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GOLDEN GATE UNIVERSITY SCHOOL OF LAW

THE CAVEAT

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New Grading Policy

by Tod Manning, Editor

On November 12th I wrote a letter to Dean Pagano requesting information about the status of the new grade policy. He told me to give the letter to Associate Dean Hughes and to have her answer the questions. Dean Pagano reviewed her response. Here is the text of my letter to the Deans:

> Dean Pagano/Hughes,
>
> I would appreciate it if you would answer the following questions, in writing, for an article I'm writing on the grade policy. I feel that this form of interview will be the most efficient for all concerned, so as to reduce errors in quotations, and any possible misunderstandings.
>
> 1. What are the current and new grade policies?
> 2. How are the grades to be determined under both methods? (USF method?)
> 3. To whom do these grade policies apply?
> 4. When does the new grade policy go into effect?
> 5. What are the super grade point requirements?
> 6. To whom do these super grade point requirements apply?
> 7. When are these requirements and policies going to be re-examined?
> 8. What was the exact text of the grade policy resolution that was passed by the faculty last spring semester?
>
> Please add any other comments that you would like to have included in the article. I will not edit ANY of your responses....

The complete text of the response I received from Associate Dean Hughes is as follows:

GRADING STANDARDS

a. Grading Standards for the 1992-1993 Academic Year:

The following first-year courses will be graded on the curve set out below:

Contracts, Torts, Civil Procedure I and II, Property I and II (Day Sections Only), Criminal Law (Day Sections Only), Research & Writing I and II

Curve for First-Year Required Courses

	Maximum	*Minimum*
A- and above	*15%*	*5%*
B- and above	*60%*	*45%*
C- and below	*20%*	*13%*
D and below	*5%*	*0%*

All other courses are graded according to the previous grading policies described in Student Handbooks for prior academic years.

b. Grading Standards for the 1993-1994 Academic Year and Thereafter:

i. All courses required as part of the first year full-time curriculum (whether take [sic] *in* [sic] *first year of* [sic] *full-time program or in the second year of a part-time program) will be graded on the curve below:*

Curve for First Year Required Courses

	Maximum	*Minimum*
A- and above	*15%*	*5%*
B- and above	*60%*	*45%*
C- and below	*20%*	*13%*
D and below	*5%*	*0%*

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Grade Policy...

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ii. All required courses except those covered by Subsection i., above, will be graded on the curve set out below:

Curve for Required Courses (Other than Required as Part of the First-Year Full Time Curriculum)

	Maximum	*Minimum*
A- and above	*20%*	*5%*
B- and above	*65%*	*45%*
C- and below	*20%*	*10%*

iii. All other courses not covered by Subsections i. or ii., above, will be graded on the curve set out below:

Curve for Elective Courses

	Maximum	*Minimum*
A- and above	*45%*	*15%*
B- and above	*90%*	*45%*
C- and below	*10%*	*0%*

REQUIREMENTS FOR GOOD STANDING

Students who first enrolled in or after August 1992 must have a GPA of 2.05 or better in all required courses and a GPA of 2.0 or better in all courses at the end of each academic year and at the end of any semester in which the student completes all required courses or would otherwise graduate.

Students who first enrolled prior to August 1992 are subject to the requirements for good standing in place when they enrolled, as described in the applicable Student Handbook. [End of Assoc. Dean Hughes response.]

The answers to the questions in my letter are presumably within the response above. At the risk of misinterpreting Dean Hughes' written response, I have attempted to deduce the answers to my original questions from the text she provided:

1. What are the current and new grade policies?
A: Current policy: "Graded according to previous grading policies described in Student Handbooks..."
New policy: See grade curves listed above.

2. How are the grades to be determined under both methods? (USF method?)
A: New policy: See grade curves listed above. Old policy: First year courses must have a mean between 2.0 and 2.6. Seminars must have a mean of 2.1 to 3.0. All other courses must have a mean of 2.1 to 2.8.

