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Hastings Law News

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February 5, 1991

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The West Block Saga Continues

Hastings Pushes on With Development Plans Despite the Property's Uncertain Future

By John C. Andrews
EDITOR-IN-CHIEF

Passersby look at it with curiosity, Hastings College ogle it with visions of potential development, and Tenderloin residents eye it warily. "The pit," as one College official calls it, is an empty lot which used to be the site of homes and small businesses, and lies in the heart of one of the most controversial parcels of property in San Francisco: The West Block.

The block, bounded by Hyde, McAllister, Larkin, and Golden Gate, on which the College's 200 McAllister Building is located, is owned entirely by Hastings, except for the Abigail Hotel and the city-owned steam plant proper-

College plans to distribute a "Request for Proposal" (RFP) to potential developers interested in submitting initial ideas to develop the West Block property. Though the RFP was unavailable to the *Law News* at press time, the plan eventually generated by this offering will be expected to meet the "long-term needs of the College," according to Hastings Facilities Planning Director Ed Levine.

Westblock Tenants Association (WTA) views potential development plans with indignation and frustration, pointing to the College's long-standing position that it need not submit to the city planning procedures and WTA's perception that the development

Students, Professor Arrested in Protests at Civic Center

By Derek Bercher
STAFF WRITER

From the Federal Building to the Bay Bridge, many members of the Hastings community have been directly involved in the wave of street demonstrations which swept the Bay Area in the wake of

events arrested were cited for unlawful assembly or obstructing traffic and then released.

Professor Richard Boswell was pulled in by federal marshals as he stood on the sidewalk watching protestors block Polk Street during the January 15 demonstration at the Federal Building. Al-

"If even one person dies because someone decides that it's more efficient to wage war than negotiate, that's criminal."

Such sentiments were echoed by Hastings second year Jane Balistreri, who was arrested twice during the initial demonstrations following the onset of war. One



PHOTO BY DEREK BERCHER

Hastings banner joined the throng at the Jan. 26th march from the Embarcadero to the Civic Center.

the onset of war in the Persian Gulf. A number of students chose to eschew classes in favor of taking to the streets to express their opposition to the war.

While the range of such expression varied, at least 14 Hastings students and one professor were arrested, along with at least a thousand other activists, for engaging in various forms of civil disobedience during the demonstrations. Most of the stu-

though arrested inadvertently in the round-up, Boswell nonetheless supported the demonstrations. "I am opposed to war for moral reasons," said Boswell, "and I have a great deal of respect for those who engage in civil disobedience."

Boswell, who characterizes himself as a pacifist, said that if one feels strongly that war is wrong, then that individual has an obligation to act. Said Boswell,

of those arrests occurred January 15 at the Federal Building after she blocked the entrance to the building by lying in a body bag for five hours. "That was the only thing I could do to register my dissent to the mass insanity of war," said Balistreri.

Hastings second year Tim Huet chose to be arrested for similar reasons during that blockade of the Federal Building. He also

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New Faculty Announced

By Sean DeBruine
STAFF WRITER

In a series of moves that will significantly increase faculty diversity, the Faculty Appointment committee Thursday announced the hiring of two new faculty members, raising to three the number of new general faculty hired this year. The committee also announced the appointment of visiting professor Richard Boswell to a permanent, tenured position and the granting of tenure to Professors Melissa Nelken and Leo Martinez. Inter-

views are continuing for two additional faculty members in the Criminal Clinic area.

The new professors, Jo Carrillo and Mary Crossley, will join Naomi Roht-Arriaza, whose appointment was announced last fall, as assistant professors in August 1991. Their teaching assignments will be determined when the faculty decides upon next year's curriculum. The appointments were made in anticipation of a number of current professors taking advantage of the statewide early retirement program. (As

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PHOTO BY JOHN C. ANDREWS

Hastings hopes to complete the developer selection process by the end of this year and to begin construction on the embattled West Block property in two to three years.

ties. For several years, the West Block has been the focus of a land use battle between Hastings, the city, and Tenderloin residents. The outcome will have a profound effect on the future of Hastings, the Tenderloin, and the tenants on West Block, whose living space hangs in the balance.

Within the next week, the

process has been closed to public input. Formed in November 1989 to represent West Block tenants in disputes with the College and to combat any threat of losing their housing, the WTA joined the City in a lawsuit against Hastings in hope of maintaining the supply of residential units on

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Students Applaud New Hires: Process Still Needs Work

By Sean DeBruine
STAFF WRITER

The recently announced faculty hires were greeted with cautious applause by students involved in calls for a diversified faculty. While pleased that the new hires include three women - one of whom is the first woman of color at Hastings - and an African-American, they caution that the current status of student input and the faculty's perception of diversity are still causes for concern.

