

10-24-1977

## Caveat, October 24, 1977

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### Recommended Citation

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# CAVEAT



Vol. XIII, No. 10

Golden Gate University School of Law

October 24, 1977

## SBA Low on Funds NLG Debate Goes On

The last SBA meeting was Thursday just before press-time, so this report will be a bit sketchy. Most striking about the meeting was the continuation of the NLG debate begun by David Rubinoff the week before. At this meeting a number of NLG members came to respond. Rubinoff, claiming to speak for a number of concerned students, returned alone to defend his position that before allocation of funds to the Guild's school chapter, that its representatives should respond to his question asking what is the chapter's position in regard to the national organization's recent stand on the Middle East. In response Guild members basically said that the budget meeting was not the forum for discussing this question because in their view it was implicit in the raising of the question that funds be withheld from the Guild chapter on the basis of their response and that this in turn constituted censorship which they felt needed to be discussed first. This characterization is quite simplified in light of the confused debate.

There were about as many positions and charges as there were people present. Some officers felt that some of the responses of the chapter members were too plaintive. NLG supporters felt that those raising the question of

the chapter's position were not facing up to the question of censorship. One officer raised the question whether it was censorship to withhold funds for any Middle East related activities of the chapter. Another position was that the chapter's Middle East related budget was too small to consider in the matter anyway. Richard Wright and Cindy Duncan were both of the opinion that the SBA had never previously inquired into a political position of any organization. One representative said that he felt that the SBA did have the right to withdraw funds on the basis of an answer to Rubinoff's question. Although no one stated any chapter position, one NLG member did say that different chapter members had different positions including some contrary to the national organization's. He encouraged people to discuss issues concerning the Middle East in other forums. Some NLG members challenged Rubinoff to disclose his constituency. In any case the SBA took no position and proceeded to consider the chapter's budget request.

The tentative NLG chapter budget was decided at \$600 plus the money the chapter received in check-offs. They had requested \$778.

Sports Committee (not to be confused with YMCA passes) received a tentative \$27 plus their \$38 in check-offs.

Third World Coalition requested \$1430, \$250 of which was for bringing prestigious speakers to the school. The SBA granted them a tentative \$1180 and held that the \$250 was on a line budget that would be turned over to the TWC in the event that the speakers come and the University refuses to help subsidize their appearance.

(Continued last page)

## YMCA Classes Available

by Michael Rosas

The following is a list of classes offered by the YMCA. The classes for which there is a fee go for one month:

Running Club	Daily	12-1 pm	Free
Weight Conditioning:			
Men	M - W	5:15-6:30pm	Free
Women	T - Th	5:15-6:30pm	Free
Fitness Class	M,W,F	7:15-8 am	Free
Fitness Class	Daily	11:55am-12:35	Free
Fitness Class	M - Th	5:15-6 pm	Free
Swimming Lessons	T - Th	7:30-8:30pm	\$15
Judo	T - Th	Noon-12:45	\$8
Karate (Korean)	M,W,F	6-7:30 pm	\$15
Karate (Japanese)	M,W,F	6-7:30 pm	\$15
Racquetball Lessons-			
2 week program	T - Th	7:30-8:30pm	\$10
Yoga	T - Th	5:30-7 pm	\$20

Students are also put on notice to the fact that our policy of a 24 hour limit on the use of passes will be enforced by those administering the passes in the faculty Center. Ricky Rosen and I, duly authorized by the SBA to create the program as well as take the "necessary and proper" (all con law students please excuse me) action to see it gets off the ground, hereby declare that any student who does not return a pass within 24 hours, will have YMCA privileges suspended for 2 weeks.

It is imperative that students not only bring passes back within the aforementioned time, but that they do so as soon as they are finished using them. If one brings a pass back within 24 hours, he/she can take it out again, provided no one is waiting for one to come in.

Mary Selvy has informed me that things are going along smoothly and that all 25 passes have gone out and come back 2 or 3 times a day on several occasions. Let's keep it up!

## Speakers Forum Returns Judge Lois Forer to Speak

Lois G. Forer, an experienced trial court judge in Philadelphia and author of the book, The Death of the Law, will speak at Golden Gate University on Wednesday, Oct. 26 at 12:20 PM in the fifth floor auditorium. This will be the first in a series of speakers to be presented by Tom Goetzl's Speakers Forum this year. Based upon her observation during seven years on the bench that too often the legal system doesn't work as it should, Ms. Forer concludes in her book that the law is dead. That is, the law has ceased to have any moral force. People don't obey the law because it's the law, but rather to avoid the consequences of disobeying it. Her talk will enlarge on this subject and be followed by a question and answer session. You are encouraged to attend and, if you desire, you may bring your lunch.

