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UC Hastings College of the Law

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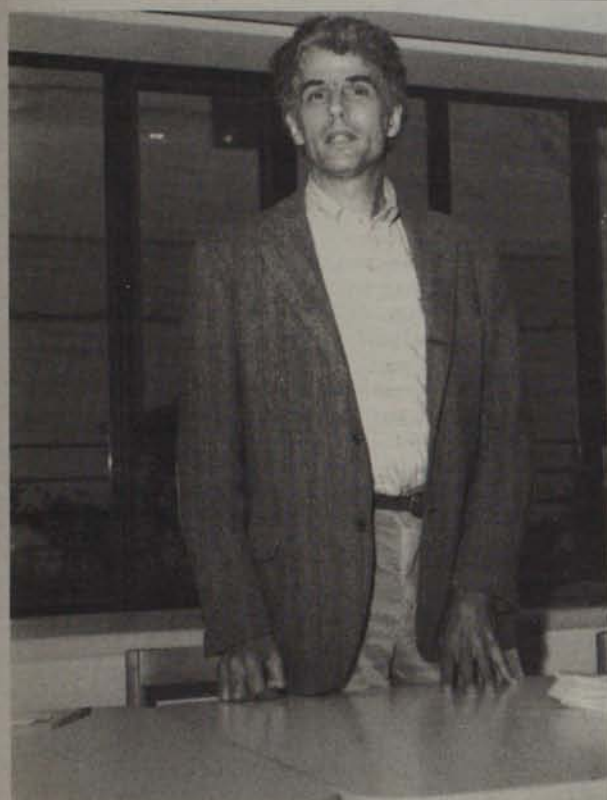
hastings law news

Vol. 19, No. 6

Hastings College of the Law

San Francisco, California

March 4, 1986



Bingham asks for help

Stephen Bingham, on trial for murder and conspiracy in the 1971 prison breakout at San Quentin, came to Hastings February 19 to ask students to provide moral and financial support for his defense. See story, page 3. Photo by Jim Partridge

No increase for ASH since 1977

A look at where your incidental fee goes

BY BOB YATES

Editor-in-Chief

Complaints over insufficient funds available to ASH to distribute to student organizations has led ASH to closely examine how student fees are spent and the procedure for increasing those fees.

ASH receives most of its funds from its share of the "incidental fee" collected from each student along with fall tuition. The \$46 incidental fee is divided up between various groups with ASH receiving \$6 per student (\$9000 total), LEOP recruitment receives \$3 per student (\$4500), the Student Services Office gets \$2 per student (\$3000) for "special events," and the North of Market Child Development Center receives \$8 per student (\$12,000). These four distributions are subject to change by a popular vote of the student body.

The remaining \$27 of the incidental fee is a non-negotiable reimbursement to the state for funds expended on the law journals, ID cards, and blue books.

ASH has questioned whether its \$6 per student allocation is sufficient to meet the demands of a growing number of student organizations seeking ASH funds. This year ASH had only \$12,000 to distribute to 37 student organizations requesting more than \$32,000. According to Fiscal Services Analyst Jack Padilla, ASH's share of the incidental fee has not increased since 1977.

ASH has formed a committee headed by second-year students Steve Elie and Manny Miranda to examine ways in which ASH's share of the incidental fee can be increased.

The \$3 per student allocated for LEOP recruitment is "currently sufficient" according to Director of Admissions Tom Wadlington. Wadlington

Professor accuses Hastings of violating ABA standards

BY JERRY EVERARD

News Editor

A growing rift between the College's faculty and administration has culminated in the filing of an official grievance with the Legal Education Section of the ABA. Meanwhile, the faculty has taken other actions to increase its control over the governance of the law school.

Last fall, Professor Louis B. Schwartz lodged an official grievance with the ABA, alleging that the College's administration had violated several ABA standards in its governance of the law school. Schwartz refused to comment on the specific details of the grievance.

The administration's reply to the grievance was filed by Dean Bert Prunty and Harold Dobbs, chairman of the Board of Directors. Although Prunty would not release a copy of the reply, he summed up the administration's position by stating, "There have been no violations of standards at this school."

Prunty said he feels Schwartz's grievance is baseless. "In my view, there is no substance to his complaint at all," Prunty said. "It is a highly fanciful document with little relation to reality. It was bad judgement on his [Schwartz's] part to do it."

Schwartz's grievance was filed in the midst of last semester's reshuffling of the academic dean's office. Wayne Woody was dismissed as academic dean and the Board of Directors

declared it was going to re-evaluate the position. Earlier, the number of assistant academic dean posts was cut from two to one. According to one professor, who asked not to be identified, these moves by the administration and the Board were interpreted by the faculty as an attempt to centralize power within the school's administration.

A spokeswoman for the ABA's Legal Education Section refused to comment on the grievance or give any indication of actions the ABA may take.

In addition to Schwartz's grievance, the faculty created a committee to study what its chairman, Professor Stephen Schwarz, described as "governance matters." Schwarz said the faculty decided to form the committee in order to make recommendations independent of those of the Board of Directors committee.

"There was a concern that the faculty ought to have its own committee," Schwarz said. "We had not had the opportunity to look into the matters we were told were being studied by the Board."

Last month the faculty unanimously approved a set of proposals put forth by Schwarz's committee. While the proposals do not disrupt the present administrative structure, they make several changes which increase faculty autonomy and influence in the decision-making machinery of the College.

explained that LEOP students use the funds to make telephone calls and trips to undergraduate schools to encourage potential LEOP students to apply to Hastings. He said that in past years the funds have not been completely spent, creating a "substantial carryover" into future years.

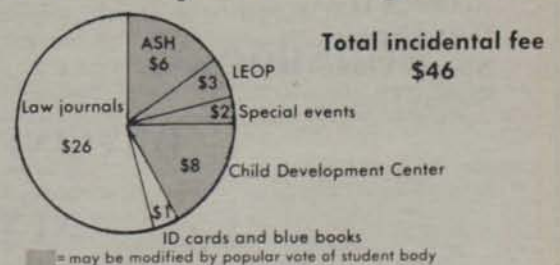
Two dollars of each incidental fee is given to Director of Student Services Patsy Oppenheim to administer "special events." Oppenheim explained that the \$3000 fund goes to support "all-campus activities" such as the Information Faire, the La Raza September 16 celebration, and the Law Revue.

The Child Development Center, formerly the Hastings Childcare Center, receives \$8 per student from the incidental fee, or about \$12,000. The Center, located at 177 Golden Gate Avenue, provides 44 spots for children, 14 of which are reserved for children of Hastings students, faculty, and staff.

The Center's director, Marsha Sherman, explained that the money received from student incidental fees does not directly subsidize Hastings students, but rather is a "reservation fee" for the 14 spots kept open for Hastings. She explained that many Hastings parents take their children out of the Center over the summer and during school vacations. Without the reservation fee, the spots for Hastings could not be kept open and Hastings parents would have to join the waiting list, now more than 100 names long. Of the 14 spots reserved for Hastings, 12 are currently being used, Sherman explained.

Actually, the Center received \$24,000 from Hastings this year under a contract that is scheduled to expire June 30. Dean Bert Prunty explained that \$12,000 came from the Center's share of incidental fees collected this year and the remaining \$12,000 came from undistributed fees collected in past years.

Where your fee goes . . .



Prunty said that, unless students are willing to raise their incidental fees by an additional \$8, the 1986-87 contract with the Center will probably be written for only \$12,000.

Sherman said that if the Center does not receive at least \$24,000 from Hastings again this year, it will have to reconsider its relationship with the College. "We probably couldn't reserve as many spots for Hastings students," she said. "We would have to look to other groups that would be interested in sponsoring us."

The procedure for increasing the negotiable portion of the incidental fee has been a question of some confusion. The Hastings student regulations are ambiguous on the matter. Last fall, then General Counsel Aletha Owens issued a legal opinion stating that a two-thirds vote of the entire student body would be required to increase or decrease the incidental fee.

Dean Bert Prunty is currently re-writing the regulations to make it easier for students to modify the fee. He said he is proposing a two-thirds approval of those students who vote to change the incidental fee.

in brief . . .

Hastings captures top moot court awards

Hastings moot court teams won top awards in three regional competitions the weekend of February 21. In the ABA regional competition, Hastings, represented by Ronie Schmelz and Mike Long, won first place. The team goes on to the national competition in New York in August. Antoinette McGill and Jerome Bradford, representing Hastings in the Frederick Douglass regional competition also took first place. The team travels to New York in two weeks to compete for the national title. The Jessup International Moot Court team representing Hastings won third place in the regional competition in Berkeley. Congratulations to all.

