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CAVEAT



Vol. XIII, No. 25

Golden Gate University School of Law

March 20, 1978

TWC to Present Demands on bread & water

STUDENTS DEMAND FORMAL AFFIRMATIVE ACTION POLICY

MAR 21 1978

FINANCIAL AID OFFICE REJECTS MOST STUDENT REFORMS

TWC TO PRESENT PROPOSALS TO ADMISSIONS COMMITTEE TODAY

Today, a final draft of the Third-World Coalition proposals will be presented to the Admissions Committee (4:00, Room 207.) Last month, the Caveat printed the draft proposals of the Coalition which is seeking to have the Law School stand behind a formal affirmative action program. Coalition members claimed that without a formal commitment the numbers of third-world students receiving an education in law will fall below that which is necessary to ensure effective advocacy for minority communities. Coalition members point to the recent drop in the number of third-world students in the entering class from 43 in 1976 to 15 this fall.

The final document, although in most ways the same as the draft, differs from it in some areas. These changes were brought about through consultation with students at open meetings and in private conversations since the time of the Caveat printing. The major changes involve the addition of the following proposals:

- less reliance on LSAT scores in calculating special admissions applicants' chances of success;
- an optional check-off on the application form to indicate the applicant's racial or ethnic background and a statement on the form that the school seeks to pluralize its student body;
- a personal statement required of every applicant so that qualitative factors can be considered;
- that re-examining students have their work-study and financial aid calculated on the basis of the actual number of credit hours they study for and not the number of credits for which they are registered;
- a commitment to find alternative revenue sources so as to preclude or limit future tuition increases;
- that third-world professors be assigned to first-year sections where feasible.

Other noticeable changes include the substitution of "third-world" for "disadvantaged" as the adjective describing special admission students. Also, a section requesting a revision of the grade scale was deleted.

The major provisions as previously presented remain the same. They include:

- admission of third-world students showing greater than a 50% chance of success;
- the stressing of need over merit in awarding scholarships;
- support for the financial aid reforms proposed by the Ad-Hoc Financial Aid Committee;
- grace periods so that all students with low grades could have an opportunity to achieve the required GPA for graduation;
- the altering of the class-standing system so that it is either non-existent, or is calculated using re-examination grades;
- the hiring of more third-world faculty;
- seats for minority students in school governance; and
- a policy of full disclosure by the various school committees.

The Third-World Coalition requests that students come to the various meetings which will deal with their proposals.

D.C.

Special to the Caveat

The Financial Aid Office has finally replied to the recommendations submitted by the Law Student Financial Aid Committee and the SBA last November, by rejecting practically all suggestions of the student committee.

In a tone which appears calculated to anger students, the administration reply relies on erroneous facts and faulty logic for many of its conclusions. Not all the student recommendations were addressed in the reply. The Financial Aid Office relies on the wrong regulations to support their position, confusing such simple concepts as minimum wage requirements with maximum wage ceilings.

The one major concession was the institution of a formal grievance procedure for complaints about financial aid. The grievance procedure will be set up in August 1978 and will require that grievances be put in writing and first be submitted to Paul Jain, Director of Financial Aid, and later be appealed to Bob Hayn, Internal Auditor and Analyst.

Students recommended that the work-study hourly wage rate of \$3.50 per hour for all work-study students be set individually for each work-study position so that Golden Gate students would earn an hourly rate commensurate with the responsibilities of the job, in accordance with federal regulations. Currently students from other schools doing the same kinds of work at the same agencies are earning more per hour than Golden Gate students. The Financial Aid Office replied that they could legally set an across-the-board wage rate and would continue to do so. Curiously, they relied upon a regulation which permits subminimum wage rates for work-study jobs to show that they were allowed to set a maximum wage rate. In addition, the administration reply claims that most of the work-study agencies pay no more than \$3.50 per hour to students from other schools. For at least some of these agencies, this claim is untrue. The agencies named are: Alameda District Attorney and Public Defenders Office, Environmental

(continued back page)

2ND ANNUAL GGU TALENT SHOW

Yes folks, it's time to dust off those tap shoes, tune your cellos and memorize those lines. The GGU Women's Association once again is seeking participants and an audience for its talent show which will be held Friday, March 31 from 6 to 9 PM in the Auditorium on the 5th floor. Women, men, staff, students and faculty are all welcome to volunteer to perform in the show. If you are interested in participating please put your name and phone number in the envelope attached to the large sign in the hallway on the second floor. Lists for volunteers will also be passed around in classes.