The Speakers Forum was originated last year by Tom Goetzl. In an effort to provoke critical thought and discussion, Tom brought a series of individuals here to share some of their ideas regarding the proper role of law and lawyers in society. Last year's speakers included Robert Peckham, Chief Judge of the U.S. District Court for Northern California; Richard Hongisto, Sheriff of San Francisco County; Charles Reich, author of The Greening of America; and Laura Nader, professor of anthropology at U.C. Berkeley. Tom is in the process of lining up additional speakers for this year. Anyone who has suggestions for future speakers should see him.

M.D.

# announcements

## RESUMES REQUESTED FROM BLACK STUDENTS

National Balsa has, for the past five years, published a booklet of resumes of black law students. Each year that booklet has been sold to businesses and government agencies and has resulted in placements for many Balsa participants.

This year, the same program is offered to all of Golden Gate's black law students. (The program is not limited to graduating students). Three copies of a current resume should be given to Bill Taylor or placed in the Balsa mailbox in the faculty center by noon Thursday, October 27. The resumes will then be forwarded to Balsa's Job Placement Center at Harvard University.

The beauty of the program is that such national exposure costs each Balsa member only the price of xeroxing three copies of his/her resume.

## ISRAELI LAWYER TO SPEAK ON HUMAN RIGHTS IN ISRAEL

Israeli Lawyer Lea Tsemel will speak at 1951 Ocean Avenue, San Francisco, on Wednesday, October 26 at 8:00 pm. She is one of the main lawyers that has helped win international support for the human rights of Palestinians and anti-Zionist Jews in Israel. She has been forbidden to practice before Israeli Military Tribunals.

## SBA MEETING

Wednesday, Oct. 26, 3:30, room 207. All SBA reps and FSC student committee members must attend. Agenda:  
Day V.P. appointment  
Fund raising  
Financial Aid Committee  
Letters on tuition increase and FSC Committee Selection  
Critique of the picnic  
Getting the Caveat paid for by the school  
Reports from FSC committees  
Curriculum report  
Final budgets announced

## WOMEN'S ASSOCIATION

The next meeting will be October 26 at noon in room 209.

## PROFESSIONALISM POTLUCK

The pot luck for women law students to discuss the insidious effects of elitism has been changed to October 29 at 5:30 PM to allow night students to come. Bring ideas and food to 970 Guerrerro St. S.F. Any questions call Cheryl 825-8012.

A-E Beverage  
F-J Salad  
K-O Main Dish  
P-T Vegetable  
U-Z Dessert

## PAD GOINGS-ON

Phi Alpha Delta has been busy! An initiation of new members, a Chinese banquet and party, and a tour of San Quentin. Come to the meeting on Thursday, October 27, at 3 pm in room 203 to find out about future going's on. Bring any applications for membership if you have not yet turned them in, or leave them in the PAD box in the faculty center.

The Alpha Delta meets Thursday, October 27 at 3:00 PM in room 203. Future activities will be discussed. Bring your applications.

Joey Logsdon

## JUDICIAL EXTERNSHIP AVAILABLE

Would any 2nd or 3rd year student with a good academic record who is interested in a full-time spring semester non-paying judicial externship with the U.S. District Court in Los Angeles, please contact Les Minkus.

## DISABILITY LAW ASSOCIATION MEETING

An organizational meeting for the Disability Law Association will be held on Thursday, October 27 at noon in room 207. All students, faculty, and staff who have any interest in disability law are encouraged to attend. Disability law is a growing new segment in our society with many new opportunities for funding, employment, and assistance to those with various degrees and types of disabilities. Any person interested, but unable to attend at this time please leave a note on the message board or telephone Judy Middlesworth at 834-5571.

## on bread & water

### PAUL JAIN RESPONDS

To: Editor, The Caveat

This letter is in response to the article written by Kathy Reilley that appeared in the Caveat on September 19, 1977, regarding Work Study Award calculations. As written, the article may have caused some misunderstanding, and we would like to clarify the matter and hopefully reduce the possibility of students not getting their full award.

The Law School academic year is 40 weeks (August 15, 1977 through May 18, 1978, including semester break). To calculate Work Study awards, if one simply multiplies 15 hours per week by \$3.30 an hour and then multiplies again by 40 weeks, the academic year Work Study award of \$2100 will be met.