3. To whom do these grade policies apply?
A: During the 1992/93 school year the new policy will apply only to those students taking the following *first year courses:* Contracts, Torts, Civil Procedure I and II, Property I and II (Day Sections Only), Criminal Law (Day Sections Only), Research & Writing I and II. The old policy will continue to apply to everyone not taking the enumerated first year courses.

4. When does the new grade policy go into effect?
A: Immediately for those taking the *first year* courses enumerated in § a during the 1992/93 school year; Fall semester 1993 for everyone else.

5. What are the super grade point requirements?
A: New policy: 2.05 in all required courses and 2.0 overall at the end of: a) each academic year; and b) the semester in which student completes all required courses; or c) the semester in which student will graduate. Old policy: 2.0 in all courses and all required courses at the end of each spring semester. 2.15 in all required courses and 2.0 overall at the end of any semester in which the student: a) completes all required courses; or b) would otherwise graduate.

6. To whom do these super grade point requirements apply?
A: New policy: Students who first enrolled in or after August 1992. Old policy: All other students.

7. When are these requirements and policies going to be re-examined?
A: There was no response to this question.

8. What was the exact text of the grade policy resolution that was passed by the faculty last spring semester?
A: **Dean Hughes** verbally declined to provide a copy of the exact text of the resolution, but she did ask me to trust that her written response accurately reflected the faculty resolution.

Buried in this mass of information are some time bombs for the different classes of law students.

The first years should question when the 2.05 GPA requirement will be re-examined. *(continued on page 3)*

Grade Policy...

(continued from page 2)

The new grade policy will *not* be in effect for classes taken during the summer of 1993, unless the classes are those first year classes listed in § a.

The 1992 MYAs have got several problems: 1. They will be ranked with the 1992/93 first years even though they had a full term, and in many cases a summer term, under the old policy of depressed grades. **Dean Pagano** has agreed in principle that the '92 MYAs should be ranked separately, but the faculty must approve this. 2. At the end of each academic year and at the end of the semester that they graduate, '92 MYAs will be ranked with students who were not graded under the old policies. The '92 MYAs should insist on being ranked separately until they graduate. 3. '92 MYAs will be subject to the 2.15 GPA requirement in required courses even though the new grade policy will be tougher at the lower end than the old policy was. Those who might have graduated under the old policy might not graduate under the new one. The simple solution to this problem would be to change the requirement for '92 MYAs to 2.05. When I proposed this solution to **Dean Pagano** he said, "I agree." Again, this must be approved by the faculty. 4. '92 MYAs will be graded under the old policy for any second year courses that they currently have. 5. The new grade policy will *not* be in effect for classes taken during the summer of 1993 unless they are those first year classes listed in § a.

The students who started in the fall of '91 could be ranked at graduation with those '92 MYAs who accelerate their graduation date by six months. The '92 MYAs will have had the advantage of approximately 13 credits under the new policy. It may not seem like a lot, but it could make a big difference to where the top students fall in their rankings.

Those students who are in the part-time program and who are taking first year courses (see § a of Hughes' response) will be under the new grade policy for the 1992-'93 year for all their classes, except for the night sections of property and criminal law. Those students who are taking property and criminal law at night, whether in the part-time program or not, will be under the old policy for the 1992-'93 year. I don't know how, or with whom, part-time students are ranked, but there are problems here which need to be addressed.

All the students who started school before August 1992 should be concerned about the application of the 2.15 GPA requirement being used in conjunction with the new grade policy. The new policy mandates that a minimum of 10% of the class in non-first year required courses will receive a grade of C- or below. The students should be adamant about finding out when the super GPA requirement will be reviewed and when it will be reduced. **Dean Pagano** has agreed that the super GPA requirement will be reviewed, but he has not said when, neither has he put it in writing, yet. **Dean Pagano** also pointed out that all the graduating students who had a GPA between 2.0 and 2.15 last spring did graduate, though in some cases they had to take additional classes.