Staff and faculty -- just because we haven't cornered you personally to get you to volunteer doesn't mean we wouldn't love to have your act; we just aren't able to corner each of you individually. So please volunteer voluntarily.

Tickets will be sold for \$1.50 each. The proceeds this year will go to the Child Care Center that will be located in the new building.

NO EXPERIENCE NECESSARY -- NO TALENT REQUIRED!!

BEATING THE "JUST US" SYSTEM

BY Holly Maguigan

To understand how a system operates, you start with an assessment of the interests it serves and the groups it favors. The "criminal justice system" serves property and gives the edge to white men. It is important to bear in mind that where there's a system, there's a way to beat the system.

The rigidity of the organization of most criminal courtrooms can be parlayed to the advantage of defendants whose lawyers are not white men. We who are those lawyers form early the ability to make judgement calls on the basis of what we observe, and we do not often relax into reliance on self-serving stereotypes or "conventional wisdom". The people in power in those courtrooms, however, are slow to abandon old habits of thought and are reluctant to admit that those of us who do not "fit" will not go away. Judges and prosecutors who are white men regularly underestimate us. That is their mistake, and it gives our clients a definite leg up.

While those of us who are not of the dominant caste may differ from each other in race or sex or the ethnic flags of our surnames, we share at least this: we are accustomed to the necessity of working much harder than our white male counterparts in order to have any chance of being viewed as their equals. That fact alone gives us three advantages. (That necessity, obviously, arises from a long history of disadvantages which attach in one way to people separated from the dominant group by sex only, in another to people who differ from them in race or in race and sex. Race and sex inform our differing stances in the face of common problems like having to spend ten minutes convincing the judge that you're a member of the bar before you even get to the case at hand.)

1. Defendants are starting to practice "affirmative action". Actually, it is just good judgment on their part. The evidence is mounting that -- because we must -- we do, in fact, work harder. We practice our opening statements in the shower, we outline every piece of expected testimony, and we research fine points until our eyes cross. It is not surprising that people accused of crime (especially those privy to the information flow of prison grapevines) should value those qualities and begin to choose people reputed to have them. Self-interest is a powerful nudge toward enlightened views. Five years ago I saw panic on my clients' faces when I introduced myself (the look of "My God, I'm facing 25 to 50 and at my side is a frigging girl scout"); and now I regularly hear "I want you to take my case because women are fighters."

The energy boost which comes from knowing that your client wants you precisely because you are not a member of the majority group cannot be measured, but it cannot be gained. We walk into the arena with a head start on a prosecutor who is "just doing his job".

2. We have a natural alliance with court officers. For one thing, there are more inroads on white male incumbency in these jobs than at the high-rent end of the court caste system. (In cases where that is not true, a white woman is often in the best possible position: if you remind the crier of his granddaughter, he's probably going to help you out.) Equally important is the fact that the criers, the clerks, bailiffs and sheriffs are the ones who keep any courtroom running. We who have to work harder often pay attention to the kind of detail which makes them happy to see us come in the room. Most lawyers are too important, or too professional, to have the information which makes the job easier for court officers. Not us. We know the name of the co-defendant's lawyer, the docket number of our case, our client's prison location. When it is to our client's advantage, we share that information; and in exchange we get invaluable help.

No one knows how a room works better than the people who work there day in and day out. They know the judge's mood (and whether it improves after his two martini lunch).

They know the prosecutor's vulnerabilities, and they know when he's bluffing ("You should demand trial today -- the DA has no idea where his witness is").

It is a potential alliance more fundamental than the information quid pro quo, although that is an important part of it. The bottom line is that they, like us, will never be part of the old-boy network; and they, like us, regularly endure insults and indignities at the hands of those who are part of or are on their way to the dominant caste. We have a deep, shared grudge. The defendant often benefits from our unstated, mutual interest in sticking it to the people on the top.