If the Work Study award is for the entire academic year (both Fall and Spring semesters) students can work during the semester break, using funds either remaining from the Fall allocation (if it has not been exhausted) or can get an early start of using their Spring allocation.

In addition, since students have been given flexibility to work up to 19 hours each week, students can earn the semester's allotment of \$1050 in 16 weeks, and the allotment for the full academic year in 32 weeks. Therefore, students have eight weeks during which they do not have to work yet still meet their allotment.

I hope this clarifies any questions regarding Work Study calculations, and assists students in earning their full allotment.

S. Paul Jain, Director  
Student Financial Aid

(The editors of the Caveat appreciate and welcome this needed clarification of the operations of the Work Study program. However, Mr. Jain's estimate of the academic year as 40 weeks in length includes the 5 weeks of finals. In reality, most folks will only be able to work 35 weeks not 40. (Those who prefer to stop working during the week before finals--dead week-- have only 33 weeks in which to work.) In order to earn the full Work Study award, students must work more than 15 hours per week. With a total academic year Work Study award of \$2100, we have the following \$2100 = 35 weeks x \$3.50/hour x 17.14 hours per week. Therefore, students are advised to work at least seventeen hours per week in order to earn their full work study awards. Because holidays and illnesses will cut into the total hours one can work, it is probably wise to work the full nineteen hours per week, if at all possible.)

--D.C.

# CHILE: 4 Years After

(Last of a series by Melinda Power)

The Chilean people's struggle for socialism did not end on September 11, 1973, when the Military coup took place. The people have responded to four years of Military Dictatorship and repression by four years of Resistance. They are fighting for a country free from foreign domination in the form of US control of the wealth of the country and from exploitation of the majority of the Chilean people by a few wealthy Chileans who own the land and the factories.

Chile had had the longest history of democratic government in South America. When the coup occurred, all overt political organizing became impossible. New tactics had to be developed to successfully continue the struggle under conditions of total repression. In the beginning, there was disorder and terror. The military was able to create an atmosphere of terror through mass arrests, brutal torture and frequent murders that has taken almost four years to diminish.

Apparatus for conducting the resistance had to be constructed during this terror. At first, since Chileans were unused to clandestine struggle, men and women in the resistance were detected and murdered. But after four years of painful experience the resistance has constructed a growing movement of people who daily risk their lives fighting for the freedom of their country.

Since large groups of people immediately attract the suspicions of the DINA (recently renamed CNI), Resistance Committees have been formed. A Resistance Committee consists of men and women who join together in the workplace or neighborhood to fight in the resistance. Resistance Committees are limited to 8-10 people. The RC's meet to discuss the political/economic situation in Chile. They plan activities that will integrate other people in the Resistance and that will sabotage the Chilean Military Dictatorship.

The main form that the Resistance uses to integrate people in the Resistance is through literature. Literature is printed on secret presses. It is delivered at night in the working class neighborhoods. Resistance fighters, with armed protection, go door to door slipping pamphlets under the gates or doors of people's houses. The pamphlets tell the people that there is resistance. They explain the economic/political situation to the people and call on them to join the Resistance.

In contrast to the government-controlled media, the literature of the Resistance truthfully depicts the current situation in Chile. It is important in helping the people to overcome their feelings of isolation and fear. The people realize that there is an active resistance and it gives them courage to resist.

In the workplace, RCs are being organized. For example, a member of the Resistance works at a construction site. He has worked there for about one year. During that time, he got to know his fellow workers and decided which ones he would trust. He chose eight men. He began conversations with them, talking about the situation in Chile and the need to struggle against it. Gradually, the men came together and formed a RC. Through discussion, they decided that their first activity would be to write a leaflet for their fellow workers denouncing their miserable working conditions. (At their job, they are hired for three months, then fired, then rehired.) In this manner, the employer can avoid paying any benefits to the workers, such as paid holidays or sick leaves. They work 5½ days a week and receive less than \$100 per month. In the construction industry, unemployment rates are very high - 45% - because few people have money to build. As the workers left the site for lunch, one member of the RC stayed behind and posted the leaflet on the wall. When they returned from lunch some members of the RC stopped and looked at the leaflet in order to encourage other workers to do the same.

