Davis Case Developments on Pages 5-6

UCLA DOCKET

First Year Class Officer Vote Today

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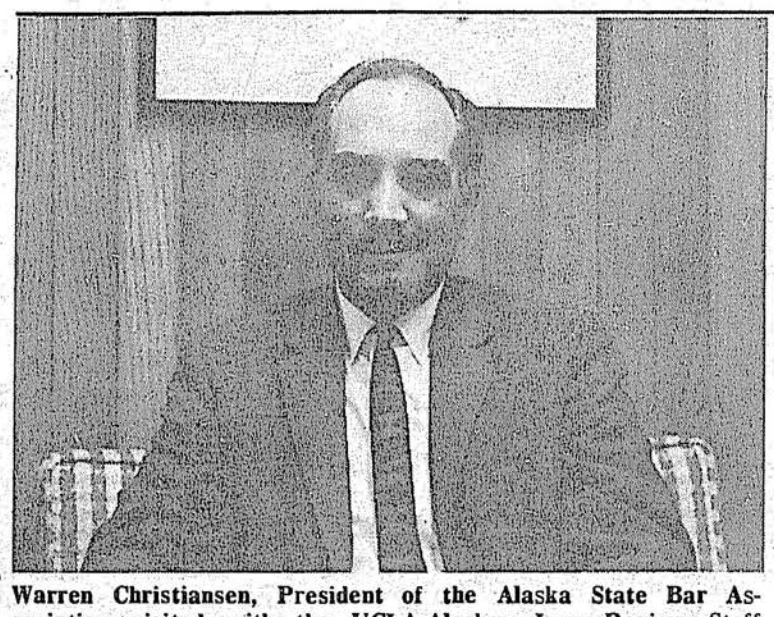

Warren Christiansen, President of the Alaska State Bar Association visited with the UCLA-Alaskan Law Review Staff last week.

Alaska Law Review Names New Roster

The U.C.L.A. - Alaska Law Review recently announced its membership for the 1969-1970 academic year. The Editorial Board consits of Douglas K. Freeman (co-editor-in-chief), Stephan P. Horowitz (co-editor-in-chief), Max Gruenberg (managing editor), Julian A. Pollack (managing editor), Myron Jenkins, Jon Lovell, and Sandra L. Rogers.

New members are Anthony Alperin, James Barnett, Warren Brakensiek, Bob Breeze, Gary Brown, Ron Brutoco, Jerry Cole, John Findley, Stan Gordon, Donald Jones, Larry Kloman, Ronald Lazof, Charles Mann, James Mehalick, Marshall Mintz, Bill Moore, Paul Nyquist, Michael O'Keefe, Paul Roark, Howard Rubin, Don Satlzman, George Schraer, Bob Sherman, Mike Swaim, Michael White, and Laura Zemel.

Formed by Request

The Review was formed on October, 1968, in response to a request from Alaska Supreme Court Justice Buell Nesbett and Alaska Bar Association President Lester Miller. Under the sponsorship of the high court, the bar association, and the U.C.L.A. School of Law, the Review will publish a series of case comments and student notes intended to probe key issues of concern to the state.

Although the Review is designed to provide a critical examination of the Alaska legal system, topics selected by the members are generally of interest to the entire country. For instance, among the cases to be considered is **Watts** v. **Seward School Board**, which involved the constitutional right of teachers to protest school policies and the decisions of school personnel. The United States Supreme Court twice vacated the holding of Alaska courts. Other cases to be discussed include **Soolook** v. **State** (finding harmless error in a violation of the warnings required under **Miranda**), and **Howarth** v. **Pfeifer** (establishing a cause of action for negligent language).

Comments Planned

Members may choose to present the issue in the form of a student comment, rather than a case note. Comments to be presented this year include the Uniform Consumer Credit Code, the principle of "home rule", the freeze on the distribution of federally owned land in Alaska, and the adequacy of counsel in the defense of the indigent.

Late this fall, the Review intends to publish a symposium on the evolution of Alaska law since statehood in 1959. A number of prominent judges, attorneys, and legislators will participate in this broad evaluation of the significant changes that have occured during the first ten years as a state.

Library Tours

The UCLA School of Law Library is offering guided tours designed to acquaint new students with their facilities. Tours of 10 students each are conducted, by reservation, each Thursday at noon (sharp).

Students, Faculty Split Over Semester System

By Paul Bell

Should the law school remain on the quarter system of instruction, or attempt to return to the semester system? Dean Murray Schwartz, Associate Dean John Bauman, and Professor Jesse Dukeminier presented this issue to students gathered last Thursday. Prof. Dukeminier presented the reasons why a majority of the faculty favor a return to semesters. They feel that the quarter system examines students too often at a time when the school is trying to de-emphasize grades and exams; that ten weeks of a quarter is too short for both the teacher and students to explore a problem deeply; and that students avoid seminars because of the burden of preparing a paper within the available time.

Dukeminier

In addition to these reasons which go to the educational experience of a particular course, Prof. Dukeminier argued that curriculum reform by combining old courses was impossible on quarters, because of the amount material that must be covered, especially since there has been a poor experience with two-quarter courses. And first year moot court briefs are due around the same time as winter quarter exams, putting a great burden on first year students, quarters also make scheduling of a stop week before exams more practical.

Schawrtz

However, even if the law school decides to request permission to go on a semester schedule, it is not clear, according to Dean Schwartz, that the university administration would agree. Rejection of such a request while the rest of the Berkeley campus is on quarters. And no final decision has been made whether or not to make the request, but because of the necessity of preparing schedules and obtaining visiting professors, a decision will be made soon.

Student opinion on the issue is mixed, as shown both by a referendum held last spring and by the comments at Thursday's meeting. At last year's referendum, with slightly over half the students voting, the quarter system was preferred by about 60% of the voters. Reactions Thursday included opinions that a semester course soon loses any spark of interest, for both the student and the teacher; and that ten weeks is simply long enough-it's good to change teachers, books, and subject matter after that. Many students felt that they learn more on the more leisurely semester system because of the time between class meetings to think and read, and that a semester makes more outside activities, individual research, and work for attorneys possible.

Bauman

A big issue is the attractiveness of Christmas vacation completely free of study for or worry about finals, as the quarter system offers. But UCLA, if it goes on semesters, will probably adopt a schedule similar to the Stanford law school's, which ends classes in December and then has a vacation and a "reading week" before finals begin in the second week of January. Associate Dean Bauman believes that even the most conscientious students should be able to enjoy their vacation with that amount of time.

Dean Schwartz suggested that the mandatory first year courses might be able to share the best features of both systems, since examinations could be scheduled as the units of instruction were suited for them, instead of to allow for a complete schedule changeover. He stated there was no sentiment on the faculty for a return to the "barbaric" practice of giving first year students only one exam for credit during the year, but that some first year courses would probably again be two-semester courses.

Professor Donald Hagman urged that the law school stay on the quarter system — the greatest learning experience is in the reviewing for exams, he said, and therefore frequent exams serve a valuable educational purpose. Also, he characterized it as a basically unimportant issue in which the status quo should be preferred simply because of the problems in shifting — citing the difficulty of faculty and students in adjusting to the change in quarters three years ago.

PROF. MICHAEL TIGAR JAILED IN CHICAGO ON BENCH WARRANT

by TONY ALPERIN

Michael Tigar, Acting Professor here at the law school, found himself locked behind the bars of the Chicago Federal slam last September 27th. "I want to see my clients," Tigar demanded of the authorities. Tigar is one of nine attorneys handling the defense of the Conspiracy Eight, accused of fomenting the police riot in Chicago during the 1968 Democratic Convention.

Professor Tigar and Gerald Lefcourt, a New York lawyer, were arrested on bench warrants issued by U.S. District Judge Julius Hoffman in an unprecedented and arguably illegal maneuver. Initially placed in jail that Friday night, they were later released on the order of an appellate judge.

When it was learned that the chief trial lawyer for the defense, Charles Garry, would be unable to join the defense team in time for the trial, a motion was made requesting a continuance. Garry, who recently underwent gallbladder surgery is now recouperating in the Bay area. The defense attorneys argued along Sixth Amendment lines that unless Garry, the mastermind of the trial strategy, was present in the courtroom, the accused would be denied effective representation of counsel.

Prosecutor's Scheme

Prosecutor Thomas A. Foran conceived of a seemingly brilliant scheme to counter the constitutional arguments of the defense. He determined that the four attorneys, including Tigar and Lefcourt, who had orginally agreed to handle only pre-trial motions, should represent the accused at trial. With so many lawyers sitting at the counsel table, he argued, the accused would be in no position to contend that they were under-represented. The defense countered that these attorneys were unprepared to assume trial duties on such short notice and that Garry was an essential member of the team. Judge Hoffman held that the four should be present to try the case.

The temperature in the courtroom rose considerably when it appeared that the four attorneys would not appear voluntarily. Judge Hoffman first issued bench warrants for their arrest. Then, without notice or hearing the cited them for contempt.

Normal on Monday

When the proceedings reconvened the next Monday, the temperature of the courtroom seemed returned to normal.

(Continued on page 4)

First Year Officers to Be Elected

by JIM BIRMINGHAM

First Year students are presented with a choice of five candidates for class president in today's balloting for Student Bar Association offices.

Candidates for the top post include John Baskett, Richard Blacker, Richard L. Shencopp, Hector Villasenor and Delma Williams.

Contests are also slated in Section One and Section Four with two candidates in each race for the Executive Committee representative slots.

Section One involves a contest between Thomas A. Castelo and Rafael A. Carenas. The Section Four battle involves Dominick W. Rubaccava and Michele Washington.

Ivan Lawner has no formal opposition in Section Three. The race is Section Two is going to be between write-in candidates, since no one filed for the delegate's spot in the section.

