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## Legal Forum

# Education for the Other America

The UCLA law school's Legal Forum Program co-sponsored a conference, on January 20, entitled "Equal Educational Opportunity for the Other America." The purpose of this program was simply to promote the unique opportunity of having members of the legal, educational, sociological, and philosophical professions combine and share their knowledge for a better understanding of what must be done for the achievement of real equal educational oppor-

desire to eradicate.

He suggested that the solution may be to abandon the old system. Kaufman insisted that the starting point for the resolution of the problem of inadequate schooling for minorities is to teach the children to think for themselves. It is only after this hurdle is passed that we can teach them skills and prepare them for the stiff competition inherent in modern life.

**Middle Class Standards**  
Professor Richard Wasser-



UCLA Law Prof. Horowitz listens intently to speech by Mr. Frank Goodman.

Photo by Joseph Hill

tunities for the "other America."

The conference began with a brief talk by Professor Arnold Kaufman of the University of Michigan. Professor Kaufman explained what was, in his opinion, the fundamental problem to be faced in the area of education, i. e. that the highly competitive system now in existence creates the inequality which we

strom of the UCLA law school briefly commented after Professor Kaufman's talk that he believed our present efforts toward "integration" served merely to enforce white middle class values on the minority groups, without helping them to grow in their own culture value system.

The second portion of the conference was begun with

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# Law School Revises Some Recent Policy

By SHELDON WEISEL

In the recent law school referendum, 77 per cent of the students voted against permitting the law school to give out a student's grades or class standing without his permission. On the question of whether interviewing firms ought to be allowed to specify a certain class standing for prospective

applicants, the vote was much closer, 134 were opposed and 125 were in favor of the policy.

In response to the large majority opposing the unauthorized release of grades, Assistant Dean McDermott disclosed that this policy has been discontinued. In the future, students will be asked to indicate on their job applications

whether they want their grades released.

No action, however, has been taken on discontinuing the present policy of allowing firms to restrict their interviewing to a certain class standing. According to Dean McDermott, "The vote was too close and the wording of the question too ambiguous to warrant specific action at the present."

The vote did, however, reveal that there is much disagreement over the merits of this proposition. One argument supporting the present policy is that the firms ought to have the prerogative to interview whomever they desire.

Critics of the present policy reply that class standing isn't necessarily indicative of the capabilities of each student and that a couple of points may vary class standing considerably.

It is also contended that the firms will not come to the law school because they do not have the time or resources to meet with every interested student.

Millie Johnson, the current director of the Placement Office, disagrees with this position. She believes that the firms will continue to interview at the school despite the inability to select their interviewees. Dean McDermott claims that the quality and prestige of the school would still attract most firms.

Mrs. Johnson also pointed out that most firms will see a student even if he does not meet the stated requirements. She could recall only one instance when an interview or asked that a non-qualifying student be taken off his interviewing roster.

In the letter the placement office sends to all prospective employers, it urges them not to place too much emphasis on class standing. The letter concludes, "It is our feeling that in the final analysis a multitude of factors in addition to grades determine who will be a fine lawyer, and properly fill your particular needs."

The issues surrounding the release of grades are much simpler. In the past, the Administration has made this information available upon the theory that by applying for a job the student impliedly assented to the release of his law school record.

Interestingly enough, Dean McDermott did not know of one case where a student had complained of this practice. "To be honest," he said, "I had not thought about it until the referendum."

Beyond their specific application, the disclosure of grades and placement policies call into question the value and efficacy

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# Dow Hearings Attract Law School Interest

by LON SOBEL

UCLA's own Warren Commission—the Student Conduct Committee, chaired by Law Professor William Warren—concluded its experiment with due process in disciplinary hearings by recommending that one student be suspended and four others be censured for their actions in last November's anti-Dow Chemical Company demonstrations at the Placement Center.

Each of the five students had been charged with "violating the Standard of Conduct of the University of California." That standard provides that "Students enrolling in the University assume an obligation to conduct themselves in a manner compatible with the University's function as an educational institution . . ."

One of the five was additionally charged with "violating the 'Regulations on the Use of UCLA Facilities by Students and Registered Stu-

dent Organizations,' which permit the use of sound amplifiers on campus only in the free speech areas and then only when their use does not interfere with other University functions."

On Saturday, January 13th, well over 100 spectators crowded into a small auditorium on campus to watch an unprecedented open hearing, replete with prosecution and defense attorneys. Prosecutorial chores were handled by Donald Reidhaar, associate counsel for the UC Regents. His case consisted of photographic evidence and testimony of administrators and campus police officers.

The five students including two law students, Joan Anderson and Dan Lund, were represented by law professors Leon Letwin, Lawrence Sager and Richard Wasserstrom. The thrust of the defense was channeled in several direc-

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## Law '68

# Miss Law School Plans Announced

What type of girl appeals to the Law School Faculty, to law students and to the prurient interests of DOCKET photo editor Dave Buxbaum? This and other questions will be answered when the candidates for the Law School's first annual beauty contest are announced. Nine organizations in the Law School have been invited to select by fiat or by democratic means. The contest which will culminate in the crowning of Miss Law School 1968 at the Law Day Dance in May. Miss Law School 1968 will be the object of a study in photography in Law '68, the Law School's first hardback covered annual which will be furnished to all law students without charge. The organized groups invited to enter are PAD, PDP, the Intramural Committee, the SBA the Law Review, the Moot Court, the Bruin Barristers (the Law School's alumni association), the Faculty, and last and least the DOCKET.

The contest will be judged by a number of notables here at UCLA whose names will be announced at a later date. There are several standards that must be met for candidacy: the candidate must be of the female sex, she must be good looking, she must be available for several occasions during the last school quarter, and she must enjoy peeling down to a two-piece bathing suit for the photo spread she will get in the Law School's annual Law '68.

It is hoped that the contest will stimulate interest in the opposite sex among the general student body of the Law School.

Aitch

## Interview

# Jones on Arbitration

By CHIP POST

"Los Angeles is the leader in the search for new approaches to legal problems. It is not yet generally recognized that UCLA's law faculty is as competent as any in the country.

There is really no noticeable difference in the character of the student body since the law school's beginning because student quality always has been good and motivation high. Adjudication will increasingly give way to more flexible forms of dispute resolving mechanisms."

These are some of the opinions of Professor Edgar Jones expressed in a recent interview, arranged to bring Docket readers abreast of some of

the thoughts and activities of this senior member of the Law School faculty. He was born in Brooklyn, New York, grew up in New Jersey, graduated from Wesleyan in 1942 in time for graduate work with the Marine Corps, received his law degree from the University of Virginia in 1950, and spent an extra year studying labor law under Charles O. Gregory.

### JONES JOINS THE CLUB

He was admitted to the Virginia Bar in 1948 under a special provision for admitting law students, and came to California and UCLA in June, 1951 to begin a career in teaching and labor arbitration. He has stayed to teach all the graduating classes, such a variety

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## Docket Proposes Tuition Campaign

As one wanders about the campus of UCLA he will no doubt hear time and time again calls to action. The law school has recently become "involved" in some of these goings on. To wit, two of our number were disciplined (i.e. probation) for their participation in the infamous Dow demonstrations.

Moreover, a few of the younger members of the faculty acted as counselors for these and other "defendants" in the public hearing which was held by the University. These recent events may mark an awakening of the law school community to the affairs of the world around it, and perhaps an attempt by this community to direct its influence to the resolution of important problems.

The DOCKET views the "Dow Affair" with mixed emotions. If this affair will serve to awaken the influence which the law school could bring to bear on socio-political issues, then undoubtedly it has served laudably. However if this episode was meant to effect a change in our Vietnam policy (or even persuade a majority of the public to change their opinion), then it has failed miserably.

And what else could it have been expected to do? The DOCKET contends that little substantive merit was derived from the whole venture in light of the considerable amount of talent and energy which was spent in its behalf.

We propose that those members of our community who have the energy and strength of purpose to devote time to problems like the Dow Demonstrations take upon themselves a task which is of greater importance to the University, viz. tuition. Not only is this an important issue which is very close to home in every respect, but it is a subject upon which we can truly bring our influences to bear.

There is no doubt that Gov. Reagan would hesitate to continue his fight for tuition (or whatever he wishes to call it), if he knew that an important segment of the voting public is strongly opposed to his proposal. Furthermore, the law students at UCLA under the facilities of their SBA organization could influence general public opinion by clear statements and brief explanation of their opposition to tuition, i.e. an SBA anti-tuition "lobby."

It may be recalled that about one year ago there was a great, and impressive response to the governor's proposals on this campus. At that time large and "powerful" organizations were formed to exert pressure on the supporters of tuition.

Now all this has become so much baloney. The organizations are gone, the campaigning is done, little is left except an aimless, impotent opposition. In fact over the past year only one voice has been heard in strong and continuous opposition to tuition, that of Speaker Unruh.