The Catholic Church has been able to overtly organize on some issues. Women have formed committees through the church that demand to know the whereabouts of their disappeared family members. These women have publicly demonstrated during the recent visit of Terence Todann, Undersecretary of Latin American Affairs, in August of this year, to Chile. They went on a hunger strike in the UN building in Santiago. Pinochet, head of the Military Dictatorship, at first refused to hear their demands. Chile solidarity groups organized around the world supported the women's demands to know the whereabouts of their family members. Pinochet agreed to tell some of the women the whereabouts of their family members.

This action, plus the release of thousands of political prisoners has come about because people all around the world have voiced their opposition to the violation of human rights in Chile. By writing letters to Congress, and sending telegrams to Chilean government officials, the lives of Chileans such as Gladys Dias, Carmen Castillo, Laura Allende, Pascal Allende and Luis Corvalan have been saved, among many others.

In order to continue this show of solidarity on a permanent basis, solidarity committees in San Francisco have organized an Adoption Program. Interested people agree to adopt either a recognized political prisoner or a disappeared political prisoner. They agree to write at least two letters a month to government officials in the US and Chile inquiring about the whereabouts and well-being of this person. Often communication can be arranged between the adopted person's family and the writer. The more letters that are sent, the more chances a political prisoner has of being released, and the more chances a disappeared person has of living.

If you are interested contact: NICH, PO Box 6669, SF 94101; phone at 548-3221.

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## Why Can't Richard Pryor and Allen Bakke be Friends?

By Michael Pitts, First year night

Both Richard Pryor, the outstanding black comedian, actor, and writer, and Allen Bakke, the white medical school applicant whose reverse-discrimination case is being heard by the Supreme Court, were subjects of front page articles in the S.F. Chronicle a few weeks ago. Pryor had recently shocked and intimidated an audience which had gathered at a Hollywood Bowl benefit sponsored by Save Our Human Rights (SOHR), a San Francisco-based homosexual organization founded to combat the Anita Bryant campaign; and a brief had just been issued on Allen Bakke's case by the U.S. Justice Department strongly endorsing the argument that disadvantaged minorities may be given special consideration in university admissions.

Pryor alternately mocked and insulted homosexuals as deviants and racists at the SOHR benefit until he had stirred the audience into an agitated furor. Then he stopped abruptly and, in an earnest tone, he said: "That's what

I wanted... because this is an evening about human rights, and I am a human being. And I just wanted to see where you was at, and I wanted to test you to your motherfucking soul." Though he left the stage soon after, his words were indelibly stamped on the foreheads of everyone in the crowd for the balance of the evening. They had definitely been "tested" on the human rights issue.

In the Bakke case, the Justice Department circulated a draft of its brief recommending that Bakke's claim to admission be granted. When the news leaked out, the department was deluged with so much criticism that it reversed its stand in the final draft. In the submitted brief, it urged the high court to remand the case to the California court for further consideration and reject Bakke's claim to admission. Here also, the issue of human rights was "tested" with the Justice Department receiving a vehement negative response to its preliminary statement on the Bakke case from groups defending 17

(Continued last page)

years of accomplishments in the movement for civil rights.

Both Richard Pryor and Allen Bakke share something in common: Their adamant stand on the subject of human rights, with special attention to the freedom from racial discrimination, and their willingness to "test" those rights. So why do they appear to be lodged in opposing camps with the age-old conflicts of black vs. white, and minority vs. majority dogging them?

Many people have viewed the Allen Bakke case as a regression in the long struggle for racial equality, but I perceive it more in terms of Pryor's confrontation with the growing movement for gay rights. Pryor has long been an advocate for the black community, and has been outspoken to the point of being ostracized from his own profession for a number of years. Yet he has been favored with a talent that could not be suppressed, in spite of his abrasiveness and his strong convictions. To me, he is a symbol of a different society than the one we were grappling with in the early 60's. As cruel as we were then, I could with some justification say that, had Richard Pryor flowered with his attitude and manner at that time, he could easily have entertained death, rather than fame. Fortunately, we live in an age where the experience and sacrifices of the people in the civil rights movement have provided a rich history in which we can seek protection for our individual liberties. Richard Pryor is a product of that history.

What Pryor wanted to convey to the audience gathered for the gala SOHR event was that "saving human rights" entails a historical process of pain, suffering, and degradation, as exemplified in the flames of Watts still fresh in his memory. He attempted, to the best of his ability, to make the audience "feel" what he has felt for so much of his life. And for the youthful gay liberation movement, not more honest, compassionate advice could have been given. Pryor's "shocker" was like a swat from a parent to a child warning that to be a part of the "human rights" family requires much more than the promotion of gala events for specific ends.

