenders Office. He worked in most of the municipal courts and was on the Supreme Court trial staff. Felony cases he has handled, include, burglary, rape, and assault with a deadly weapon. One of his more interesting misdemeanor cases dealt

with a massage parlor. (This resulted in a free massage for Bill.)

When asked how he found the jurors, Bill replied "They really are the last bastion of justice. Like my parents, most of them have not gone to college. They're real people and I feel I can talk to them." Apparently the jurors agreed because his trial record was outstanding — 90½ straight acquittals.

At least two judges were not so smitten. Bill was held in contempt of court twice — once for asking an ostensibly improper question (this case was won on appeal) and once for arguing a point on sentencing after the Judge had ceased discussion (this cost Bill \$50.00).

After three years with the Public Defenders, Bill decided to become a teacher and chose GGU to start his new career. How does he like it so far? "I like it a lot and I'm excited about being here." Bill continues, "But I'm concerned that I don't have what it takes to be a good instructor." Reports from first year students who have had an opportunity to see our footloose faculty member in action indicate that this is not much of a concern.

Interview with Karen Wells

guidelines and, in addition, open a position of affirmative action officer. Nothing was done to implement any recommendations and the buck was passed to a Personnel Commission for study.

In 1972, the Marin County Board of Supervisors appointed a woman to be personnel director of the County. As affirmative action officer, she was given no salary increase and no lessening of her other duties in order to allow her to implement affirmative action policies. She was given no guidelines or encouragement. As a "token," she effected little change.

In 1975, the County Administrator was given the task of affirmative action officer in addition to his many other duties. Needless to say no one fills that position adequately at this time.

Karen Wells has been working for Kay Tsenin for one year. This case, she claims, illustrates a primary reason why she is in law school: to effect social change for women via the law. Karen states, "Perhaps one problem with this case is that it doesn't emphasize enough the fears of women in Marin who work for the County of reprisals, which is why N.O.W. has stuck with it since 1971." Karen is a spry 30 years and has been actively working on behalf of women for eight years.

Kay Tsenin, a graduate of USF Law School, has been practicing for four years. She is currently Vice-President Legal of California N.O.W., Inc. She is a resident of Marin County and also a member of the Marin Chapter of N.O.W. Her history is one of active participation in rape cases, drafting rape legislation, and representing battered women. Kay also belongs to Queen's Bench in S.F.

Karen sees two basic issues as having immense significance in this case. The first one focuses on the nature and intent of the right-to-sue letter issued by the Equal Employment Opportunity Commission (EEOC) or the Department of Justice.

The 1972 amendments to Title VII allow for an arm of the state to be sued. Since Marin County is an arm of the state of California according to the California constitution, N.O.W. pursued their Title VII claim through the proper channels to EEOC and ultimately

the Department of Justice. Therefore, the right-to-sue letter issued to N.O.W. must mean something.

EEOC claims that obtaining such a letter is merely an administrative procedural act that is necessary before a plaintiff can sue in federal court. N.O.W. is contending that they received the right-to-sue letter from the Department of Justice and then were told that there was no real substantive law conferring the power upon them to sue. "This," Karen states, "is inequitable. It is congressional intent that an aggrieved person should have the power to sue as well as the right. Labor unions have been given right-to-sue letters as well as standing to sue. N.O.W. is analogous to a labor union for women. If labor unions can use such an administrative remedy, so can N.O.W."

The second basic issue will be of national import to women. N.O.W.'s standing to sue in its own name on behalf of women, in general, a right long ago conferred upon NAACP and other minority groups in the U.S., but not upon N.O.W., will essentially be determined.

Karen states: "Given that N.O.W. is to date the only major nationwide women's rights organization, it is odd indeed that N.O.W. has not yet litigated this issue." She quickly adds, however, "That when one thinks of the economic position of women, that women have far fewer financial resources for such litigation than men or other minority groups, it is not really that odd."

Continuing, Karen says, "It is essential that the courts of this country realize that sex discrimination is every bit as important for the courts to eradicate as race discrimination. N.O.W. is the only women's rights organization that currently has the power to force the courts into recognizing this."

Title VII gives any aggrieved person who can allege facts that he or she has indeed suffered race or sex discrimination and some injury standing to sue. Standing is construed broadly to include the NAACP and labor unions. In granting standing to NAACP, the courts have realized that the fear of reprisals of black people by their employers/defendants are very real. The courts have recognized that black people do suffer substantial economic

harm in being deprived rights to jobs.

N.O.W. is basically contending the same: that women also fear reprisals and suffer economic harms, and that this is very real. In order to protect women and assure that the courts will do likewise, N.O.W. has brought this action. By bringing it—in the event of being granted standing—the ability of N.O.W. chapters all over the country to litigate against employers who violate Title VII will be greatly enhanced.

If standing is not granted, both Kay and Karen and N.O.W. intend to appeal to the Ninth Circuit Court of Appeals, although they both realize that their chances of winning there will be much slimmer. They also anticipate that if standing is granted the County will appeal and there is a chance of being dismissed at the appellate level. Karen would like to see the case go all the way to the U.S. Supreme Court given the availability of financial resources. She is well aware, however, that with the departure of Justice Douglas and the recent Supreme Court decisions, there has been substantial erosion to the standing of group and associational plaintiffs. Many of us can recall *Sierra Club vs. Morton*, 405 U.S. 727 (1971), in which the Sierra Club was denied standing to sue Disneyland and prevent Disneyland from demolishing forest land in order to build more amusement-type facilities. The District Courts at this time are clearly the places where groups, such as N.O.W., will have the best chance of litigating their cases.

Andra Pearldaughter, another third year Golden Gate law student, has also worked on this case. She did some of the research for the Points and Authorities in Opposition to the Motion to Dismiss, and also briefed cases which were presented in the oral argument.

Nationally, N.O.W. has over 65,000 registered members. Even if standing is (or has been) denied in this case, it will not stop the efforts of women to achieve equality and economic parity with men. Both Karen and Kay are to be commended for their dedication to the struggles of women. They nor any women involved in the growing feminist movement will be halted by a negative decision in a case, such as *N.O.W. vs. Marin County*. The battle will just last a little longer and the victory will be a little sweeter.