Dean Pagano also said that the reason the new policy will not go into effect for everyone this academic year is that some of the faculty were concerned about imposing the new grade policy on those third year students about to graduate. Otherwise the 3Ls would be under the 2.15 GPA requirement in any remaining required courses and would also be faced with the new mandated curve in which 10% of the class has to get a C- or below in required classes. Those students which are on the bottom edge of the class might not graduate because of that combination. That is sound logic until you realize that will be true for *any* semester that the new policy goes into effect.

After reviewing all the information available at this time, I recommend the following solutions to these problems:

1. **Rank the 1992 MYAs separately throughout their law school career.**
2. **Immediately start the new grading policy for everyone.**
3. **Have the academic standards committee review and propose adjustments to the super GPA requirements and percentages at the end of every academic year.**
4. **Have the Dean conduct an individual review of all students who are subject to the 2.15 GPA graduation requirement and who are placed on academic probation as a result of any grades received under the new policy.**
5. **Review how the part-time students, both day and night sections, will be ranked.**

The top students should have as much of an interest in this issue as those near the bottom. Last spring, a group of very determined students fought for changes in the grading policy, and they were partially successful. To be completely successful the transition between the new and old policies must be well thought out and enacted in a way that will have the least negative impact on *all* the students.

Stand up for what you want, or sit down and take what you get....

National Lawyers Guild Delegation Finds No Justice In El Salvador

by Beth Kohn, '92 MYA

The morning before I was to travel to El Salvador on a National Lawyers Guild (NLG) delegation, the cover photo of the New York Times revealed the tiny children's skulls discovered in a recently exhumed mass grave in the Salvadoran village of El Mozote. The focus of the NLG delegation was to document the progress of judicial reform since the Peace Accords were implemented last February, but we were constantly confronted with El Salvador's bloody past through reminders such as this.

The Peace Accords were a turning point in El Salvador's history, signifying the end to the 12-year civil war which had been subsidized by U.S. funds to the Salvadoran military. The Accords laid the framework for civilian assimilation of the Frente Farabundo Marti para la Liberacion Nacional (FMLN), for the partial demobilization and "purification" of the military infrastructure, and for reform of the impotent judicial system.

The week of the delegation's visit was a crucial test of the Peace Accords' resolve. A major demobilization that had been negotiated for that week was not yet ready for completion, and the cease-fire seemed to be at a breaking point. The mood was tense when the delegation arrived, as the papers questioned the possibility of a military coup or a return to the bloody civil war.

Against this background of uncertainty, the delegation met with representatives from the diverse political spectrum of Salvadoran society: FMLN military commanders and legal advisors; the president of the ruling party, Alianza Republicana Nacionalista (ARENA); lower and Supreme Court justices; progressive legal organizations; representatives from human rights organizations; United Nations staff, U.S. Aid for International Development (USAID) and U.S. Embassy officials; legislators; the Chief of Salvadoran military intelligence; dissidents; and a political prisoner.

The meetings clearly demonstrated that judicial reform had not been furthered as a result of the Accords; partisan patronage, corruption, and lack of accountability continue unchecked in all levels of El Salvador's judiciary. The Supreme Court has unlimited political power over lower court judges, and the omnipotent ability to suspend attorneys at will. Though in theory judicial reforms have been proposed and in some instances accepted, in practice no effective sanctions are in place to thwart violations.

A distressing example of the accepted procedures of this system is the treatment of detainees. Although limits exist on the duration of incommunicado detention and incarceration periods while awaiting trial, the judiciary routinely violates these time limitations without any threat of sanction. Torture of detainees as a means of garnering extrajudicial confessions is a common occurrence, and has been the preferred means for the government to convict opposition figures.

A specific example of judicial unaccountability is illustrated by the case of Adolfo Aguilar Payes, a 29-year old university student who has been held in custody for three years without trial for the murder of two high ranking ARENA party members. Mr. Payes was randomly arrested (no evidence has ever been presented against him), tortured, and forced to sign a blank sheet of paper which was later turned into a confession. Members of the Supreme Court are aware of his case, but claim that even with the paucity of evidence against him he can not be released pending (a still unscheduled) trial. Mr. Payes has been on a hunger strike for more than a month now, and intends to continue until his release. Letters have been written on his behalf by local Congress members and human rights groups, but his imprisonment continues and his health is steadily deteriorating.

