

10-20-1976

Caveat, October 20, 1976

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Recommended Citation

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CAVEAT

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OCT 21 1976
GOLDEN GATE UNIVERSITY

Vol. XII, No. 10

Golden Gate University School of Law

October 20, 1976

WHAT'S UP WITH WALLY? or PLACEMENT HAPPENINGS!

National Labor Relations Board -- applications to Wally by Monday, October 25 (for November 2 on-campus interviews; sign up now).

Health, Education & Welfare Dept. -- General Counsel William Taft speaking about legal services opportunities, at Hastings; see Placement Board Announcements for details concerning Wednesday, October 27 talk.

Reginald Heber Smith Program -- Director Glenn Carr will speak to Third and Fourth year students at a general meeting, Thursday, October 28, 3:30 to 4:30, Room 209.

California Rural Legal Assistance -- resumes to Wally by Friday, October 29; see Placement Board for further details.

Up-coming November Speakers:

US Coast Guard (International Law, Environmental Protection, Real Estate Law, Admiralty Law, Legal Aid, Trial & Appellate Law) on-campus at noon, Wednesday, November 3, Room 205, see Placement Board Announcements for particulars.

Former Dean John Gorfinkle, Friday noon, November 5, Room 205. Details later.

RALLY TO PROTEST THE BAKKE DECISION

On Thursday, October 21st at 12 noon, there will be a rally to protest the Bakke Decision of the California Supreme Court. The Bakke Decision held that the minority admissions program at U.C. Davis medical school is unconstitutional in that it violates the equal protection clause of the United States Constitution. The decision is a threat to the already extremely low percentage of minorities in professional schools. Come to the State Building at McAllister and Polk to show solidarity with third world people now threatened with denial of higher education. There will be speakers and entertainment.

Sandra Lee Golvin

REGISTRATION REMINDER

Registration for the Spring Semester for students beyond the first year will take place during the week of October 25 through 29. Class schedules are now available; copies may be picked up in the Dean's office.

See the bulletin board or the registration materials for the specific date you may register next week.

MORE ON EARLY REGISTRATION

Some students have commented to me that they are considering going through the registration process next week with the intention of changing their course choices in January. If this is a reflection of your thoughts on early Registration please stop and think again.

One of the main purposes of having an early registration is to permit faculty and administration to plan for the courses ... to meet your requirements. Book orders will be made from the information gathered during early Registration. Faculty may plan the format of their course from this same information. On the other hand, courses for which there is not sufficient enrollment will be dropped.

Therefore, seriously consider your spring course choices now. "Drops" and "Adds" in January are inevitable to some degree; however, please keep in mind that the effectiveness of an early registration will depend upon the amount of thought you put into your course selecting today.

Carol Goldman, Registrar

ATTENTION STUDENTS IN JOINT J.D./M.B.A. or J.D./M.S. PROGRAMS:

Law students currently enrolled in the joint J.D./M.B.A. or J.D./M.S. program should so notify the Registrar in writing. Students who have not yet submitted this notification are requested to do so right away.

Thanks.

Carol Goldman

NEW STUDENT COMMITTEE MEMBERS

Final selection of student committee members has been made. They are:

Hiring -
Richard Wright - FSC Rep. 1st semester

Mary Gerber
Carol Goodman

Budget -
Richard Clark
Wallis Gee
Boots Whitmer

Curriculum -
Judy Massong - FSC Rep. 1st semester
Jennifer Loucks
Robert Bruce

Academic Standards -
Mark Derzon - FSC Rep. 1st semester
Robbi Willenken
Ruth Ratzlaff

Admissions -
Rod Pettis
Paul Porter
Don Rozel

The SBA would like to thank all those students who participated in the interviewing process. We are sure that the students chosen will ably represent the student body as a whole. All new committee members are asked to attend the SBA meeting on Thursday, October 21 at 5 PM.

WHAT'S N.C.C.C.?