## Project, LAW '68

As a result of the recent SBA Referendum the Docket has been asked to direct the publication of the UCLA law school yearbook. To fulfill this task, we of the DOCKET's editorial board have selected one of our number to administer this project. Thus David Buxbaum (with the able assistance of Harry Arnold and Art Spence) will serve as the editor of the yearbook which he has chosen to call, LAW '68.

This is a new project for the law school. Last year's annual (the ill-fated Transcript) proved unsatisfactory, because it was not generally accepted by the students.

This year the project is in good shape, but it, too, needs active support from the students.

## SBA

# Crucial Issues Resolved

This year the SBA Executive Committee has attempted to provide meaningful representation for the law school. During the fall quarter the SBA Executive Committee held a comprehensive referendum which was designed to provide law students with an active role in the formulation of SBA activities and law school policies.

Based on the results of the questionnaire the SBA executive committee will go forward with several programs of general interest, such as the publication of 1st Year Presents, The Annual and the Law Day Dance.

Library rules will be enforced and in the future non-law students will be restricted from using these facilities. Exceptions will be made for wives and girl friends, and for people using legal materials.

Students indicated that they wanted a voice in resolutions concerning non-university related issues. Consequently, a referendum on controversial issues will be presented to the students sometime this year. Finally, students and faculty members drafted a new honor code which was approved by the student body and is now in effect.

Last quarter the SBA presented a symposium on "Involvement" where various legal programs allowing students to work with the law outside the school context were discussed. To date 46 students have, as a result of the symposium, become active in outside legal work.

The Legal Forum has presented a speakers program Thursdays at noon on various topics ranging from the use of drugs to penology. Past speakers have included Joe Dana, Dr. Sidney Cohen, Evelle Younger and Marvin Cahn. Last quarter a seminar on "What Constitutes the Practice of Law" was also presented. Michael Tiger, James Lorenz and Irving Lazar discussed some of the problems encountered by the practicing lawyer who attempts to participate in socially meaningful activities as well as carry on the practice of law.

Legal Forum also presented a conference on "Equal Educational Opportunities for the Other America" and will present another conference sometime the third quarter on "Civil Disobedience." A symposium on urban tension generated by Legal Forum will be held on a university wide basis in April.

In the past the SBA Executive Committee has been in charge of allocating parking spaces. This resulted in favoritism and a smaller number of spaces than would otherwise be available through central university parking. This quarter law school parking has been turned over to the campus parking office in an effort by the SBA Executive Committee to provide equal service.

Other successful activities have included the law school picnic, first year orientation and its continuing advisory groups, the athletic program and the law student-faculty beer bust (more of which are scheduled for the future).

The SBA Executive Com-  
(Continued on Page 6)

## Juris Imprudence

By Louis B. Hays

Have you heard the new legal theory advanced at the recent "trial" of UCLA students? Roughly, it goes like this: it's not what you do, it's why you do it. The ramifications of this ideal almost overwhelm the imagination.

True, the entire event, beginning with the activities at the Placement Center and ending with the much-publicized hearing, was wrought with elements of humor. A demonstration aimed partially at securing student rights resulted in the abuse of the rights of those who wished to interview with Dow Chemical Company. As a protest against the war in Vietnam it seemed particularly remote and ineffective.

Thus the involvement of our professors in the episode seems somewhat unfortunate in itself. Students facing punishment alleged viola of University regulations need protection from unfair arbitrary action. Legal counsel is probably their best protection. However, the publicity given what seems to be an indefensible defense not only maligns the profession, but more importantly, hurts the cause of responsible dissent.

\* \* \*

**Campus rumors:** Does Prof. Johanson really get a haircut every other day? Is Prof. Price a Dale Carnegie drop-

out? Will Terry Timmins be the vice-presidential candidate for the Peace and Freedom Party? Does Prof. Karst string his own beads? Is it true that Dean Schwartz moonlights as a bailbondsman? That Prof. Graham moonlights as a professor?

Ralph Nader, consumer crusader and nightmare of the auto industry, has suggested that law schools are geared to producing graduates that can aid wealthy corporations. He calls for a new concept in legal services, which by implication would result in smaller incomes for attorneys. To demonstrate that most of us are not interested merely in accumulating personal wealth, the Docket interviewed an average UCLA law student.

Q. Why have you chosen to enter the legal profession?

A. Money, man. I want to make lots of money.

Q. But what about public service?

A. Oh sure, yeah, public service. As long as I make lots of money.

Q. But don't you value public service over pecuniary remuneration?

A. How's that again?

Q. Getting paid. Isn't that secondary to aiding your fellow man?

A. What are you, some kind of troublemaker?

## Avoiding the Draft And Other Good News

By PAUL BELL

The Chilean law and social science students who will arrive at the Law School February 1 as part of the UCLA-University of Chile exchange program will spend 3 or 4 weeks of their 6 week stay in the United States at UCLA. They will discuss the legal and social frameworks of the two nations and will meet the five UCLA students going to Chile this summer.

In Chile, the study of law and the social sciences is unified in the Faculty of Judicial and Social Sciences. (Three law students and two social science students will make up the UCLA group).

The exchange program, funded by the State Department, makes it possible for the students involved to meet political and judicial leaders as well as professors—last year the group heard the Chief Justice of the Chilean Supreme Court and talked to professors who also held legislative seats.

### Summer Project

This summer, there may be an opportunity for the participating UCLA students to do research on the problems of land tenure among the Mapuche Indians of southern Chile. Five specialized courts have been created in an attempt to handle these problems.

The trip to Chile will take up most of the summer, with a few weeks of it devoted to

the discussions and meetings of the exchange, while the rest of the summer will be spent on the research project. Although the students did not have an organized research project last year and spent most of their six weeks in Santiago, several who made the trip worked on their own research.

\* \* \*

A general meeting of law faculty and students to discuss the forms of law school participation in Vietnam war protest has tentatively been scheduled for Friday, February 2.

\* \* \*

Correction for a citation in the last issue of the Docket. The cite for the Case of the Month should have read: 45 F2d 119 (2d Cir. 1930)

\* \* \*

The Book Exchange will be open from 1-3 p.m. Thursday, February 1, and 2-4 p.m. on Monday, February 5. At those times all students are requested to pick up their unsold books and/or money in the exchange. Any books not picked up will be sold to the local book store for the best price available.

A new draft counseling office will soon open at the law school. Thirty law students will offer advise to anyone on campus who wishes to avail himself of the service. The counselors hope to aid stu-

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## Case of the Month

10 Ind. 355

"Fun With the Dogs"



# Calif. Family Law Revisions Set Out

*Editor's Note: The UCLA DOCKET is honored to present this article on the proposed Family Court System by Professor Aidan Gough of the University of Santa Clara law school (who served on the Governor's Commission on the Family, at the request of former Governor Pat Brown). We are equally honored that Governor Brown has seen fit to write a brief introduction to Professor Gough's article. Professor Gough was graduated from Stanford U. (B.A. & M.A.) before he received his J.D. from Santa Clara. He also received an LL.M. from Harvard in 1966. Aidan Gough is one of the foremost experts on California Family Law.*

## INTRODUCTION BY

The Former Governor of California  
EDMUND G. "PAT" BROWN

Divorce is tragic to individuals involved and far-reaching in its consequences to the whole community. Since I was a young lawyer with a fairly extensive divorce practice, the laws and the legal procedures leading to dissolution of a marriage have troubled me.

As District Attorney, I saw the direct relationship of divorce to juvenile delinquency and crime. As Governor, I determined to do something about it.

The Governor's Commission on the Family was appointed by me to find out whether the state could not do more than it does now to keep a family together, and if not, whether better domestic relation laws could be enacted.

It is my opinion that the report of the Governor's Commission contains outstanding recommendations. I am sure that if the recommendations made by the Commission could be translated into law and then implemented by our courts, that it would be a real accomplishment.

## By PROF. AIDAN GOUGH

In California in 1966, (the latest year for which figures are available) there were filed 105,167 actions for divorce, annulment and separate maintenance. Nationally, one out of every four marriages ends in divorce; in California, one out of every two. Excluding post-decretal motions, adoptions, guardianships, juvenile court matters and the like, these domestic cases constitute more than one fourth of the civil workload of California's Superior Courts. It has become increasingly apparent that our legal procedures for handling family matters are simply not suited to the task, and that corrective measures are imperative.

The Governor's Commission on the Family was established by Governor Edmund G. Brown in May, 1966, to begin what the Governor termed "a concerted assault on the high incidence of divorce in our society and its often tragic consequences." The Governor charged the Commission with the responsibilities of studying and recommending revision of California's domestic relation law, and examining the feasibility of establishing Family Court on a statewide basis and suggesting procedures for their most effective functioning.