The delegation will produce a report for Congress and the State Department documenting its findings and recommending an active role for the U.S. in postwar El Salvador. These recommendations will stress the continued U.S. support of the Peace Accords, ending U.S. military aid, and conditioning current USAID funding of judicial programs on tangible reforms of the judiciary system. * * *

THE CAVEAT

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Evidence Is Relevant:
Why Isn't It Offered This Spring?

by Kevin Chu, '91 MYA

Have you ever been extremely frustrated with problems in arranging your class schedule? Have you ever been forced to take a night class when you are a day student or vice-versa? Have you ever been forced to take summer courses?

I think most GGU law students have been faced with a scheduling problem at least once. As you may already know, Evidence is NOT offered for this Spring in either a day or night section. Since Evidence is a required course, why isn't it offered in both the Fall and the Spring semesters?

When the schedule of classes for Fall '92 came out last Summer, I was concerned that Evidence was not offered as a "planned" course for Spring 1993. But since Evidence is a required course for graduation and the list of course offerings for Spring 1993 were "subject to change," I fully expected that the schedule would change to provide the requisite course. This was a big mistake. Many students are currently taking Evidence; however, some students did not get in the day section and were forced to take the night section, and some did not even get in a section at all.

I brought my concerns to the Administration and found that: 1) Evidence has traditionally been taught in both the Fall and Spring, and 2) this year there was a "conscious decision to not offer Evidence in the Spring." I asked Dean Stickgold why Evidence was not offered in the Spring and he said that most students are "into" the litigation program and prefer to get Evidence out of the way by taking it in the Summer or Fall after their first year. Because of this, Dean Stickgold believes that very few students have not taken Evidence by their third semester, and the decision was made to not offer Evidence in the Spring. Dean Stickgold also said that the Spring class was really only offered for students who chose to wait to take Evidence until then. I, as well as others I know, are some of those students not "into" the litigation program and who chose to wait till the Spring to take Evidence, but we won't be able to take it in the Spring because it's not offered.

I asked Dean Stickgold if an Evidence class could somehow be added to the Spring schedule to accommodate students' scheduling problems. He said "no." He said that he could not add an Evidence class to the Spring schedule because there weren't any professors to teach the class, and that even if there was a professor to teach it there are no classrooms available in which to hold the class.

As far as the students' scheduling problems are concerned, Dean Stickgold believes that sufficient notice was given in the Fall '92 class schedule that Evidence was not going to be offered in the Spring. I disagree. If a "conscious decision" was made to not offer Evidence in the Spring, then why wasn't the list of course offerings more definitive as to what courses were to be offered and not offered. Instead, the course offerings for Spring '93 were listed as "planned" and "subject to change."

Hopes of getting an Evidence class taught this Spring are bleak. The remaining options are to either take Evidence in the Summer or next Fall. These are clear. I asked both Dean Stickgold and Dean Hughes if I could enroll in Evidence at another school such as Hastings or USF. After all, students from those schools take Evidence from our school without a problem. Both Dean Stickgold's and Dean Hughes' response were "no." They reasoned that Evidence is a required course which requires a letter grade. Taking a course at another school would only be accepted at GGU with a "pass" or "no pass," not a letter grade. Therefore, a GGU law student cannot take required courses at another school because he/she will not get letter grades as is required by GGU.

Dean Stickgold also said that the problem with students not getting their required classes is that GGU offers too many classes. I disagree. The problem is that there are electives which are purportedly taught regularly but in fact are not. As a result, elective courses are offered unpredictably, i.e. offered in either day or night classes but not both, only offered for one semester every one or two years. Students are then forced to choose electives instead of required courses because they may not have another chance to take them.