The National Client Counseling Competition of the Law Student Division of the American Bar Association will be held in March of 1977. The competition will test interviewing and counseling skills. The subject matter of the consultation situations will be Landlord-Tenant. During the month of January, Golden Gate will be selecting a team of two students to represent the school. More information regarding the intra-school competition, as well as the National Competition, will be published next week in the Caveat.

EDITORIAL

CAN THE OPPRESSED OPRESS THE OPRESSORS?
The Devisiveness of Racism and the Need for Unity

By Cindy Duncan

Angela Davis spoke to a large group of law students at Boalt Hall on Monday, October 18. Her speaking appearance was prompted by the recent -- already infamous -- Bakke decision, in which the California Supreme Court determined that state supported schools can no longer administer special admissions programs for minority students. The court effectively held that preferential admissions programs based upon the sole criteria of race violate the constitutional rights of white people as guaranteed by the equal protection clause of the Fourteenth Amendment. The Bakke decision was specifically addressed to the U.C. Davis Medical School program which reserved a grand total of sixteen spaces in its first year class for Third World students.

We should recall the DeFunis case, in which the U.S. Supreme Court found the reverse discrimination issue moot in 1974 because the plaintiff was nearing graduation from law school. DeFunis was twice denied admission to the University of Washington Law School and brought suit. The trial court found that he had been discriminated against chiefly because of his race. The Washington Supreme Court, unlike California, found nothing constitutionally offensive in the Law School's admissions procedures and rejected the theory that DeFunis, as a white man, was a victim of racial discrimination.

Given its institutional status, the University of Washington pursued a very aggressive case. Nine witnesses, including the school president, testified in DeFunis regarding the constitutionality of its admissions program. There were countless amicus briefs. The Bakke case, by comparison, was a joke. The University of California conducted at best a minimal case (not surprising considering the original battle against the Regents to institute such programs). There was no oral testimony, i.e., not one witness testified on behalf of the program. There was one deposition of an admissions officer at UCD. At this point, the ACLU is petitioning for a rehearing as an amicus party and for the real party in interest, the Third World community, who were not even considered in the initial decision. Given the judicial prowess of the Rehnquist, ala Nixon, Supreme Court, a primary concern is to give Bakke another chance at the state level.

I see Bakke as the beginning of an onslaught of reverse discrimination lawsuits. Bakke is alarming and appalling. It comes, however, as no surprise. Angela predicated her speech, "I must warn you from the onset that I have some very strong personal feelings about the law." She has long since lost her illusions about the law and its role as the "people's protector." Angela understands by education and experience that the law can be easily transformed into a terrifying weapon and used against people who speak out for equality and justice.

It does not take much intensive scholarly research to look at our history and discover precedent for the repressive role of the judicial system, especially as it has treated people of color, women, gay people, the working class, and the lower class in general. The first year the death penalty was officially ~~instituted~~, 405 of the 455 executions were of blacks. Even we Con Law freaks, in our most idealistic legal moments, find that worshipful admiration of the Fourteenth Amendment will not suffice. For almost 400 years, racism has pervaded the social consciousness of North America. The Fourteenth Amendment, albeit an attempt to come to grips with racism (maybe), was ignored for nearly 100 years. It did (does) not reach private acts of racial discrimination; it was used to protect business and corporate interests against so-called hostile state legislation; and perhaps most ironically, it was (is) frequently turned into weapons of attack against black persons and shields of defense for those seeking to practice racial discrimination. In Plessy v. Ferguson (1896), the Court went as far as to essentially endorse the principles of apartheid in general as a matter of constitutional law. (Henry Kissinger is obviously aware of the value of stare decisis).

