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MILITARY RECRUITING AT UCLAW SPARKS PROTEST

by Arnie Wuhrman

After an extended absence, members of two armed forces; Judge Advocate General Corps (JAGC) returned to UCLAW this year to interview students interested in legal practice with the military. The JAGCs' use of the Placement Office and other law school facilities has given rise to protest from UCLAW students, faculty and administrators, and it has led to confrontation between UCLAW and University of California President David P. Gardner.

At the heart of the conflict are Department of Defense practices of excluding from active military service individuals who are homosexual, physically disabled, or beyond certain age restrictions. Prior to the current school year, representatives of the armed forces were disallowed use of UCLAW facilities because of their unwillingness to agree to observe the school's equal employment policy, which proscribed such hiring practices.

Last summer, however, President Gardner suspended the policy and ordered all UC installations to keep campus recruitment programs open to all employers whose practices are not "in violation of applicable federal or state law."

In a 1982 letter to then-UCLAW Dean William Warren, Major General Hugh Clausen, the Army's Judge Advocate General, defended the Pentagon's policies.

"Soldiers are required to live and work under entirely different conditions than civilians.... (They) must must often sleep, eat, and perform personal hygiene under conditions affording minimal privacy. The presence of homosexuals in such an environment tends to impair unit morale and cohesion as well as infringing upon the right of privacy of those service members who have more traditional sexual preferences."

The General added that homosexual conduct was (and still is) a crime in the military, so "exclusion of homosexuals from the armed forces is a practical means of precluding from military service a group of individuals who have a natural proclivity to violate the Uniform Code of Military Justice." Finally, General Clausen indicated that age and physical fitness standards could not be lifted because JAGC officers, like all uniformed personnel, are "potentially subject to the rigors of a combat environment."

Student protest of the military's presence began not long after the Placement Office announced, in January, that representatives of the US Marine Corps would make a presentation at UCLAW on February 6. The Army JAGC conducted formal interviews through Placement a week later.

Before the Marines' visit, an informational meeting was held by the Gay and Lesbian Law Students Association (GLLSA). Steve Susoeff, a third-year student and a member of the GLLSA steering committee, argues that it's inappropriate for the military to use the law school's facilities in its recruiting.

"It's very easy for people who are interested in those programs to go find them, " says Susoeff. "The military doesn't have to come and use our facilities for free." Susoeff says the military's policies in this area are "completely irrational, and offensive and insulting to a lot of people."

Shortly after the GLLSA meeting, Susoeff and other interested students met with UCLAW Dean Susan W. Prager to voice their objections to the military recruiting. The Dean assured the students that she joined in their opposition to the military's activities at UCLAW, so long as it refused to abide by the school's original nondiscrimination policy.

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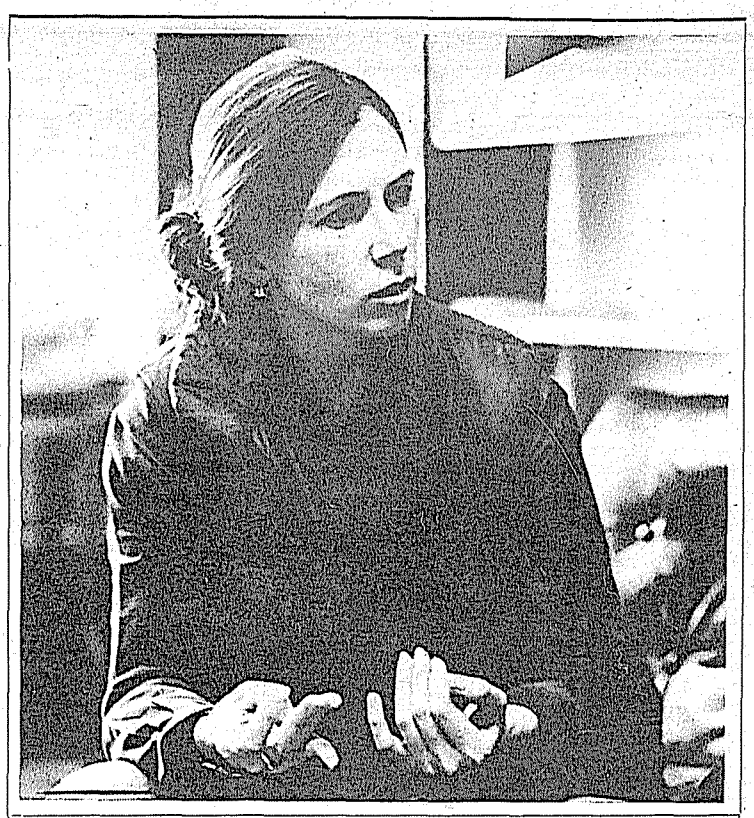

Visiting UCLAW Professor Catharine MacKinnon

MacKinnon Speaks On Proposed Anti-Porno Ordinance

by Karen Davis

On the afternoon of March 12, Visiting Law Professor Catharine A. MacKinnon spoke before 250 students and faculty on "Anti-Pornography Civil Rights Ordinances". The talk was sponsored by the Law Women's Union, Asian-Pacific Law Students Association, Black American Law Students Association, La Raza and the National Lawyers Guild.

MacKinnon offered an analysis of the role pornography plays in women's social subordination, and laid out the legal and constitutional foundations of pornography as a violation of women's civil rights. The discussion was informed by MacKinnon's own political legal activism in the area of women's inequality, as well as her legal scholarship in sex discrimination and Constitutional law.

Catharine MacKinnon and Andrea Dworkin conceptualized and drafted the civil rights approach to pornography first for the city of Minneapolis in fall of 1983. Passed twice and vetoed twice in that city, a similar ordinance was then signed into law in Indianapolis where it was promptly sued by the American Bookseller's Association and is now on appeal in the 7th Circuit. Currently, the Los Angeles County Board of Supervisors is considering the same approach, providing access to civil court for women harmed by pornography.