## Final Report

The Commission's final report was rendered on December 30, 1966, and its recommended Family Court Act was embodied in two omnibus bills introduced in both the 1967 and 1968 Sessions by Senator Donald L. Grunsky (R-Watsonville; SB 88) and Assemblyman Winfield A. Shoemaker (D-Santa Barbara; AB 230). This article will attempt to highlight some of the major points of that legislation.

The Commission took as its goal the establishment of procedures for the handling of marital breakdown which would allow the court to make a full and proper inquiry into the real problems of the family and which would afford some help to parties in the distress of marital disruption.

Under the present scheme of things, this kind of comprehensive treatment is virtually impossible. The law now treats family problems as though they were disputes between strangers. Family cases are commonly fragmented among

several different divisions or departments of the court. It is by no means unlikely to have, in a given case, nearly-simultaneous actions on the law-and-motion and domestic relations trial calendars, in the juvenile court and in the probate court, each involving related aspects of the same family unit and yet treated as a single separate controversy.

## Fragmentation

The net result is that the court cannot deal with the family unit, but only with isolated and splintered parts.

The Commission therefore recommended the creation of a Family Court in each county, as a part of the existing Superior Court, which would have full jurisdiction over matters relating to the family. These would include marriage; legal separation, declaration of nullity and the dissolution of marriage; child custody and support; alimony and division of property; paternity and legitimation of children; adoption, emancipation; guardianship of the persons of minors and incompetents; and any other cases involving the legal relationships between members of a family unit (except for intra-family torts and crimes; because these cases commonly require jury trials it was felt that for the present, at least, they could best be handled on the regular trial calendar).

With the complexity of our society and the rapid advances of our knowledge of human behavior, no family court judge however skilled can properly function without professional help. For this reason, the Commission recommended that the family court be equipped with a professional counseling staff, to assist the parties in reaching an understanding of their positions and to inform the court of facts and circumstances material to a proper resolution of their problems.

## Aid from Social Science

Trained in the behavioral sciences and appointed by the court, the professional staff would be available not only to provide help to the parties for the purpose of encouraging reconciliation, but also to assist them in working out the areas of controversy when divorce is inevitable. In addition to these services, the professional staff would be available for use in custody investigations, and

could provide post-dissolution counseling in proper cases to help reduce and resolve post-decretal disputes that now end in litigation.

The cost of such a program will be substantial, but the Commission believes that the cost of not remedying the deficiencies of the present system will be far higher, and the expenditures can be met—indeed, surpassed—by the achievement of greater judicial efficiency and savings in welfare costs. The actual outlay could be met, for example, by relatively modest increases in marriage license and divorce filing fees, and services could be provided to family courts in counties too small in population to support a full-time staff by the use of regional staffs operating from neighboring larger counties.

For the Family Court to function properly, it must operate within a legal process designed to minimize the conflict between the parties. The present adversary system of litigating family disputes, with its concept of marital fault as a determinant of divorce and its social and economic consequences, heightens the bitterness and hostility between the spouses; diminishes the opportunities for reconciliation; and militates against the amicable resolution of controverted issues where dissolution is warranted.

The efficacy of the adversary process for the ascertainment of the truth of disputed facts is unquestioned. The "truth" of a foundering marriage, however, is not so easily arrived at, and our present system of fault grounds, with its concomitant accusatorial pleading and proof, prevents the court from reaching what the Commission believes to be the essential questions before it: namely, has this particular union so broken down in fact that it should be ended at law, and if so, how may it be dissolved with the least harm to all parties concerned?

## Seven Grounds

Existing law specifies seven grounds for divorce, but ninety-five per cent of the divorce actions in California in 1966 were filed on the ground of extreme cruelty; ninety-five per cent were uncontested. Since (in the absence of "defenses" or fraud upon the court) the court lacks discretion to deny a divorce once proof of grounds is made, the real effect of the present law is to allow consensual divorce, the vice of which is that it fails to allow the assertion of a proper public interest in the welfare of the children of the marriage and in helping the parties to readjust to their new state in life.

The doctrine of marital fault as a determinant of marital dissolution and the consequent matters of support and division of property is blind to the realities of human interaction. The husband-wife relationship simply is not characterized by the perfect innocent on one end of the log and the "compleat fink" on the other.

The law now treats as causes of family breakdown acts of behavior (e.g. adultery, cruelty, wilful neglect and the like) which are in reality symptoms of deeper ills, of a relationship gone bad. It regards each of the grounds—or, rather, the acts which constitute them—as having pre-



PROF. AIDAN R. GOUGH

cisely the same significance in each marriage, and thus (as a recent Church of England report puts it) "invests (them) with a spurious objectivity." And to make matters worse, it requires that these acts be pleaded and proved in a fashion least likely to encourage conciliation, the resolution of controversy, or the amicability of future relations, particularly insofar as children are concerned.

## Recommendations

The Commission therefore recommended that there be comprehensively substituted for the existing grounds of divorce a standard that marital dissolution should be ordered only upon a finding by the court that, in a particular case, the legitimate objects of matrimony have been destroyed and there exists no reasonable likelihood of reconciliation. Under the proposals of the Family Court Act, marital fault is eliminated as the single controlling factor in marital dissolution, in the awarding of alimony and support, and in the division of community property. Alimony and support would be awarded upon the basis of the needs and circumstances of the parties; community property would be divided equally except where the court found that economic circumstances required a different result.

(This would primarily be the case where division would extinguish the asset—e.g., the minuscule equity in a tract home, the small closely-held business and so forth.) Marital misconduct would of course be relevant to the question of marital breakdown, and would of course be considered; it simply would not be the determinant which is presently is.

## Annulments

Because the essential question raised in suits to annul voidable marriages is the same as that raised in suits for divorce—namely, have the legitimate objects of this particular marriage been so far destroyed that the marriage should be ended at law—the Commission recommended the coalescence of existing actions for divorce and for the annulment of voidable marriages into a single action termed the "dissolution of marriage." The Family Court Act preserves the declaration of nullity for void marriages, and permits separate maintenance if both parties agree.

The process would no longer be begun by the filing of a complaint, but rather by a neutral "petition of inquiry" which would simply ask the court to inquire into the continuation of the marriage and which would confer upon the court the same plenary jurisdiction now gained by the filing of a complaint. An initial evaluative interview by the professional staff would follow the filing of the petition, in order to inform the parties of the availability of resources in aid of conciliation and to assist them in resolving insofar as possible points which remain in dispute between them.

At the conclusion of any counseling undertaken, but in no event later than 120 days after the initial interview, the counselor would file with the court a short report giving his opinion on the state of the marriage. This report would be prepared only after consultation with the attorneys for each party.

## Closed Hearing

At the hearing, which will be closed to public access following present juvenile court practice, if the court concludes upon all the evidence that the marriages has irretrievably broken down, it shall enter an order dissolving the marriage. If the court is in doubt, it may continue the matter for a period not to exceed 90 days. If at the end of this time either party still insists upon dissolution, the court is required to find that the marriage is irreparable and to enter an order dissolving the union. Orders of dissolution would be effective when made, thus eliminating the present interlocutory period and placing the "cooling-off time" before the decree rather than after it.

These proposals of the Family Court Act are no final answer to the problem of how the public interest in family stability is to be achieved. They do provide a starting point, however, and one which will at least afford a process be the least afford a process designed to reduce the mutual levels of destruction between spouses and minimize harm to their children.

The present system blocks proper scrutiny and help, heightens bitterness and harms all concerned, breeds hypocrisy and dissimulation, and has eroded public confidence in the courts. It is high time we changed it.

# Three Political Views: On the left: Demo-Doves Candidate Essential for End to Vietnam War

## On the right: Red

*Editor's Note: The articles which appear on these two pages are written by a past president of the California Federation of Young Democrats, a committee chairman of the United Republicans of California, and a philosophy professor, who expresses no partisan political affiliation. Not only do each of these articles (by themselves) possess a controversial and provocative character, but when the three are placed in comparison they reveal a dramatic contrast not only in the interpretation of events and political movements, but in the principles upon which political activity is supposedly based. While the DOCKET does not adhere to any of the opinions expressed therein it recommends each of the three articles to its readers, for they bear some merit if only as a source of political controversy.*

By HENRY WAXMAN

"Bosses and established leaders," Theodore White observed in his *The Making of the President 1960*, "hate primaries for good reason; they are always, in any form, an appeal from the leaders' wishes to the people directly."

In 1968 only fifteen of the represented states and territories at the Democratic and Republican National Conventions will select their delegates by a direct vote of the party rank-and-file. Needless to say, of the fifteen, many will fall far short of affording party members a meaningful democratic choice of party representatives and issues positions.

The Democratic Party primary in California offers a unique and historic opportunity for Democrats to register a point of view on the policies of the present national administration and on the type of political party that will represent them in California. Lacking a favorite son candidate, several slates will appeal to party members for support, ranging from a possible pro-Wallace slate to the "peace slate" formulated by the California Democratic Council under leadership of Sen. McCarthy.