With all due historical respect, tribute must be paid to the Warren Court and its return to the more liberal and humane potentials of the Fourteenth Amendment. Out of that judicial climate, the heightened racial riots, and the intense social protests of the sixties came the affirmative action and preferential admissions programs. The rationale was simple and straightforward. Ivor Kraft states in his book, DeFunis v. Odegaard, "The only way to root out exploitative practices that had been prevalent for centuries and to begin to redress the balance was by encouraging employers and others to adopt

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ELEPHANT, DONKEY OR BULL?

Newsflash: There's an election coming up soon.

In order to keep you abreast of the latest political developments, Caveat is devoting up to a column per week for articles submitted by the various political parties.

The following is the first contribution. (This may also be the last -- depending, of course, on the enthusiastic response of our readers.)

CAMPAIGN VOLUNTEERS NEEDED

By: C. Ferrentino

The coming national election will be a close one. Consequently, the opportunity to make your voice heard is great. In the presidential race, forty-five California electoral votes hang on a few percentage points. The Democratic Central Committee of San Francisco has endorsed eighteen candidates and several propositions. Crucial to the success of these candidates and propositions is the success of a large "get-out-the-vote" (GOTV) effort on election day. A good turn-out in the heavily Democratic City is essential to compensate for voting in the hinter lands.

The purpose of this article is not to convince you to vote or work for Carter/Mondale, et al. People with issue papers, buttons, bumper stickers and answers will be setting up tables in the school during the next week to assist you in making (or not making) a commitment. As hard as some candidates try, they can not be all things to all people. The choice to work for Carter will have to be one of weighing and comparison to the Ford-Nixon, Agnew, Butz, Mitchell administration.

Please feel free to come up to the tables and trade banter. Law students tend to plead overwork as the excuse for sitting out this election. Please think, the next presidential election is too late. The stakes are high. What will translate into the most votes will be the co-ordinated volunteer efforts to get out the vote on Tuesday, November 2, between 4 and 8 PM. Please help.

LOST AND FOUND

Molly presently has possession of a green umbrella and a Kohinoor fountain pen. However, she has no legal title. If the true owner is able to describe the items with specificity, the items may be reclaimed.

LAW SCHOOL SWEEPS DOUBLEHEADER

In an awesome display of power, the GG Law School continued its domination over the business school by sweeping both games of a twin bill last Saturday. The scores were 18-10 and 16-15. The business school just could not keep up with the Jones'. Mike and Phil aged 9 and 9 respectively provided the speed and clutch hitting, while their father, the veteran Larry, continued to play center field like a 21 year old. Rookie 1st baseman, George Murphy, may soon make Bay Area fans forget Willie McCovey. Ted Miyamoto recently obtained from Stanford University proved that the Cards don't only produce Nobel Prize winners. Ted was the winning pitcher in both games. He attributed his success to the new "lawyer's pitch" he has developed, "crooked and underhanded." The first game was all law school, and team captain Gary Reing remarked, "The business school was as strong a contender as Harold Stassen." In the second game however, the Law students had to overcome a 15-15 deficit in the 9th inning. Mark Derzon blasted a solo homer, his third of the day, to tie the game at 15 all. Then Richard, the Beast from the East, Maxian lashed a double, and Gary Reing followed with a shot to deep short. Reing beat the throw to first while the Beast just kept on running around third, and with a tumbling slide, dove toward home plate. When the dust cleared the Beast was safe and the Business School was out.

Post Game Notes:

Bob Calhoun failed to show and faces a fine and possible suspension. The GG Law School women, usually on top of things, were conspicuously absent from the game due to the Women in the Law Conference.

REGISTRATION CHANGES

Due to feed-back from students, there has been a change in the registration which will take place on Wednesday, October 27 -- second year evening students may also register on this day.

At the request of the registrar, we are reprinting the total calendar for that week.