Research assistants needed

The General Counsel's Office is now accepting applications from first and second year students for the position of research assistant. All interested students should submit resumes to the General Counsel's Office (Room 214, 198 McAllister) by April 1. The application must include a writing sample.

New student orientation leaders

If you are interested in participating in the New Student Orientation next fall, watch the *Hastings Weekly* for information and applications. Orientation will be held on the mornings of August 13 and 14. The program will be similar to this year's program. Your involvement will make those first few days of law school more enjoyable.

Student fee increase notice

The Board of Directors has approved a student fee increase for the spring semester 1987 from \$583 to \$641. Governor Deukmejian has proposed that the state pay the increase. A determination on this proposal will not be made until the state budget is completed in June.

Beware the Fool

The next issue of the *News* will be published April 1. Deadline for submission of articles and letters is Friday, March 7. Beware the Fool.

Professors experiment with alternative dispute resolution

BY REBECCA MASS

Overwhelming caseloads and rising costs of litigation have prompted courts to develop alternative procedures to resolve disputes. Over 200 court-ordered extra-litigation programs have been instituted across the country. Hastings faculty members have been at the forefront of this movement.

Former professor Wayne Brazil and Professor David Levine are involved in one of the most promising and innovative programs currently being tested in the Federal District Court for the Northern District of California. Brazil, now a U.S. magistrate, is working with Chief Judge Robert Peckham to develop and coordinate the Early Neutral Evaluation procedure. Levine is analyzing the results of the first cases channeled through the program.

ENE involves three sets of participants: the parties, their counsel, and a neutral evaluator. This latter, court-injected party, is an experienced attorney with knowledge of the case's substantive law. The first step requires each party to write and deliver to the opposing party and the evaluator an evaluation statement. The statement summarizes the party's legal and factual disputes and offers suggestions on how to ease the pre-litigation process. The parties, their counsel and the evaluator then meet on neutral territory where each party makes a 15 to 30 minute presentation of their position.

The key and unique portion of the procedure then takes place: The evaluator works with the participants to narrow the

areas of dispute, provides help in shaping-up discovery and other pre-litigation needs, openly assesses the strengths and weaknesses of the arguments and evaluates the case. This evaluation includes the likelihood of liability and the dollar range of damages. The process is completely confidential and the judge is not informed of any of the presentations or conclusions.

To analyze the success of the program, Levine said he attended sessions and interviewed each of the participants. The interviews consisted of numerous open-ended questions regarding the value of the ENE procedure, their thoughts concerning each step in the procedure, and suggestions for improvement.

Levine said all participants thought the process was valuable and there was no resistance. He said that most of the attorneys felt the evaluator assessed the case similar to their own estimation. Moreover, he added that the attorneys indicated they would be willing to pay for the process if it became a regular option of the court. Levine said that none of the clients expressed dissatisfaction with the procedure, including those where the evaluator ruled against them.

Levine said his initial analysis supports the program. He said he noticed the process brought a change of atmosphere. He said he could see the shift to a settlement mode. Indeed, many of the cases *did* settle shortly after the evaluation, he explained.

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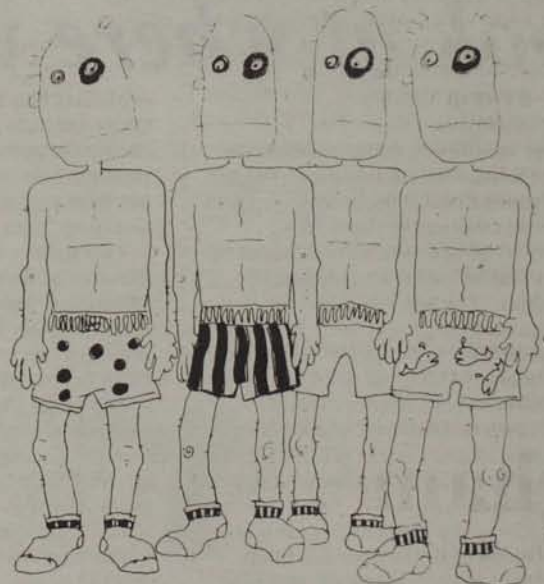
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Curriculum Committee proposes sweeping changes

Moot Court targeted

Legal Writing criticized

BY BOB YATES

Editor-in-Chief

Faced with a highly critical report from the ABA Accreditation Committee and complaints over the quality of the Legal Writing and Research program, a committee headed by Professor Warren Shattuck is considering drastic changes in the Hastings curriculum. Those changes may include the elimination of the Moot Court program as it presently exists and increased faculty supervision over the Externship and Clinical programs.

Shattuck said that the Hastings Curriculum Committee is considering combining the second-year Moot Court program with Legal Writing and Research and creating a two-semester, five-unit course for first year. Shattuck explained that the move would be made principally to improve the quality of the first-year writing course.

"The quality of the current Moot Court program is one of the best in the country, if not the best," Shattuck said. "The problem is primarily with Legal Writing and Research. This is being considered to strengthen Legal Writing and Research."

At an open forum conducted by the Curriculum Committee on February 14, Shattuck explained that students have complained that the time requirements of the two writing courses is not commensurate with the credit received.

"We have reason to think there is student concern with the time demands of both Legal Writing and Research and Moot Court, and with the failure of some Legal Writing projects to have a point or purpose identifiable by students," Shattuck said.

The other major curriculum change considered by the committee is modification of the Externship and Clinical programs. Following a site evaluation of the College last year, the ABA Accreditation Committee issued a report in June highly critical of the school's clinical program.

The report stated, in part, that "clinical instruction consists primarily of farmout experiences without direct faculty supervision or monitoring." The committee stated that Hastings is violating Accreditation Standard 306(c) by providing credit "for unsupervised and unmonitored external clinical experiences."

"This problem didn't just hop out of the blue with the ABA report," Shattuck explained. "We saw it coming."

He said that in 1984 a faculty and student committee found that there was inadequate faculty supervision over the programs and proposed the hiring of six additional faculty members to take up the responsibility of monitoring student performance. Although the Board of Directors approved the proposal, the school was unable to obtain sufficient funds from Sacramento to pay the additional staff.

Shattuck said the committee is considering several alternative proposals. One of these is using the existing faculty as advisors to students in the Externship and Clinical programs. He said, however, he is afraid much of the faculty would not participate.

Other proposals include limiting the number of students who may participate in the programs or even eliminating the programs altogether. Shattuck said he does not think the school will have to resort to the latter option.

Editor's note: Shortly before this issue of the News went to press, the Curriculum Committee abandoned its proposal to move Moot Court to first year. Instead, the committee is now proposing to make Moot Court and law journal participation optional. Please see editorial, page 8.



Third-year student Jay Spillane defends the Clinical and Externship programs at the February 14 open forum meeting of the Curriculum Committee as committee members Cathy Bump and Sam Thurman listen.

Photo by Jim Partridge



BY MARIANNE BOWERS

Staff Writer

The Legal Writing and Research Program came under fire from first-year students at an open forum conducted by the Curriculum Committee February 14. The two areas criticized by students were the quality of the program's instructors and arbitrariness of the current grading system.

The Legal Writing and Research program is taught by practicing attorneys in classes of 20 students each. First-year student Lyn Neylon said she feels that the instructors are poorly qualified to teach the course.

"They may be real good attorneys, but that doesn't necessarily mean they are good teachers," Neylon said. "The pay is so bad they take anyone they can get."

The program's director, Irene Cohn, said that the instructors are paid \$1750 for teaching the three-unit course. "Our instructors are not here for the money or because they have nothing better to do with their time," Cohn said. "They are here because they enjoy teaching."

Sandra Verhoogen, the coordinator of the program, defended the use of attorneys as instructors. She acknowledged that instructors sometimes have conflicts between class demands and the burdens of law practice.

"Practicing attorneys are often overburdened at work," Verhoogen said, "but it would be crazy to have non-practitioners teaching the program. These attorneys are using the skills we are trying to teach."

Verhoogen explained that there is high turnover among the program's instructors. "Of the 30 instructors, we lose about half each year," she said.

To determine whether an instructor is doing a good job, Cohn said she relies heavily on evaluations by students. If students indicate that a particular instructor is having problems, Cohn said she will work with him to resolve the difficulties. She said that in addition to the student evaluations, she sits in on classes and observes instructors as they teach.

Verhoogen said that as a result of poor performance, three or four instructors last year were asked not to return.