"It's exciting that the faculty finally took it upon itself to diversify," said Beth Morrow, a member of the student Diversity Coalition, currently an informal group of students pressing for a faculty that is more representative of society at large. These recent hires are "important steps" Morrow says, but she remains concerned about the depth of the faculty's commitment, to broaden its definition of diversity and the future of student involvement.

"I am concerned that the school has reacted to this as a 'hot' issue because students are making a

stink," Morrow related. "They may ignore (diversity) when the issue cools off. There is nothing in writing requiring the faculty to diversify."

Both Morrow and ASH President Doug Fox are concerned about the informal nature of student involvement in the hiring process. While they are pleased with current Faculty Appointment Committee Chair Margreth Barrett for encouraging student involvement, ("she's extra cool," according to Fox), they point out that student involvement is at the whim of the Committee.

"There is nothing written down," noted Fox. "Students need something in writing. There should be a student on the Appointment Committee." For this to come about, the faculty would have to amend its bylaws by a two-thirds vote. "We need to find a faculty member to sponsor" such an amendment, he said.

There has been some question about how much weight the faculty gives to student opinions. Professor Barrett responds that "student comments are very helpful. Students have a better feel for

classroom performance and approachability." And Fox does feel that recent hires reflect a "student impetus."

But a student who participated in student interviews of faculty candidates disagrees. "I question how seriously the faculty consider student opinions," said Cliff Stanley. "The form they use asks very general questions like 'is the candidate likeable?' The candidate [I interviewed] himself seemed to attach little importance to the process."

While admitting that the candidate was "wiped out from a long day of interviewing," Stanley said, "I'm not sure he took it seriously. The students in my group were most interested in the candidate's academic and intellectual interests and his approach to teaching. They were concerned with bringing a broader intellectual and critical approach to law school. Amazingly, the candidate hadn't really thought about these issues, and was very conservative in his responses."

The limited involvement of students, and the narrow criteria they were asked to use in evaluat-

ing candidates, lead some to question the faculty's definition of diversity. "The faculty doesn't seem to consider academic philosophy and perspective an issue in diversity, but we do," says Morrow. "The greatest thing lacking at Hastings is a dialogue from real diverse perspectives."

"The faculty is afraid of students' calls for intellectual diversity," according to Fox. "They feel that students want just the crit (Critical Legal Theory) viewpoint, not more conservative views like Law and Economics. That's mistaken. Students want views from many perspectives."

The method of including students in the interviewing process was also criticized. "I heard about the (student) interviews only when Dean Read spoke to my section, so I contacted my ASH representative," recalls Cliff Stanley. "But it seemed that most interviews went to the friends of Doug Fox." Fox agreed, saying that he received candidates' resumes when he returned from the semester break, and since the interviews were scheduled to start immediately, he had to scramble to find

students to attend, even though he knew some time in advance that the interviews were upcoming. "I gave most resumes to the Journals and student groups like LEOP, BALSA, and La Raza," he said. "I distributed the rest to my friends and other students willing to participate. I tried to make the group reflect the student body. The remainder were distributed at the first ASH meeting of the semester, to go to first years."

The Diversity Coalition intends to maintain pressure on the faculty to continue the process of diversification. At a meeting planned for Wednesday, February 6, the Coalition plans to elect officers and become a recognized student organization. They also will try to finalize a Statement of Purpose to articulate a goal for faculty diversity. By becoming an official organization, the Coalition hopes to have a more consistent presence on campus, and to be prepared early next year for further anticipated hirings to replace faculty members taking early retirement.

New Faculty Bring Different Backgrounds, Perspectives

Continued From Page 1

previously reported, this program offers enhanced retirement benefits to certain qualified faculty and staff members if they retire this year. Approximately eleven of the regular faculty are eligible.)

"I am enormously pleased and excited and a little scared," confessed Naomi Roht-Arriaza. Roht-Arriaza, who had offers from several other schools, chose Hastings "because of the diversity of its students, and because Hastings graduates are influential in the Bay Area legal community." She also applauded the faculty's moves to diversify. "I am a recent Boalt graduate," she explained, "and we have struggled long and hard over the issue of diversity. This year's hirings reflect changes in the right direction."

In addition to increasing the diversity of the faculty, these three women will bring a broad range of experience and expertise to Hastings.

Roht-Arriaza graduated last spring from Berkeley with a J.D. and a concurrent Masters degree in Public Policy. Roht-Arriaza's specialty is international law, particularly human rights and environmental law in Central America. She has worked with

Greenpeace Latin America on pollution issues in Mexico, with the Ford Foundation in Mexico City seeking grants for programs for human rights, and edited the *Central American Report* in Guatemala. She gained legal experience clerking for a Ninth Circuit Court of Appeals justice, and for the Mexican American Legal Defense Fund. While at Boalt she co-wrote three law review articles, taught Legal Writing and Research and was a Teaching Assistant in the Graduate School of Public Policy.