It is in this context that the Allen Bakke case assumes its position in the expanding cause for the protection of human rights. New to the arena already well occupied by the ethnic minorities; whites, women, and homosexuals are beginning to demand equity from a system of justice, government, business, and education that seems forever bound to rectifying the wrongs of particular persons by wronging someone else. Ever since Marco DeFunis submitted a similar claim of reverse-discrimination against the University of Washington Law School (DeFunis v. Odegaard, 94 S.Ct. 1704 (1974).) which was ruled a moot case, we have been awaiting the test case that would bear the true character of our commitment to extending civil rights to all citizens. Finally it has arrived, and with it the fanfare of a growing number of caucasians who have found themselves victims of discrimination in applying for admission to school, for financial assistance, and for jobs.

The "test" has already begun with the Justice Department finding in what some would call its "white quickness to appease" its hands slapped by the civil rights groups when they discovered that it was about to recommend that admission be granted to Allen Bakke. While there is little doubt that the quota system which excluded Bakke from medical school is unconstitutional, there can be no disputing the fact that ethnic minorities have been excluded from all areas of this society for the life of our constitution and in direct violation of the equal protection clause of the fourteenth amendment. Exclusion of minorities in our society is still very much the rule, with average incomes and education levels drastically low in comparison with that of caucasians. The Justice Department found out, as the audience at the SOHR benefit did, that the hard won progress of the civil rights movement, and the strife and turmoil that blacks and Hispanics have encountered in their quest for equal opportunity and protection under the law will not be set aside as if the past were just a bad dream: because the bad dream, the nightmare, still exists.

Only now we are observing pervasiveness of this bad dream on a broader plane, watching how it permeates our entire society from top to bottom and how it controls our personal lives. Allen Bakke represents the acknowledgement of the white American that, yes, prejudice does hurt and it should be eradicated; but where on this planet can we find an inch of common ground for this common understanding?

Picture the Grand Canyon just before sunrise. Allen Bakke and the SOHR organization are approaching the north rim. On the south rim, Richard Pryor and the civil rights movement have just scrambled up the canyon wall and are signalling frantically to beware of the precipice and the canyon's yawning rift. Both parties have arrived to witness a new dawn in the extension of human rights, but both must recognize the chasm of suffering and hate that has separated them in the past. The warning signals from the south rim have been clear and emphatic: the gay liberation movement cannot expect to win its cause from the narrow position of its own particular "human rights"; nor can Allen Bakke expect to see himself admitted to medical school.

There are no quick solutions to their problems, and there is no one channel of appeal which will provide a complete remedy for their complaints. They must take into account what has come before them, and see how their plight is intimately connected to the fate of the continuing battle for civil rights which has done so much to create the world in which we have our say today. They must recognize that the record on human rights advancement made its greatest leap under the guidance and leadership of the civil rights movement in the last decade and a half; and they must understand that the progress that has been made must be defended as adamantly as the progress they intend to make.

If we can find a common inch of ground, some hallowed place where we can mutually aid each other to lift the burden of human deprivation and degradation from our shoulders, we may find there the roots of a tree that could possibly ripen the fruit of human dignity and opportunity enough to feed and nourish an entire world.

#### SBA budget (Continued from page 1)

The TWC's budget was the last decided. It then became clear that the total tentative budgets were still too high. In light of this a number of decisions were made. First: that the SBA only allocate according to what it could absolutely rely on having in its accounts. Second: that the SBA encourage the student body to OK a raise in dues. (Apparently dues were once \$5 and this generated such a surplus that they were reduced to the present \$2. Over the last few years this surplus has been eaten away.) Third: that the budgets of all groups be reduced proportionately excepting the Caveat, YMCA, and TWC's speaker fund. In effect this means that each tentative budget will be reduced by approximately a third, the reductions will however be restored in the event that an increase is okayed by the student body.

Other SBA business in brief: President Richard is taking suggestions for his selection of a Day Vice-President. A permanent location for YMCA passes must be worked out; Richard will speak to the Associate Dean about this. Section A wants a change in its spring schedule and received some funds for a survey. Melinda Power wants suggestions for the Speaker's Committee. The last member of the Academic Standards Committee (FSC) will be selected at next week's meeting. The Financial Aid Committee (an ad-hoc group with SBA backing) will be agendaed on next week's meeting although they may have nothing to report at that time. Richard will present his letters-to-the-Dean to the SBA concerning a tuition raise and FSC Committee selection next week.