Cohn said that those instructors that do return for a second year of teaching are often the best performers. "The quality of instruction improves immensely after an instructor has taught a year," she said.

In addition to complaints about the quality of the teaching staff, a common criticism of the Legal Writing and Research program is inconsistent grading policies.

"I felt the grading process was unfair," said second-year student Cathy Rush. "Our teacher never spelled out how he was going to grade us. The scoring was very uneven between the classes."

Verhoogen acknowledged that there are variances in the grade distributions among the 30 sections of the program, but emphasized that the instructors all stay within the grading curve regulations set forth by the faculty.

"It is reasonable that there will be a difference between the classes," Verhoogen said. "I think it is a perfectly normal spread and it is acceptable."

Cohn pointed out that the course was formerly graded on a pass/fail basis. Several years ago students requested a non-GPA grade for the class, she explained.

At the Curriculum Committee forum last month, students proposed several alternative changes in the grading system, from calculating the course grade in students' GPA, to returning to a pass/fail system.

The Curriculum Committee is expected to make recommendations on changes in first-year curriculum, including Legal Writing and Research, sometime next month.

Bingham asks students to come to his trial

BY BOB YATES

Editor-in-Chief

The prosecutor's story is convincingly simple. If a Marin jury believes it, civil rights attorney Stephen Bingham may spend the rest of his life in prison.

According to the prosecutor, Bingham arrived at San Quentin Prison on Saturday afternoon, August 21, 1971, to visit Black Panther leader and prison author George Jackson. The prosecution contends that Bingham smuggled a gun in to Jackson in a tape recorder. Later, Jackson used the gun in a failed breakout attempt that left Jackson and five others dead.

A few days later, learning that the

district attorney was planning to bring murder and conspiracy charges against the young lawyer, Bingham fled and remained in hiding for 13 years. In July 1984, Bingham returned to face those charges. Jury selection is underway at the Marin County Courthouse and opening arguments are scheduled for next week in a trial that is expected to last four months.

On February 19, Bingham and his defense team came to Hastings to ask students for moral and financial support in the battle to clear his name. He painted a bleak picture of his future if he is found guilty.

"If I'm convicted there's no doubt that I'll be given a life term,"

Bingham told a crowd of approximately 150 students. "Most people don't give me much chance of survival in prison."

The 43-year-old lawyer stressed that his conviction would have repercussions beyond his imprisonment. "It's very important, not just for me personally," Bingham said. "My conviction would send a chilling message to people like you and to activists in general: to be careful about what you do, to stay in the mainstream."

Bingham asked the Hastings students to donate what they could to help defray his defense costs, expected to exceed \$500,000. He said, however, that the law students could be of

greatest help by coming to his trial in Marin.

"I hope you'll show your support by coming to the trial," he said. "If the community support is there, the judge and jury will take their jobs very seriously."

Third-year student Claudia Bernard is coordinating trial attendance and transportation for Hastings students.

If acquitted, Bingham said he will probably return to practicing law in Oakland. But he said that he hasn't really given much thought to the future.

"That seems so far away," he said. "Right now I'm concentrating all my energy on the trial."

Library offers computer rental

BY DAVID W. GINN

If you have ever wanted to type a paper, write a resume, or send out a bunch of form letters, you have probably either sat at home for hours typing (and retyping) or had a professional service do the work for you (for the usual fee, of course). A third alternative is offered by the Hastings Library's rent-a-computer, a complete word processing system which can produce letters, papers, and resumes with a professional polish, at a fraction of the cost.

The Library's word processing system consists of an IBM personal computer, a letter-quality printer, and word processing software. To get started using the computer, you need to first purchase a compu-card from the library. The compu-card works just like a copy card; you put the card into a box connected to the computer and it deducts from the card the amount of time you have spent. The cost for using the system is cheaper than other computer rentals in San Francisco. It's \$5 per hour, \$4 per hour if you buy a \$10 card.

You will also need a floppy disk for saving the work you produce. The Library does offer floppy disks for \$7 each, although you can purchase a floppy disk at any computer store for considerably less. Oh yes, and don't forget to bring paper. The printer can print on any type of paper you normally use in a typewriter.

The wordprocessing software provided with the system is called Select. Although it's not the fanciest or the easiest software program available, Select performs the basic tasks expected of most word processors and can be learned quickly by those who have used other word processors. There is a tutorial on the disk as well which can take first-time users through a short tour of Select's features.

You aren't limited to using the software supplied with the computer, however. Many of the students who now use the system already have computers at home and they bring their own software to school to take advantage of the system's letter-quality printer. You can reserve time on the computer a week in advance, which is not a bad idea because the computer tends to be very busy around the time papers are due.

Law's black hole

BY CHARLES MELTON

Space. The final frontier. These are the endeavors of the NASA/Hastings Research Project. Its contracted mission: to explore strange new applications of the law, to seek out new legal interpretations and considerations. **TO BOLDLY GO WHERE NO LAWYER HAS GONE BEFORE.**

Astronauts and space entrepreneurs will soon be moving into a legal void where liability, national sovereignty, commercial codes, criminal laws, and government regulations are veritable black holes. The few laws that do reach into space are often impractical. It has been noted by many that legal quandries pose a greater barrier to exploiting space than any technological limitations. The problem grows more critical each year. Already 350 companies are gearing up for space exploitation, drawn by predictions that the industry will generate 10 million jobs and \$65 billion in revenue by 2010. One extreme example of the type of space commercialization foreseen by the business world is a Texas bank's application for a branch on the Moon.

The NASA/Hastings Research Project, located around the corner at 333 Golden Gate Avenue, is a joint venture created in 1978 to deal with some of these difficult problems. According to one of the Project's directors, Dr. J. Henry Glazer, the joint venture's purpose is to "encourage and support basic exploratory and applied legal research." This research, he explained, centers upon the

specific legal problems arising in space as related to individuals, corporations, and other private parties.

"The projects produce research of new and novel impression leading to the expansion of knowledge in the legal regime of transnational space," Glazer explained. A perusal of recent project titles gives an idea of the legal subject matter involved. "The Procedural Problems of Administering Criminal Justice in Space" and "Questions Concerning the Exercise of Jurisdiction over the Estates of Deceased Spacefarers" are just two of the many exotic titles published by the Project.

Who will put all this research into practice? The astro-lawyer. Dr. Glazer described the astro-lawyer as a mediator, unlike his adversary-oriented earthbound counterpart, who quells disputes. These future cosmic counselors will follow the example of the Italian consuls of the 10th Century, who shipped out on long sea voyages to arbitrate crew disputes. Why the term "astro-lawyer" rather than "space lawyer?" Glazer explained that there is a distinction between astrolaw and space law. Astro-law concerns itself with the conduct of individuals in space, while space law touches on nations and their agreements governing the use of space. Thus, when people living in confined environments in outer space quarrel, an astro-lawyer, utilizing the prior work of the NASA/Hastings Research Project, will intervene, keeping law and order as civilization and society tame the last frontier — space.

Hastings wins on big spin

BY NANCY GEORGIU
Features Editor

The California Lottery has captured the public's attention ever since its first offer of \$1 million. Buried under the deluge of personal fortune stories, the beneficiaries of this lottery are quietly planning their own futures. Hastings, along with other University of California campuses, California State University, community colleges, and public schools, are profiting from each lottery ticket purchased.

Noel Shumway, director of administrative services at Hastings, explained that all facets of education participate in the lottery. Shumway said that the enrollment from four groups within public education system are totaled, then each school receives its share in proportion to the size of its student body.

"Hastings has the smallest

percentage of that whole group," Shumway said. "With approximately 1500 students, we received \$75,000 from the lottery for this year."

According to Shumway, Hastings expected to receive \$84,000. He explained that the Lottery Commission projected its revenue from October 1, 1985 (the day the first lottery tickets were officially sold) through June 30, 1986 to reach the \$84,000 figure. "We think we'll get another \$9,000," he said, "depending upon the actual figures, by the end of the year."

The money that Hastings receives is not without some restrictions.

"The money we receive is intended to be used for instructional purposes and essentially one-time costs," Shumway stressed. "Dean Prunty has requested the

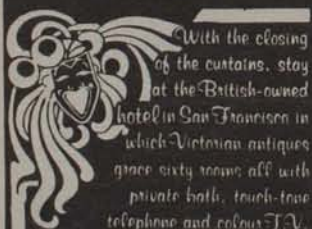
faculty to suggest ideas on how the money should be used. For example, we could get personal computers for the faculty, or computers to use for instruction in the law library."