The ordinance defines pornography as "the graphic sexually explicit subordination of women through pictures or words," which also includes any of nine conditions of torture, denigration and abuse--women tied up, cut up, mutilated, bruised or physically hurt; women penetrated by objects or animals; and including women presented as sexual objects who experience sexual pleasure in being raped.

Under the law, women who have been coerced into pornography, assaulted in a way that is caused by specific pornography, have had pornography forced on them, or who have been harmed by the traffic in pornography can sue the pornographers for damages and in some cases injunctive relief.

Situating the legal argument within the reality of pornography's social harm, MacKinnon opened the discussion with an analysis of the pornography itself, what it does to women, what it does for men.

"Women in pornography are bound, battered, tortured, humiliated and killed. Or, to be fair to the soft core, merely taken and used."

The estimated $8 billion a year of "speech" that is so produced gives sexual pleasure to its consumers. In the pornography, women are denigrated as "pussy, beaver, chick, cunt" and told this is our natural sexuality. Too, pornography sexualizes racial hatred; Black and Asian women are often the victims of the most violent pornography. Women are made objects in pornography to be used ("soft-core", Playboy) or abused (violent pornography; snuff).

As speech, pornography is distinct from the "literatures" of other inequalities because it is a behavioral conditioner "of a specific and compelling kind ....It makes orgasm a response to bigotry;" it makes sexism sexy. Pornography legitamates and maintains "a subhuman, victimized and second class status for women." MacKinnon added, "We find this inconsistent both with any legal mandate of equality and with the reasons speech is protected."

MacKinnon then moved on to outline the design of the civil rights law, its factual support, and its constitutional basis. In the definition, "Subordination refers to materials that...actively place women in an unequal position. Presumably, people know that to be someone's subordinate is the opposite of being their equal." MacKinnon compared the traffic in female sexual slavery with racial inequality--"A sign that says 'whites only' is only words, but is it thereby not an integral act in a system of segregation, which is a system of force?"

The hearings in Minneapolis documented the harm of pornography in each of the areas that the law makes actionable: coercion, assault, force and trafficking, none of which are, in themselves, speech. MacKinnon cited clinical and research evidence that "pornography increases attitudes and behaviors of aggression." She also expressed frustration that it takes studies of men by men in laboratories predicting male violence "before women are believed when we say that this does happen, and has happened, to us." Women in the hearing testified to the uses of pornography to, among other things, "break their self-esteem,...season them to forced sex,...blackmail them into prostitution and keep them there,...and to silence their dissent."

Professor MacKinnon then expounded the constitutional basis for this approach. The First Amendment recognizes exceptions when the harm done by the material or speech "outweighs their expressive value, if any." This civil rights law, on the strength of a "massive, detailed, concrete and conclusive legislative basis," finds that pornography "undermines sex equality, a legitimate interest of government, by harming people, differentially women." Compared with existing exceptions, "the harm recognized by this law involves at least comparable seriousness of injury to arguably greater numbers of people." Unlike obscenity law, this approach is civil, not criminal, and it shows an actural harm. Obscenity never did; obscenity "at most what they saw was sex that men didn't want to say they wanted to see."

Attorney For Pratt Speaks at UCLAW

by Roy Nakano

Stuart Hanlon, noted criminal defense attorney and one of the attorneys for former Black Panther Elmer "Geronimo" Pratt, spoke at the law school on February 26th before a group of approximately sixty students and faculty members during the school's blackout. Hanlon addressed the recent efforts to secure a new trial for the one-time Southern California leader of the Black Panther Party.

Pratt was convicted in 1972 for the 1968 tennis court robbery and murder of a schoolteacher in Santa Monica. During the trial, Pratt had maintained that he was attending a conference in Oakland when the crime occurred.

According to Hanlon, a wealth of information has been uncovered that should prove Pratt's innocence, including evidence that the Los Angeles Police Department (L.A.P.D.) deliberately withheld information about a second suspect;

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Opinion

Curriculum Rigidity Unfit

by Loreli Pettigrew

Visiting UCLAW Professor Catharine MacKinnon has introduced some new realities into the classroom and the faculty appointments process. A number of student organizations, individual students, and faculty members have written letters to the faculty appointments committee to express an interest in extending MacKinnon's visit at UCLAW so that she can be considered for a permanent faculty appointment next fall. MacKinnon's students participate in and are treated to--for many of us--the first genuinely compassionate and honest examination of the law and how the First Amendment shapes the realities of people's lives. Largely due to her classroom popularity, over 200 students attended a two hour presentation on the Los Angeles Anti-Pornography Civil Rights Ordinance by MacKinnon. Student and faculty letters have been enthusiastic and highly favorable and MacKinnon's scholarship has been highly regarded in the legal community, yet UCLAW has taken no action to extend her visit, since Associate Dean Goldberg-Ambrose has stated that MacKinnon's scholarship does not "fit" our curricular needs.

The issue of curricular "fit" is often debated when university faculty consider whether to include newly developed courses to a departments's staple or whether to offer an academic position to a particular scholar. Unfortunately, the debate usually turns on whether a course or a professor "fits" into a slot, rather than what should actually be included and valued in a curriculum.

I believe that it is critical to refocus consideration on what courses (and presumably, what faculty background and teaching methods) are valued ingredients in a curricular make-up and the process whereby these priorities are determined. I believe a curriculum is a statement of the philosophical vision of a institution and in effect states to the community at large what information (through subject matter of courses taught) is important to know and what is valued in human (and legal) culture. Our curriculum, therefore, tells the legal community what UCLAW determines is legitimate and what information should (and is to be) a part of our collective memory and vision of the world. Necessarily then, we ought never to discuss the UCLAW curriculum as if it were separate from the school's philosophy of education.

Since the curriculum serves to inform the world about the values and make-up of a proper legal community, the curriculum is also a tool which shapes what students actually learn about the law and its role in society. Whatever knowledge is acquired by students is certainly dependent on the world one studies. For UCLAW students, that world is composed of what our faculty bring with them into the set of courses taught. Consequently, much of what students learn about the law and how it functions for society is shaped by the selection of courses and the selection of faculty who teach the courses.