3. Our mere presence often throws the judge and prosecutor off-balance. We do not have to do anything peculiar: by just being there we strike a discordant note in the all-deliberate-speed hum of most courtrooms. Sometimes there is just a mild loss of composure, but sometimes there is a real disruption in the cadences. It does not hurt for the jury to see that defense counsel if behaving perfectly normally, that court officers are treating her as if she was a regular person, and that the judge is hurling imprecations or patronizing insults at her head. It's not hard for twelve reasonable people to figure out who's the asshole in the situation.

Occasionally they get bemused to the point where they serve up a real mistake: I've known normally competent prosecutors to become so relaxed in the face of opposition from a "second-class mind" that they rest before putting my client at the scene of the crime.

In this system, as in every racist, sexist set-up, the people in control will lapse into complacency and will make stupid errors. As in any situation where the odds seem totally against us, their stupidity is sometimes our greatest strength. We sit there with our clients, massively over-prepared, our nerves finely tuned (if not raw), and we recognize those moments laced with bigotry for what they are. They are cracks in the veneer, and every so often they open wide enough for the defendant to walk through and out.

(ED. NOTE: This article is a reprint from "Guild Notes, December 1977. It was submitted to us by Bob Calhoun. We appreciate professors' input. Thanks!)

SBA Business

MEETING LACKS QUORUM

Last Wednesday, members of the SBA Board of Governors and class representatives met to vote and discuss endorsement of the Third-World Coalition Proposals. Also on the agenda was the adoption of new selection procedures for school committees. The procedures were amended by those present to eliminate a provision requiring an applicant to be "representative of the diversity of student body views" and added a new section emphasizing the selection of third-world students for school committees.

Although a number of students came to the meeting, the voting membership present was 2 people short of the required quorum number. The meeting proceeded anyway under the belief that since Wednesday's meeting was a mere continuation of the previous meeting and no new subject matter was to be raised, it would be valid for the diminished body to finalize action on the pressing matters. SBA officers subsequently learned that their understanding of Robert's Rules was faulty and that once a doubt as to the existence of a quorum was raised and verified (even when a quorum had previously been present), later action would be void unless subsequently ratified by a valid quorum.

The SBA will meet today, Monday, 5:00, room 205, to decide whether to ratify the two actions of the previous assembly.

announcements

SBA MEETING, TODAY

Due to the lack of quorum at the last meeting, there will be another meeting to decide on whether to endorse the Third-World Coalition Proposals and whether to accept the new procedures for FSC Committee selection: 5:00 Monday, room 205.

TWC MEETS WITH ADMISSIONS COMMITTEE, TODAY

4:00, room 207. The Third-World Coalition asks that people who want to see a real affirmative action program in admissions come to this meeting this afternoon to show their support. At the meeting the Coalition will present their proposals to the Committee.

SUMMER EXTERNSHIP IN LOS ANGELES

Any upper division student interested in being considered for a summer externship with the Federal District Court in Los Angeles should see Sharon Golub immediately. Must have excellent writing and research skills.

EVENING FINAL EXAMS TIME CHANGE

Students should note that the time for evening final exams will be 6:30 to 9:30 instead of 6:50 to 9:50 as was shown on early schedules.

FINANCIAL AID APPLICATIONS FOR 1978-79

Second-year students should remember to include the cost of a bar review course and the cost of bar exam registration in their financial aid applications for academic year 1978-79.

FROM WALLY'S OFFICE

Small Law Firm Practice: Thursday, March 23, 12:15 to 1:15 in Room 205. Check the placement board for information concerning panel participants.

AFFIRMATIVE ACTION STRUGGLES AROUND THE BAY

HASTINGS: Students have won their struggle at Hastings to get their faculty to reconsider and reverse recent moves it has made. First, race will be used as one of several factors in determining the degree of disadvantage when deciding whether a student is a regular or special admissions candidate. Second, students will again have a vote commensurate with the faculty on admissions teams. Third: ETS 3, a formula stressing the LSAT only 50% will be used in special admissions calculations. Details on the LSAT matter were not available to us at press-time.

BOALT: Day-long boycotts and teach-in are planned for this Tuesday, March 21, to support the Coalition for a Diversified Faculty's demands that more women and third-world faculty be hired at Boalt. Schedule for Tuesday: 8:30 - Picket, 9:15 to 10:00 - Speakers, 10:00 - Panel on Racism and Sexism in the University: Affirmative Action in Hiring (Laura Nader will be on the panel), 12:00 - Break, Music, 12:30 - Willie Brown to speak, 1:00 - Rally & March to Dean's office, 1:35 - Angela Davis to speak, 2:00 - Workshops: Legal Remedies (Drucilla Ramey conducting), Political Action, Recruitment Techniques, 3:30 - Wrap-up.