Law students are generally in school only six semesters and are designated as either day or night students. This should mean that day students can take all of their classes during the day and not be forced to take a night class (and vice-versa for the night students), otherwise designating whether you are a day or night student is meaningless. In addition, students have to take electives as well as required courses in order to graduate. Since the Administration chooses to offer electives only once in a while and not necessarily in both day and night sections, a student should be allowed to take an elective and still be able to fully expect that all required courses will be offered during following semesters and in their respective programs (Day and Night). Additionally, Summer classes are only meant to supplement the regular school year offerings with additional classes. Students

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Letter to the Editor:

Dear Editor:

I am writing, today, regarding the administration's announced intention to no longer post grades. Apparently, the Administration would rather notify students of those grades directly via mail because it would be "more discreet." I am opposed to this new procedure.

The extent to which the procedure makes grading disclosure any more discreet than it already is, is at best minimal. The public [posting] of grades would be indiscreet if one's name were associated with the grade. The exam number system effectively insures against this. The student's exam number is a secret between the student and the registrar's office. Therefore, I fail to see how the mailing of grades would make the situation any more discreet than it is.

More importantly, the posting of the grades should be retained because it provides the student with important information concerning how that particular student stands relative to her peers, the grading cur[ve]s and habits of various professors, and about potential abuses in grading by particular professors.

As a second year student, I can say with conviction that some professors are notoriously lackadaisical in submitting their grades on time. This presents another difficulty, because no grades can be mailed out until all the grades are submitted.

For all the reasons above I urge that we retain the old system. As students we owe it to ourselves to keep the grading process above board where it can be observed. The proposed system would have the effect of secluding important information regarding our collective grades behind the mysterious walls of the faculty offices and it may well have the unfortunate side effect of slowing down the speed with which information concerning grades reaches the students.

Sincerely,

Anonymous

Evidence

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are expected to work during the Summer for both financial reasons and experience. Students who expect to work will be short-changed since they will be forced to take classes during the Summer because the classes they need are only offered then.

In planning for their class schedules, law students should be given notice on which courses will and will not be taught in future semesters. This way a student who sees an elective, which may never again be taught at GGU, may choose to take it instead of a required course which should be available the following semester. A list of required courses that are "planned" and "subject to change" will not help a law student make planning decisions when a "conscious decision" was already made on whether to offer certain courses.

So what can be done about all this? Although everyone has already pre-registered, the immediate problem, that GGU is not offering Evidence for this Spring, is not yet moot. Dean Stickgold stated that if there are enough students to make up a class, he will try to work something out. If you want to take Evidence this Spring contact me at (415) 543-5136 ASAP.

If you are upset that required and elective courses are not offered regularly both in the Fall and Spring, let the administration know. As current law students you should make your experience the best it can be, so voice your legitimate frustrations, grievances and suggestions. The better the experience you have at GGU, the more supportive you will be as alumni, thereby improving the reputation of GGU. Any improvements you can inspire now will help people have more pride in saying that they went to Golden Gate University.

International Law Association (ILA)

On November 3rd, the ILA held a talk on studying abroad. Various students talked about their experiences abroad which spanned the globe from Nairobi to Florence. All in all, many important things were learned. One, the cost of living aside, studying abroad is more economical per credit. Second, since summer jobs are scarce, going abroad is a compelling option AND one might even find employment abroad depending on the program. Finally, studying abroad is FUN and enables the weary law student to meet new people, see exciting places, and escape the harsh relity of law school.

On November 9th, we were honored to have Aaron Knight from the World Federalist Association (WFA) speak at GGU. Mr. Knight spends his time visiting schools throughout the country to talk about the WFA, its goals, and potential jobs for interested students.

Foremost on the minds of ILA members is the International Comparative Law Journal. An editorial staff is in place, bylaws are being drafted, and a spring publication date has been set. Everyone is highly encouraged to participate in this ground breaking journal (this includes professors and attorneys who can submit articles for possible publication). Anyone who is interested should attend one of the weekly meetings or drop a note in the ILA box on the 14th floor of 49 Stevenson.