<u>Date:</u>	<u>Students who may register:</u>
<u>Mon., Oct. 25</u> 10 AM - Noon 2 PM - 6:45	Third and Fourth year evening
<u>Tues., Oct. 26</u> 10 AM - Noon 2 PM - 6:45	Second, Third and Fourth year evening
<u>Wed., Oct. 27</u> 10 AM - Noon 2 PM - 6:45	Third year day and Second year evening
<u>Thur., Oct. 28</u> 10 AM - Noon 2 PM - 6:45	Second year day
<u>Fri., Oct. 29</u> 10 AM - Noon 2 PM - 5:00	Open

Notice:

There will be a meeting this Friday at 2 A.M. to try to discover some underlying meaning in Robert Dole's cryptic non-sense statement:

"There is peace. Your husbands are home. Your sons are home. It could only happen in America!"

SEAGULL MATTERS

The library now has on reserve the opinions (majority and dissenting) and the complete transcript of the Bernie Segal arbitration proceeding conducted last spring.

CONFLICTS AT NIGHT?

There is a petition on the bulletin board outside the Dean's office for another section of Conflicts to be offered next semester. We would prefer the class at night or, in the alternative, between 4:20 - 6:30 PM. Those interested, please sign.

SBA MEETING - October 21

There will be an SBA meeting this Thursday at 5 PM in Room 304. This is an important meeting as budget allocations are being decided. **EVERYONE SHOULD ATTEND.**

BEST DRESSED FACULTY AWARD

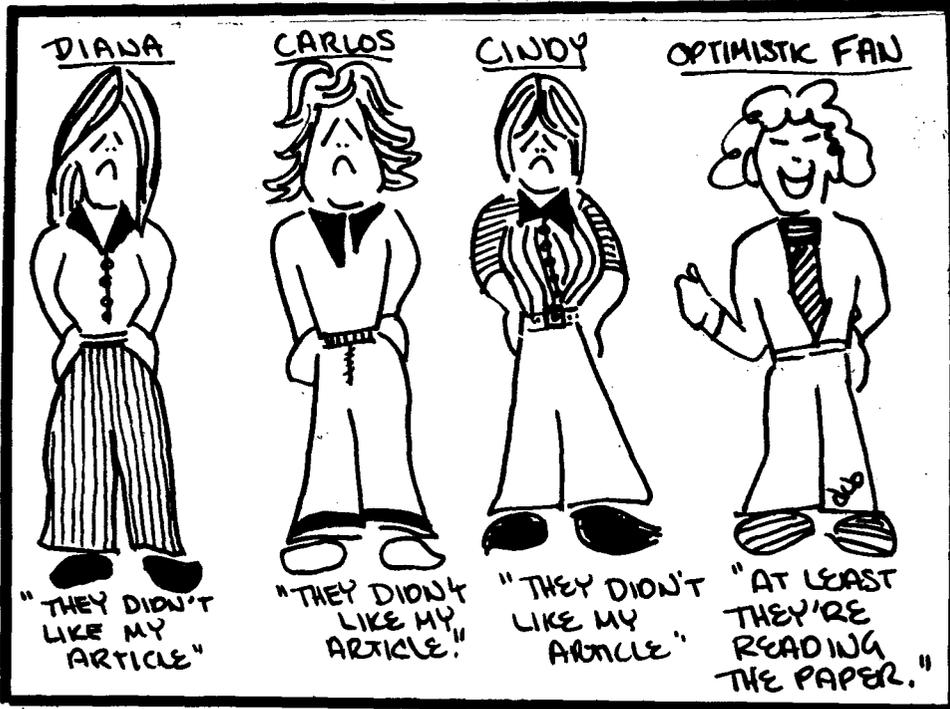
The second weekly Caveat Best Dressed Faculty Award goes to Nancy Carol Carter. Nice threads, Nancy!

For the next issue of Caveat, turn in all items for publication by 10 AM on Tuesday, October 26, to the faculty center east in the Caveat box or to one of the editors.