It has been argued that our curriculum has little room for "non-bar" type courses and that when resources are constrained (as they are at present) priority must be given to "bar" courses. Is the goal of education at UCLAW to prepare students for what is real--that which comes after law school--or worse, to prepare for the gate to that which is real? This view, that prioritizes "bar" courses, denies the impact (and import) of what is learned in law school, minimizes any effort to make the educational process meaningful for its own sake, and more importantly, questions the legitimacy of what knowledge is created in the law school environment, as well as the legitimacy of academic scholarship as a tool to shape the legal culture. Surely it is a hypocritical stance for law professors to assume that what we learn and what we develop in law school has no meaning or import but for to pass a professional entrance exam.

At UCLAW, the curriculum is purported to enhance the quality of the educational experience for students and faculty. As Dean Prager observed in the 1984-85 UCLAW Application materials published for prospective students, UCLA offers two distinctive features for those who desire a quality legal educational experience. The Dean argued that UCLAW offers a humane legal "community" and that it highly values diversity and strong academic potential— selecting students (and presumably faculty) who are "intellectually distinguished, interesting, and culturaly diverse." It is clear that UCLA promotes its goal of diversity to attract students who are committed to full participation in an intellectually challenging forum--which values contributions from a variety of social and political experiences. The diversity goals advocated by Dean Prager strongly suggests that central to the UCLA theory of legal education is that respect for a broad range of backgrounds, along with high academic potential, work to create the best possible environment for learning and strengthens one's abilities to meaningfully contribute to and shape society.

If there is a genuine commitment to diversity as part of our philosophy of education, we must hire faculty members form diverse backgrounds. UCLAW's five faculty appointments for 1985-86 are white men--there are no ethnic minorities or women to reflect Prager's commitment to diversity. If diversity is to fulfill its role of ensuring that education occurs in a realistic and humane environment, then we must have faculty who dare to accept that differences in methods enhance education and faculty who have a variety of ethnic, political, and social experiences to complement our mix of students.

Prager also cites an address by Professor Alison Anderson, which discusses UCLA's philosophy of education and observes that "thinking like a lawyer means thinking clearly, but with compassion, with ideals, and always remembering that lawyers and clients both are human beings who should be treated like ends rather than means." [Emphasis added] If this statement of philosophy touted to prospective students, alumni, faculty, and UCLAW students, is true, then our curriculum must never prioritize means rather than ends. We should make every effort to attract and retain faculty who are committed to teaching the law with compassion and who feel strongly about human values--like justice and fairness. (Prager, citing Anderson's address to incoming students, **UCLA School of Law**, 1984-85, p.7)

While MacKinnon does not address the significant (and wholly ignored by UCLA administrators) need for minority faculty members, she does add to our pool of diverse inputs--as she stands in a very small crowd of UCLA faculty who see legal education as a meaningful product in itself and as important to society if we produce lawyers who are impassioned and committed to justice and fairness. MacKinnon's teaching method is unlike any other at UCLAW in that she assumes that law is a theory--Not Fact--and **constructs** as well as **reflects** the world. Her view affirms that the epistemology of legal education is important in itself and helps to define the world. Legal education--any institutionalized education--is therefore real because of what it is standing alone, and not due to its use as a preparatory tool. I believe MacKinnon is a critical addition to the UCLAW faculty not only because she is committed to and actually embodies the asserted philosophy of education for our institution, but because MacKinnon, **unlike** what other professors are willing to do, teaches students how to use education to empower. MacKinnon has boldly shown us that we are not powerless puppets to an established order and that what we do in law school can help us acquire the skills to change the world we live in if we believe it needs to be changed. Certainly, education towards empowerment is more attractive and fulfilling that education which is predicated on an assumption of powerlessness and hypotheticals and objectification. MacKinnon encourages students to participate in classes and relate their legal education to a deeper understanding of what they experience in life and what is real to others in the world. An extension of MacKinnon's visit to UCLAW would offer more students an opportunity to actively participate in their legal education and realize the goals of the educational philosophy that UCLA espouses and would be a respectable first step in achieving a diverse UCLAW faculty.

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The DEADLINE
to turn in your tax return for 1985-86
financial aid is
April 30, 1985

In Memorium

Prof. Ralph S. Rice

I am grateful for this opportunity to express on behalf of past and present members of the Law School staff our affection and esteem for Professor Ralph Rice.

We all enjoyed his wit and graciousness and will not forget his lovely custom of hosting a party at his home for all who had assisted him every time one of his books went to press. He and his charming wife expressed their appreciation in a warm hospitable fashion which was a perfect reflection of his personality.

His enthusiasm and friendliness were important factors in making working at the Law School a pleasant experience.

Frances McQuade
Assistant Dean-
Administration (Retired)

MILITARY RECRUITING AT UCLAW SPARKS PROTEST

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She indicated, however, that she was not in a position to defy President Gardner's order.

Additional support for he protest has been forthcoming from several segments of the law school community. Members of the Law Women's Union (LWU) have actively pursued the issue since early February. Nancy Kraybill, a member of the LWU steering committee, identifies several aspects of the dispute which concern her organization.