USF: While students have won their demands to maintain affirmative action in admissions at current levels (50 per entering class of 250) other matters concerning services to special admits are still to be decided at a meeting scheduled after their spring break.

D.C.

SBA ELECTIONS

WHERE ARE THE CANDIDATES?

The following is a list of people running for SBA office for next year. Sadly (or not) there is an extreme paucity of candidates for most every slot but president. In fact, there are no candidates for Secretary, Treasurer, First Year Day Reps, First Year Night Reps, Second Year Day Reps, Second Year Night Reps, and Fourth Year Night Reps. I've been told that SBA President Richard Wright is considering re-opening the filing period for candidates. But as it stands right now, these are the candidates. R.E.

President: Larry Bittner
Joan Blades
Donna Courtney
Patricia Cummings
Sheila D. Gaughan
Alice Montgomery
Connie Tavel

Vice President: Diane Beaufait
David Cooper

3rd Year Night Rep: Richard Clark

3rd Year Day Rep: David B. "Chuck" Rubinoff

There has also been a referendum request submitted. The proposed referendum would state: "The SBA dues shall be lowered from their present \$4 per semester to \$2 per semester".

STUDENT EVALUATIONS

Student evaluations of classes (ED. NOTE: professors) will be conducted during the week of March 20. Be sure to attend class.

1978 FALL GENERAL BAR EXAMINATION

Here it is folks, your due notice that the exam this summer will be: Tuesday, Wednesday, and Thursday, July 25, 26, and 27. LAST DAY FOR FILING AN APPLICATION is April 3, 1978. Proof of Law Study will be provided to the Committee of Bar Examiners by the Registrar of the law school. Two sets of fingerprints are required. A fingerprinting service will be here on Thursday, March 30 from 2 PM to 6:45 PM. Please be sure that you have filed a petition to graduate with the law school registrar. If you have any additional questions, check with the Committee of Bar Examiners at 561-8300 or with Nancy Messerer in the Dean's Office.

AFFIRMATIVE ACTION STRATEGY MEETING

Tuesday, March 21, 12:30, room to be announced. People who are interested in helping to promote and pass the Third-World Coalition proposals should please come, we need help. Tasks will be assigned. This is a working meeting.

REMINDER

Applications for 1978/79 Writing and Research tutor positions as announced in last week's CAVEAT are available in the Faculty Center. Completed applications should be placed in Nancy Carter's mailbox by March 31.

FRESHMAN WINS POKER SERIES

UNION BUSTING at CRLA

Saturday, March 11, 1978: It was an exciting and chilling moment. The showdown between the day's two best poker players, Dandy Dave Alba and "Fast Russell" was in its 1 stages. Minutes earlier Oakland Slim (Bob Bonovich) was eliminated, following the most hellish battle of the afternoon.

In that three-way clash an identical couplet of full-boats in the same hand had seriously rocked the confidence of Fast Russell, totally destroyed Bob's fading hopes, and established Dandy Dave (in the cardsight of this reporter) as the first World Series of Poker champion. Although Dave and Fast Russell split the largest pot of the afternoon after Bonovich's elimination, the psychological war was won there and then by Dandy Dave.

Dave was clearly ahead, and at a point of absolute advantage, when he subsequently picked up Aces over Threes. (In the game of "Hold 'Em" poker you can indeed win the title with Aces/Over and it is possible for two players to have duplicate full houses after the cards have been dealt.) The two pair of Aces over Threes were good enough to defeat Fast Russell in the final showdown and to secure for Dandy Dave the winner-take-all purse.

Mark Derzon, acting president of the sponsoring M.O.L.E.s organization, presented Dave with the \$100 first prize at exactly 6:45 pm, five-and-one-half hours after the first hand of the Series had been dealt.

Dave Alba's stunning victory was an unexpected as it was valid. The first-year law student upset such heavy favorites as "Chucky-Baby" Rubinoff, the Pinball Classic champ; Ralph Elisee, the Poker-faced New Yorker; Wally Wonder, who had loudly predicted his own victory; and other very worthy contenders, such as the stolid-eyed "Fast Russell" who had been the big winner for most of the afternoon.