The California Democratic Council (CDC), the largest volunteer political organization in the country, is composed primarily of club members who participate in politics as an avocation because of their concern with certain social issues and the candidates who represent those issues. Their motivation and drive, unlike that of the party pros, stems primarily from concern with the issues that make meaningful an electoral process and their participation in it.

### SEPT. MEETING

On September 30, the CDC voted to initiate a "peace slate" of delegates from California to the Democratic National Convention, pledged to a platform plank opposing our present policy in Vietnam, supporting a position for negotiated withdrawal from that nation's civil war, calling for

a return to the premises of the New Frontier and Great Society at home—and to support a candidate for president and vice-president adhering to these goals.

The idea to have such a slate was not new with CDC. Members of the California Federation of Young Democrats passed a resolution calling for such a slate as far back as January, 1967. Members of the YDs, who are also active in CDC, helped carry the cudgels for such a slate in CDC and are now active with CDC in the formulation of the slate.

Specifically, CDC elected a 75-member Steering Committee, which is empowered to set up the mechanics of selecting the actual delegation, including local conventions. The Steering Committee is instructed to reach outside its ranks and that of CDC to bring on the committee and involve in the formulation of the slate, leaders in other like-minded organizations and in various fields of endeavors.

### COALITION

The thrust of such an expanded committee will be to include in the pro-slate coalition, leaders from peace, civil rights, civil liberties, organized labor and minority communities. Out of this "peace slate" will come the makings of a new liberal coalition to rebuild the Democratic Party for 1968 and beyond—A coalition which will try to make the Democratic Party truly responsive to the reconstruction of American society in the interests of greater social justice.

The war in Vietnam and the opposition to it is the predominant reason for the slate, as it is the overriding issue of our time. Gerald N. Hill, president of CDC, declared: "The war is dividing our party. The war is dividing our country. The war has turned the hopes for a massive war on poverty into prolonged frustration. The war has diverted America from advancement in civil rights and economic opportunity for all Americans."

The "peace delegation" pledge calls for (1) an immediate cessation of the bombings of North Vietnam; (2) negotiations with all participants for settlement of the war so that American forces may be withdrawn; and (3) international guarantees of non-intervention in Vietnam.

In addition, the delegation is pledged to a statement of "support for the struggle of Black people, Mexican-Americans and other minorities for freedom and liberation from oppression" and to the right of minority members "to determine their own destiny through leadership and control of their own communities."

### VICTIMS OF THE WAR

In passing this part of the policy-statement, CDC recognizes that the problems of the Negro community, which has been one of the major domestic casualties of the war, can-

not be answered by imposing white middle class solutions. CDC went on record for an end to racism as well as the war.

The war in Vietnam and the injustices of our ghettos are inseparable problems — and both gnaw at the conscience of every concerned Democrat and citizen. Senator Fulbright described the dilemma when he stated; "Abroad, we are engaged in a savage and unsuccessful war against poor people in a small and backward nation.

At home — largely because of the neglect resulting from twenty-five years of preoccupation with foreign involvement—our cities are exploding in violent protest against generations of social injustice. The price of the war is the "poisoning and brutalizing" of our domestic life. "The price of empire is America's soul and that price is too high."

As lawyers, we are committed to an orderly and rational process in the administration of justice which, above all else, rejects violence and physical force as a means for solving problems. Yet, what may a slum Negro expect when he finds a society engaged in foreign misadventures, indifferent to his plight.

He hears the President of the United States contend that only through the pressure of continuous bombing will Ho Chi Minh come to reason. In this context, should he not accept riots and snipers' bullets as a way to bring the white man to an awareness of the Negroes' plight?

The idea of the peace candidacy of Sen. McCarthy constructed around a new coalition of liberal forces in the Democratic Party is an unprecedented one. But we are living through unprecedented times. Many will criticize the move as divisive of the party. But we have to face up to the fact that our party is divided and will remain divided on this issue no matter what we do or do not do.

### WAR & PEACE

It is preferable to confront the issues of war and peace and the direction of our society headon, than to stand by quietly as our party goes down to ignominious defeat pursuing the wrong policy, while we did not have the courage to force ourselves and our fellow Democrats to do what must be done.

The CDC-initiated "peace slate" will give the individual registered Democrat his first real opportunity to have his say on the question of the war in Vietnam and the concomitant questions at this historic juncture in American life. In proposing this slate, CDC is performing the noblest purpose of a political organization and may have its part in changing the devastating trend of recent history. This slate is not only proper, but it is demanded of us as responsible and concerned citizens.

By WALTER HINTZEN

There are certain things which all men in common hold to be good and sacred, such as Motherhood and Peace. The political joke has the politician coming out foursquare for Motherhood, a satire on the crude device of tying a questionable quantity to a universally respected one in order to gain acceptance for the former by transference. Most abused by this practice is Peace.

Early in World War II, the Communist Party, U.S.A., worked for "Peace." They marched, pamphleteered, held rallies and in general moved heaven and earth for "Peace." The day following Hitler's attack upon the USSR—ending the Hitler-Stalin pact—the U.S. Reds did a complete about-face and began agitating for intervention. Their love for "Peace" was shown to be nothing other than concern for the interests of World Communism.

In 1923, Lenin issued the following directive to the faithful around the world: "We must secure the good will of teachers and professors in schools and universities, of liberal ministers of religion and of the pacifists and reformers of the world in order to create a mental barrage in the minds of the capitalist youth, which shall forever bar them from participating in a carnal conflict with the Communist order."

The Special Committee on Un-American Activities, House of Representatives, Seventy-fifth Congress, in its investigation of Un-American propaganda activities in the United States in August, 1938, Volume I, page 662, reported the following:

### THE SO-CALLED "PACIFISTS"

"Long ago the Communists at Moscow set the course insofar as pacifism is concerned, for the radical forces in non-Communist countries. This course is again reiterated in the Moscow Izvestia under date of August 1, 1929. Izvestia is the official organ of the Third International and the Soviet Government, in Moscow. It says:

"While the defense of one's fatherland is not to be tolerated in imperialist countries (and of course every country, according to Russia and Communists is imperialistic that is not dominated by Russia and the Communists), in the country of the proletarian dictatorship it (defense) is one's first duty."

"Consequently, it is not strange then that we find over 1,000 national pacifist movements within the United States, without a single one in the Soviet Union. It is not strange then to find that most of these pacifist movements in the United States are bound up into united front groups, then into Internationals with headquarters abroad from where they receive their inspirations and instructions."

Dimitri Manuela, in speaking to a training class of American Communists in Moscow many years ago, stated: "We will launch the greatest peace offensive ever seen. There will be unheard of overtures and startling concessions. Then,

when the decadent imperialists are lulled by a false sense of security, we will crush them with our clenched fist!"

### SOVIET PLANS

It can be seen by any reasonably perceptive person that the prophetic plans of the Soviets are coming along just as they thank you. It is not likely to be a coincidence that in all "Peace" agitation we see and again the familiar and hear the familiar voice such as Pete Seeger, Baez, Bettina Aphtheker, Tina's father as well as recognized members of the senior Communist Party as well as various activists such organizations as SL CORE, New Politics, etc.

Are there any sincere people involved in all this may agitation for "Peace"? Of course. Most of them are sincere. As was stated at the set, it would be a strange son who is against Peace.

But the Communists — others whose motives must be left to the imagination — succeeded in the past decade in foisting upon the American public their own definition of Peace. Dr. Fred Schwarz said it this way:

"The Communists believe they are at war. They demand 'peace' with all their heart. But to them, peace is a golden consummation when the progressive force of Communism totally overwhelms American imperialism and climaxes in Communist world conquest. By definition, 'peace' is Communist world conquest."

It is my personal experience that those people who were pulled out of Vietnam at the events because "wars never solved anything" will, if surprised with the question, emphatically state that we are right in sending our military to Europe to fight against Hitler. The internal contradictions of the views on "peace" of the Communists have been—frequently—adopted by many sincere and well-meaning Americans. What do these people claim as grounds for their previously incompatible views? That Hitler was more dangerous? (I've heard that often.) Really, now!

### CUBAN THREAT

I don't recall any Nazi within 90 miles of the United States. That the Soviets are not vicious or bloodthirsty as the Nazis? (This is a favorite Hitler's fiercest enemies have even claimed that he killed more people than Stalin allowed to starve.)

OWN UKRAINE in order to break the resistance to collectivization of the small farmers. No horror in history can match the Soviet record in the Baltic countries, in Hungary, in Poland and in four Republics and one province of Russia herself. In the atomic age, WAR IS UNTHINKABLE? Not a war thinkable, but we are not one.