The names of potential write-in candidates in Section Two, or for any of the other races, have not been disclosed to the DOCKET or publicly displayed as of press time.

Run-off elections will be held within a week if the leading candidate for any of the offices fails to obtain a majority of the votes cast.

Immediately upon certification of the election, the First Year officers will assume their posts as members of the SBA Executive Committee.

This will be the first time in the history of the Law School that any class ever elected four section representatives, in addition to the class president, to sit on the Executive Committee.

The newly elected officers will join the committee at a time when it is formulating policy in regard to three crucial matters: 1) the faculty proposal that the law school abandon the quarter system pursued by the rest of the University and return to the semester system; 2) interpretation and attempted implementation of last year's vote by the student body on the pending grade reform proposal; and 3) the SBA response to the proposal that the Admissions and Standards Committee of the Law School be further broadened as to student membership by the addition of two new members to be appointed by the Black Law Students Association and the Chicano Law Students Association.

The class president and section representatives will serve until the regular spring election next May.

A Student's View

Root Assumptions For Legal Premises in Need of Review

by WILLARD ANTHONY
Class of '71

In the United States, black lawyers have been slow starters in the field of black liberation. While black educators, political scientists and undergraduate students have been prolific in the liberation movement, their legal colleagues have, with few exceptions, remained silent. Perhaps this is attributable in some degree to the natural conservatism of the breed, or to legal parochialism. More probably it is due to the slave mentality. While it is true that black lawyers, as a class, have tended to be less prolific and possibly, less influential in the liberation movement, they have in the past neglected black problems. On the contrary, pioneer work of the NAACP began by an earlier generation of lawyers, have been carried steadily forward.

Colonialism is Gone

But whatever the achievements of the past may have been, they were achieved within a colonial context, and within the limits set by colonial policy. The emphasis of the black community has shifted towards liberation. With this shift of emphasis, it has been suggested, there is mission work for black lawyers and the black lawyers imbued with white values may carry the light, so to speak, into the black communities, and save them from black materialism which in turn means destruction: this is not only pathetically naive but positively harmful. It is naive because if any generalization about our community, as a whole, can safely be made, it is this: blacks desire complete and unfettered freedom to be themselves, to build up their self confidence and make their own distinctive contributions, in their own way, to the art of living and social organizations.

The black community will reject the white cultural narcissism and its imposition upon the black communities as absolutes and it will reject the values of whites, with no less vigor and

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Of The Training Of Black Men

One hundred years ago, in 1869, the first black man graduated from an American law school. George Lewis Ruffin, a student of exceptional ability completed the then 18-month Harvard Law School curriculum in one year. One year later, Howard University opened a law school for "freedmen." It would have appeared one hundreds years ago that the black man was well on his way to complete integration into the legal profession, but as we well know today, such has not been the case.

In this centennial year of the first black man's graduation from an American law school we thought it might be well to recount briefly UCLA Law Schools record of training black attorneys during the past century. In a word, it could be said that UCLA has done nothing to train large numbers of black attorneys since it graduated its first class in 1952.

Since that time, more than 2,500 men and women have earned law degrees here but less than 25, or 1%, of that number has been black. In 1969, 100 years after Ruffin's graduation from Harvard, not a single black student graduated from UCLA School of Law.

Since 1966, only three black students have graduated from here and only one of those students is presently practicing law in California. The last of those three students graduated in 1967.

During the academic year of 1965-66, UCLA had only two black students in attendance, whereas the University of Mississippi had five and Emory University in Atlanta, Georgia had four. In the academic school year of 1967-68, when UCLA had more black students than ever before in its history, 13, Emory had 21 and Ole Miss had 22.

In the class of 1970, UCLA will graduate its largest number of black students ever in one class, and that number is eight. This will represent less than 5% of that graduating class.

UCLA's record of training black men for the law through today, anyway, is shameful. The arguments we sometimes hear that black students are today claiming seats "more qualified" white students should fill must be made in ignorance of the foregoing facts. This is especially true if "qualified" is taken to mean LSAT score and GPA. This is true because many law schools, including this one, have discovered that LSAT scores, and, often times, prior collegiate performance, are both poor indicators of whether a black student will do well once he's in law school.

UCLA must never forget that for more than 15 years it in effect failed to serve a significant number of the total community. This statement is even more damaging when one realizes that blacks have been the "chosen minority" during this period of time and that other minority people have even a less number and percentage of graduates in the UCLA total.

The DOCKET is hopeful that UCLA has finally accepted its responsibility to train members from the total community rather than serving just a part of it as it has done in the past. We are further hopeful that this tax supported institution's present efforts to train non-white lawyers is a realization that it has failed dismally in this responsibility previously. We challenge this Law School to serve all its people as best it can.

THE UCLA DOCKET

The Student Newspaper of the UCLA Law School

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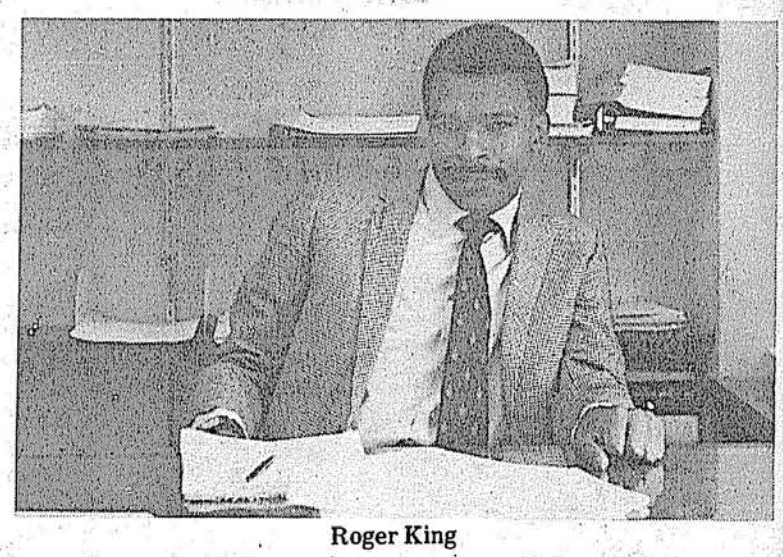

Roger King

Ex-Rep. Urge Election Committee Members

By Roger King
Class of '70

What is legitimacy? Is it appointment by a duly constituted body with the welfare of the whole law school student body in mind or is it what the administration arbitrarily decides it to be to suit its purposes?

In the last issue of the DOCKET the charge was leveled that as issues of discussion escalate in importance it has become increasingly obvious that some members of the faculty are not above playing off students against one another. And that has had the effect of diminishing the legitimacy of these students who must face the faculty in weekly committee meetings. I submit that so long as the faculty entertains doubt about the extent to which these students are representative, students can not hope to effect any significant changes at the law school.

I would now be happy and eager for the opportunity to serve and participate again if it were not for last year. As the SBA's "duly appointed" representative, and supposedly full fledged committee member, who happened to be black, my position on that committe was compromised.

My position was compromised as a black man by the unilateral action of then Assistant Dean Anthony McDermott who appointed two black students, at a salary, to duplicate the committee function of deciding what black students were to be admitted to the class of 1971.

The excuse given by the administration for this infringement upon committee function was that the black students were not represented on this committee and that they should be.

Who Decides

Who is in a better position to decide student representation, the administration or the SBA? If the answer is the administration, I resent their definition of what a black student is or what a student representative is.

If the answer is the SBA I am sure the interviewing committee of the SBA foresaw the problems of minority recruitment and felt that my interest in the admission of minority students as well as serving the best interests of all students was considered before I was appointed. Apparently, the administration decided after my appointment that I was not black enough.

Another case in point is what happened on the Ad Hoc Committee for grading while it was deciding whether to lower the minimum grade standards to 62. The SBA appointed two student representatives to represent student interest, the administration saw fit to unilaterally add one more student to represent the view of black students. This would have been fine if the president of the SBA did not happen to be a black student.

Was the administration blind to this fact, did it consult the SBA president as to why a black student had not been appointed or did it seek to fur-

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Dear John

By Myron Anderson
SBA President

John (Lovell) in the September 24 issue of the DOCKET, you stated that some faculty members serving on the various student-faculty committees have fallen into the habit of playing games with students, that is that some have sought to play one student off against another thereby diminishing student imput into these committees.

You suggested that in order to remedy this problem students should be elected by popular vote. As I understand it, your reason for suggesting this is that you believe that those faculty members who are given to such insidious tactics would then regard in awe the basis of support upon which each student takes a stand and would then withdraw from such folly.

I cannot agree that the practice of pitting one student against another consumes a noticeable amount of the time of any faculty member. However, I admit, without stating more specifically, that there have been two or three notable exceptions to the general practice (see story above).

Why Popular Election?

Realizing that my observations may have yielded an erroneous conclusion in this regard, I am not yet persuaded that the alleged extent of deviation requires a change in the method of filling committee vacancies. Nor am I convinced that merely electing students will prove salutory. What will cause any faculty member to react differently to the student who is elected by popular vote. I submit that we cannot avoid some of the diabolical means employed at least on two occasions to create friction between students.

Those who seek to divide us will attempt to do so for as long as we are students. John, one must realize that even in this institution there are men, children and child-like men. This is the battleground upon which this kind of war must be fought by men to prevail.

Surrendering is Inappropriate

Consequently, I do not think that surrendering is appropriate nor do I feel that we must retreat and resort to an election process which would guarantee a minimum of student input. A vote by popular election would merely result in some students having received more votes than others. In the pursuit of diligent and conscientious students we would be ill-advised to elect those students as opposed to employing the present means of interviewing applicants followed by the actual appointment.

The probable result of electing students to student-faculty committees would be saddled with student representatives instead of student benefactors.