Shumway added that there has been no specific determination yet, but the College administration will not receive the money. Shumway pointed out that Hastings will put the money to educational uses, unlike U.C. Berkeley where teachers' salaries are being increased as a result of the allotment.

Shumway said that next year's return should be even greater, because they will include the months of July through September. Next year's returns expect to be distributed each quarter, Shumway said, as opposed to the lump sum that Hastings received last month.

Beware the Fool

Coming April 1



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Free Time?

The Hastings Law News is accepting applications for the 1986-87 editorial board. Positions available include Editor-in-Chief, Managing Editor, News Editor, Features Editor, and Op-Ed Editor. Applications are available at the News office, Room B-24, 198 McAllister. Deadline for submission of applications is March 7.

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features

Riesenfeld stays cool in global crises

This is the sixth of a seven-part series on the members of the 65 Club.

BY MARK S. COON
Staff Writer

Perhaps more than any other member of the 65 Club, Stefan Riesenfeld debunks the myth of the ivory tower academic. You know, the woolly-headed professor who spends his days pouring through the works of Bentham and Coke, and on the weekends vents his spleen in a flurry of footnotes to that oh-so-dry law review article.

To be sure, Riesenfeld will tell you that he comes from a long line of law professors, and that he likes to teach because it gives him the chance to think at length about pressing legal questions. But then he'll begin to discuss his behind-the-scenes involvement in the Iranian hostage crisis, and in the World Court action by Nicaragua against the United States. If pressed further, he'll tell you about his first years in America, and the period he spent studying under Felix Frankfurter.

Riesenfeld came to the United States from Germany in 1934 to work as a research assistant for Dean



Professor Stefan Riesenfeld
Dickerman of Boalt Hall Law School. Together they completed a report on jurisdiction over criminals and extraterritorial rights in a multinational context.

During the late 1930's, colonial powers like Britain and Belgium were slowly withdrawing from their previous roles as multinational governors, and many new nations were emerging. Together with Dean Dickerman, Riesenfeld authored extensive works analyzing the legal prerequisites and implications

underlying recognition of these fledgling states.

Amid this storm of activity, Riesenfeld had to contend with the culture shock and language barriers that accompany immersion in a foreign country. Asked whether he ever wanted to return to his native Germany, Riesenfeld replied sheepishly, "Well, I thought a lot about home, but I knew I couldn't go back there to live. You see, I had married a young lady, and there was no way that she was going to leave America." Mrs. Riesenfeld's attachment to the United States proved fortuitous, he explained, because World War II broke out not long after they were married, and he went to war for the winning side.

Before the hostilities began, however, Riesenfeld completed two years at Harvard, studying under soon-to-be Supreme Court Justice Felix Frankfurter. Remembering the justice, Riesenfeld told of the sympathy that he felt for Frankfurter when the latter was criticized for betraying his liberal supporters in a series of opinions that seemed to advocate curtailment of civil rights.

"I felt that he was overly maligned," Riesenfeld explained. "You see, he was from Austria, and he had seen firsthand the effect of fascism in that country. He believed that the individual states were the only bulwark against central dictatorship. Unfortunately, he did not have the benefit of hindsight, like his critics."

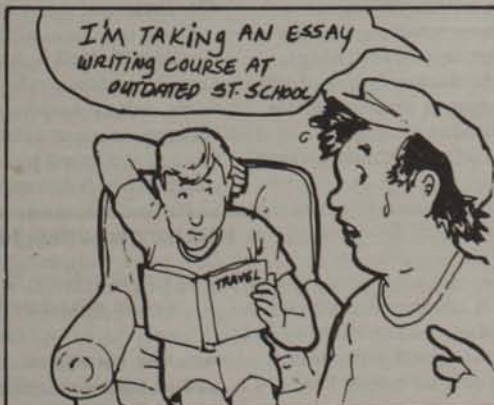
Later, Riesenfeld was asked by the U.S. State Department to serve as an ad hoc advisor in international law matters. Working in this capacity, Riesenfeld acted as a behind-the-scenes consultant during the Iran hostage crisis. He participated in structuring the decree that froze Iranian assets in the United States, and later helped establish the Iran-U.S. Claims Tribunal.

More recently, Riesenfeld contributed to the United States' brief before the World Court in response to Nicaraguan charges of American terrorism in that country.

But for all his involvement in government affairs, Riesenfeld still savors his teaching duties at Hastings.

"The thing I like most," he said, "is the intellectual freedom that comes with being a professor."

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Tenderloin cuisine reviewed

When mom doesn't pack a lunch

Tired of trying to think of new places to go to lunch? Run out of Miracle Whip salad dressing? No sandwich bread left at home? It's time to read up on the places here on our own doorstep. Recognizing, and unashamedly admitting, that "food is our life," the Law News writers expose both the hot spots and the relatively unknown places within the Tenderloin community. Naturally, we all know that the free periods in between classes are short and sweet, so the following spots are conveniently close by. And for those who want to get away from it all, we've even included a few places that you wouldn't be afraid to show to your rich Aunt Vivian. (She may even name you in a codicil, but no guarantees.)

Bon Appetit!

Knights

363 Golden Gate

If you are looking for a quick deli lunch in between classes and are tired of the Commons, Knights is a good convenient alternative. However, if your taste leans towards plenty of ambience, you might not find what you are looking for.

Knights serves delicatessen food cafeteria-style in a large, no frills room, which from its appearances has not changed a great deal over the years. True to its name, pictures of knights hang from the walls, and a suit of armor even stands guard next to the salad bar. The day I was visiting Knights, they were doing a brisk business, mostly from senior citizens and business people from the nearby government buildings.

The lunch menu is large, offering a variety of deli sandwiches, including some unique combination platters. The prices are reasonable, starting at \$1.75 for a plain cream cheese sandwich, to \$4.60 for crab, with most of the sandwiches priced around \$3.00. Side salads are not provided, but can be purchased for an additional 75c.

Knights also has a 12-item salad bar, open 11 to 2 which features daily specialties such as ambrosia, potato and pasta salads. In addition, soup, quiche, desserts, and if you really need a break, beer and wine are available.

The breakfast menu is smaller and consists of typical mainfare such as bacon and eggs, cereal, danish, and lox & bagels. Knights, whose landlord just happens to be Hastings, is located around the corner from school at 363 Golden Gate (between Hyde & Larkin) and is open 7 am to 4 pm Monday through Friday for breakfast and lunch.

Liz Newman

Delectables Cafe

One United Nations Plaza

Open from 7 a.m. to 5 p.m., Delectables is the unofficial snack bar of the Civic Center BART station. A yuppie version of a fast food restaurant, Delectables offers sandwiches, soft drinks, and features a wide variety of baked goods, including bagels, croissants, cakes, cookies, breads, muffins, and pastries.

The food is generally good. The sandwiches are made of fresh, quality meats and dijon mustard. The baked goods are always fresh and warm.

Delectables' major flaw is that

everything is drastically overpriced, from the 95-cent muffins to the \$3.00 sandwiches to the 75-cent canned drinks. A weeks' worth of lunches here and you would exceed your GAPSAS yearly allowance for food.

So if your BART train leaves in 2 minutes, and you gotta eat, try Delectables — otherwise, pass.

Matt Urdan

Carlos Goldstein's

370 Golden Gate

This small (seats 50) 'tacqueria' gets its highest scores in the service area. The staff is efficient and friendly and the premises are spotless. Those who don't order drinks are offered water.

You might not be inclined to believe that you could get authentic Mexican food at a place called Carlos Goldstein's, and you'd be right. What you do get is a fast, neat, slightly overpriced but serviceable meal.

The line (if there is one) moves past the steamtable where you are encouraged to make your selection quickly. The tostada (at \$4.25) is good, but avoid the taco salad unless you're in the mood for lettuce. Quesadilla grande (at \$2.50) is good, if skimpy on the cheese. Instead of being 'stuffed with melted cheese,' the flauta especial (\$3.95) was filled with the grated cheddar cheese that accompanies most every dish here. There's an extra charge for rice and beans (\$1.95). Mexican and domestic beer is available.

Your meal will generally cost about \$5.50. Transport your tray to your table. Mexican music supplies the spice. If you need to eat quickly and don't hope for a south of the border treat, then this is the place for you.

A. K. Roze

Golden House

366 Golden Gate

Nestled between Carlos Goldstein's and the Golden Gate Bookstore, the Golden House Restaurant is a small, quiet oasis of inexpensive Vietnamese food in the Tenderloin. Quiet, that is, at all times except noon, when the government office workers of the Civic Center make it one of their preferred lunch stops.