Anthony Lewis: Democracy and Free Speech

by Tod Manning, Editor

On November 10th, Anthony Lewis, author of *Gideon's Trumpet* and a nationally syndicated column, spoke to a full house at GGU on the role of the First Amendment in our democracy and its role in the civil rights movement of the 1960's. At the risk of misinterpreting Mr. Lewis' thoughts, I have summarized a copy of his prepared speech for those who were not fortunate enough to attend. He spoke extemporaneously at many points throughout his speech; unfortunately I do not have those words within my grasp.

Mr. Lewis opened by describing a new civil rights memorial in Montgomery, Alabama. On a wall are carved words of Dr. Martin Luther King Jr. predicting that, some day, justice would roll down like a mighty stream in the American South. In front of the wall is a huge piece of rough granite, but with a smooth flat surface on top. Carved on the top are the names of 40 people who lost their lives in the struggle for civil rights. A thin film of water flows over it, but you can put your hand in the water and touch the names.

He described the American South of the 1960's. He stated that he was helped in his memory of those times by a remarkable paper written by our own **Professor Oppenheimer**, a paper that he recommended everyone read if they want to understand the American South.

Mr. Lewis then continued by pointing out that the First Amendment is best understood in the context of history. "Congress shall make no law ... abridging the freedom of speech, or of the press." When the amendment was ratified, in 1791, it did not in fact establish our freedom. It has taken much struggle to give meaning to its words, and the struggle is not over.

In 1798 Congress, in a political move leading up to the presidential race of 1800, passed the Sedition Act making it a crime to publish false, malicious comments about the President or Congress, but not about the Vice-President. At the time, Adams was President and Jefferson was Vice-President. Jefferson and Congressman James Madison fought the Sedition Act in secret in order to avoid being prosecuted themselves. The Act, Madison said, "ought to produce universal alarm, because it is leveled against the right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right." Madison's thoughts are as vital today as ever. The right to criticize public officials and their policies is crucial to democracy.

After the Sedition Act of 1798 it was more than a century before Congress again passed legislation that punished political speech. In 1917 Congress passed the Espionage Act. The United States had just entered World War I and dissent from the war was not tolerated. A socialist and pacificist by the name of Debs made a speech in Ohio in which he briefly expressed sympathy for three men who were in jail nearby for helping others who refused to register for the draft. He said that they were paying the penalty for "seeking to pave the way to better conditions for all mankind." Debs was convicted of violating the Act and sentenced to 10 years in prison. The Supreme Court upheld the conviction in a opinion written by Justice Holmes. A few months later the Court upheld another Espionage Act conviction, this one involving anarchists, who threw leaflets from the rooftops of the Garment District in New York, opposing President Wilson's dispatch of troops to intervene in Russia after the Bolshevik Revolution. They were sentenced to 20 years. But this time Holmes dissented.

In his Debs dissent, Holmes said: "When men have come to realize that time has upset many fighting faiths, they may come to believe even more than the foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas--that the best test of truth is the power of the thought to get itself accepted in the competition of the market.... That at any rate is the theory of our Constitution. It is an experiment, as all life is an experiment.... While that experiment is part of our system I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death."

That Holmes opinion, joined by Justice Brandeis, was the first by any Supreme Court Justice expounding free speech as a fundamental value of the Constitution. It was the first to apply the inevitable meaning of the First Amendment's promise that there can be "no law ... abridging the freedom of speech."

In U.S. v. Schwimmer Holmes again dissented, saying: "If there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought--not free thought for those who agree with us but freedom for the thought that we hate...."