Elected Reps

As is usually the case with elections, once a person is elected, his responsibility terminates because the person elected no longer communicates with his electors. Consequently, many committee occurrences go completely unnoticed by those whom they most effect. The prevailing view on SBA this year is that students on the various committees are on there by virtue of the need to have the moods of students expressed on the issues. This year, all persons appointed to committee posts have been notified that grossly disregarding the expressed apsirations of the general student membership will not be favored and that to the extent possible those aspirations are to be cultivated and transmitted.

Each student representative will be required to keep a written account of what transpires in his committee and then apprise the SBA executive committee of the same so that some topics of interest can be discussed with and among all students opposed to being limited to the closed doors of committee meetings.

In conclusion, John, what we are seeking is an effective group of students. We hope to avoid reacting to some intemperateness on the part of some faculty members and ending short of our goals.

Students Chosen

The SBA last week announced that the following students have been appointed to fill the student openings on law school committees: Admissions and Standards Committee, Harold Hart-Nibbrig and Larry Rubin; Curriculum, Louis Victorino and Steve Parent; Library, Keith Motley- Clinical, Barbara Williams; Outside Courses, Jim Conley and Stan Dzieminski; Graduate Studies, William Winslade; Faculty Evaluations, Ellen Friedman. Harlis Larkin will be the SBA Athletics chairman, and Mary Jo Curwen will take care of social events. New members of the Student-Faculty Relations Committee are Mark Levin, Larry Myers, and Hector Villasemor. Joyce Shaevitz will head the 69-70 Legal Form program; Bill Burford, SBA elections; while Ron Merriweather will struggle with parking problems.

Wives Look For Baking, Baskets

by Wendy Davis

Law Wives started the new year off with a great Wine Tasting Party. It was fun meeting the new students and their wives, and renewing old friendships. Many thanks to the Board of California Wine Growers for donating the wine. Also thanks to all those who worked so hard to make the party a success.

Our first General Meeting was held October 9 in the Law School lounge. Dean Schwartz was the main attraction, with words of wisdom for us all.

Wednesday, October 15 was the first meeting of the Professor's course. Professor Schuchinski spoke to us about the Angela Davis incident.

The next General Meeting will be held Wednesday, November 5, and will be devoted to Legal Aid. Mr. Ownes from Legal Aid will be the speaker.

Law Wives is having a Laker Game night, Friday, November 7. Tickets are $3.50 per couple and there will be a party after the game. If you are interested contact Jam Colton at 390-2212. The deadline for purchasing tickets is the General Meeting, November 5.

Last but not least there will be a bake sale at the Law School Tuesday November 11.

SBA Condemn Judge Chargin

Judge Gerald S. Chargin's comments at the juvenile hearing of a 17 year old Mexican-American in Santa Clara County demonstrate "an inability to perform in anything but an emotional, inept, manner. Such conduct and attitude cannot be tolerated from any member of the judiciary, as it constitutes the type of excessive misconduct which is grounds for disbarment," according to a resolution of the SBA Executive Committee. Judge Chargin's remarks "not only damaged the defendent but indicted California's largest minority."

The SBA resolution therefore called for the removal of the judge from membership in the bar, and for the state Attorney General's office and the Judicial Qualifications Commission to work for the removal of Judge Chargin from the bench. At the hearing of September 2, which has since received widespread publicity and has caused an investigation by the Attorney General, the judge told the the young man "We ought to send you out of the country—send you back to Mexico . . . You are lower than an animal . . . Maybe Hitler was right. The animals in our society probably ought to be destroyed . . ."

Legal Frats Plan Rush Activities

by Jim Leonard

Well, friends and neighbors once again the psychedelic symbols of sophomoric delight, the brothers of Phi Alpha Delta, are back in business.

Having returned from my annual summer sojourn with the elves and nymphets, I have taken my place as the lawful successor to UCLA's answer to the Great Pumpkin, Barry Herzog, as Justice of McKenna Chapter of the blessed brotherhood. Under my enlightened, if often erratic, reign of terror, the fraternity will again have another year of education, service, and social delights.

Rush Events

Our first event, the Professor's Night Party at Bill Latta's house was a very enjoyable evening of interesting conversation and intoxicating beverage. My only regret about the evening was the small attendance, but I am optismitic that this situation will be remedied for coming events. I would like to take this opportunity to express the thanks of all of those who did attend and to Prof. Ken Graham whosepresence contributed greatly to the success of the evening.

More rush events are planned for the near future and I urge all new students to attend these activities and find out what P.A.D. has to offer as a supplement to your legal education.

To Visit Jail Facilities

After rush, our Vice-Justice Bob Watson, finder and sole advisor to the Orange County Woodchuck Rangers, will begin work on the annual Career Day. This year's Career Day will bring together a group of attorneys from all fields of the law to discuss their practice in an open meeting at the law school. Bob will also be setting up a number of tours of courts and legal facilities to contribute some realism to the education of the members of the Fraternity.

Our other officers, Paul Bell (President of the First National Bank of South Gate), Ken Cirlin (you think you're overextended ? Try Ken's schedule) and Jerry Berger (Czechoslovakia's answer to Deputy Dawg) will also be working to provide the membership with a full schedule of professional and social activities for the year.

We will also be having our traditional outlines sales, which, under the capable leadership of Helpful Howard Rubin, should begin next week.

All in all it looks like another exciting year of fun and frolic. So, don't miss the boat. If you're too old to enjoy Ronald Reagan movies, but too young to join General Hershey in retirement, then P.A.D. is probably just what you are looking for.

PDP

by Westbrook Winchell

The "Boom at Boehm's" turned out to be one of the grooviest happenings ever seen on a legal fraternity's rush calendar. Usually this type of choice event is reserved for the actives, to ensure that the old timers don't get aced out the action by the rushees.

The "Boom" was nominally an exchange with nurses at County General Hospital. At least that was how it was billed. But it turned out to be the first big blast of the year for the County's School of Nursing and the thirsty and lecherous brothers of dear old Phi Delta Phi.

Art Boehm's pad (you'll excuse the profanity, I hope) is a beautiful expansive place in Horseshoe Canyon, one of the winding lanes leading off Laurel Canyon. The place was made for partying. Of course our studious Exchequer rarely engages in such frivolities, but rumor has it that even Hermit Art was sighted around the punch bowl bashfully making eyes at one of the comely young ladies in attendance.

This was event number two in the rush, which started out with a stag beer blast in the downstairs room of the Pizza Palace. While the beer blast attracted quite a crowd, it couldn't compare with the swinging event in the Canyon.

The Canyon party started off with the arrival of an estimated 65 beauties from the nursing school. Unfortunately (?) at that point there were very few males at the party. But very shortly the pairings left few wallflowers. At the height of the party there were over 50 couples filling the house and back yard with numerous other couples constantly coming and going.

Now that the rush season has concluded Art Boehm's role has switched from that of host to being head honcho of the roundup. Expecting the biggest pledge class in the fraternity's history, Art and the other officers are planning for an overflow crowd at the annual picnic at Professor York's home in Topanga Canyon.

The picnic will be open only to active and pledge members, so Art Boehm should be collecting pledge dues this week. Both pledges and active members must have their dues paid to be eligible for the picnic. Anyone who has been to one of the annual events hosted by PDP's faculty sponsor is sure to attend this one.

Clinical Prof. Sought

The School of Law is searching for a full-time professor to take charge of clinical program. His job would be to instruct in several of the programs, administer all of them, and develop useful new programs—therefore, he would be less responsible for research and publication than the professors teaching regular academic courses.

Interviewing

By Paul Bell

This is the time of year that sees many second and third year students dress up in suits and ties to play the game called "Interviewing." It's undoubtedly an important game, for it can affect the direction of the student's career, yet the comments of people after a day of interviewing point out that the sameness of many of the firms and the trivial matters that, at least in the students eyes, seem to determine the success of the session. Whatever dress does show about a man, it's certain that the color of his dress shirt shows nothing, yet some people feel that their selection of shirt color hurt their chances.

Placement Office Success

Although the process of interviewing certainly has its faults, the law school placement office provides a real service by bringing students and prospective employers together. Neither the student nor the employer can learn a great deal from a single interview, but it does serve as a starting place. Mrs. Mildred Johnson of the placement office estimates that from 70% to 80% of the graduates of the UCLA law school find their jobs from some kind of contact at the placement office, if not directly from the interviewing. Many of these contacts are provided after students have taken the bar exam, and are more certain of what they want to do and nearer to admission to practice.

A new grading system and abolition of class standings, if adopted, would make it impossible for employers to pinpoint, with the pseudo-accuracy now available, the academic skills of applicants. Some firms have evidently discussed discontinuing interviews at UCLA if the grade reform passes, but, according to Mrs. Johnson, no comments about this have been made to her. In the previous two years, exactly the same number of firms and agencies came to interview each year, and 1969 will be just about equal to previous years; so the possible grade reform is apparently having no advance effects.

A cartoon in one of last year's issues of the Boalt Hall paper showed a student and a firm representative sitting across the interview table—"What our firm does is grind the faces of the poor." As a service to students who seek more than this kind of experience in their jobs, last year the Community Participation Center and Mrs. Johnson were anxious to start listing community and poverty oriented jobs with agencies and private attorneys through the placement office facilities. But there are so few paying jobs available in these fields, most of which are filled by personal contact with people active in voluntary work, that no job listings were actually worked up. Nevertheless, Mrs. Johnson reports that one of the questions most often asked of the firms is how much opportunity for outside, community-related activities their young associates have.