One visit and it is not hard to see why this restaurant is a favorite of the daytime denizens of the Civic Center. The decor is, thankfully, not like that of most Asian restaurants. In other words, it is unobtrusive, and seems to convey an impression that the dining area is larger and more open than it really is. The appointments are fairly new and quite clean, a definite plus for this establishment. The restaurant, open daily from 11:30 to 7:00, serves breakfast, lunch and dinner.

The major plus for this place is its prices. Breakfasts range from \$2.95 for various kinds of noodle soup and stuffed rolls and buns to \$5.50 for barbecued pork balls or shrimp over rice noodles, served with rice peppers. Lunches range from \$2.50 to \$3.95, with most in the \$2.99 and \$3.25 categories. The lunches typically come on a platter half covered with steamed rice. The other half is filled with a generous helping of stir-fried meats and vegetables. For big eaters, I heartily recommend the Combination Lunch for \$3.75.

There is also an a la carte lunch menu, which includes several kinds of Vietnamese meat-based salads, and various stuffed egg-roll-type concoctions. The dinner menu is larger and more varied. It includes a number of appetizers, most of which also appear on the lunch a la carte menu. I recommend the Imperial roll, a light, tasty alternative to the usual fried spring roll. There are numerous soups, salads, and a great assortment of main dishes to choose from. All are traditional Vietnamese fare, and not the more French-influenced Vietnamese cuisine.

Lastly, a brief word of warning. The Golden House is small, and during that mad hour from noon to 1 p.m., you may have a short wait for a table.

Daniel Smith

The First Restaurant

611 Larkin

Have you ever been studying when all of a sudden you're hungry, but you say "Cowabunga!" 'cause all you got is a fiver and you do not want a burger? Gosh, I know I have. Just the other night, three friends and I said the same thing. What did we do? We went to The First Restaurant, a small family-owned eatery that serves a variety of Southeast Asian dishes.

First has a clean, warm, dineresque atmosphere. Moments after being seated, we were handed menus and poured glasses of hot tea. The menu is extensive, with over fifty items from which to choose. Our meal started with Thai soup, a mild broth with crab, shrimp, chasu and rice noodles. We each tasted the chicken curry, made with coconut milk; spicy prawns with garlic sauce; and our favorite dish of the evening, sauteed beef with string beans and hot chiles (Thai style). Although they serve wine and a dozen varieties of beer, I had a Vietnamese coffee. This espresso-strength coffee, mixed with condensed milk and poured over ice is the perfect "gotta get back to studying" pick-me-up.

First Restaurant is very inexpensive. Dishes over rice and lunch specials (lunch specials include soup) range from \$2.65 to \$3.25 and dinners are between \$3.95 and \$4.25. They also have a daily special Monday through Friday.

First Restaurant is located at 611 Larkin Street, just a few doors north of Eddy Street. It is a little difficult to find, because it has a small sign and is adjacent to another restaurant (King's Palace). First is the northernmost of the two and is also adjacent to a vacant lot. They are open Monday through Saturday from 9 to 9 and Sundays from 9 to 5.

Garee T. Gasperian

Squids

96 McAllister

Okay, you had a nervous breakdown in Moot Court today. You're ready to walk into Burger King and yell, "Hey, I'm Herb!" Don't despair young law student, there is an answer to this dilemma.

First, put on your weirdest clothes, because the place you're going to is Squids. The atmosphere here is new-waveish on Fridays and Saturdays, but somewhat toned down for the humanoid on the weekdays.

Now that you're surrounded by no lights, fluorescent hair, and ten guys called Herb, what's to do here?

You can eat lunch or dinner, your choice here. It ranges from Italian food to, what else, squid. Reportedly pretty good. When you're done munching, getting ready to wipe your face clean, look out, for this place called Squids also a bar.

The place is a party, good food, fun, and different atmosphere, and for the



The Tenderloin has many culinary delights. Mellon's at the Abigail Hotel, Squids at 96 McAllister.



kind of person who doesn't care who they talk to when over the legal limit.

Ken Santos

Turk-Larkin Market

476 Turk

Close to school and construction site, the Turk & Larkin Market is a small, narrow sit-down cafe. Primarily catered to the federal building crowd, as well as Hastings students, the "Deli," as it is known, is a good place for lunch at a cheap price. No sandwich is more than \$3.00, and the sandwiches themselves stacked about three inches high. The Deli has a wide array of salad dishes, including macaroni, cucumber, pasta, green, and ambrosia, varying in price, all under \$1.10. As far as sandwiches there are various meats and fillings, as well as barbeque chicken and other specialties. For dessert, there is baklava, sesame seed bars, and racks of American junk food.

An added feature is that this place serves breakfast, and if the plates are served with the same quantity as the lunches, you'll be a stuffed little law student all day. Breakfast is served from

It's time to start hitting the streets

1. to 10 a.m. and nothing is more 100 (sounds like a refrain). sphere is crowded and hurried. ou get there before 11:45, you to avoid most of the lines and workers.

Nancy Georgiou

Original Brau Haus

place were located any closer to s and served a good cup of

gourmets. Not that the food's bad, it's not. The food is simply not complex. Their herb garden consists of a pepper tree and a salt lick. And, as is typical of a hofbrau, there is a heavy emphasis on meat and potatoes. But they do have an array of side dishes, any of which is included, at your option, in the meal with no extra charge.

Finally, the Original Brau Haus is nearly always open. From 8 a.m. to 1 a.m., that's every day, 365 days a year.

tangy barbeque sauce. The meat is lean and very good. Other appetizers include freshed chopped chicken livers (\$3.95), double garlic prawns and hot sausage (\$6.95), and the ultimate in Yuppie cuisine, hot brie over almonds (\$4.95), served with Inglenook, of course.

Every restaurant has its down side, and Max's is no exception, for the service there is terrible. It's not unusual to wait over an hour for a table and at least thirty minutes between the time one orders and one is served. Perhaps the singers are there to avert one's attention from this shortcoming.

Overall, Max's is well worth a visit. Although the food is pricey, and delivered at a snail's pace, the quality is good, the servings are large, and the atmosphere can be enchanting.

Mark S. Coon

J. A. Melon's

246 McAllister

Melon's is a classy restaurant in the heart of the Tenderloin. It's located on the main floor of the Abigail Hotel next to 200 McAllister. From the outside, Melon's appears to be very intimate with only six tables upstairs, but there is a larger room downstairs with about 14 more tables. (Watch for the tiger as you go down the steps!)

The restaurant is tastefully decorated in mauve and pink with china and linens on the tables. During the lunch hours, a pianist plays popular tunes and old standards. Melon's is crowded with business people at lunchtime but the atmosphere is relaxed and the service is friendly and efficient.

Melon's serves Continental cuisine, with luncheon entrees ranging from crab curry crepes and croissant sandwiches to a special cajun style blackened red snapper. Daily specials include quiche, fish, and pasta. For dinner, the expanded menu includes specialties like coquille St. Jacques and broiled Petaluma duckling.

Melon's may not be a regular student hangout, but it is one of the nicest restaurants in the area and a delightful way to celebrate any occasion or no occasion!

Hours: Lunch 11:30-2:30 weekdays
Dinner 5:30-10:00 Tues-Sat
Prices: Lunch entrees \$6-\$12
Dinner entrees \$10-\$18

Nancy Ferguson-Segall

Stars

555 Golden Gate

Stars is the Tenderloin's best-kept secret. Hidden behind an inconspicuous plain door on Golden Gate Avenue, the airy and elegant atmosphere of Stars is waiting to take you away from the tensions of law school life. Mirrors and plants adorn the walls, and music played by the resident pianist adds to the festive, warm atmosphere.

However, this escape does not come cheap. For the typical law student on a tight budget, Stars is the perfect place to relax and have a drink or two. Stars boasts an extensive wine list, with wines from California, France, and Italy available by the glass or the bottle. A glass of California wine may be had for as little as \$2.75.

The main courses range in price from \$16.00 to \$21.00, and feature seafood, beef, and fowl prepared a variety of ways. Other entrees include smoked duck, grilled swordfish, and poached salmon.

Lunch is served daily from 11:30 to 2:30. Dinner is served Tuesday through Saturday from 5:30 to 11:00, Sunday from 5:00 to 10:00, and on Monday from 5:30 to 10:00. Reservations are recommended.