History came full circle in 1964, when the Supreme Court decided the case of New York Times v. Sullivan. It began with a full page advertisement in The Times in 1960: an advertisement designed to attract support for Dr. King and the civil rights movement. It spoke of brutal tactics used against Dr. King and others. It criticized Southern white officials, but it did not mention any by name. Sullivan, a city commissioner in Montgomery, sued and won, on a claim that he had been

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Notes From The Editor

by Tod Manning (Editor-in-Chief)

The transition from the old grade policy to the new one must be done this semester, and it should apply to everyone. Let's do it right, let's do it once, and let's do it now. The people most affected by this proposed transition are those students near the top and those near the bottom. If you want to protect your high ranking or just stay in school, you had better start talking to the Deans immediately--if not sooner.

The author of the letter regarding the posting of grades (see page 6) brought up some very good points, especially with the pending implementation of the new grade policy. I don't know about the rest of you, but I will certainly want to review how the different professors have applied the new grade curves.

While being refused access to information regarding the grade policy I kept wondering: *"What could there possibly be that needs to be hidden from the students in a law school?"* The privacy of students and internal management decisions (e.g., how much people are paid, whether to fire someone) should be confidential, but everything else should be open. The students should have access to faculty committee meetings through SBA appointed representatives; minutes of faculty meetings and anonymous grades should be posted. The bright lights of publicity would help eliminate any questions about shady dealings by any member of the faculty or administration. I'm *sure* that everyone in the faculty and administration always follows the rules set down by the ABA, the AALS, the CBE, and the internal rules of the Law School and the University. And if such is the case, why not have everything out in the open?

Next...

Greg Bambo is a 3L who recently wrote a letter alleging that Legal Drafting is really a bar prep course and thus, according to ABA rules, can't be a required class. He sent his letter to anyone who has anything to do with the accreditation of law schools. Greg, if you didn't get satisfaction after speaking with the Deans, come to the **SBA** and **The Caveat**, we're here to help and support the students! Greg, I truly hope that we will all benefit from your letter and that you get the remedy you so eagerly desire.

Big KUDOS to **Cyndi Eng, Alex Lubarsky, Russell Davis,** and **Kieran J. Flaherty** for their work on the Thanksgiving Dinner for the Homeless. Next issue, I will print the names of all the other people who helped... **Dean Pagano** will soon be writing an article on the latest ABA report...

Next deadline is November 30th.

Anthony Lewis Speech...

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libeled. Across the South officials began suing national newspapers, magazines and broadcasters over stories on the racial struggle. They were attempting to use libel actions to intimidate the press out of covering the civil rights movement.

Up until 1964 libel had always been considered outside the protection of the First Amendment. The Supreme Court ended that exemption with its decision in Sullivan.

The truth is that freedom begins not with judges, but with the rest of us. The Supreme Court is the last resort, not the first, in keeping this a society that tolerates diversity of expression and ideas. And when we look at public attitudes toward free speech today, I think we have reason for concern. For many Americans are not willing to assure freedom for the thought that they hate.

Historically, the efforts to suppress free expression in this country have come from the political right. But now there is pressure from some parts of the left to limit freedom by prohibiting speech derogatory of, or threatening to, ethnic, racial, and sexual groups. You know the movement: for political correctness.

A number of universities around the country have adopted speech codes forbidding certain kinds of speech. Most of the codes provide for punishing students who use insulting words based on race, sex, color, handicap, religion, sexual orientation or national or ethnic origin, and which are directed at members of historically oppressed groups. I suppose that means that one is still free to insult white, Christian, heterosexual males. The idea of a university, an institution that is meant to be the seat of free thought, codifying what one may say is repellent.

History has taught us--or should have taught us--that we must be wary of suppressing the expressions that different groups find hateful. Dean Stone of the University of Chicago Law School said the argument is "that we can adjust our concept of free speech, slice off a few tiny corners and leave the core intact. But that's the argument that's always been used to justify restricting speech."

It will take care by all of us to keep America free. Professor Dworkin wrote recently that there is a moral quality to freedom of speech. The constitutional guarantee is a recognition that each of us is an individual entitled to respect as a moral agent. We are responsible for ourselves. That is the meaning of freedom. But it is also the burden: the responsibility. We must all defend the freedom that is so important and so necessary.

* * *