Our trouble is that the enemy knows we are at war, and it appears to be ignorant of our fact; our enemy is not bluff; and we appear to be rabbits; our enemy knows how to fight WITHOUT the atomic weapon" (He made



# on the right, and in the clouds

## Run "Peace" Effort

greatest gains before he ever (the H-Bomb), and we appear to know that our country is fighting us.

Finally, one doesn't die any longer under an atomic blast from a soft-nosed bullet into the base of the skull, from hunger, or from being through with a spear. The noble standard of the Peace is nothing more nor less than a Soviet tactical device, whether used knowingly or unwittingly.

### COMINFORM

The Cominform, in its organ December 7, 1951, noted with satisfaction the progress of the peace movement in the United States. The Cominform had no reason to be satisfied.

Activities were then under which were investigated reported in the Fourteenth report, Senate Investigating Committee on Education, Senate of the State of California.

we find the Fellowship of Reconciliation, which states on page 4 of its booklet "Forty Years For Peace—A History of the Fellowship of Reconciliation, 1914-1954" the following:

Out of its activities and the concerns of its members and committees have grown such diverse organizations as the National Conference of Christians and Jews, the American Liberties Union, The Religion and Labor Foundation, Workers' Defense League, Committee on Militarism in Education, the Congress on Racial Equality (CORE), the National Council Against Conspicuous Consumption, the Society for Social Responsibility in Science, Church Peace Mission and American Committee on Africa.

The National Executive Committee of this Fellowship of Reconciliation in 1950 in the "Peace Movement and United Fronts" stated:

Participation in 'United Fronts' for peace seems to us primarily to involve people in assisting the Communist Party carry out its announced purpose through these 'fronts' to strengthen itself and to gain a foothold for its total program in this country and throughout the world.

**US-RUSSO ALLIANCE?**  
Even where our immediate apparent objectives may, therefore, be the same — as, in being opposed to war with Russia or urging abolition of atomic weapons—it is better to work on what might seem to engage in joint activities seem to be parallel lines

On the other hand, we are convinced that in the final analysis the only people and groups who will be able to exercise some real influence in this country against hysteria against war with Russia, and for the defense of civil liberties for Communists and for the preservation of democracy in the United States, will be those that are themselves clearly not Communists and not partisans of Russia.

Abram Jakob Muste, an organizer and for many years executive secretary of the Fellowship of Reconciliation, was involved in many other interlocking activities. In 1933, on September 30, he shared the

speakers platform at a United Front Anti-War Congress in New York with Earl Browder and other Communists.

In September, 1942, a Mr. Hassler, writing in the Fellowship's publication "Conscripts of Conscience," praised Muste for refusing to register for the draft after Japan had attacked Pearl Harbor and terminated his eulogy with the following words:

"... and attracted to the singleness of purpose exhibited by the Communists, he deserted both the Church and pacifism for Trotskyist Communism."

The Eleventh Report of the California Senate Investigating Committee on Education carried the following item:

"American Workers Party: This movement is led by A. J. Muste and a group of left-wingers. While it claimed to have no Communist connections it united with the Communist League of America under the above name, adding 'of U.S.A.' The program adopted by the organization was in line with the ideals of Lenin, Trotsky and Marx. It claimed to be more militant than the Stalinist movement in the United States of America. Professor Sidney Hook of Columbia University was one of the organizers of the new movement."

### INFAMOUS MUSTE

A. J. Muste was only taken as an example. Other leading lights of the Fellowship of Reconciliation have similar backgrounds. This, then, is the organization that proclaims itself the fountainhead of such other organizations as the ACLU and CORE as well as an endless list of "Peace," anti-conscription and anti-militarism groups.

When A. J. Muste turned 65, a committee of his friends tendered him a testimonial birthday celebration. Norman Thomas, perennial Socialist Party candidate for President, was the M.C. The list of sponsors included, among various fellow-travelers and Socialists, the name of John Dewey.

This is the man—so comfortable in such surroundings!—who, from his bastion in the tier of East Coast colleges and universities spread the Socialist gospel across the campuses of the land. It was his "school," his philosophy, his disciples that brought into repute and finally into dominance those ideas—the degeneracy of history and geography into "Social Science"—denigration of capitalism, property and free enterprise—the subversion of patriotism—permissivity—which in their totality served to undermine the manhood of the coming generations and made the universities into inexhaustible suppliers of warm bodies for the "Peace" movement.

Peace per se, by all means! But before you buy, be sure to check the price tag. It does not take two to make a quarrel. The most abjectly conciliatory attitude will not save us from an enemy who is utterly fanatical in his determination to destroy us if we will not be enslaved.

Peace? Yes! But not at the price of Freedom.

## In the clouds: Socratic Method as Applied to Political (un)Reality

By JOHN W. NEUMAYR

In Plato's dialogue called *Gorgias*, Socrates paradoxically states that "tyrants have the very least power of any in our cities; for they do practically nothing that they will but do only what seems best to them." He proceeds to explain that against all appearances (for they rule absolutely and at their discretion, it would seem) they do not do what they will. This is so, though they do what "seems best" for them to do.

Socrates argues that this is not doing what they will, for men do not will on any occasion what they do but they will that for the sake of which they do it; for example, one who drinks an unpleasant medicine on a doctor's orders does so not for the drinking but for the sake of his health. Likewise, men sail the seas and suffer dangers and trouble not for the purpose of sailing but for wealth, and, in general, if a man acts for a purpose he does not will the act, but the purpose of the act.

He then proceeds to divide exhaustively the things in the world into those that are good or bad or intermediate between the two. Such things as health, wealth, wisdom and the like are conceded to be good and their opposites to be evil. Intermediate things are things such as sitting, walking, running, sailing, stones, timber and all these things which may be sometimes good, sometimes bad and sometimes neither.

Now indifferent things, such as sitting or sailing are clearly done for the sake of the good and not vice-versa. Thus the tyrant when he kills a man or banishes him or confiscates his property at his apparent will does so not for these acts themselves but for the good. He wills these acts if they are advantageous to him, but if they are harmful he does not. Thus man wills the good not the evil nor the indifferent. Now if the tyrant does what seems best but it turns out to be harmful (that is, evil) he is not doing his will.

The point of Socrates' argument is that, though one be free from external determination in one's actions, this is itself no guarantee that he acts according to his will, for, in his blindness or ignorance, he may be doing that which is harmful to himself, which he cannot will as such. Man acts according to his will perfectly only when he chooses such actions as truly attain the good.

It helps to appreciate Socrates' example if one understands the tyrant as a man with the vice of injustice at least; that in exploiting his subjects his vices grow; that vices are to the soul as sickness is to the body; and that the effect of his unhindered viciousness is to make himself more and more morally infirm. He cannot knowingly will his infirmity as such, i.e. as what is truly harmful to himself.

When Socrates first proposed to Polus, his disputant

at this point in the dialogue, that the tyrant does not do his will, Polus described this assertion as "shocking and fantastic". It appears to me that this paradox would likely elicit a reaction of similar incredulity from our contemporary mentality concerning free will and freedom...

In political rhetoric no word has a more common function than the word freedom. It generally signifies something of ultimate importance, an end, if you like, and moreover something whose meaning is supposedly apparent to all. In the theories of libertarian democracy and laissez-faire liberalism, the term freedom signifies an end whence one argues to the justification of widely different ideologies, but freedom retains a sense that is very much the same in both.

Is this sense not freedom as Polus understood it: freedom in the manner of the tyrant who is free to "do his will?" That is, is it not merely freedom with respect to external control or regulation? But if this is the meaning it has in political argument and, if at the same time it is used to justify all other political things, would one not correctly raise the question in the light of Socrates' argument as to whether it must itself be justified by a "purpose?" (Furthermore, if it is not itself "the good" then, unless it is rectified with respect to the good or advantageous, can it be called freedom at all?)

If it is not truly that which is advantageous to man in itself, then it would not *eo ipso* justify ideologies that serve it. For example, if freedom in political jargon means such things as the unregulated right to speak, and if speech is one of the "intermediate things" like sitting or sailing, it is not sought for its own sake and therefore cannot of itself justify anything else.

The objection based on Socrates' argument would seem in the nature of things to apply. To expand the argument somewhat, we recognize in ourselves a freedom of the will by which we do not act in a spontaneous way absolutely, but rather after deliberation. At least, we acknowledge this practically when we indulge in discussions of ends and means, say, of a political nature; this experience implies an awareness of free choice and of a basic internal indeterminism, sometimes called free will.

This free will in fact gives rise to all of our moral and political questions in as much as we recognize in ourselves the possibility of doing something or not doing it, whereby, ineluctably, we raise the question of which is the better course to follow. Through deliberation and choice we seek to overcome the problem that arises from free will. Obviously we do not do this by destroying free will but by exercising it and thus determining ourselves to one or the other of alternate actions.