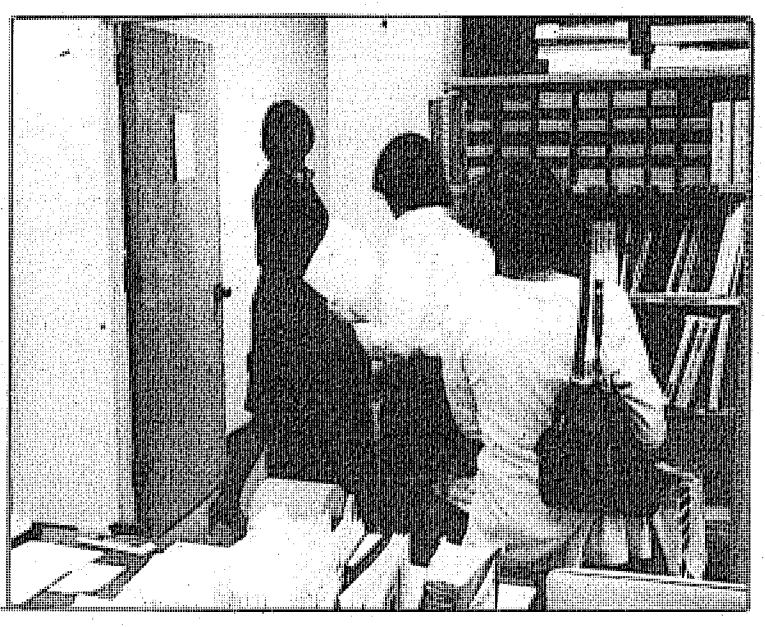
"We're concerned about all issues of discrimination because of the historic position of discrimination against women, and against minorities and minority women. A lot of institutions which claim that they have the right to discriminate on certain bases -- such as disability, sexual orientation or age -- also actively, though not overtly, discriminate against women." Kraybill charges that women are deprived of many opportunities in the armed forces because they are excluded from "combat" roles. "Combat," says Kraybill, "is defined by the military to include a wide array of positions beyond standard infantry roles -- many involving substantial opportunities for vocational training and career advancement."

Major Robert Mirelson, a spokesman for the Army, rejects any contention that the Defense Department is less than fully committed to equal employment opportunity. He asserts, rather, that national security imposes some constraints on these aspirations. The military, says Mirelson, does not approve of predjudice against any group in society, but " the major consideration of the military has to be its readiness (for combat). In close quarters, the presence of a gay individual may create problems with discipline, good order, and trust in the ranks." Mirelson also commented that no military policy precludes homosexual, disabled or older individuals from service in the civilian branches of the Defense Department (including the civilian legal division).

Several faculty members have also joined in criticizing the use of UCLAW facilities by military recruiters. In an open letter to the law school community, Placement chair Alison Grey Anderson indicated that members of the committee believe that the law school "should be free to refuse to assist employers who engage in legally permissible practices which the law school finds unacceptable as a policy matter."

Efforts to keep JAGC recruiters off campus this semester proved unsuccessful, in large part, says Dean Prager, because there was not endugh time to consider, and choose, among the alternative actions available. Interested students, faculty and staff continue, however, to press the matter in the hope of affecting future Placement practices. GLLSA and LWU members have obtained over 500 signatures on petitions asking the UC Regents to reverse President Gardner's directive.

The Placement Committee is currently considering several proposed actions, including allowing JAGC recruiters to be present at UCLAW, but not providing them with any of the "affirmative" services normally furnished by Placement --scheduling interviews, distributing literature, etc. Four members of LWU signed for interviews with the Army and used the time to express to recruiters their personal opposition to the military's discriminatory practices.



INTERVIEW BEGINS: LWU's Nancy Kraybill confronts JAG interviewer

Over 100 post cards containing personal appeals have been mailed to individual members of the Board of Regents. Finally, several students have undertaken legal research to determine how much latitude the law school might have in requiring various employers to agree to its placement policies; Professor Christine Littleton has offered her expertise and guidance to this project.

While the military's presence at UCLAW has been the primary source of discontent, everyone involved in the current protest is concerned about the breadth of President Gardner's directive. Dean Prager complains that the requirement that Placement may not exclude any empolyers whose practices "are not impermissible under law" effectively minimizes the law school's ability to pursue legitimate employment policy goals. "Law schools have traditionally been places that have stood up against discrimination; I'm not happy that we're being restricted from doing that now, says Prager.

Particularly alarming to many is the possibility that employers visiting UCLAW in the future may be able to discriminate on a variety of bases because they are exempted by statute from civil rights strictures (e.g. -- certain very small private firms are exempt from civil rights laws, and neither federal or state law prohibits even blatant discrimination on the bases of sexual preference).

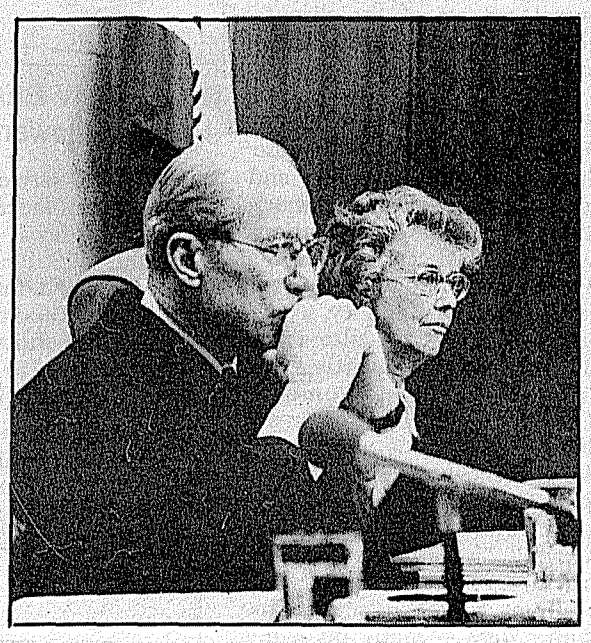
The UC Administration, however, rejects any attempt to generalize President Gardner's order to situations beyond the current dispute with the military. Says Gary Morrison, an attorney with the office of the UC General COunsel, the availability of UC Placement facilities to private employers who discrininate against certain groups will have to be decided on a case-by-case basis.

Action by the Board of Regents to reverse President Gardner's order seems unlikely. Board member Sheldon Andelson, himself an attorney, says that all the Regents recognize that UC, as a land-grant college, as no authority to exclude the military from recruiting on campus. He adds that the heavy agenda facing the Regents this year -- overcoming funding cuts and possible further reductions in direct government aid to students -- precludes the Board and the university administration from getting involved in civil liberties issues beyond the UC campuses.

Andelson, however, emphatically expressed his personal support for efforts directed at changing military policy nationally. He applauded members of the law school community who expressed their dissatisfaction to recruiters visiting the campus: "If we bar the military from the campus, we'll actually bar it from hearing what people think of its discriminatory policies. Hopefully, the recruiters will take the message delivered at the law school back to Washington, where it can be mulled over."