Other Services

The placement office's most visible function is to arrange for interviews, but it does much more. A book of part-time job opportunities for students seeking school-year work is available. And frequent panel discussions on a particular type of practice enable students who have some interest to learn about it in a less formal setting than an interview—these usually take place at noon in the faculty lounge. Another little known service of the office is the file of out-of-town firms which, although not coming to the law school, welcome resumes from interested students who want to practice in their cities.

Often students grumble about firms that, do no specify Law Review members, but seem only

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Case of the Month

"Lollipop"

262 Cal. App. 2d 392

Ist Woman Admitted To Bar 100 Years Ago

The name of Arrabella Babb Mansfield probably does not mean anything to you at this point in time but 100 years ago that name meant a great deal to members of the legal profession.

That woman, became the first female in American history to be admitted to a state bar, competent to practice law. It took a state supreme court decision to get her admitted, but on June 18, 1869, Arrabella Babb Mansfield became a licensed attorney in the state of Iowa.

Mrs. Mansfield was a graduate of Iowa Wesleyan and studied law with her older brother in the law offices of a Mount Pleasant, Iowa law firm. At the time of her application for admission to the Iowa Bar, a statute in the state provided that only "white male" persons could be admitted to law practice.

Court Decision

In that 1869 decision which enabled Mrs. Mansfield to be admitted to the bar, the court said, "the affirmative declaration that male persons may be admitted is not implied denial to the right of females." The words "white males" were deleted from the Iowa Code on March 8, 1870.

The right of women to practice law was denied by most states when Mrs. Mansfield was admitted. Myra Bradwell of Illinois had applied to the Illinois Supreme Court in 1869 for a license to practice, but her application was denied and her appeal to the United States Supreme Court resulted in the Court's affirming the Illinois Supreme Court (83 U.S. 130). The Supreme Court of Illinois, on its own motion, did issue her a law license on March 28, 1890, on her application, which was made 21 years before.

100 Years Later

Today, 100 years later, the mini-skirted cuties which frequent the halls of the UCLA Law School is a sight for tired and fatigued male eyes to behold. It appears a little strange that the law student of 100 years ago missed this pleasure.

Women's contributions to the profession, aside from their soft perfume and provacative demeanor, is legion. A number of women today sit on the bench of the highest appellate court in several states and several in federal courts. The most recent appointments are Shirley Hufstedler to the Ninth Circuit Court of Appeals, and June Green to the US District Court for the District of Columbia.

UCLA's own Dorothy Nelson is the new Dean of the USC Law Center, and the faculty here at UCLA added its first female member last year. In this, women's 100th year of practicing law, may it be said that it was sheer folly to not have you in the profession long before 1869.

We Get Letters . . . .

Chicano Student Call For Judge Removal

Dear Editor

In the most recent meeting of the Student Bar Association, I submitted a resolution condemning the remarks of Judge Chargin at a Juvenile hearing.

Judge Chargin, a San Jose Superior Court Judge, called a Mexican-American youngster "an animal," that he should be sent back to Mexico, and several other rather negative things about the 17-year-old personally and Mexican-American people. Judge Chargin made these statements just prior to sentencing the boy on a charge of incest.

The SBA resolution resolved that the American Bar Association and the California State Bar should remove Judge Chargin from its rolls, in effect, disbar him from the practice of law anywhere in America. Ii further resolved that the Judicial Qualifications Commission seek the immediate removal of the Judge from the bench. The resolution noted that the Judge is incapable of conducting a hearing in which a Mexican-American appears.

I believe that the hearing was a manifestation of unreported judicial conduct toward Mexican-Americans and that nothing less than Judge Chargin's resignation from the bench will be acceptable.

The youngster in this matter claims that he is innocent and that he only pleaded guilty to the charges because his attorney assured him that if he pleaded guilty the matter would not go to trial.

Thomas Sanchez
Section C Rep. to the SBA

OPEN ELECTION

(Continued from page 2)

ther divide the student body?

Unnoticed Differences

It may have gone unnoticed but the law school has a rather diverse student body, ethnically, politically, and long last, socially. Must every committee now represent this fact by definition or shall we presume that almost any selection by a duly constituted body can objectively reflect this diversity.

If we can't, we hare headed down a path that leads to deals made behind closed doors, under the table and who can muster enough irate voices to confront the administration of the law school and influence or coerce action.

Is this the kind of student representation and participation we want, I should hope not.

INTERVIEWING

(Continued from page 3)

to hire people with Review experience. Mrs. Johnson discourages firms from specifying who they want to interview, since her position is that any student really seeking a job with a firm should have the chance to talk to them. And, she said, several of the top firms who generally hire only Review members have recently hired people without that experience. but with some other valua[illegible] qualification.

A Woman in the Law

Mrs. Jackson Seeks Skills Necessary to Helping People

by Wallace Walker
Docket Editor

Life isn't easy these days for Mrs. Maxine Jackson, but then, she finds it hard to remember when it was. She faces these October days with enthusiasm and quiet determination and goes about the business of acquiring the skills she believes will make her "free" and the units necessary to earn her fourth college degree in June, 1970.

"My husband calls me the crusader," she said, "but he always encourages me to do what I believe is necessary." She then thought for a moment and said, "he encouraged me to come to law school."

Why, I asked her, would a woman secure in a profession return to the trials and tribulations of being a lowly law student? "For freedom" she said rather simple, "the law is going to make me free" she concluded.

Days in Texas

She began our discussion by recalling her early life in Texas and its un-freedom. She recalled that in 1942, her senior year in high school, the destruction of black businesses in Beaumont, her hometown, because an unidentified black man allegedly raped a white women. She noted that from that moment in her life it was clear to her that law was something some people obeyed and others did not.

In 1942, her family moved from Texas, she went to Atlanta, Georgia and Spellman College and the rest of her immediate family moved to Los Angeles. From 1942 until 1946 Mrs. Jackson attended the college and graduated with a degree in social scines and English.

In 1946, after training in college to become a school teacher, she came to Los Angeles and became a non-skilled worker at General Hospital. She explains this by noting that she did not expect a better job. She re-recalled that self-seeking exploratory attitudes just didn't develop in the South.

Nursing School

After two years as a Kenny

Packer, she entered the Hospital's School of Nursing, and in 1952 was graduated a Registered Nurse.

Mrs. Jackson said that by this time in her life she knew that helping people was to be her life's work and that she believed that as a registered nurse she was then ready to do that.

By 1955, she noted, she no longer believed that she could do this as a registered nurse. "Very often" she said, "I would prescibe to my patients simple diets which would have alleviated their physical suffering and they would not have the money to buy those foods."

In 1957, it was back to school, so that she could obtain the next skill she believed was crucial to her helping people. For two years she studied at the UCLA School of Social Work and in 1959, she earned her MSW. Now, armed with nursing skills and a new MSW she headed for Compton and for one year worked as a public health social worker.

Law School

By 1967, after nine years as a social worker and a probation officer in schools for girls, she again felt the need to return to school for another skill, this time it was law.

"When I was working in the institutions, I would ask someone for a juvenile code and they would look at me like I was crazy. I would say to them, I need the code because I think this child was illegally treated and my superiors would never give me one or even enterain the idea that children vere being illegally handled. couldn't live with that."

"Hypocrisy is my nemisis," she added, I refuse to live with it. I have found hypocrisy in my other professions and I'm sure I'll find it in law, but my advantage will be that

I will have no allegiance to any profession. I will simple have a group of skills which will enable me to serve people and that is all I have ever wanted to do."

One cannot help but feel a little awed whenever he talks to Mrs. Jackson. One is awed because for once in his life he knows that there is a human being bent upon helping other human beings without any desire of self glorification whatsoever. Such a person is rare but such a person is in the class of 1970 at the UCLA Law School.

Black Definition Needed . . .

(Continued from page 2)

angry contempt than that with which it has already rejected the economic and political domination of the white culture and needless to say it will deeply resent, and rightly resent, any hint of being patronized.

Association Formers

The question is what is the black law student's or any student's role in the liberation movement. A movement of ideals and emotions; at times it achieves a synthesis; at times it remains at a level of thesis and antithesis. One thing is for sure, we must move away from forming associations which are the exact replicas of white fraternities. Associations whose sole purpose is to benefit its members and the objective for using a particular lable, is for fund raising and employment opportunities which are open to the hierarchy of the association itself with no concern whatsoever for anyone, black or white, who might be outside of that privileged hierarcy. These so-called Black associations will shout shibboleths loud and clear so long as their selfish ends are being accomplished. These ends are usually derived from the white world.

Our people must become aware and define their problems and needs in terms of a frame of reference that is rooted in the assumptions and ideas and values of our culture. The root assumptions and values of black communities are fundamentally different from those in terms of that which the white man understand his needs. It follows from this that an important part of the task of the black law student is to help fashion a social and political philosophy incorporating a set of goals and the instruments of their achievement that are appropriate to the unique character of the black scene. In doing so, we must have tolerance and an ecletic attitude towards ideological and cultural borrowings which will facilitate communication, compromise, and an essential spirit of understanding within the black community.

Tigar Jailed . . .

(Continued from page 1)

Tigar and Lefcourt were joined at the counsel table by other members of the defense team. Michael Kennedy and Dennis Roberts, the two other attorneys cited by Judge Hoffman agreed to appear voluntarily after a Federal judge in San Francisco dismissed the bench warrants for their arrest.

In a surprising move, Judge Hoffman allowed the four to withdraw from the case without requiring that the defense waive its Sixth Amendment claim. Both Judge Hoffman and prosecutor Foran had previsouly contended that they would allow the attorneys to withdraw only if they dropped their contention that Gary was essential to the defense. In another move favorable to the defense, he dropped all charges of contempt against the four.