One, for example, may be presented with the choice of learning or not learning the

law and one's election to do so determines him with respect to these alternative possibilities. Now among the infinite possibilities the will is determined only with respect to the good or advantageous, as Socrates' argument made plain.

This, he argues, we can never will away or ignore, but being determined to it, all of our choices are for the good or at least what "seems best." Our choices therefore do not pertain to ultimate ends, but to the means through which these ultimate ends are attained. It is our indeterminism with respect to these means that moral and political deliberations are intended to overcome.

Again it is not merely what "seems best" that is consonant with our wills because it is the truly advantageous that man wills by nature and not the apparently advantageous. That is, one could not knowingly will the apparent good. Thus Socrates said the tyrant does not do his will, though he does what "seems best" to him.

Now "freedom" in the popular political sense is not understood in this way but rather, as we said, as an independence from external determinism concerning such as Socrates would argue, sometimes good, sometimes bad and sometimes neither; thus as such they are never pursued for themselves. The use of speech willy-nilly is not "doing one's will" but only as it aids him in attaining the good.

"Freedoms" of this order, taken by themselves, as a matter of fact, tend more in the direction man's primordial indeterminism and not in the direction of the advantageous. But man hopes to overcome this primordial condition and through political life. Therefore, when politics argues by holding up such "freedoms" as the ultimate ends it seeks to secure, it not only argues from what is not by itself good and thus not an end, but it denies its own *raison d'être*.

If such "freedoms" are provided and protected by law this is not to represent them as ends or "purposes" lest they cease to be freedoms at all. Politics, by the Socratic argument, must have an interest in "purposes" beyond such guarantees, which "purposes" cherished "freedoms."

It may be that a consideration of those things beyond the matters about which we may deliberate and choose is not involved in all or even most matters of political discussion, but fundamentally there must be some understanding of the genuinely advantageous. Otherwise the state would resemble a would-be marksman who knows everything save where the target is. For want of this one bit of knowledge he cannot be a marksman in any sense. In this way, "the unexamined life is not worth living," as Socrates says elsewhere, because it is not a human life. It is a life of slavery in the most profound sense, for in such a life man cannot "do his will".

## Moot Court

## Belli and Nizer Praise New Appellate Handbook

By SUE SCHAEFER

For the past two years, the Moot Court Honors Program has been involved in studies designed to make participation in moot court more beneficial. This has resulted in the preparation of the **Handbook of Appellate Advocacy**, designed to assist the student advocate in mastering the fundamentals of oral and written argumentation during his first exposure to the appellate process.

The text presents examples from actual briefs and transcripts to illustrate proper techniques through the use of contrast and thoughtful discussion. Critics, including Melvin Belli and Louis Nizer, have commented favorably on the book.

It has been particularly gratifying to sell 2000 copies to law schools across the country, because they were not aware of the **Handbook** when

the school year began. Most moot court programs begin in January or February, and books are selected far in advance.

Those law schools using the book as a required supplemental text are the Universities of Michigan, Maine, Santa Clara, North Dakota, Utah, and Indiana. Loyola of Chicago, Western Reserve University, Golden Gate, and UCLA are also requiring the **Handbook**.

In addition to these schools, many have ordered multiple copies to be used for various organizations such as moot court and law review. Due to the late date at which law schools were notified of the book, some have expressed interest in ordering the **Handbook of Appellate Advocacy** in the future, so its continued success seems assured.

## LAW WIVES

by Susie Cook

I hope that you had as nice a Holiday Season as we had and are ready for a busy New Year. For Law Wives, indeed, has a busy schedule of events. By the time of printing, we will have already enjoyed our first Theatre Party. On January 27 we saw "Come Blow Your Horn" at the Circle Ten Theater. An after theatre party was held at the home of Carol and Ian Bardin.

As I mentioned in my last Docket Article, one of our good deeds for the year is helping out at Legal Aid. A special thanks to those who scrubbed and painted for legal aid this past December and January.

If you've been waiting for the chance to get rid of that white or even red elephant our next meeting is your chance, for we are having a Silent

Auction (silent because the bids are written instead of called out). Highest bid takes the item. The date is February 7 at 7:30. Watch for the poster giving directions.

Last but not least on our schedule is our Cultural Heritage Tour Saturday, February 17. We will board a bus and travel through old Los Angeles, Plaza Church, old Fire House, Olvera Street, the Bradbury Building, a ride on Angel's Flight, Bunker Hill, and San Antonio Winery. The cost is only \$1.00 per person so don't miss this fascinating tour. Make your reservations early.

Oh, almost forgot, our professors course will be on February 20, Professor Horowitz will be the speaker. The subject will be "Equality of Educational Opportunity."

## Sen. Tydings Visits, Meets With Students

U.S. Senator Joseph D. Tydings from Maryland visited the UCLA law school on Friday, December 8. His visit began with a breakfast with student leaders of the various law organizations, e.g. Bob Harris from law review. The conversations at the breakfast

ranged from Vietnam to a discussion of urban problems and internship programs.

On the subject of Vietnam the senator seemed to hold a position akin to that of Sen. Robert Kennedy, i.e. disagreement with the Johnson Ad-

(Continued on Page 7)



Dean Maxwell welcomes Sen. Tydings

—Photo by Joseph Hill

## Best Prof. Nominees

(Continued from Page 2)

mittee announced its nominees for UCLA professor of the year at its January 30 meeting. Professor Jesse Dukeminier was nominated for the distinguished professor with tenure award, and Acting Professor Micheal Asimow was nominated for the distinguished professor without tenure award.

Professor Dukeminier was graduated from Harvard in 1948, he received his LL.B. from Yale in 1951. He became a member of the faculty at UCLA in 1963. He has taught courses in Real Property, Land Planning, Family Wealth, and others during his stay at UCLA.

Mr. Asimow was graduated from UCLA in 1961, and received his LL.B. from UC Berkeley in 1964. Upon graduation he worked for a Los Angeles tax firm, until he joined the faculty at UCLA in February of 1967. He has taught Administrative Law, Business Planning, and presently Federal Taxation.

### Financial Report, Jan. 15, 1968

Held over .....	\$650.00*
GSA 1st Q .....	664.40
SBA 1st Q .....	603.00
From ASUCLA .....	200.00
Total .....	\$2117.40*

\*\$150.00 to pay outstanding debt from last year

Expenditures	Budgeted	Spent as of 1/15/68
Docket .....	\$600.00	\$400.00
Law '68 .....	600.00	200.00
Legal		
Forum .....	475.00	179.15
Law Day .....	425.00	0.00
Picnic .....	225.00	195.00
Orientation .....	100.00	57.53
Orientation groups .....	100.00	70.00
CCLS .....	-00.00	86.10
Senior Class .....	200.00	0.00
1st Year Presents .....	175.00	0.00
LSD-ABA .....	200.00	0.00
Administrative .....	100.00	45.58
Athletics .....	100.00	43.00
Reserves .....	316.63	111.84
Total .....	\$1,385.20	
Completed events		over (under)
Picnic .....		(30.00)
Orientation .....		(42.47)
Total (to be transferred to reserves) .....		72.47
Money from ASUCLA to reserves .....		200.00
Total to reserves .....		\$272.47
Total in reserves (budget) .....		44.16
Total in reserve .....		\$316.63

## New Draft Counseling

(Continued from Page 2)

dents seeking information on their draft status and the draft laws in general

The center expects funds from the GSA, ASUCLA, and SBA. Dean Maxwell has provided an office, and Professor Sager and others will contribute leadership. If the operation is successful, it may be expanded in the future.

The office will open on Monday, February 5, in room 2114. The service will be available on Monday, Wednesday, and Friday, from 1 to 5 in the afternoon.

## Referendum Draws Deans' Comments

(Continued from Page 1)

of the law school's grading system.

One problem is whether grades are a valid indicator of a student's ability and potential. According to Dean Schwartz, "Grades and class standing reflect academic ability and achievement." The question is, however, whether they also reflect the abilities needed in the practice of law. On this point, Dean Schwartz pointed out that prospective employers need some means of evaluating their applicants.

A subsidiary question is whether there is too much emphasis on grades in law school. It is argued that many students are more concerned about their grades than the quality of their legal education.

Dean McDermott, on the other hand, feels that the competition for grades has a salutary effect on the better students, but he expressed concern over the lack of incentive that he finds among the middle-range students, who tend to be indifferent to grades and this indifference carries over to their studies.

Dean Schwartz emphasized that the grading system has been under close scrutiny for several years by the faculty and administration. Specific remedies such as abolishing grades or modifying or doing away with class standing have been considered. "As yet," he reports, "they have not been

able to come up with a better system."

The possibility of changing or influencing administrative policies through a student referendum is an intriguing proposition. "The vote on a referendum issue is conclusive upon the SBA," according to Terry Timmins, SBA president.