MOOT COURT COMPE

Advocates Teeter, Karcher, Seville-Jones and Alexander



White and Kennedy hear oral arguments

1985 DISTINGUISHED ADVOCATES

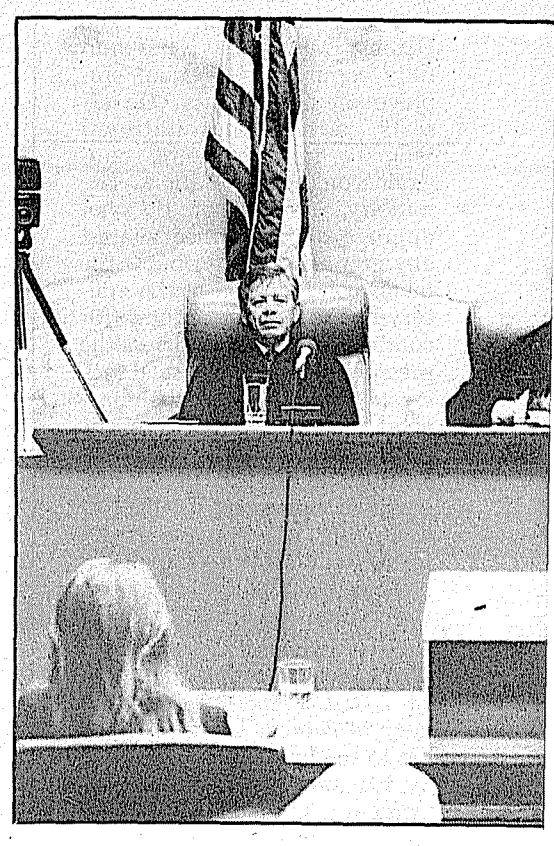
Susan Abraham
Susan Alexander
Pamela Brown
James Burns
Pamela Corrie
Mark Dicks
Eileen Duffy
Jerri Hoi
Kathryn Karcher
Nancy Kraybill
Margaret Linscott
Denise Meyer
Janis Nelson
Robert Noriega
Sandra Seville-Jones
James Swanson
Robert Teeter

MOST IMPROVED ADVOCATE

Sheila Bankhead

BEST THIRD YEAR ADVOCATE

Scott Solomon



The

Board Members receive praise

ROSCOE POUND
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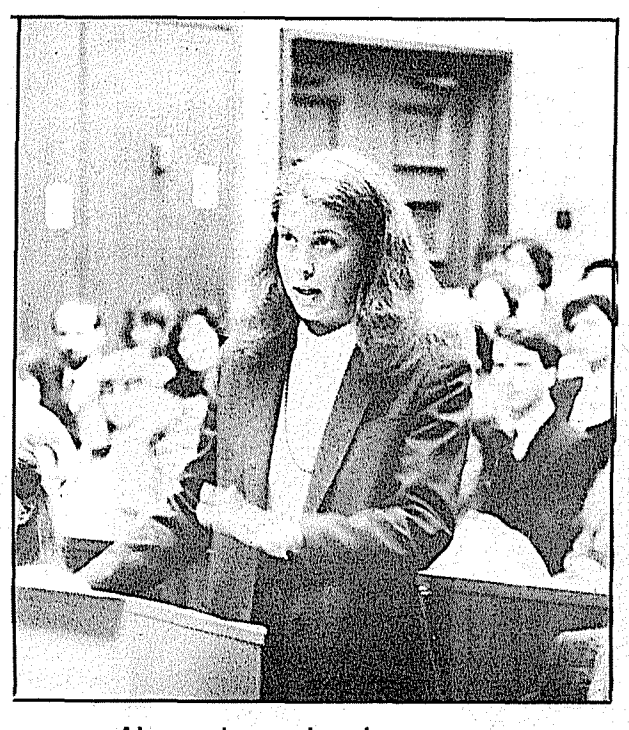
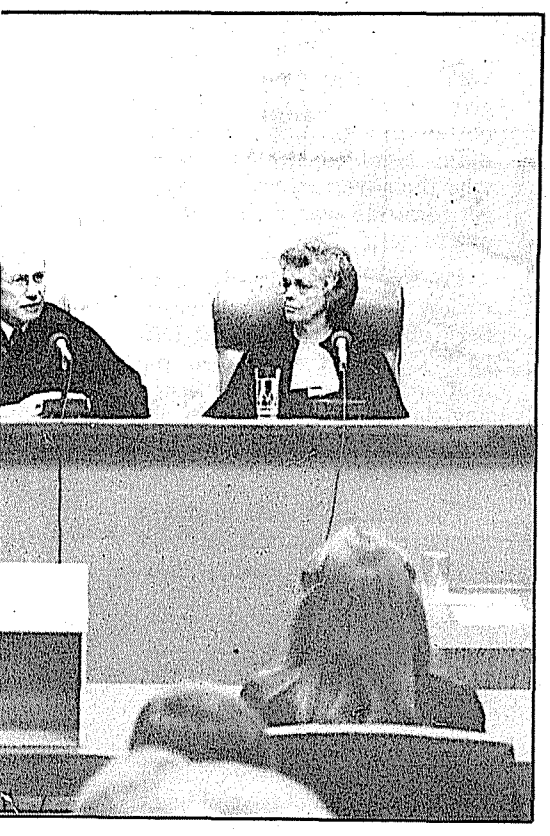


Alexander makes her case

The Roscoe Pound Competition, held April 9, 1985, was the culmination of the Moot Court Honors Program's intramural competition for second years. More than one hundred students prepared two appellate cases — one each semester. They wrote briefs and argued their cases before local members of the bench and bar. Based upon evaluations from these judges, the top participants were named Distinguished Advocates. The Distinguished Advocates were eligible to compete in the semi-final rounds, and from this group four outstanding advocates were selected for the Roscoe Pound Competition.