Gamble Lost

Foran's seemingly brilliant scheme was a gamble—a gamble he lost. According to Tigar, Foran figured the defense could be induced to waive its Sixth Amendment claim. If the four appeared and participated in the defense, he could assert adequacy of counsel by mere numbers. If they refused, they would risk a few nights in jail. Foran felt that if he offered to trade their release and withdrawal for a wavier of the Garry claim, they would capitulate. He underestimated their determination and loyalty, for they would do or say nothing that might harm the interests of the accused. When Judge Hoffman announced their withdrawal, Foran, having lost his gamble, offered no resistance.

Michael Tigar has returned to his teaching duties at the law school. He does not regret his decision to make his clients' interest his own. In accepting this burden he is most like Susyphus returning to his rock at the bottom of the ravine.

Morris and Wasserstrom

Legal Philosophers Seek to Clarify Facts Surrounding the Davis Case

EDITOR'S NOTE: *Law School Professors Herbert Morris and Richard Wasserstrom, in addition to being lawyers, are also full professors in the Department of Philosophy, and as such, hold a unique vantage point in the Angela Davis Case. Both professors have spoken out and both maintain, that from their vantage point, the regent's action in the Angela Davis matter was both illegal and a flagrant infringement of Academic Freedom. The Philosophy Department recently released a statement of facts in the Angela Davis matter and Professors Morris and Wasserstrom made that statement available to the DOCKET.*

On March 24, 1969, Miss Angela Yvonne Davis was offered a teaching position in the Philosophy Department of UCLA. Miss Davis' appointment was at the rank of Acting Assistant Professor.

Miss Davis' regular appointment was authorized by the Office of the Dean of the College of Letters and Science.

Prof. Herbert Morris

The Employment Form was signed by Miss Davis on April 23; it was signed by the Department Chairman and submitted to the Dean's office on May 2; and it was signed for the Administration on May 9 by Dean Philip Levine. Miss Davis was formally invited to accept her appointment by Dean Levine in a letter of June 3.

Professor Davis' appointment was part of a general UCLA effort to make University posts available to qualified persons from ethnic minorities. It in no way departed from the regular departmental and administrative procedures for an academic appointment. Her interest in a teaching position was brought to the Department's attention by the chairman of the Princeton department of philosophy, who said that his department and that of Swarthmore College had considered her record sufficiently impressive to bring her to the East Coast for interviews. After receiving this information, the Philosophy Department of UCLA obtained letters of reference covering every part of Professor Davis' educational experience, and supplemented these letters by a personal interview with her on the UCLA campus.

Political Affiliation

No mention of Professor Davis' political affiliation was made in any of the letters of reference received. No question concerning her political affiliation was raised by any member of the Department in communications with her or in discussions of her appointment; nor did any information whatsoever, even by rumor, concerning Professer Davis' political affiliation come to the attention of the Department until three months after the initial offer of March 24. It is, and in the memory of current members has always been, the policy of the Philosophy Department of UCLA to consider political affiliation completely irrelevant to a candidate's qualifications for appointment.

On July 1, 1969, William Divale, an undercover agent for the FBI, asserted in a column of the UCLA Daily Bruin that the UCLA Philosophy Department "has recently made a two-year appointment of an acting assistant professor. The person is well qualified for the post, and is also a member of the Communist Party." The person was not named. On July 9, a San Francisco Examiner article named Professor Davis as the person referred to in the Bruin column, and alleged that she was a "known Maoist, according to U.S. intelligence reports, and active in the SDS and the Black Panthers . . ." It was in these two articles that the Philosophy Department first heard any mention of Professor Davis' political affiliation. Neither article was given further notice in the news media, and neither created any stir in the general public. The Department made no attempt at this or any later time to determine Professor Davis' political affiliation.

At some point prior to July 16, either at their meeting of July 11 or possible earlier, the Regents of the University of California directed the UCLA Chancellor's Office to determine whether Professor Davis was a member of the Communist Party, and not to sign any contracts with her pending receipt of this information. On July 16 a letter was sent to Professor Davis from the Chancellor's office which referred to the two newspaper articles mentioned above, and which read, in part: "I am constrained by Regental Policy to request that you inform me whether or not you are a member of the Communist Party." Professor Davis was asked to reply by July 25. The letter was sent by registered mail and was returned to the Chancellor's office unreceived. Professor Davis no longer resided at the address to which the letter was sent and she was not in Los Angeles at the time.

Regents Direct

On August 20, after meeting with representatives of the Regents, Chancellor Young informed the Philosophy Department that he had "been directed by The Regents (by their interpretation of their action of July 11, 1969), to take no steps affecting the employment status of Miss Angela Davis pending further action by The Regents following their receipt of the information which they instructed the Administration to obtain concerning the appropriateness of her employment under the terms of the Regental policy barring appointment of members of the Communist Party."

On August 22, the Philosophy Department adopted and sent to the Chancellor a resolution which states, in part: "We oppose and will not cooperate with efforts to secure any information that pertains to Miss Davis' political affiliations, nor will we cooperate with any effort to review Miss Davis' qualifications otherwise than in accordance with normal University prodecures." The resolution also urged that "the University's contractual obligations (to Professor Davis) be honored without further delay."

On August 26 the Chancellor's office again sent to Professor Davis the letter of July 16 asking about membership in the Communist Party.

On September 5 Professor Davis responded to the letter asking about membership in the Communist Party. Her letter states, in part: "At the outset let me say that I think the question posed is impermissable. This, on grounds of constitutional freedom as well as academic policy. However, and without waiving my objections to the question posed, my answer is that I am now a member of the Communist Party. While I think this membership requires no justification here, I want you to know that as a Black women, I feel an urgent need to find rational solutions to the problems of racial and national minorities in white capitalist United States. I feel that my membership in the Communist Party has widened my horizons and expanded my opportunities for perceiving such solutions and working for their effectuation. The problems to which I refer have lasted too long and wreaked devastation too appalling to permit complacency of half - measures in their resolution. It goes without saying, that the advocacy of the Communist Party during my period of membership in it has, to my knowledge, fallen well within the guarantees of the First Amendment. Nor does my membership in the Communist Party involve me in any commitment to principle or position governing either my scholarship or my responsibilities as a teacher."

Regents Order Hitch

On September 19 the Regents adopted a resolution directing President Hitch to take steps

Prof. Richard Wasserstrom

to terminate Professor Davis' University appointment. This resolution reads, in full: "WHEREAS, on October 11, 1940 the Regents adopted a Resolution stating that 'membership in the Communist Party is incompatible with membership in the faculty of a State University'; and WHEREAS, on June 24, 1940, the Regents reaffirmed and amplified that policy with a Resolution stating, in part, "pursuant to this policy, the Regents direct that no member of the Communist Party shall be employed by the University"; and WHEREAS, in an action reported March 22, 1950, the Academic Senate, Northern and Southern Sections, concurred in the foregoing policy by adopting a resolution that proved members of the Communist Party are not acceptable as members of the faculty; and WHEREAS, on April 21, 1950, the Regents adopted a Resolution confirming and emphasizing their policy statements of October 11, 1940, and June 24, 1949; and WHEREAS, it has been reported to the Regents that Angela Y. Davis was recently appointed as a member of the University faculty, and subsequently she informed the University Administration by letter, stating, among other things, that she is a member of the Communist Party; NOW, THEREFORE, the Regents direct the President to take steps to terminate Miss Davis' University appointment in accordance with regular procedures as prescribed in the Standing Orders of the Regents.

In a letter dated September 20, 1969, Professor Davis was notified by President Hitch of the Regental resolution of September 19. Professor Davis received the letter on September 22. The letter reads, in part: "the Standing Orders provide that the termination of the appointment of a member of the faculty before the expiration of his contract shall be only for good cause after the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate. In your case, the appropriate commitee would be the Privilege and Tenure Committee of the Los Angeles Division of the Academic Senate. This is to notify you that your University appointment will be terminated as of September 29, 1969, unless prior to that date you submit to Professor George G. Laties,

(Continued on page 8)

Memo Questions Legality of Professors Firing

EDITOR'S NOTE: Professor Kenneth Karst has during the course of the Angela Davis matter prepared a legal memorandum as to what he considers the law to be as to the legal issues raised by that case. Professor Karst is an expert in U.S. Constitutional Law and his memo is set out in total below.

INTRODUCTION

This memorandum responds to whether two resolutions of the Board of Regents, as those resolutions are stated on Page 37 of the Handbook for Faculty Members of the University of California, are Constitutionally valid.

(1) The 1940 resolution is quoted in the Handbook. Its operative language is: " . . . membership in the Communist Party is incompatible with membership in the faculty of a State University."

(2) The 1949 resolution is paraphrased in the Handbook as saying "that no member of the Communist Party shall be employed by the University."

In 1969, the Regents adopted an amendment to Standing Order 102.1(a):

"No political test shall ever be considered in the appointment and promotion of any faculty member of employee."

The 1969 amendment appears, on its face, to supersede both the 1940 and the 1949 policies. However, the Regents might in the future choose to rescind their most recent declaration of policy, or to adopt an exception for the case of membership in the Communist Party. In this memorandum, I shall assume for purposes of argument that the 1969 amendment makes no change in the 1940 and 1949 resolutions, and that those resolutions continue to represent Regental policy.

SUMMARY OF CONCLUSIONS

I. The power to impose qualifications for employment relating to loyalty (or to membership in an organization said to be subversive) rests with the Legislature if its rest anywhere. Such a power does not rest with the Regents. Even if the Regents did have such power under the California Constitution, however,

II. The 1940 and 1949 resolutions of the Regents violate the First and Fourteenth Amendments to the United States Constitution. There are a number of other federal Constitutional infirmities in the two resolutions (e.g., the denial of due process of law for want of a hearing on the mployee's fitness, the unconstitutionality of the resolutions as bills of attainder), but the First Amendment issue is such an easy one that I shall limit the federal constitutional discussion to that subject.