Kristina Lindqvist

Inn at the Opera

333 Grove

For those members of the Hastings Culture Club who are tired of going to Max's Opera Plaza after an evening at the symphony or the ballet, Inn at the Opera is a delightful alternative. The Act IV lounge at the Inn is a watering hole for the sophisticated. The two fireplaces, tasteful appointments, and friendly staff add to the Inn's particular charm. While you are sipping your brandy, you have the opportunity to star gaze, since the Inn is a frequent stop for members of the San Francisco Ballet. The Act IV lounge is intimate so seating is limited. It may be necessary to make a mad post-performance dash to get a seat.

If your loan check just came in or your rich parents are visiting for the weekend, you could splurge and have dinner before the performance. Reservations are recommended for a pre-performance dinner. Entrees range in price from \$10.75 (salad nicoise) to \$16.50 (veal sweetbreads). If you would prefer a more quiet, intimate dinner, dine between 8 and 10 p.m.

The Act IV lounge is also open for breakfast and lunch, however, the meals are expensive. Sunday brunch, served from 10:30 to 4:00, is expensive, \$18 person, but it may be the perfect ending to a romantic weekend.

Beth McGarry

I Fratelli

1896 Hyde at Green

All right, it's not below Eddy Street but at least it's on Hyde Street. Just a five minute drive (or taxi), up the hill from school, you can have a delightful — and quiet — lunch at this charming Italian restaurant. While I Fratelli is too yuppie for most yuppies by night, it has a quiet, neighborhood feeling by day, along with divine pasta at reasonable prices.

Favorite dishes include the fresh linguine with fresh clams (\$6.00) and wonderful pasta al pesto (\$5.50). The best way to maximize your lunch dollar and get a little variety at the same time is to order a single pasta dish and split it with a friend, while both of you order the substantial tasty dinner salad and their great garlic bread. Ordering the above, plus a glass of the house wine and coffee, should only set you back about \$8.00 apiece (and that includes tip).

Open from 12 to 2 weekdays for lunch, I Fratelli is a good option when the Tenderloin seems too dirty, frenetic, and banal. Oh — it's a great place to bring that special law student for a quick date before returning to the library.

Colleen Fitzsimmons

er within blocks of the College. Pictured clockwise from upper left: J. A. era Cafe, and The Original Brau Haus.

Photos by Brian Condon



I'm sure I would hang out here. d most of Hastings, I think. As Original Brau Haus is 6 blocks d its coffee is merely adequate. eless, it ought to be a bigger part astings student life than, say, on's.

of all, it has a great bar. Forty g and dozens of imported beers. a television on either end for second, despite its size, the Brau anages to feel somewhat cozy. s a lot to do with the fact it has ved out of a single chunk of he enclosed cubicles are wood, rs are wood, and the bar is hat is not wood is pictures. ds of them, and all of old San o and its citizens.

dition, the food is big too. /, I ate short ribs there; live cows s meat on their bones. Portions hing are in the German 1 — Big. Yet prices are ngly low — generally less than dinner (including a Coke). s even cheaper, with large hes priced at \$2.99. However, the us is for gourmands, not

In sum, the Brau Haus is a basic hofbrau with an atmosphere that lends itself to hanging around. No waiters to tip or intrude, space, privacy, liberal portions, extensive beer list, and reasonable prices. And wood. It's at least worth an inspection.

Richard Jones

Max's Opera Cafe

601 Van Ness

Max's Opera Cafe gets its name from the nearby opera house, and from the singing waiters and waitresses, who strut their stuff nightly from 7 to 10. They don't just perform opera pieces either. On any given night one can hear music ranging from Broadway standards to hauntingly delivered torch songs, to contemporary ballads.

But don't be misled — the music at Max's only plays a supporting role. It's the food that gets top billing.

For those in the mood for something light, there are many appetizers to choose from. An order of the hickory smoked ribs (\$5.95) will get you from five to seven small beef ribs (remember, this is only an appetizer), coated with a

editorial

If it ain't broke don't fix it

Things are not always as they seem and a person's true motives are not always the ones stated. The Curriculum Committee proved that last week in a sudden change of course that quite simply made no sense.

The committee, headed by Professor Warren Shattuck, is examining the first- and second-year writing requirements. At its open forum meeting February 14, the committee introduced its proposal to combine the second-year Moot Court program with Legal Writing and Research, thereby creating a two-semester, five-unit course for first year. There would be no second-year writing requirement and law journal participation would be optional.

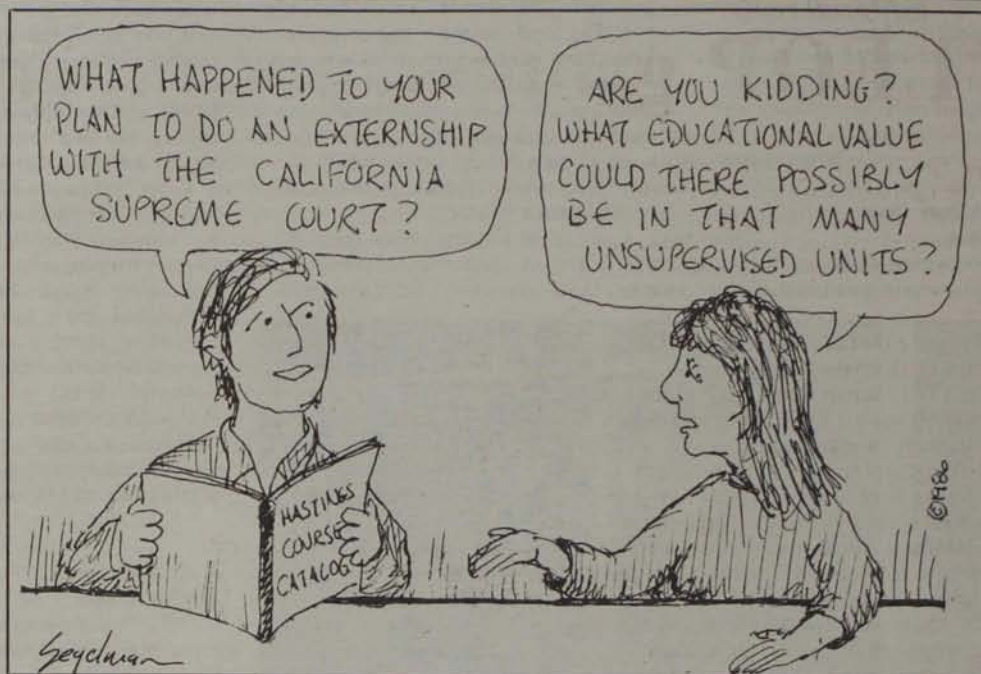
Why the change?

Shattuck's explanation, if not totally credible, is at least logical. He said the committee found no great fault with the current Moot Court program. Indeed, in Shattuck's words, "The quality of the Moot Court program is one of the best in the country, if not the best." He explained that the problem is with Legal Writing and Research. The course has come under attack from students and faculty in recent years for failing to provide a quality foundation in legal writing. By moving Moot Court into first year, the committee felt it could shore up the first year writing requirement.

In defending its elimination of an outstanding Moot Court program, the committee fell back to the everyone-else-is-doing-it defense. They pointed out that Boalt and many other law schools have moot court in first year. What the committee ignored was that Hastings consistently beats those other schools when its moot court teams take top honors in national competitions. They also ignored the fact that judges who sit in on Hastings Moot Court oral arguments consistently praise the program as the best in the state.

Then, abruptly, last week the committee made a switch inconsistent with its stated motives. It abandoned its plan to move Moot Court into first year and decided instead to propose that Moot Court be made an *optional* second-year course. The reason given: Since most other law school courses are not compulsory, why should Moot Court be?

Concerned students should be asking Shattuck and the other professors on the committee (Barrett, Smith, Thurman, and Van Kessel) why, if they feel the current Moot Court program is so good, they are so eager to eliminate it.



letterslettersletterslettersletters

Let's call a spud a spud

Editor:

I was peeling potatoes this morning when I came across one that seemed to be terminally blemished. I became fraught with anxiety — would I be unable to make my potato pancakes? But then — voila! — an epiphany. I just pared away at the blemish until the rest was edible. Did I throw the whole thing away to cure the situation? Indeed not.

Which leads me to the ludicrous proposal to "eliminate the offcampus fieldwork component of clinics and to eliminate judicial externships." That is what the Curriculum Committee told everyone (in flyers) it was considering, and that's what was supposed to be discussed at a meeting with students on February 14.

Many students strongly opposed this idea and came to the meeting to express their views; however, the chairman, Professor Shattuck, disarmed them by saying at the outset that elimination was a bad idea and that what the committee really wanted was suggestions on how to improve the programs. Great idea, but people weren't prepared to address that — they were prepared to defend the programs' existence.