This year the Roscoe Pound Competition was judged by three of the nation's most distinguished jurists, The Honorable **Byron R. White,** Associate Justice, Supreme Cout of the United States; The Honorable **James R. Browning,** Chief Judge, United States Court of Appeals Ninth Ciruit; and The Honorable **Cornelia G. Kennedy,** Circuit Judge, United States Court of Appeals Sixth Circuit. Based upon written and oral performance, they selected the top two advocates, **Sandra Seville-Jones** and **Robert Teeter,** to represent UCLA in the National Moot Court Competition. The best brief writer from the intramural competition, James Burns, will be the brief writer for the national team. The other two advocates, **Susan Alexander** and **Kathryn Karcher,** will represent UCLA in the Roger Traynor Moot Court Competition. The brief writer for the Traynor team will be Denise Meyer.



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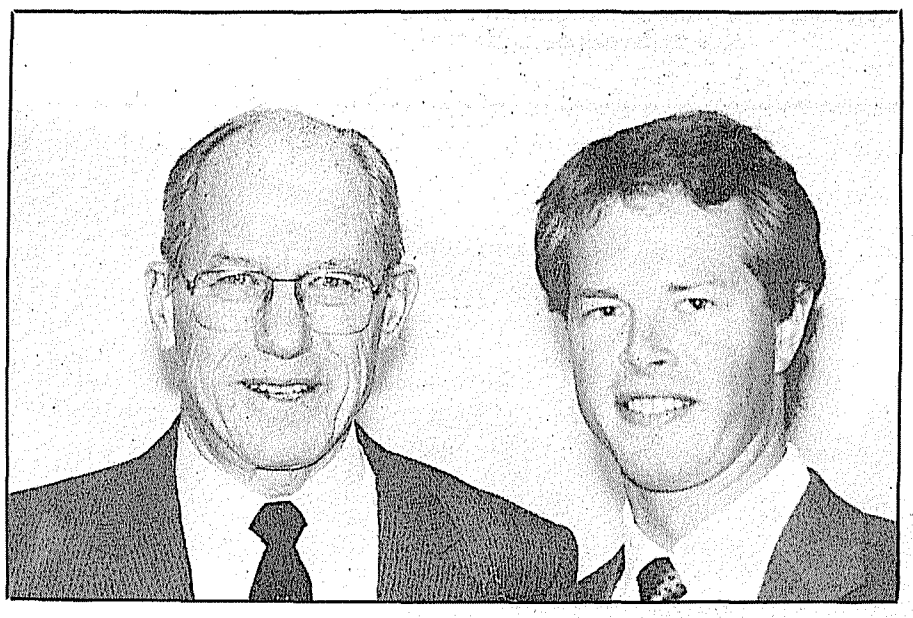

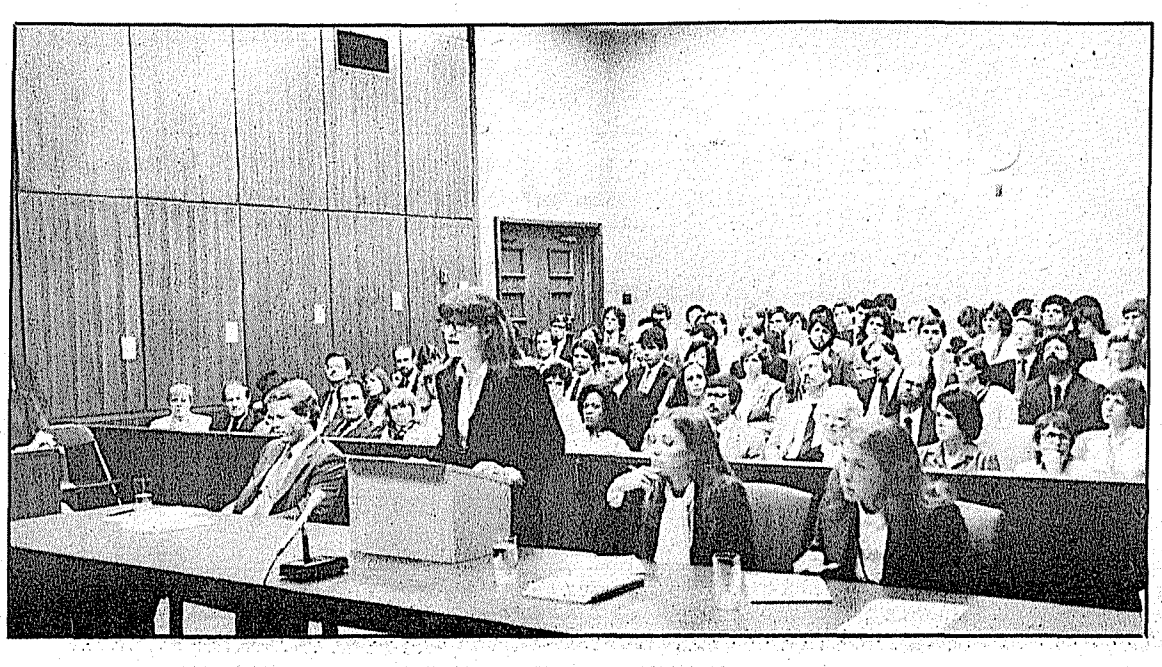

David Burke

Looking for Law In All the Wrong Places

People in the law profesion have a tendency to use qualifying phrases like "on the other hand". Have you ever wondered what was really on the other hand? I can imagine defense counsel saying: "Your honour, my client's right hand is actually quite presentable, however, on the other hand, you will notice a rather large and unbecoming wart!" After 3 years of law school, I can easily perceive the subtle changes that are taking place in my speech patterns.

Another expression (currently ranked No. 3 on this week's "Legalese Top 10") that I adore is "with respect to". It almost sounds like an Elvis Presley love ballad: With respect to you baby... When I hear this kind of talk, I get the sneaking suspicion that lawyers are expected to be as deferential as the court eunuch. "Ah yes M'lord, with respect to the hubcap that my client allegedly misappropriated .." Have things gotten so bad that I have to show respect to hubcaps?!? I mean, I have genuinely liked a few, but respect is something that must be earned.