I. The Regents lack power under the Constitution of the State of California, to impose employment qualifications relating to loyalty or to membership in political organizations.

The Regents of the University of California are a constitutional department of the government of the State. California Constitution article IX, section 9. Their orders have the force of statutes governing the University. See, e.g., Hamilton v. Regents of the University of California, 293 U.S. 243 (1934). Thus there are some areas of University affairs in which the Legislature cannot act. However, there are also areas of legislation that are outside the jurisdiction of the Regents. In Toman v. Underhill, 39 Cal. 2d (1952), the Supreme Court of California dealt with such an issue: the University of California loyalty oath. In its opinion striking down the Regents' requirement of such an oath for faculty members, the Court drew the controlling distinction between "matter(s) involving the internal affairs" of the University and "subject(s) of general statewide concern." The first category falls within the legislative province of the Regents; the second falls within that of the Legislature. As the Court said in the Tolman opinion:

> "There can be no question that the loyalty of teachers at the University is not merely a matter involving the internal affairs of that institution but is a subject of general statewide concern. Constitutional limitations upon the Legislature's powers are to be strictly construed, and any doubt as to its paramount authority to require University of California employees to take an oath of loyalty to the state and federal constitutions will be resolved in favor ot its action."

Thus it is the Legislature and not the Regents who are empowered

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LAW PROFESSORS ACTIVE IN DAVIS CASE


Prof. Arthur Rosett


Prof. Kenneth Karst


Prof. Harold Horowitz


Prof. Leon Letwin


Prof. Henry McGee

by JON KOTLER

Five Law School professors were instrumental in composing each of the eight resolutions overwhelmingly passed at the emergency meeting of the UCLA Academic Senate which met to consider UC Regents' action in the Angela Davis case on October 1.

Those involved were Professors Arthur Rosett, Kenneth Karst, Harold Horowitz, Leon Letwin and Henry McGee.

Prior to considering the resolutions, the Senate approved the report of the Committee on Academic Freedom, whose five members included Professor Arthur Rosett.

The Committee report stated that the termination of Miss Davis' appointment by the Regents at their meeting of Sept. 19 was "in grave violation of the principles of academic freedom. . .(and) that it also impinges upon the individual and collective rights of all of the Faculty under the laws and constitutions of the state of California and of the United States."

Intervention Recommended

Recommendations by this body included legal intervention to seek a judicial declaration that "this infringement upon our rights of privilege and tenure and upon our constitutional rights is unlawful and void," as well as calling upon all members of the Senate to contribute to the expenses of the planned litigation "brought on their behalf."

Out of these recommendations came the subsequent lawsuit filed on behalf of the Senate, the details of which are explained elsewhere on this page.

Resolutions one through five, were drafted primarily by Professors Kenneth Karst and Harold Horowitz, and included proposals which ran the gamut from a demand that the Regents refute their stand upholding political affiliation as a basis for disqualification, to the appointment of an ad hoc committee charged with considering the legal aspects of the Regents' recent actions.

Specifically, Resolution One declared that "A faculty member's fitness to teach is to be judged by his professional qualifications and his own conduct, not the conduct of his political associates." It also called upon the Regents to honor their own Standing Order 102.1 which sets out that "no political test shall ever be considered in the appointment and promotion of any faculty member or employee."

Resolution Two states that the Regents' dismissal proceedings were "knowing and deliberate" violations of both the United States and California Constitutions as well as "official anarchy" and "the height of irresponsibility" in as much as "the University has a contractual commitment to Angela Davis (and) its officers, including the Regents, are sworn to defend the Constitution of the United States and the State of California." It ended by announcing that "it is time for these officers to demonstrate their respect for law."

The third resolution called upon the other divisions of the Academic Senate, the Statewide Assembly and the Academic Council to "join in this Division's repudiation of political tests for membership in the University facility and its condemnation of the Regents' action. . . ."

Resolution Four recommends that a "friend of the court" be appointed to appear on behalf of the Senate in any hearing the Committee on Privilege and Tenure may hold in connection with Miss Davis' dismissal "to argue against application of the Regents' resolutions of 1940 and 1949 disqualifying members of the Communist Party for membership in the University faculty."

Committee Established

The establishment of a committee to advise members of the Senate on the desirability, timing, and conduct of litigation to declare the invalidity of the Regents' resolutions was the subject of successfully passed Resolution Five. Subsequently, Professor Harold Horowitz was named to head the committee, assisted by Professors Kenneth Karst and Henry McGee.

Professor Henry McGee authored Resolutions Six and Seven, the latter calling for the establishment of the Angela Davis Fund "to guard against the possibility that Professor Davis may be severed from the University payroll. . . .and to assist in the payment of her legal fees and costs to oppose the willful action of the Regents."

The final resolution to come out of the meeting was submitted by Professor Leon Letwin, in his role as Chairman of the Senate Committee on Equal Opportunities. It reflected that any serious effort to implement a policy of recruitment of minority group members for UCLA faculty positions "required acceptance of the fact that minority candidates will, with some frequency, come with unconventional political backgrounds and views as judged from majority perspectives. Regentally imposed political tests which assault the academic freedom of all will fall upon such candidates with unusual severity."

Karst Files Suit To Block Regents

By JON KOTLER

An immediate outgrowth of the emergency meeting of the Academic Senate on October 1 was the filing of a taxpayers' suit by Professor Kenneth Karst and four others on October 3.

The complaint in the case of Karst v. the Regents of the University of California seeks both a declaratory judgment as to the constitutionality of the regental rule prohibiting Communists from holding faculty positions within the University, as well as an injunction against imposition of this rule by the Regents.

Attorneys for the plaintiffs, who are acting under the request of the UCLA Academic Senate, are Charles H. Phillips and Richard H. Borow.

On October 9, Professor Angela Davis, acting through her attorney John T. McTernan of Margolis and McTernan, intervened, and together with the original plaintiffs filed for summary judgment.

A hearing on this motion has been set for today by Superior Court Judge Robert W. Kenny.
W. Kenny.

However, attorneys for the Board of Regents have filed a demurrer and requested a change of venue to Alameda County, the home of the administrative offices of the University.

A Student's View

Resolutions in Davis Case Are Meaningless

By Allen Fleishman
SBA Vice President

The Student Bar Association's response to the Angela Davis affair has thus far been on par with that of our peers across the state. We of course dashed off the usual resolution of indignation "directing" (or did we demand?) Chancellor Young to permit Miss Davis to continue teaching. Having contented ourselves with a mild but responsible expression of anger, we assumed a wait and see posture. If Miss Davis' situation does not change for the better, I assume we will again "demand" or "implore", or "beseech" the proper authorities to take note once again of our indigantion.

Perhaps it is time, in light of Berkeley (see S.B.A.'s demanding letter to Ronald Reagan June, '69) and in light of Angela Davis, to pose a modest querry: What the fuck do we think we are going to accomplish with resolutions?!

It became clear to me in the aftermath of People's Park that students had been effectively disenfranchised across the board. Reagan demonstrated that the "people" of California are not those who voted overhelmingly in Berkeley for a park (including the scheduled recipients of the athletic field) nor are the "people" the sympathetic majority of students at the other U.C. campuses. With the Davis affair, Reagan extended this disenfranchisement to the faculty as well. In effect he and the Regents declared that the "people" were fed up and would not grant the University its needed monies unless a firm stand was taken against Comunism.

Meaningful Resolution

The only time resolutions are meaningful is when they devulge a shift in opinion from the extpected. Thus, if the Orange County City Council were to deplore the use of troops in crushing the Berkeley People's Park, that petition would effect a greater impact than 500,000 individual letters signed by students across the state. Therefore, the only people who benefit by our petitions is us. But then masturbation deosn't cause acne or mental illness either, and sometimes it keeps one's head together.

The logical direction one must be moved in after an acceptance of the above, is to a discussion of more effective means of protest. Let me begin by saying that I now believe that all traditional forms of protest are either suicidal or meaningless. It is my belief that the current Board of Regents, Superintendant of Education, and Governor consciously want to destroy the institution of the University of Californai and replace it with a second rate system. (That's a conspiracy folks!) I base this upon my conviction that they are answerable to the uniformed majority who simply do not understand the nature of the animal they feel so threatened by. The schools most rocked by turmoil have been those with the highest academic reputation; Harvard, Yale, Columbia, Berkeley and Stanford to name a few. But people today don't want anymore trouble.

Causes Are Irrelevant

Causes are as irrelevant to the average angry voter as they are to the newspaper from which he gets his information. Consequently, if the people in power are to appease the voter, a more docile institution must replace the present one. I simply do not think that the current Regents would hesitate to fire the entire faculty and replace them with second rate professors who are willing to "teach not riot" and second rate students who are eager to "learn not burn". Of course only a small percentage of faculty or students are really going to sacrifice their position once things get serious - but since they are what made the University great, their loss will be its death.

Conspiracy of Sorts

Given this conspiracy of sorts, a new confrontation is really what they want. With the Berkeley precedent behind them, the police will be shooting into crowds and the true repression will be on. In other words, while I promised advice on stronger action, I have concluded that any action will facilitate the destruction of the University.

The work that must be done is a massive educating drive on two fronts. On the one hand, we must show our fellow stu-

(Continued on page 8)

Miss Davis' Curriculum Vitae

BORN	January 26, 1944
1961-63	Brandeis University, Waltham, Massachusetts
1963-64	The Sorbonne, Certificate de la Literature Francaise Contemporaine
1964-65	Brandeis University, BA French Literature Magna Cum Laude, Phi Beta Kappa
1965-67	Johann Wolfgang von Goethe Universitat, Frankfurt, Germany. Studied philosophy under Theodor W. Adorno. Major work in field of German Idealism.
9-67 until 12-68	University of California at San Diego, MA in Philosophy. Passed PhD qualifying examination in Philosophy
10-68 until 6-69	Teaching Assistant, University of California at San Diego.
Currently	Working on dissertation concerning the problem of violence in German Idealism under the supervision of Professor Herbert Marcuse.