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

Editors: Diana Baker
Cindy Duncan
Carlos Kaslow

Staff: Mark Derzon, Bonnie Maly, Mary Gerber, Sandra Golvin, and Diane Baker.
Sports Editor: Rita Whalen



(EDITORIAL - FROM PAGE TWO)

deliberately preferential and compensatory programs for seeking out minority skills and talents, abandoning conventional ideas having to do with credentials, qualifications, and presumed 'merit.'" Preferential treatment was really nothing new on the American scene. We have been witnessing it for years for white males with money.

Where does Bakke leave us? Where do we find ourselves as law students and future lawyers? Is there a positive role for us within a legal system that reflects, if not explicitly defines, relations of a society that derives its power from ruthless economics where profits always precede humanism?

We must remain human beings and struggle for human liberation. We must educate ourselves to battle racism and classism in the courts, but we must not separate that struggle from the life and death political struggles taking place "in the streets." We must understand why racism has always existed and is reerupting today. As Angela articulated, racism is one of the only hopes that the capitalist class has for surviving. In the U.S. today more white people are officially classified as poor than have been during the last 20 years. This is attributed to the reasoning that purports that white people are unemployed because black people and other minorities are getting "their" jobs. Yet, at the same time, 25.4% of the black people are unemployed, including 60% unemployment among the black youth. Black working women supporting families without fathers earn less income per year than any other class of workers in the U.S. Those who control the economy perpetuate racism as a scapegoat for our economic situation. From here on out we must realize that to save what little we have gained as a society during the last decade in terms of human rights will be a constant struggle. Affirmative action programs have not nor will they ever compensate for the years of violent oppression suffered by the oppressed class. Racism is one of the means used to divide us as people. It prevents us from working together for human liberation.

To paraphrase Joan Little: We need unity and complete dedication to the struggle for complete victory for the liberation of all people. But, what is more important than freedom?

Caveat received three copies of the following memorandum which was directed to "Permanent Faculty and Staff". We are very flattered.

HAPPY HOLIDAYS?

Thanksgiving and the day following (November 25 and 26) will be a holiday for all Staff and Faculty. The Law Library will be closed both days but will be open the following weekend (November 27 and 28). The General Library will be open on Sunday, November 28, only.

We are adding a fifth day during the Christmas Holidays, and combining them in the week following Christmas. Therefore, all staff and faculty will have the entire week between Christmas and New Year as a holiday (December 27 through December 31).

The Law Library will be closed December 25 and 26, and January 1 and 2, but open at modified hours between December 22 through January 7. The General Library will be closed December 19, 25, 26 and January 1 and 2, open at modified hours from December 20 through December 31.

Don't miss the B.A.R. Early Bird Lectures. These videotape Early Bird lectures are open to all students, whether or not enrolled.

LECTURES:W I L L S:

In San Francisco -

Scottish Rite Temple

Van Ness and Sutter

Time: 9:30 AM - 12:30 PM

1:30 PM - 3:30 PM

Date: Saturday, November 13, 1976

In Berkeley -

Boalt Hall, Room 120

University of California

Time: 9:30 AM - 12:30 PM

1:30 PM - 3:30 PM

Date: Saturday, November 13, 1976

T R U S T S:

In San Francisco -

Scottish Rite Temple

Van Ness and Sutter

Time: 9:30 AM - 12:30 PM

1:30 PM - 3:30 PM

Date: Sunday, November 21, 1976

In Berkeley -

Boalt Hall

University of California

Time: 9:30 AM - 12:30 PM

1:30 PM - 3:30 PM

Date: Saturday, November 20, 1976

MAY GRADUATES: You only have until October 31 to sign up on the "Early Sign-up" enrollment program. With \$50.00 down by October 31, you need not pay the next \$100.00 until the 1977 outline is issued in April. The \$215.00 balance is not due until twenty (20) days before the Summer 1977 course begins. This \$365.00 total includes the \$40.00 book deposit.

See your B.A.R. Representative for an application and further details or contact the B.A.R. office, 220 McAllister Street, San Francisco, (415) 861-6920.