Respect is a word that gets bandied about in many legal contexts. Whenever I read the part where the opposing counsel rises and says: "M'Lord, with the greatest and most humblest respect to my learned friend, (May I kiss his Gucci's) blah, blah, blah," you know the excrement is about to hit the fan! Let's face it, when a lawyer humbly submits that his/her opponent is mistaken, she is really saying, "My opponent has the cranial development of an autistic earthworm!"

Sometimes I get the notion that lawyers are taught to be confusing. Possibly the only person harder to understand than a lawyer is an inebriated Albanian-Irishman with a speech impediment. Why else would we be saturated with Latin, French and Old English expressions? To make us more cultured?? Nothing will throw a nosy client off the scent quicker than a well-placed "estate our autre vie"! Equipped with this type of verbal cruise missle, lawyers become impervious to the assaults (and concerns) of the uninitiated general public.

My favourite Latin term has got to be "Res Ipsa Loquitur". Besides all the great sexual innuendo that it provides, the expression also gives us a rare glimpse into the legal literary mentality. The thing speaks for itself. Kind of makes you feel silly for even raising the issue, because the thing speaks for itself. Trouble is however, that nobody knows that the "THING" is. If it's so obvious, why does the "THING" have to speak in Latin? Actually I love the doctrine. You can't prove anything so you toss your head with scorn and announce to the world that your case is so awesome that it speaks for itself. Res Ipsa really means, "Go jump in the lake, smart mouth, you go find the damn airplane"!

If you are wondering what the message underlying this little tantrum is, it's really quite simple and unoriginal: Lawyers talk funny. Getting the straight poop out of a lawyer is like pulling teeth. Spies are easier to pin down. Lawyers have managed to develop a jargon aimed at saying as little as possible using the maximum amount of words available. When you charge by the hour, you have a tendency to talk a lot. The public should be thankful lawyers don't charge by the word.

The prospect of talking like a lawyer for the rest of my life haunts me. There has got to be another way. You always know who the lawyer is at a party. He/she's the one surrounded by people who have one hand stifling the yawn and the other covering their pocketbook. If we, the newest generation of the legal profession, wish to develop a new relationship with the public, we must take brave actions. The less we separate ourselves from others through the use of linguistic barriers, the more trust and satisfaction we will enjoy in our careers. Of course, on the other hand, if we let everyone in on our secrets, there won't be any need for lawyers and I won't get a job. On the other hand...

PRAGER & PRAGER TAKES ON A NEW ASSOCIATE

UCLAW Dean Susan Westerberg Prager and her husband, Jim, have acquired a new tax deduction. Casey Mahone Prager was born on February 15, 1985, weighing in at 7 pounds, 9.5 ounces. Casey is the Pragers' second child (sister McKinley is 6 years old). Both mother and daughter are reportedly well and enjoying a hiatus from the rigors of academia.

ATTORNEY FOR GERONIMO PRATT SPEAKS AT LAW SCHOOL

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evidence indicating that a key prosecution witness was an F.B.I. informant assigned to help "neutralize" the Black Panther Party; evidence that the F.B.I. had an informant on the defense team; and documents showing that the F.B.I. and L.A.P.D. withheld information which would have corroborated Pratt's alibi.

A slew of attorneys and some prominent political figures have since been convinced of Pratt's innocence - among them, former Republican congressman Paul McCloskey, who Hanlon said was "infuriated" when he reviewed the facts to Pratt's case. According to Hanlon, McCloskey stated: "I've been a district attorney, and I can tell you that this case is bad. I believe he's been set-up."

obviated the possibility of early parole.

"Geronomio refused to go in front of the parole board and say he was guilty," stated Hanlon. "They (the board) want you to say 'I'm guilty and I'm a better person now.' Geronimo won't go and he won't do what he has to do in order to get parole."

Hanlon was not optimistic about Pratt's chances for a retrial. "The worst thing that could happen is if Pratt loses and people don't understand why. We've had some of the best lawyers in the United States working on his case...and he is going to lose."

"I get so overwhelmed sometimes, because there are so many (exclupatory) elements to this case that would get other people a new trial. But, Pratt won't, because of who he is and what he represents," Hanlon said.

Attorney Stuart Hanlon

In addition to Hanlon, Pratt is being represented by McCloskey, as well as by San Francisco attorney Kathleen Ryan, ACLU attorney Mark Rosenbaum, and former Los Angeles County Deputy District Attorney Johnnie L. Cochran, Jr.

Hanlon gained public attention a few years ago for his work in the Chol Soo Lee case. Lee, a Korean immigrant, was serving a life sentence for a Chinatown street gang killing in San Francisco. Courts later determined that Lee did not commit the murder. He was released after already serving nine years in prison.

In a similar vein, Pratt has steadfastly maintained his innocence, to the degree that he has

"If we were in front of a jury, this would be a slam-dunk case. We'd win this case so easily, given what we know - that is, not only was there an informant involved, but a reason why the government wanted to get him: He was their number one target."

Pratt's case is currently under review by Magistrate Kronenberg of the United States District Court. A ruling on the matter is expected to be issued any day now. Attempts to obtain a retrial through the state courts have not been successful.

The speaking engagement was sponsored by the UCLA Black American Law Students Association.

UCLA LAW DEAN PRAGER IS PRESIDENT-ELECT OF NATIONAL ASSOCIATION

Dean Susan Westerberg Prager of the UCLA School of Law will become president of the Association of American Law Schools in 1986. She was elected unanimously at the association's annual meeting in Washington, D. C., Jan. 3-6.

More than 2,500 law professors, deans and librarians from 175 law schools attended the meeting.

Founded in 1900, the association is a learned society and the principal representative of legal education to other higher education and professional organizations, other learned societies and federal government.

Professor Roger C. Cramton of Cornell Law School is president of the association this year. Dean Prager, serving this year as president-elect, will begin her term as president in January 1986.