Sportlite

Prior To 'Real' Struggle: A Modest Proposal

by Jon Kotler
Sports Editor

No doubt there are many of you who need only see mention of November 22's SC-UCLA game and think that anybody who writes about it in October is getting excited about such matters a bit too early, especially with so much of the season yet to be played.

I would be the first to agree with this conclusion if the subject of this article was the game itself, that is, the relative merits of the combatants, the effect the outcome will have on the run for the roses, etc.

But it is not too early, in view of the ways in which universities and their various de-

Jon Kotler

partments resist change, however small, for a proposal to be made regarding the battle that occurs whenever the Trojans and the Bruins lock horns. I am speaking, of course, of the real contest that takes place on Big Game day: the battle for seats in the Coliseum.

Early Arrival

You all know the rules of this fun game, beginning with the requirement of early arrival, say 5 or more hours before kickoff. Then participants in the festivities have the option of standing, shouting "open the gate" to nobody in particular, standing, yelling at the cops who always seem intent on opening a path for a few motorists directly through the crowd of waiting students, standing, trying to breath, standing, protecting oneself from being forced against the chain link fence like so many heads of lettuce being grated, or standing.

Then, all at once, the floodgates open, and the hordes descend upon the choice seats, only to find them, more often than not, "reserved."

Reserved by whom?

Well, to be perfectly frank, what does it really matter, although common answers run the gamut from "XYZ Fraternity" to our own little rally committee.

Thus, after hours waiting for this glorious moment, you finally arrive at the promised land and eagerly await the game to start — from your wonderful vantage point five yards deep in the end zone.

'Great Strides'

Last year, according to the "Daily Bruin", great strides were made to alleviate the usual mob scene in front of the Coliseum as the powers that be really got their heads together to come up with a top-drawer solution. Instead of massing at one gate hours prior to kickoff, students would be allowed to mass at several gates prior to kickoff. Instead of funneling in one side of the Coliseum, students would be allowed to funnel in from several directions, though, naturally their destination would be the same as if the old plan was still in effect.

This really was a stroke of genius on somebody's part (and if that person desires to come forward, we will be most happy to give him all the credit he so richly deserves in the next issue). Yes sir, we've come a long way baby — all the way from the pre-1968 annual cattle drive to last year's version of "The Great Race." Of course, the problems of the hours of waiting, and "reserved" unreserved seats still remain.

The answer to this predicament is so simple that it boggles the mind. To wit: reserve all the seats in the student section for this one game a year on a first-come, first-served basis. Tickets for the game could be made available two weeks prior to its being played, and could be distributed either on an in-person basis at the athletic ticket office at Pauley, or by mail, based on earliest postmark, much like World Series tickets.

Romeo's Problem

Naturally, those Romeos who don't have dates until the Friday before the game will have to go with their buddies caught in the same predicament, but after all, we're talking about making things more convenient for those who are interested in watching passes, not throwing them.

Once this was ironed out — and granted, it probably wouldn't be too easy the first time around for all concerned —students could arrive at the Coliseum at their own convenience, like "real people" (i.e., alumni), and would not have to act and be treated like a gigantic herd of cows heading for the slaughter.

What, you may ask, are the chances of success of such a scheme? Well, in as much as this is the era of student demands and administrative submission to those demands, asking for the right to have tickets reserved for a football game seems harmless enough. Certainly if enough pressure is brought to bear on the athletic ticket department of the two schools involved, such a plan could easily become reality.

But it won't.

Scheme Won't Work

It won't for several reasons. It won't because affected students — some 15,000 annually from UCLA and 12,000 from SC —won't begin to complain about all the waiting and shoving and standing until November 23, a day after the game is played. It won't because those students on this campus who hold elected office and who are charged with protecting student welfare refuse to deal with any issue that, although it touches practically all of us, isn't political, and therefore, not worth their time. It won't because the "Daily Bruin", which in its way is an opinion-leader at UCLA, can't be bothered with an authentic student grievance for the same reason. And it won't because it's easier for the athletic ticket office to retain the status quo, seeing as how it is we the students, not they, who have to endure this asinine situation every year.

Besides, this year SC is the host team, so the UCLA ticket office isn't involved, or so they'll say, owing to the fact that SC is the host team. How's that for a convenient (and meaningless) cop-out?

It's really rather a shame that two schools which constantly promote themselves in the sports world as "big time" can actually be so bush in dealing with those whose support is needed to maintain their athletic programs. But apparently, that's the way things are, and so they shall remain, until a unified student body demands that changes be made.

However, don't hold your breath while waiting for student action since UCLA justly retains the title of "Apathyville, U.S.A.", with SC following closely behind.

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ET CETERAS: Those lucky enough to have witnessed SC's last-second win over Stanford a couple of weeks back no doubt sat in on one of the most exciting last quarters of any football game ever played at the Coliseum. This one even topped SC's impossible come-from-behind win over Notre Dame in 1964 and Gary Beban's magic in the closing moments of the 1965 Big Game.

But, for this observer, at least, the most remarkable aspect of "The Little Miracle of Figueroa Street' was the marked contrast of emotions between the Trojan and Indian players and fans immediately after Ron Ayala's post-gun field goal barely walked over the cross-bar.

The Trojans reacted as if that phone call from the governor came through just as the prison guards were strapping the condemned man into the electric chair. There was wild, ecstatic jubilation as well as tears of thanks for a seemingly miraculous deliverance just when it appeared that all hope was lost.

Indian Reaction

For the Indians, who once managed to snatch defeat from the jaws of victory, the end was swift, but hardly merciful, and there were rivers of tears on their side also.

And as the multitude swarmed onto the playing field and eventually out through the tunnel at the west end of the huge bowl, one's eyes were inevitably drawn to that lone figure pacing back and forth in what appeared to be a daze on the eastern end of the gridiron.

For Stanford Coach John Ralston, victim of yet another defeat by a Los Angeles football team, Chicken LIttle had been proved right again. The sky had fallen.

But how will this affect Tommy Prothro's high flying Bruin?

The Indians, barring their annual post-SC collapse, will show the Bruins the best passing attack on the Coast, if not in the entire nation. Jim Plunkett can throw with anybody, and uses his 6'3" size to good advantage. What makes him especially valuable, however, is his ultra-quick release, that time after time turned the Trojans' "Wild Bunch" into a group of spectators more properly dubbed the "Mild Bunch" who never did get to the Indian quarterback. Of course, the Trojan front line was hindered in their pursuit by the greatest pass-blocking the Coliseum or anyplace else for that matter, has ever seen. You just can't improve on a record which to date has not allowed Plunkett to be thrown for a loss while passing even once.

Talented Receivers

The Indians are also blessed with a group of very talented receivers, but more than that, they utilize their running backs as secondary pass targets with devastating proficiency.

On the other side of the coin, however, is the Bruins' pass defense, which remains a question-mark on an otherwise fine squad. If Plunkett is allowed to throw at will on Saturday, Ralston may yet end a seven-year jinx that finds his combined record against both SC and UCLA a slightly less than impressive 0-13.

But Stanford's defensive team, with the exception of their linebacking corps which is exceptional, hasn't been too effective thus far, giving up three touchdowns to San Jose State, which hardly qualifies as a football power, and letting both Purdue and SC come from behind in the last quarter of games the offensive team had seemingly put away.

Stanford Defense

Fortunately for the Bruins, the weakest part of the Indian defense seems to be the backfield, and this indeed argues well for the likes of sure-handed Gwen Cooper and the speedy George Farmer. There is no reason to believe that Dennis Dummit won't get off at least a couple of bombs to thse two during the course of any game, and against a weak pass defense, he may complete a heck of a lot more than a couple.

However, this is not to say the Bruins won't also be able to run on Stanford, but this won't be an easy task even for Prothro's ace tandem of Mickey Cureton and Greg Jones. But if Dummit is successful in his passing attempts, the defense will necessarily loosen up a bit, and allow the Bruin offensive line to open some daylight in the massive Stanford defensive front wall.

This is the last real test for Tommy Prothro's squad until November 22. If he wins at Palo Alto he'll have a full month to get his team up for SC, which is never a difficult task even when a coach has only a week to prepare and the game means nothing other than the city championship.

This time around, however, it may mean much, much more.

Separation of Power . . .

(Continued from page 5)

to set loyalty tests and their equivalent in employment qualifications - if any such tests may be required at all. In the next section, this memorandum demonstrates how the California Supreme Court has now held that even the California Legislature's efforts in this field are invalid violations of the freedoms of political association. But the principle of separation of powers that was enunciated in the Tolman decision remains the law of the California Constitution.

II. The 1940 and 1949 resolutions violate the freedoms of political assocation guaranteed by the First and Fourteenth Amendments to the United States Constitution.

Beginning in the early 1960's, the United States Supreme Court has consistently held invalid state and federal legislation either (a) forbidding employment of members of the Communist Party or other organizations described as subversive or dedicated to the violent overthrow of the Government, or (b) requiring, as conditions to employment, oaths or declarations of non-membership in such organizations. The Supreme Court of the State of California, following this line of decision, has held invalid the "Levying oath" that was embodied in the California Constitution. I shall outline three decisions of the U.S. Supreme Court, and the California decision just mentioned. Then I shall comment on the relevance of these decisions to the Regents' 1940 and 1949 resolutions.