The gracious new champ presented the M.O.L.E.s with ten percent of his winnings to help defray the costs of staging the next World Series of Poker - which also promises to be quite an exciting and chilling event.

Wally Walker

EQUAL JUSTICE FOUNDATION

Twenty-eight law schools across the nation have begun the task of shaping an institution which, in the near future, will be a potent ally for all citizens and public interest groups seeking full, fair and proper hearings of their grievances. The Equal Justice Foundation will be devoted to increasing procedural access to justice before the powerful legislative, judicial, regulatory, and professional bodies which make critical decisions that affect the quality of our lives. It will be an excellent source of information and support for any person or organization working in the substantive areas of public law -- consumer protection, the environment, discrimination, poverty, health care, energy, and corporate abuse. We, therefore, are eliciting your support, both as an individual and as a representative of the organizations in which you are active in assisting us in our Spring Tithing Campaign.

This week we will address the SEA, and in the future other campus organizations, such as the Third World Coalition, the Law Women's Association, our chapter of the National Lawyers Guild, Phi Alpha Delta, the Law Review, the Gay Students Coalition, and the Caveat, asking them to speak out in favor of this broad, new organizational initiative. In addition, we will ask our faculty members and administrators to lend their good names to this cause and speak out on the issues of procedural access in our legal and

CALIFORNIA RURAL LEGAL ASSISTANCE WORKERS ON STRIKE

(ED. NOTE: CRLA legal workers are on strike; they have received substantial support from CRLA lawyers and community workers. As of Thursday, March 16 the strike was in its ninth day with no settlement in sight. Picketing is going on daily at 115 Sansome Street (right near by) from 9 to 5 on week days. Any students interested in lending support are more than welcome on the picket line. The following is a reprint of the workers' press release. R.E.)

United Legal Workers of California, a state-wide union of secretaries, bookkeepers, and clerical workers is on strike against the 12 offices of California Rural Legal Assistance (CRLA). (As of this writing, five of the twelve offices are completely shut down in support of the strikers.) Since early January, the ULWC has been in contract negotiations for their second contract with CRLA. The first contract expired on February 27th. On February 28th, the CRLA management negotiating team gave the ULWC their final offer. The ULWC membership rejected the offer on March 4th and voted to strike.

The ULWC is striking over the failure of CRLA to deal fairly and in good faith with the Union. There are several unfair labor practice charges filed with the National Labor Relations Board against CRLA for such violations as bypassing the Union and dealing directly with individual employees, threatening employees to discourage them from filing grievances, making unilateral changes during contract negotiations, and bargaining regressively and in bad faith.

CRLA management has taken a union-busting stance with the ULWC at the bargaining table. Their final offer gives the Union the choice of rendering the Union powerless or striking. CRLA is attempting to take away what we had under the previous contract. They also refuse to agree to standard clauses in the contract which would grant us the kind of rights we have by law (discrimination clauses, health and safety clause, etc.). Among the major negotiating issues are: grievance procedure, discharge and discipline, training, temporary workers, union and management rights, wages (CRLA's salary offer amount to less than \$1.00 increase per day per employee), and speed ups.

We are sorry that our clients may be denied services during this strike. We have told other CRLA staff that we support out-of-office emergency services to clients. We expect that the local offices will advise clients of arrangements for emergency services.

We ask for your support in our struggle to obtain equitable treatment and a fair contract at CRLA. Your support will help us to return to our jobs as soon as possible. Please send telegrams, letters, or call CRLA, 115 Sansome Street, Suite 900, SF, 94104. Phone (415) 421-3405, with copies to us at: ULWC, P.O. Box 570, SF 94101. Thank you. For more information, call the ULWC at 285-2428.

quasi-legal systems.

Later this month, a speaker, possibly Jim Lorenz, one of the principal sponsors of EJJF, will appear on campus to elaborate on the guiding vision of development for the infant Foundation.

This week we will hold our regular meeting on Thursday at 3:15 in Room 203. If you would like a pamphlet on the Foundation, please contact me, Michael Pitts at 383-8372.

Michael Pitts

(BREAD & WATER, from page one)

Protection Agency, S.F.N.L.A.F. and Employment Law Center.