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LETTERS TO THE EDITOR

A 1L's Criticism of UCLAW

During the semester break, I sent out 50 or so resumes, and was fortunate enough to be called in by several to Los Angeles litigation firms for interviews. I received several excellent job offers for summer clerking, but found that I had to "explain away" the UCLA Bar Exam passage rate. One senior (name) partner even knew the exact *percentage* of the passage rate. He asked if UCLA "was continuing to crank out Doctors of Divinity and Philosophy at the law school"!

Now into the second semester of my first year at UCLA, I have some very definite criticisms of our law school. They are meant to be constructive.

THE LAW SCHOOL RESEARCH ASSETS, COMBINED WITH A GENERALLY SUPERLATIVE FACULTY, CONSTITUTE AN ENORMOUS POTENTIAL RESOURCE.

There is no doubt that we are rich in assets for legal research and scholarly exploration in depth. I feel that all the requisite resources *exist*, even if they are not properly woven into the curriculum. If a student has an above-average "do it yourself" mentality, along with a heavy dose of imagination, he/she *can* significantly improve legal skills which are relevant to being a lawyer in the real world.

However, why should the neophyte law student be forced to "re-invent the wheel?"

THE FACULTY'S ATTENTION SEEMS TO BE INCREASINGLY FOCUSED OUTWARD, INSTEAD OF "MINDING THE STORE".

Some knowledgeable sources have told me that this tendency is typical of a law school which aspires for national ranking and prestige; i.e., the faculty increasingly views the teaching of law to the student body as a necessary evil - a tedious chore which must be done "to pay the bills."

A faculty experiencing this evolution would rather be pursuing their individual, esoteric interests - which often are only dimly related to the practice of law in the U.S. For example, the faculty time spent on writing law journal articles, case/horn books, and serving in diverse public interest roles are all worthy pursuits - but they do not do much for the law student. Indeed, those sorts of activities may tend to become overdone, to the neglect of *teaching law to law students*. Or is it beneath the station of a legal scholar to teach law to law students?

DOES THE FACULTY DEFEND THE LACK OF TEACHING BY RESORTING TO VARIOUS PEDAGOGICAL "RED HERRINGS"?

In many cases, yes. The most obnoxius and overused platitude goes like this: "...and so we are not going to teach you the law...you must learn it for yourself. *We* are going to teach you to **think like a lawyer**". Straight out of *Paper Chase*, and yet frequently stated almost verbatim in this law school!

I suggest that this is only a convenient, time-worn excuse to avoid teaching hard-core law, as it exists at this moment. It is much easier to engage in the mind-numbing ambiguities and pointless nuances of Socratic dialogue. In that fuzzy realm, the one at the podium need not be held accountable for exact legal points and details.

There is a time to learn substance and structure, and *then* follows the time to learn advocacy of the law. This school (especially in the first year) is avoiding the substance and structure - overleaping such "Mundane" areas for the amorphous mass of detailed discussion on public policy, anthropological foundations of property law, medieval origins of contracts, etc.

To use the time-worn "forest-and-trees" analogy, in this law school, the student is subjected to a microscopic cellular analysis of one tree in the forest - to the exclusion of the rest of the trees thereof. Of course, the Bar Exam demands a familiarity with the various aspects of the forest. We spend too much time studying the "ants", while the "elephants" are walking all over us!

ONE FACULTY SOLUTION TO POOR BAR EXAM PERFORMANCE IS TO INCREASE THE FAILURE RATE.

Incredibly, one faculty member told me his solution would be to "fail out everyone under a 75 GPA"! This is reminiscent of a martinet senior officer from my Navy days: "Men, there will be no leaves or liberty until the morale improves!" In other words, he is saying it is a *student* problem...couldn't possibly be the fault of the faculty!

I suggest it is just the opposite. This law school has moved so far into the theoretical, esoteric aspects of law (especially in first year courses) that we seem to be structuring to produce more law professors, or legislators, instead of *practicing lawyers*. If you poll this student body, you will find most of us aspire to become practicing lawyers, as unscholarly as that may seem to the faculty.

THERE IS A LACK OF STANDARDIZATION AMONG PROFESSORS.

Course content is unbelievably inconsistent between professors. A sampling of the four sections of our class yields a bizarre difference in course content and materials.

Who is monitoring the course standardization? Or would it be academic heresy to challenge an individual professor on the adequacy of course materials and level of instruction? Who ensures that the minimum subject matter is actually covered? In two courses out of four, significant areas of the traditional curricula were omitted. I know for a fact that those specific areas are covered on the California Bar Exam.

Every professor seems to have his own feudal empire. They appear to answer to no one. I am sure that is a cherished feature of professional tenure, but is it in the best interests of the law school?

THERE IS TOO MUCH PASSING OF THE BUCK AND NOT ENOUGH "HARD-CORE" INSTRUCTION IN THE LAW.

I cannot count the times I have heard a professor say, "We can't teach you the law...you must learn it yourself. Besides, even if we teach it to you - this 'black letter law' - it is constantly changing."

If that were a valid reason for *not* teaching law - as it currently exists - then there would be nothing to test on the Bar Exam. No one would file lawsuits, because nobody could possibly identify a viable claim if he or she saw one! There would be no hornbooks, no Restatements. Most certainly, there would be no commercial outlines, such as Gilbert's and Emmanuel's.

"The Law" does exist in definite form at any point in time! Even first-year students know that one must constantly update a legal principle by research and Shepardizing. However, you have to "grab the rope" at some point, even if future checking is necessary! Why does the faculty avoid this? Surely they know where to "grab"?

No useful purpose is served by keeping the law a secret.

The bottom line is this: to be passed up by UC Davis law school on the Bar Exam says it all! Are their students of higher caliber? Is their faculty superior to ours? *Or*, do they just meet reality head-on, and place the proper emphasis on Bar Exam topics?

After all, no matter how rich the theoretical content of the UCLA legal education, passing the Bar Exam is, and always will be, the *sine qua non* of practicing law for *any* motive. Whether attracted to the sublime altruism of public interest law or the egocentric pursuits of the private sector firms, all law school graduates must leap a common hurdle: the superfluous, anachronistic monolith known as the California Bar Exam.

Richard J.L. Nelson
Class of '87