(1) Elfbrandt v. Russell, 384 U.S. 11 (1961, struck down an Arizona statute that made it a crime & purjury for a public employee (in this case, a school teacher) to take the state's general oath of allegiance while knowingly being a member of the Communist Party or other organization dedicated to the violent overthrow of the Government. The Court's opinion makes clear that "proscription of mere knowing membership, without any showing of 'specific intent' (intent to assist in achieving some unlawful purpose of the organization), would run afoul of the Constitution . . ." The law, said the Court,

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Freedom of Association . . .

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imposed, "in effect, a conclusive presumption that the member shares the unlawful aims of the organization." Thus the law's coverage was too broad in its infringement on constitutionally protected freedoms of political association. For a thorough discussion of the implications of this decision, see Israel, Elfbrandt v. Russell: The Demise of the Oath?, 1966 Supreme Court Review 193.

(2) Professor Israel's prediction, implicit in the title of his article, was confirmed in Keyishian v. Board of Regents, 385 U.S. 589 (1967), which held invalid several New York statutes governing the qualifications for employment as a teacher in a public school or in the State University of New York. (The parties in this case were members of the faculty of SUNY, Buffalo.) One of the statutes struck down made membership in the Communist Party prima facie evidence of disqualification to teach in the University. The Court's opinion paraphrased the Elfbrandt opinion, saying:

> Mere knowing membership without specific intent to further the unlawful aims of an organization is not a constitutionally adequate basis for exclusion from such positions as those held by appellants.

While under the law it was possible for the presumption of disqualification to be overcome by an employee, the presumption would stand unless the employee could show (a) that he was not a member of the Communist Party, or (b) that the Party did not advocate the violent overthrow of the Government, or (c) that the employee had no knowledge of such advocacy by the Party.

> Thus proof of nonactive membership or a showing of the absence of intent to further unlawful aims will not rebut the presumption and defeat dismissal . . . Thus (this statute and a parallel statute) suffer from impermissible 'overbreadth'. They seek to bar employment both for association which legitimately may be sanctioned and for association which may not be sanctioned consistently with First Amendment rights.

(3) The U.S. Supreme Court followed these two decisions with United States v. Robel, 389 U.S. 258 (1967), which struck down a portion of the (federal) Subversive Activities Control Act of 1959 making it a crime for a member of a Communist-action organization that is under final registration order (here, the Communist Party) to be employed in a defense facility (here, a shipyard).

The Court's opinion uses language much like the language quoted from the Elfbrandt and Keyishian cases: "It is made irrelevant to the statute's operation that an individual may be a passive or inactive member of a designated organization, that he may be unaware of the organization's unlawful aims, or that he may disagree with those unlawful aims." While Congress does have the power to protect against espionage and sabotage, it must do so in narrowly-drawn legislation that does not bar from defense-facility employment persons whose political associations cannot be "proscribed consistently with First Amendment standards."

(4) On the basis of the Elfbrandt and Keyishian decisions, the California Supreme Court, in Vogel v. County of Los Angeles, 68 Cal. 2d 18, 64 Cal. Eptr. 409 (1967), held invalid section 3 of article XX of the California Constitution. This section required of public employees to sign an oath disclaiming membership in any organization that advocates the violent overthrow of the Government. This was a suit by a taxpayer to enjoin the spending of public funds on the enforcement of the requirement of the challenged oath. The Court discussed the Elfbrandt and Keyishian decisions in detail, and specifically in reliance on those two decisions reversed its 1952 decision that upheld a similar oath that was prescribed in the Levering Act of 1950.

THE FOUR CITED DECISIONS MAKE THESE POINTS CLEAR:

(1) Membership in the Communist Party cannot constitutionally be made a disqualification for employment, including public employment, and specifically including employment as a member of a state university's faculty. More specifically,

(2) A prospective employee of the University of California cannot be required to disclaim membership in the Communist Party as a condition on his being employed.

The Elfbrandt decision set the basic rules for constitutional validity in this area: Disqualification for employment cannot rest solely on the prospective employee's membership in the Communist Party, absent any showing of active and purposeful forwarding by the prospective employee of aims of the Communist Party that are demonstrated to be unlawful. (Other court decisions make clear that the Party's illegal activity must itself be proved in each such case. See, e.g., Moto v. United States, 367 U.S. 290 (1961). But the Elfbrandt decision dealt with a criminal statute, punishing one who took the oath of allegiance while he was a member of the Communist Party. The 1940 and 1949 resolutions of the Regents, it might be argued, do not impose punishment, but merely forbid the employment of a member of the Party. Here the Keyishian and Robel decisions are conclusive, making clear that the denial of employment on the basis of mere membership in the Communist Party is unconstitutional. (Robel did involve a criminal statute, but the language of the opinion also covers our situation: the statute, said the Court, "contains the fatal defect of overbreadth because it seeks to bar employment both for association which may be proscribed and for association which may not be proscribed consistently with First Amendment rights.")

The 1940 and 1949 resolutions of the Regents are even more clearly unconstitutional than was the statute in the Keyishian case that dealt with membership in the Communist Party. Under the New York statute, party membership was only prima facie evidence of disqualification for the prospective faculty member; under the Regents' resolutions, such membership is conclusive on the issue of disqualification.

The California Supreme Court's Vogel decision quite clearly applies to all public employees. Since the suit in question was a taxpayer's suit, challenging the spending of any County money on the enforcement of the oath, the decision does not rest on the peculiarities of one or another type of public employment. The oath in the Vogel case was held invalid on its face, not in any particular application.

Commentary

Administration Acts; SBA ???

by JIM BIRMINGHAM

The constitution of the Student Bar Association requires the Association to divide the First Year Class into three sections for the purpose of electing delegates to the SBA Executive Committee. Following the path of least resistance (and, in most cases, the most sensible path), the SBA has in the past simply accepted the division made by the Law School administration.

This year the administration confushed the poor Executive Committee by breaking the First Year Class into four sections. As a result the Executive Committee flunked its Con Law test. Their answer to the problem was that "Four into Three Won't Go".

The Committee decided that our Founding Fathers simply couldn't have meant that the SBA should really decide how many delegates should sit on the SBA Executive Committee. Nor when they said "three" in the constitution could they really have meant "three". Clearly they must have meant "three or more".

But, as always seems to happen, one dull fellow wanted to carry this interpretation to an extreme. In his naivete this delegate suggested that if "three" meant "four" when it applied to the First Year Class, it must also mean four when applied to the Second and Third Year Class. His fellow members laughed politely at the "illogical extension" of the doctrine. They became angered only when the clod appeared unrecalcitrant and pointed out to them that if they didn't amend the constitution or by-laws one way or another they were actually allowing the administration to decide how many delegates were eligible to sit on the Executive Committee and which classes they would represent.

Patiently the other members gently chided the idea that a student governing board really has anything to fear from the school's administration making any such decisions.

As a result the First Year Class will have four delegates on the Committee, while the Second and Third Year Classes will have three delegates each. And the present First Year Class will continue to have this advantage for all three years it is in school, if the administration returns to the three section arrangement next year as expected.

To those who view SBA as a game, this is not a very important point. But to those who take seriously such activities as the recent resolution calling on Chancellor Charles Young to abide by the requirements of Due Process and not be intimidated by regental threats in the Angela Davis matter this disregard of the SBA's own constitution is unfortunate.

The facts are that despite an effort by a few delegates to make appointment to such faculty committe dependent upon a popular election, the Executive Committee decided to retain that power in its own hands. Unfortunately, the committee neglected to name David Ochoa, the Chicano's choice, to the important Admissions & Standards committee.

The Chicanos took their protest directly to Dean Murray Schwartz. Their solution is to have four students on this committee, instead of the present two. The extra two students will be appointed one each from the two associations. If acepted, and how can SBA now logically protest, the school will have three student governments. It would then seem that the next step would be for the members of the Black and Chicano groups to protest their having to pay dues to the SBA on the grounds that this would be double taxation for them since they pay dues to their respective associations.

Facts Clarified . . .

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Chairman of the Los Angeles Privilege and Tenure Committee. In the event you request such a hearing, this letter will serve as a statement of charges, and you will have 14 days within which to file with the Committee a written answer to the charges. Final action then would not be taken until the conclusion of proceedings before the Committee."

On September 26 Professor Davis submitted to Professor Laties, Chairman of the Committee on Privilege and Tenure, her request for a hearing before the Committee, and forwarded a copy to President Hitch, thereby guaranteeing her status as a Faculty member of the University of California, Los Angeles until her hearing is concluded.

On October 1, 1969, an emergency meeting of the Los Angeles Division of the UC Academic Senate was held and the action taken in that meeting, and the important role played by Law School faculty members, is set out on page 6 of the DOCKET. Other actions taken by the Law School faculty since October 1 also appears in this issue of the DOCKET.

School Observes Viet Moratorium

On October 15, the day of the Vietnam Moratorium, many Law school classes were cancelled, and those that were held were sparsely attended, as students and faculty interrupted their regular schedules to "Work for Peace," although at least one professor joked that the fourth game of the World Series was also the reason for cancelling class.

Resolutions . . .

(Continued from page 6)

dents of the futility of meaningless resolutions and we must begin to look for the real causes of repression both at the University and in the land. On the other hand, we must channel the anger of the so called "taxpayer" against his real enemy. To do this we must deal with issues which he finds relevant and explore the ramifications upon his life of the current status quo. After he has dealt with the causes of inflation (not inflation's scapegoat), for example, he will more likely be receptive to our analysis of campus unrest. This is so becuase the Regents, as is now no longer a secret, are integrally tied to this nation's governmental, economic, and military heirarchy. (An understanding of friction thus facilitates an understanding of faulty brakes).

Then, like all sound domino theories, one by one the great problems will come clear and all the bad guys will be run out of the land so the good guys can live happily ever after. Fat chance!

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