The impact on the faculty and administration is also substantial. Dean McDermott said that the vote is certainly taken into consideration. Dean Schwartz reported that it is a relevant factor in administrative decision-making. "In fact," he noted, "the primary impetus for the recent change to the J.D. came from the students."

Schwartz also stated that he felt students ought to be involved in the affairs of the law school, and he would like to see a faculty-student committee formed to consider these matters. "One problem with that," he explained, "is that you never know to what extent a handful of students represent the sentiments of other students."

According to Timmins, the next referendum will be held either at the end of the Winter Quarter or at the beginning of the Spring Quarter. The referendum will include broader and more controversial questions than were presented on the last ballot. A better worded version of the question dealing with interviewing policies will also be on the ballot.

## Frat. Franchise

# Broken Promises; Surplus Monies

### PAD

### PDP

By FRED DAWSON

At least one or two actives will find it easier to pay their "fees" next year.

Thanks to the superhuman efforts of all concerned the final accounting of the proceeds from last fall's computer dance have been rendered and if the books of the ASUCLA are to be believed we netted almost \$600, of which a large chunk will be set aside for a loan fund for next year's second year class. Now we only need to hope the proposed fee increase won't diminish the sharing of the wealth.

After the initial planning sessions it appears safe to say that the Spring quarter will offer a busy and varied schedule. At the present time arrangements are being made for a tour of some of L. A.'s correctional facilities which should be scheduled and completed before this gets into print.

Also in the works is the annual banquet which this year will be held at a Beverly Hills establishment noted for its drinks and fine food. The anticipated date for this extravaganza is February 22, and while the commitment is not yet final it looks as though ex-Governor "Pat" Brown will be our speaker. For those conservatives among the brotherhood who would rather hear a less liberal speaker we will attempt to contact George

(Continued on Page 7)

By AITCH

We have just concluded another year of broken promises and the time has come to reflect upon the number we have kept here at Phi Delta Phi and also on the number we could have kept with a minimum of effort.

We've promised you parties, exchanges and sk-flics, and you ain't been given nothin'. Now we are coming up with something—finally. We have planned, all systems—GO: 1. films of certain exploratory operations from the medical school to be shown at a residence or Gayley—films so shocking that you will need a drink to steel yourself—naturally we furnish that, along with disposable nipples for any plastic bottles you might bring along.

### STUDY SESSION

From a clinical standpoint it might be interesting to observe the reactions of your colleagues and the young men just out of puberty, who were so kind to permit us to use their meeting place.

Newspapers will be provided—for those who would rather read than watch the film. Attendance is mandatory but a letter from your spiritual adviser will excuse you.

After this work session, on February 3, the day after Candemas, there will be a party at the Rec Center complete

(Continued on Page 7)



# A Novel Offer From Horowitz

(Continued from Page 1) Professor Frank Goodman's presentation on the obligations of government in the matter of education for minorities. Professor Goodman (of Boalt Hall) said, if we assume that the state has an obligation to equalize "inputs" for every student, and if we consider a social-economic mix (integration?) as one of the in-puts, then it would seem that the courts have an obligation to assure the same social-economic "mix" at every school.

Professor William Cohen of UCLA replied to Mr. Goodman's remarks by stating simply that courts don't have the power to do this. Moreover, he reminded his colleague that a great source of the problems of improving educational opportunity is found in the hesitance of the great majority to significantly prove the plight of the minorities for fear that their own standards of education might be lowered in the process. It seems to Cohen that this barrier has to be overcome before truly effective achievements can be made.

### Abolish School Districts?

Professor Harold Horowitz put forth the novel proposal that the present system of school districts be abolished, and thereby educational jerry-

mandering and de facto segregation be eliminated. In short, any student could go to whatever school be so desired.

The final portion of the conference was directed by Dean John Goodland of the Graduate School of Education UCLA. Dean Goodland likened the goals of any educational system to a pie, in that each slice of that pie represents a different goal for the system. Thus socio-economic integration, improved teaching methods, adequate materials for students, etc. might be termed as slices of the pie. Dean Goodland concluded his remarks by stating that adequate educational opportunities will not arrive for the "other America" until we concentrate on supply each member of the system with an equal portion of each "slice" of the pie. Thus the Legal Forum's Conference on "Equal Educational Opportunity for the Other America," was conducted.

It was unfortunate that such a timely subject, of obvious importance should be so lightly regarded by the students of our law school. Of the 150 persons who attended the conference at the law school on January 20, only a handful (about 10) were from the law school. Nevertheless, the conference was quite successful in the opinion of both the audience and participant s.

# Tydings Discusses Current Legislation

(Continued from Page 6) ministration's policies, e.g. he suggested that we might consider the participation of the Viet Cong in a coalition government for South Vietnam.

Similarly, he stated that the Communist movement in Southeast Asia is more explicable in terms of nationalistic fervor that dedication to the dogmas of Marx, Lenin, et al. Sen. Tydings' belief in the domino theory appears limited to the suggestion that the United States may have created its own domino in the area through heavy handed diplomacy.

Sen. Tydings then shifted the discussion to domestic politics. He wisely observed that the Johnson Administration is having its difficulties with the intellectuals and militant college students. The senator could sympathize with the President's problems, but he did not seem to have the same difficulty—at least not with his audience of UCLA law students.

### WASHINGTON INTERNS

The junior senator from Maryland took this breakfast meeting as the occasion to offer to UCLA law students the opportunity to participate more fully in the various intern programs which are conducted each summer in Washington D.C. He said that he hoped someone from UCLA

would join his staff for the coming summer.

Eventually, the senator discussed President Johnson's reelection bid. After he left the breakfast with the students he discussed this subject in some depth with the law school faculty at an informal reception held at the law school in Sen. Tydings' honor.

The senator seemed quite pessimistic about the President's chances for re-election. One observer remarked that he was not sure whether the senator's pessimism was a source of pain or pleasure for him, in light of his close attachments to Sen. Kennedy.

On this last mentioned topic Sen. Tydings wondered what opinion was held of Sen. Kennedy in California. The general reply was as follows: "He appears to be popular with the younger voters but there is a great deal of hostility because of the 1964 Pierre Salinger campaign.

The faculty reception was concluded with discussions of particular legislative proposals presently before the Congress in the field of labor law, federal grand juries, and the selection of federal judges.

# Books Are His Bag

By SEAN O'HARA

As of November 1, 1967 our Law Librarian has been Mr. Frederick E. Smith. He received his B.A. from Yale University in 1953, his LL.B. from the University of Michigan Law School at Ann Arbor in 1959, and his M.A.L.S. from the University of Michigan Graduate School in 1961.

He has also attended Colgate University, Wayne University, and the University of Tubingen in Tubingen, Germany. For the past 7 years he has been associated with the University of Michigan Law Library, having acted in the capacities of chief order librarian, reference librarian, and assistant director, which position he was appointed to in 1963 and occupied until he began work here.

Mr. Smith was admitted to practice in Michigan in 1962 and is a member of that state's bar association as well as the American Bar Association.

At present he is working with faculty and student representatives in an attempt to establish workable regulations for our library.

# PDP

(Continued from Page 6)

with psikedelic light show. The Kappas have them (I'm just kidding) and they set the date for an exchange with us for February 16.

Coming up is the long-awaited Las Vegas trip planned by Samson and Sherman in April. The flight and food is free, the only obligations being for us fare to and from the hotel-casino and airport and a gentleman's agreement to do all the gambling you do in Los Wages at their casino.

I apologize for my team's poor showing in the Cotton Bowl.

# PAD

(Continued from Page 6)

Wallace to fill in if the former governor can't make it.

For those with an athletic ability the pledges have challenged the actives to a basketball game with the losers buying the beer. With Herzog and Jack Allen refereeing you should at least show up for the beer even if you don't feel like playing. Watch the board for details.

After an appropriate delay outline sales should be getting underway soon, in fact they should hit the newsstand right after the first year class has experienced its mid-year exams. Another example of Pad's ability to make the crucial play.

Incidentally, elections are going to be held within the next few weeks.

# Prof. Interview: Jones

(Continued from Page 1) of courses as trusts, wills, agency, creditors' rights, torts, and, of course, labor law.

While studying the extra year in Virginia, student Jones traveled about the state with Professor Gregory to the arbitration hearings over which the professor presided. When he came to California, Professor Jones sought to arbitrate labor disputes himself, and with the help of Edgar Warren, former head of the Institute of Industrial Relations at UCLA, embarked on an active career as an arbitrator.

He is a member of the National Academy of Arbitrators, on the Board of Governors of that body of about 350, and Chairman of the Law and Legislation Committee. This committee makes an annual survey of all court decisions which bear upon arbitration.