I, for one — and others I have talked to — left the meeting with no idea of what the committee's intentions are. If the committee already has decided that eliminating those valuable programs is a bad idea — something many of us realized immediately upon hearing it — why did the flyers say this idea was to

be discussed? The meeting turned out to be a combination of A Day in the Life of a Suggestion Box and How I Spent My Judicial Externship.

Which is not to say that listening to people's experiences wasn't interesting. Indeed, those stories solidified the impression I already had: that the program was sound, supervised beyond mere adequacy, and an asset to be preserved at any "reasonable" cost.

Professor Shattuck expressed concern about an American Bar Association evaluation criticizing alleged poor supervision of the clinical fieldwork and externships at Hastings. Query whether any rational person really believes that Hastings could lose its accreditation over this.

What I wanted to know when that meeting ended was, where does the committee stand? Is the elimination proposal dead, just like that? Or will the committee feel free to revive it — and if so, will students be given an opportunity to address it directly?

People who care about this issue should keep tabs on the committee. The committee should make its position clear. And when it's all settled, the committee is invited over to my place for potato pancakes.

Sherry Glassman

Nobody's racist?

Editor:

While a bunch of us were writing an anti-apartheid letter last week a student ambled by and asked us what

the big deal was all about. "Everybody knows that pro-apartheid article was a joke," she said. "Nobody supports apartheid, nobody's racist." "Nobody's racist?" we asked.

"Nobody," she said, and off she went to class.

So what is the big deal all about? Apartheid or racism are far away from Real Life Here At Hastings.

The common theme, it seems, is that Here At Hastings anything not intertwined with grades, jobs or — money, is irrelevant. Racism? People starving to death, every day, on the streets surrounding the school? Apartheid? Ignore it. It'll go away. It doesn't exist at all. Maybe that works for some people. However, just remember, that when you throw away that all too real world "outside," of real people and very real horrors, you're throwing away one other thing.

Yourself.

Marc Bender
Riva Enteen
Ginger Lindsay

Apartheid oversimplified
Editor:

David Daniels' opinion piece in the Hastings Law News (Feb. 4), regarding United States relations with South Africa, revolted some members of the school community. The article relied on hateful language couched in a cool, pseudo-intellectual style instead of clear ordered discussion. This polarizes readers into camps of sympathizers, or dissenters without contributing to

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hastings law news

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Editorial reply

'LEOP groups' got more than their share

BY LANCE T. BURY

The "Cool it" editorial published in the February 4 issue of the *News* lucidly illustrates that you can't believe everything you read these days.

Although Lance Bury and BATCH were attacked unfairly, this rebuttal does not focus on Editor-in-Chief Yates' editorial. The issue is NOT BATCH versus LEOP or even BATCH versus non-LEOP groups. I myself am a LEOP admit and believe strongly in maintaining and strengthening the LEOP program.

The issue is the accountability of ASH to every registered student at Hastings. Haven't you ever wondered where part of your incidental fee has gone, and perhaps why?

There were five LEOP associations and about 26 non-LEOP groups which received ASH funding for the 1985-86 academic year. Thus, LEOP groups comprise only about 16 percent of the total funded groups while non-LEOP groups comprise about 84 percent of the total funded

groups.

APLSA, which claims 60 active members, was allocated \$825. Black Law Students Association, which claims 61 active members, was allocated \$825. La Raza Law Students Association, which claims 55 active members, was allocated \$825. One of the reasons cited by the Finance Committee for allocating each group \$825 each is that in the past all three groups have been treated similarly.

ODLSA, which claims 30 active members, was allocated \$450 while the Native American Law Students Association, which claims only 10 active members, was allocated \$200.

In contrast, the number of active members claimed by non-LEOP groups total at least 1050, which is about 70 percent of the student body. The number of active LEOP members is 216, which is only about 14 percent of the student body. ASH allotted only \$5,825 (65 percent) to the 26 non-LEOP groups, while the five LEOP organizations received \$3,125 (35

percent) of the remaining monies!

According to Donna Cole-Wallen, ASH president, three members of the nine-member Finance Committee (33 percent) were admitted through the LEOP admissions process. Ms. Cole-Wallen also stated 12 of ASH's 37 members (32 percent) are LEOP students. LEOP students comprise only about 20 percent of the student body.

The \$12,000 should be distributed in a manner which helps ensure that the largest number of Hastings students will be benefited. Implementing a mandatory attendance list will at least verify how many Hastings students are really attending student group sponsored events.

(Editor-in-Chief Yates' editorial incorrectly stated the number of students attending BATCH's January 31 meeting was eight. There were about 13 students in attendance, six signed up as new members. Mr. Yates did not attend the January 31 meeting. BATCH averaged 40

students per meeting last semester [excluding the September organizational meeting]. Thirty students attended our February 4 meeting and about 40 students attended our February 18 meeting. Mr. Yates attended our November panel discussion, but neglected to mention there were about 48 students at that meeting. The one time I failed to meet with Mr. Yates was due to an extended interview. The BATCH treasurer missed a meeting with the Finance Committee because of an illness. BATCH has already incurred \$295 in expenses, much more than ASH's \$50 allotment.)

The behavior of ASH's handling of the funding process is further detailed in the BATCH grievance. Copies are on file in the Hastings Library at the Reserve Desk. I hope I have encouraged other students to get involved — ASH is supposed to represent all students fairly, and not only a select few.

Lance T. Bury is president of BATCH.

Apartheid article ignores the facts

BY KEVIN FINNEGAN

David Daniels' article on South Africa (Feb. 4) characterizes the continuing crisis in that country as an attempt by an immigrant black majority to take land from the white minority. He asserts that Europeans occupied a virgin territory and that blacks did not move to the region until the 19th century.

The reality differs. The first European community in southern Africa was established at the Cape of Good Hope in 1652. Due to natural obstacles, the cape region was never inhabited by the Bantu-speaking majority in South Africa. Instead, the cape area has been occupied since early in man's evolution by ancestors of the Khoikhoi and San peoples (so-called "bushmen"). Accounts left by the Dutch document trade with native peoples, many of whom were eventually assimilated into the colonial community and became, in part, ancestors to the so-called "colored" minority today.

The black majority of South Africa has always outnumbered the country's white population. Highly developed Bantu-speaking farming cultures were in existence throughout the northern and eastern portions of South Africa for more than a thousand years before Cape Town was established. Contrary to Mr. Daniels' assertions, it is whites, rather than blacks, who did not occupy most of the area encompassing present day South Africa until the 18th century. Europeans did not occupy any territory beyond the coastal regions until the 1830's when Afrikaner *trekboers* began migrating out of the cape region to escape British rule.

African communities fought tenaciously to resist Boer domination and retain control of their land. The Basotho tribe defeated the Boers of the Orange Free State in 1858. Hostilities ended only when the British agreed to guarantee the independence of the Basotho state of Lesotho. The Xhosa and Venda tribes were not defeated until late in the century and

the Zulu nation resisted white encroachment for decades until it was subjugated by the British army in 1879.

Mr. Daniels erroneously asserts that apartheid predates our concepts of equal protection by two hundred years. In fact, apartheid was first introduced in 1948, when a successful coalition of Afrikaners intent on preserving "racial purity" was forged under the Nationalist party. While racial inequality has existed in South Africa since whites first appeared there, the policy of separate "development" of the races is a thoroughly modern concept which has been unique to southern Africa since World War II.

Much of the white control over South African land has been accomplished through apartheid legislation which mandates separate communities for each racial group. Blacks, who make up 70 percent of the population are only permitted to own land in the 13 percent of South African territory set aside for them. Many African farmers have only recently lost legal claim to land which they have worked for generations. Massive resettlement of Africans out of white areas continues today. The Study Commission on U.S. Policy Toward Southern Africa reported that three million Africans were removed from white areas between 1960 and 1980.

The imposition of racial separation since World War II has also had a profound effect on the relatively integrated so-called "colored" and "Asian" minorities. One example is the historic center of Cape Town, District Six, which had been largely non-white for over a hundred years. The area was designated "white only" and in 1966, 61,000 so-called "coloreds" were removed to a bleak suburb ten miles from town where a housing shortage has pushed the price of homes beyond the reach of a majority of those who live there.

Despite his claims to the contrary, there is no historical precedent for the "tribal

(continued on next page)

BY NALDA CRAIN

David Daniels' article was misleading and so misstated facts as to insult any rational American's intelligence. First, black South Africans have always been the majority population and inhabited South Africa at least 300 years before any whites migrated there. It should be no surprise that the black majority being the original inhabitants of South Africa would fight for democracy.