The Financial Aid Office has also refused to allow work-study students to work an average of twenty hours a week, as opposed to the currently weekly limit of nineteen hours for each week worked. Again, the Financial Aid Office indulges in curious logic by asserting that more students can be placed on work-study if the hours in any given week are strictly limited. However, the amount of each student's award determines how many students can be placed on work-study. Weekly hourly limits do not. The recommendation for an average number of hours would have simply allowed students some flexibility if their employers needed 24 hours of work one week and 16 hours the next.

The recommendation that the Financial Aid Office study the possibility of charging employing agencies a slightly larger percentage of the salaries paid students was soundly rebuffed. It does not appear that the Financial Aid Office studied this at all.

The student recommendation that eligibility and selection standards be put in writing was rebuffed by asserting that the Financial Aid Brochure already states that awards are based on "financial need." The Financial Aid Office then assured students that all information for them is included in the Financial Aid Brochure and that any confusion is merely the result of students failing to read this information. The vague statement that awards are based on "financial need" is hardly informative to students.

Nowhere does the Brochure indicate how "financial need" is calculated. The Brochure also fails to inform students that we are each expected to save \$700 over the summer. Whether or not a student manages to save this money, the \$700 is added as a student resource for the next academic year. Often, students do not realize that they were expected to save this money until it is too late.

Student recommendations on the ways in which student living expenses are calculated were addressed chiefly by missing the point. Student recommendations on this point was that the item by item limit on expenditures be removed and replaced with a total financial aid limit. The purpose of this recommendation was to abolish the anomalous situation whereby a student's total need was less than the total financial aid limit, but where the office cut their total award due to variations on the expenditures for each item. For example:

RENT	STUDENT SPENDS:	FIN-AID LIMITS:	ALLOWED
RENT	\$1710(\$190/mo.)	\$1530(\$170/mo.)	\$1530
FOOD	\$450(\$50/mo.)	\$900(\$100/mo.)	\$450
PERSONAL	\$640	\$640	\$640
<u>TRANS.</u>	<u>\$240</u>	<u>\$135</u>	<u>\$135</u>
TOTAL	\$3040	\$3205	\$2755

Currently, a student with the above needs would be allowed \$2755 for living expenses. Under student recommendations, the ~~same~~ student would be allowed \$3040 because it did not exceed the total limit of \$3205. Rather than dealing with this situation, the Financial Aid Office characterized the student recommendation as one requiring the office to allow the full \$3205 which exceeds this student's needs. The Financial Aid Office has misconstrued the entire thrust of the student recommendations. They persist in this misconception for two pages in the reply.

The Financial Aid Office's reply then compared student budgets at three other schools, Hastings, USF and Lone Mountain, in an effort to show how reasonable GCU student budgets are. Both USF and Lone Mountain have dorms. (Lone Mountain has gone out of business.) A student budget based on the availability of inexpensive dormitories can have no relevance to the funds needed by a student at Golden Gate.

The reply then states: "Clear instructions have always been given to the Financial Aid Office staff that suggestions like quitting jobs, selling cars and finding cheaper housing are not acceptable counseling." Such a reply was surprising in view of the numbers of students who have reported that they received such unacceptable counseling.

The Financial Aid Office reply then winds up neatly by placing the blame on students for failing to do their part. Students are scolded for submitting incomplete forms, for not staying informed about Financial Aid procedures, for not hitting up our folks for cash, and finally, for freeloading. The concluding paragraph, reminiscent of the welfare-Cadillac myths: "Financial Aid Offices are frustrated with students who, though claiming to be totally without funds, find ways to own and operate late model cars or expensive stereo systems." The attitude of the Financial Aid Office is indeed fascinating, and the concluding paragraph says it all: Students on Financial Aid don't deserve it.

In addition to the inaccuracies, faulty logic and bizarre reliance on the wrong regulations to support their position, the reply of the Financial Aid Office vividly portrays their attitude toward students. All of the federal financial aid programs were enacted by Congress to help students. Students are the beneficiaries of all of these programs. It is very sad that the Financial Aid Office does not see its role in terms of these Congressional mandates.

Copies of the Financial Aid Office reply together with the student recommendations will be placed on reserve in the Law Library this week. The Caveat is considering printing the entire reply in next week's edition.