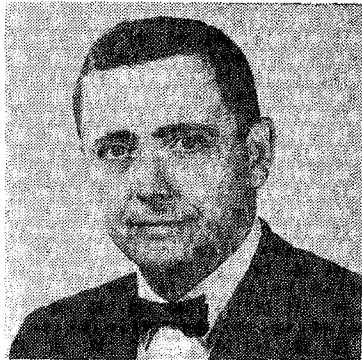
Professor Jones is confident that the use of arbitration will become more widespread because it is so adaptable. Arbitration has a much longer history than adjudication, and as the case load of the courts becomes more and more burdensome, some form of arbitration is a logical substitute to adjudication.

### NEW METHODS

Los Angeles has been, and will probably continue to be receptive to new patterns of solutions. It is an exciting place to work partly because this area's legal community is a leader in innovation to meet new problems. According to Professor Jones, this creative approach helps explain why this area attracts competent legal minds to this faculty.

There is every reason to believe that Los Angeles will continue to attract creative minds and this indicates a healthy future for the school and the area.

If the Law School's Admissions Test was a measure of creativity, the student body should reflect an increase in this talent since 1951 when Professor Jones began teaching here, but he says that the student body is not noticeably different. They always have been of high quality, but this general competence will bring about a change in the grading system, says Professor Jones. The great majority of students



PROF. EDGAR A. JONES

are capable of being active participants in the most demanding legal positions. So while the present system is convenient for employers, it is essentially meaningless as a means of distinguishing the academic achievements of most of the students.

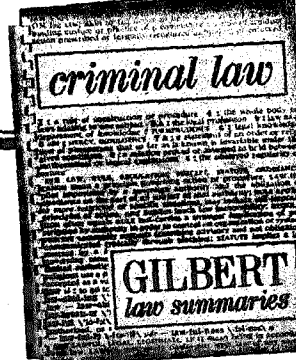
To take advantage of the opportunities of legal education, Professor Jones recommends inquisitiveness, chronic skepticism, and a willingness in the classroom to push and probe the teacher's position.

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# SPORTS

by BUFFA '69

In keeping with the world reknown Buffa '69 policy of paying homage to every meritorious corner of the sports world and, more particularly, the sports journalism world, we know present: "Once around the (sports) world, once around the clock!"

★ ★ ★

The American flag flies high over the campus of the UCLA Law School today! It seems that a new Menace has struck that institution of questionable repute. Masquerading as an intramural basketball team, the GBSS and Y. have arrived on the scene brandishing their subversive tactics. Unfortunately for them, however, they were outshined by the Plastic Lightbulb in their league opener Monday, January 22.

High scorer for the GBSS and Y. was Big Gun Larry Frager. Also chipping in their two cents were Coach John Weston, Dennie Hopwer, Wiley Ramey, Barry Silver and John Domingos. It is reported by seldom reliable inside sources that Dave Clare and Mike Levitt are also on the team. Inside rumor has it that this Mike Levitt is in fact an "Insider" in the Birchian sense of the term, being the same Mike Levitt who in his gray past was a fellow traveler and yellow journalist for the UCLA campus newspaper. Anyhow, the *Evening Outlook* sure didn't like his work—and that's good enough for our purposes.

Oh well, not even Lizard Eyes is GBSS and Y. To wit, Golden Brown, Silky Smooth and Young.

★ ★ ★

And now, for one reporter's opinion, an editorial presentation: The football playing contingent of the so-called UCLA Law Review did battle against their counterparts from USC recently. Unfortunately, another blow against the glorious institution of private education was struck by the decrepit corruption of socialized state supported higher learning; Namely, UCLA, 19; USC, 13.

The way to victory was led by UCLA quarterback Mike Dempsey with assistance from Hardnose Larry Frager and jock. Defensive assignments were handled by Cam Williams and Frank Meredith. Meredith, however, also played offensive end, and was awarded the game ball for his efforts. The losers, valiant Americans to the finish, had to exalt their betters with suds.

Our secret reporter, Gerald L. K. Friedman, is giving us the inside information on the next acts of infiltration contemplated by these malcontents. Would you believe that they intend to recruit nearly thirty new card-carrying members from the first year class by September? They'll stop at nothing!

★ ★ ★

In our last special report, we delved deeply into the inner sanctum of bureaucratic graft and corruption in an attempt to dredge out the most corrupt of all, the recipient of the Buffa '69 Memorial Award for greatest prowess in use of illicit tactics for securing admission into UCLA athletic events for non-student dates. After weeks of study, our Buffa '69 Special Assignment staff concluded that we had overlooked the most highly qualified and most deserving candidate.

Therefore, we take great pride in awarding the Buffa '69 Memorial Award to Al "Big Foot" Russel, the Windy City Whiz. Al went to great trouble but succeeded in securing admission to Pauley Pavillion for—another guy! Great thinking! While those attentive guards were so concerned about keeping out contraband females, no one paid attention to all the males streaming through the doors! Fabulous thinking! Great! Just Great!

Bob Kahan wants everyone to know that he is grinding no more. Besides, as I've told you numerous times, the only good lawyer in court is a drunk lawyer.

See you at ten, see you then. Make way for IM.

★ ★ ★

With Fall quarter concluded LLB ranks number one in the independent division with Pacific and the Betas being in the same position in the dorm and fraternity divisions respectively. The Betas lead overall with LLB in the same position it finished in last year—seventh, about fifty intramural points behind them.

Our poor showing can be attributed to our total lack of participation in several events which at least could have given us vital participation points: Track, the Turkey Trot (despite its ridiculous name it was fun according to most of the contestants I talked to), Doubles Tennis, Coed Horseshoes, and Fencing; if we had fully participated in these events and, assuming we didn't win a single one, we would have had 291 points, eight more than the Betas presently have.

We do have a chance to make a comeback, however, by fielding a good basketball team and a good soccer team (soccer is the newest sport innovation for the IM Office), but it appears that the usual factionalism has occurred again in basketball, with the result that the LLB team is not as strong as it could be. The Turncoats have several players of the caliber of the 1965 all-U LLB basketball champions. We might still win the championship as it appears that the Betas don't have as strong a team as before because the Phis knocked them off once in the fraternity basketball tournament.

To win we'll have to pick up points in Freethrow (we are traditionally strong here), Bowling, Table Tennis (singles and doubles), Handball, and the coed sports for which we get participation points for each game: softball, skiing, doubles volleyball, track and field relays, tennis.

At present it looks like Beta or Sigma Nu for the overall honors unless we can make up our points in the Winter Quarter because first year examination approaching at the end of the Spring Quarter will cut down our participation.

Don't forget to signup on the sheets on the IM board for your favorite sport (well, your second most favorite sport). Congratulations to First Year President Randy Selten who took second place in the Independent singles tennis championships.

## New Hearing Procedures Set Up? The Defenders: Law Profs to the Rescue

(Continued from Page 1)

tions, and actually began weeks before the open hearing with discovery proceedings, "pre-trial" motions, and "preliminary hearings."

The defense contended that the regulations which allegedly had been violated were insufficiently publicized; that the true facts were not those presented by the prosecution; and that in any event, the students had not violated the University Standard of Conduct, because their actions were, under the circumstances, completely "compatible with the University's function as an educational institution."

The issue of insufficient publication of regulations was handled by Professor Letwin primarily during the "pre-trial" hearings. Letwin told the committee that he himself had been unable to get a copy of the applicable regulations, though he knew they existed and could describe the contents of each section he was referred to. Law student Lund was equally unable to procure a copy of the regulation he was ultimately charged with

violating, though he had made two diligent attempts to do so.

The Associate Dean's office countered by supplying the SCC with reams of Daily Bruin clippings which allegedly contained the regulations in question. But Letwin methodically repudiated the tendered evidence by showing that many of the articles had been published long before some of the students were enrolled at UCLA; by showing that other articles merely alluded to regulations without specifying what they contained.

"Are we going to say" Professor Letwin queried, "that students must read every article in the Daily Bruin, on the chance that buried somewhere in its pages will be a new regulation!"

The question was merely rhetorical, for before anyone could answer he continued, "But regardless of the answer to that question, it might be asked whether one would even want the Daily Bruin to be the official source of University regulations."

Referring then to the Los Angeles Times article which

had misquoted Chancellor Murphy on his opinion as to whether the regents would pass a fee hike, Letwin drove home his point by suggesting that Murphy would probably oppose that idea strenuously.

Ultimately Letwin's point was well taken. On the issue of insufficient publication, the "Report of the Student Conduct Committee" said, "The committee believes the university was deficient in publishing the Standard of Conduct . . ."

Professor Sager's opening statement to the committee on the day of the hearing was this: "The important thing is not what the five students before you today, and several hundred other students on campus, did, but why they did these things." . . .

On Wednesday, January 17th the SCC issued its report. In four of the five cases the committee found that the individual students conduct was "wholly non-violent and though the committee does not condone (his or her) behavior, it recognizes that (he or she) possesses of commendable seriousness of purpose."

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