Webster's Dictionary defines democracy as "government by the people, equality of rights, opportunity and treatment." Yet Mr. Daniels has changed the definition of democracy according to the color of a person's skin — only whites can acquire democracy, only blacks can *not* acquire democracy. When Americans demand "one man, one vote" and "no taxation without representation" we are fighting for democracy. However when black South Africans demand the same they are labeled anarchists and communists.

Equal rights for blacks is a moral, legal, and economic issue. The true facts are:

1. Black education is markedly inferior to white education.
 - a. Only \$90 is spent on each black child compared to \$940 on each white child.
 - b. Black schools are chronically overcrowded, and double sessions (2 teachers and 2 classes using 1 classroom simultaneously) are commonplace.
 - c. The white government inadequately prepares black teachers; most black teachers receive only an 8th grade education.
2. There is 1 doctor for every 40,000 blacks compared to 1 doctor for every 600 whites.
3. Whites must be paid more than blacks regardless of the job performed.
4. Eighty-five to 90 percent of South African land is reserved for whites who represent approximately 16 percent of the population. Blacks who represent at least 72 percent of the population can *not* buy land in South Africa, and can only lease land not reserved for whites.

Mr. Daniels states: "We have no moral right to interfere...but we do possess the right to protect our interests abroad...." Regardless of whether we have a moral right to interfere, we have already interfered with both direct and indirect aid to the South African government. It is *not* in our best interests to preserve the status quo and support the continuance of the white minority's control of the government.

Nalda Crain is a third-year student from Hayward.

History ignored

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anarchy" which Mr. Daniels fears will result from majority rule. South Africa is not a colonial power whose fate will be left to an untrained populous. Black South Africans are perfectly capable of running their country and, in any event, the "responsible" whites will be there long after majority rule. They have nowhere else to go. Zimbabwe is the only nation whose history resembles South Africa. Once the white minority "capitulated" to majority rule in that country the transition was accomplished with relative ease.

Not surprisingly, Mr. Daniels fails to acknowledge the capabilities of the leaders of the popular forces fighting for majority rule. The present leaders of the African National Congress (ANC), Nelson Mandela, Oliver Tambo, and Joe Slovo, a white man who commands the ANC military wing, are all lawyers. The ANC has for years concentrated a major portion of its resources toward training the next generation of South African government leaders. Each year the ANC sponsors hundreds of students who receive free educations in Scandinavia and Eastern Europe. Thousands of South Africans attend ANC schools in Tanzania and many others are educated throughout Africa.

In view of his limited knowledge of the country, Mr. Daniels' proposal for a future South Africa hardly deserves serious consideration. His ideas are interesting however, because in putting forward what he deems an "acceptable" proposal for reform, Daniels engages in just the "paternalistic smugness" he arrogantly denounces. Those who support his views should realize that South Africa will be ruled by a majority of South Africans whether Mr. Daniels finds their solutions acceptable or not.

Finally, Mr. Daniels claims that, for him, it is of no consequence that the ruling minority of South Africa is white. But his analysis is anything but color blind. According to Mr. Daniels, the conflicting sides in South Africa are "well matched" because the numbers of the disenfranchised are a balance to the superior weaponry of the white minority. This "equality" means that untold thousands of non-whites must perish in order to match the firepower of the white minority. One should wonder whether a display of such callousness would be evident if the racial situation were reversed.

Kevin Finnegan is a third-year student from San Francisco.

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(from page 8)

productive discussion. There were five specific things which were offensive.

First, Daniels characterizes the white minority of South Africa as innocent natives invaded by free-loading blacks. He might as easily claim that American Indians invaded the Ohio Valley as usurpers.

Second, he asserted that moral argument for divestment was irrelevant, the only issue being protection of our "interest." I suggest that this undermines our foreign policy which allegedly supports democracy and freedom of thought. Supporting South Africa is inconsistent with both ideals, and inactivity can easily be construed as support in the current climate. Our "interest" is served by sending consistent signals to the world on our support of democratic ideals. In this context, any reaction to apartheid can be fairly called an act of national morality.

Third, Mr. Daniels alleges that judgments of South Africa's immorality are entirely grounded on the Equal Protection Clause. Most of the world is unaware of the parameters of constitutional issues. Yet, standards of decency and human worth have been offended by apartheid around the globe.

Fourth, one justification to continue apartheid is potential unrest without the minority government. Dr. Martin Luther King Jr. urged

more letters

that peace is not the absence of conflict but the presence of justice. Mr. Daniels would settle for second best for those he considers second class.

Finally, there is an underlying simplification of all issues to an economic discussion. This is a short cut by disregarding intangibles. If our "interest" is economic, then it is easy to measure how it is faring. To expand our interest to include considerations of national political consistency makes a tougher call. The complexity of the entire issue is too much for Mr. Daniels to bear, but hiding behind cool, deliberate disregard of human worth is a sorry response.

Richard Stone

Patriotism off the mark

Editor:

Last week's Op-Ed comment on why America should support apartheid is worthy of only minor comment.

To give any weight to the author's opinions would give legitimacy to his attempt to mask his bigotry in dubious analysis. His dismissal of the moral issue of a white minority of four million virtually enslaving a black majority five times larger is contemptuous and an affront to black Americans and other peace-loving peoples — liberal or not.

The conscience of the American people, no matter how divided and torn it is on the threat of communism and domestic issues, is nonetheless

united in its belief that slavery is an anachronism and that other perverse forms of discrimination, such as apartheid, should not exist.

The American people have every right to pressure the U.S. government to desist from living a hypocrisy in supporting a racist government like South Africa. Opposition to apartheid is growing throughout various sectors of our society. And contrary to the beliefs of the author and his supporters on the sidelines yelling "Kill the Commies! Kill the Commies!" the government must respond to "We the People...."

The author's patriotism is off the mark and so is his analysis. It takes extremist opinions such as his to unite the rest of America.

Black Law Students Association

We duel at dawn

Editor:

I am at a loss to understand the aversion with which my recent article in your publication was received. I am, of course, eager to ascribe such aversion to lack of information rather than to prejudice; and, despite my suspicion that the Liberal Mind (if such a thing exists) is as resisting of the one as it is predisposed toward the other, I do not hesitate to express my willingness to publicly debate any qualified spokesperson (or persons) on any aspect of the South African question.

David R. Daniels

Groups have spent so far . . .

The following is a report submitted by ASH Treasurer Esther Sanchez showing disbursements of ASH funds to student organizations as of February 9, 1986.

Organization	Allocation	Disburseals	Balance
Alternative Law Journal	\$ 250.00	\$.00	\$250.00
Amnesty International	150.00	.00	150.00
Anti-Apartheid Coalition	300.00	164.41	135.59
Asian Pacific Law Student Assoc.	825.00	616.24	208.76
Assoc. of Communication, Sports & Entertainment Law	300.00	.00	300.00
Bay Area Sexual Harassment Clinic	365.00	78.95	286.05
Black Law Students Association	825.00	635.00	190.00
Business & Tax Club	50.00	50.00	.00
Clara Foltz Women's Union	275.00	140.54	134.46
Campus Republicans	50.00	50.00	.00
Dickinson Society	240.00	.00	240.00
Environmental Law Society	400.00	173.99	226.01
Experienced Law Students	100.00	.00	100.00
Gay Law Students Association	325.00	.00	325.00
General Assistance Advocacy Project	400.00	268.32	131.68
Hawaii Law Caucus	50.00	15.00	35.00
La Raza Law Students' Association	825.00	576.08	248.92
Law News	1750.00	1750.00	.00
Law Students Civil Rights Research Council	25.00	.00	25.00
Lesbians in Law	325.00	63.44	261.56
National Jewish Law Students' Network	250.00	82.19	167.81
National Lawyers Guild	500.00	240.79	259.21
Native American Law Students Assoc.	200.00	.00	200.00
Other Disadvantaged Law Students Association	450.00	119.04	330.96
Pacific International Law Society	70.00	.00	70.00
Personal Computer Users	25.00	.00	25.00
Phi Alpha Phi	200.00	200.00	.00
Players Society Law Review	900.00	.00	900.00
Saint Thomas More Society	50.00	50.00	.00
Second Year Memory Project	25.00	.00	25.00
Student Democrats	50.00	.00	50.00
Students for Awareness of Nuclear Weapons Issues	250.00	51.92	198.08
Third Year Class	400.00	.00	400.00
Unemployment Project	400.00	.00	400.00
Workers' Rights Clinic	400.00	400.00	.00
TOTAL	\$12,000.00	\$5725.91	\$6274.09

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