Jo Carrillo will receive her J.S.D. from Stanford this spring, following an earlier J.D. from the University of New Mexico School of Law, and a B.A. in History from Stanford. In the interim, Ms. Carrillo worked as a staff attorney for the New Mexico Department of Human Services. She was also the Laurie Visiting Scholar in Women's Studies at Rutgers University and has experience in writing and publishing. Her areas of interest are federal Indian and environmental law, and she has published three law review articles about the American Indian in western legal thought.

Mary Crossley received her J.D. from Vanderbilt University School of Law, and has a B.A. in

history from the University of Virginia. While at Vanderbilt Ms. Crossley was Editor-in-Chief of the Law Review and earned the Order of the Coif. After clerking for a judge on the Sixth Circuit, Ms. Crossley entered private practice. She taught Moot Court at Boalt hall last spring semester. Her expertise is in the area of medical and corporate law.

The newly tenured positions

Boswell, whose J.D. and first teaching experience were at



PHOTO BY SEAN DEBRUINE

Newly Tenured Professor
Richard Boswell.

George Washington, is visiting this year from Notre Dame law school. Unlike the newly hired

professors, he has been appointed specifically to help revamp and teach in the Civil Practice Clinic program. In addition to clinical teaching, Boswell's research interest is in immigration law.

"Hastings is in the process of overhauling its skills training program," Boswell noted. "When we are done it should be a premiere program. Our long-term goal, which should benefit those students currently in their first year, is to combine simulation at school with real client clinical experience."

In addition to Boswell's, there are currently two more clinical positions open, and candidates were on campus last week for interviews. All the clinical positions are independent of possible faculty retirements and are instead part of a special effort to develop a clinical program. "These positions were approved and the money allocated some time ago," explained Margreth Barrett. She is also confident that they will not be affected by any possible future budget cuts coming out of the current budget situation in Sacramento. "The money is in the bank," she noted.

Melissa Nelken joined the Hastings faculty in 1979 after working as a litigator in Ann

Arbor, Michigan and San Francisco. She studied Russian Literature as an undergraduate at Brandeis and earned a Masters degree in Soviet Area Studies from Harvard before receiving her J.D. from the University of Michigan. Her teaching focus is on trial advocacy, which she has taught at Boalt Hall and Michigan. She is the regional director of the National Institute for Trial Advocacy.

Leo Martinez joined the Hastings faculty from the San Francisco law offices of Howard, Rice, Namerovsky and Falk. He is a 1978 graduate of Hastings, which he attended as part of his military duties as an officer in the Army. He teaches Contracts, Tax and advanced tax seminars. In addition to his teaching duties, Martinez is active in community affairs. He is on the board, and chairs the legal affairs committee, of KQED. He is also on the board of the Berkeley Law Foundation, and the Alumni Board of Governors of Hastings. "What I like best about teaching is that it allows me to work on things in the public interest, and to be intellectually challenged," he said. "Plus, it's fun in the classroom."

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Few students bagging their limit in spring job hunt

By Joe Vadala
EXECUTIVE EDITOR

The crunch in the legal job market which has left many students still unemployed for this summer and post graduation is evidenced by the reduced number of employers participating in Spring On Campus Interviews (OCI) this year.

According to John Young, legal recruitment coordinator in the on campus Career Services Office, the number of employers who are interviewing through OCI this

spring has dwindled from over 40 last year to only 25 this year. Young added that of those 25 employers, nine represent government and public interest agencies.

Vying for those scarce interview positions are 284 students, including 158 first years, 83 second years and 43 third years. Although some students emerged without a single interview while a number of lucky students received two, Young estimated that each student participating in spring OCI received an average of one interview.

Young advises students to look at the limited number of positions available through spring OCI and to "be realistic" about the probability of gaining employment by using just this program. He discourages students from limiting their opportunities by only considering certain geographical areas and only certain areas of the law. In addition to the dismal economy, Young feels that a factor in the high number of yet-to-be-hired students is the "overly high expectations" of the students themselves. He said that many students want to only work for a

particular sized firm, practicing in a particular field, in a particular location, for a particular salary. "The market simply no longer supports such demands," said Young.

On the brighter side, Young believes that there are still jobs available for flexible students willing to explore alternative avenues for job hunting. He said that many smaller and medium sized firms have not yet done any hiring because they often do not know their summer needs until well into the spring. The Career Services Office list several of these

firms in its "student-send-resume" file.

Young said Hastings also maintains a database containing 1700 firms, "all potential employers." Other non-OCI alternatives include a Public Interest Conference slated for March 2, Hastings Public Interest Law Foundation grants, and work study. Young also emphasized the importance of networking. He said "the who you know" doctrine is still a valuable rule for finding a job.

Hastings' July Bar Passage Rate Wasn't Extraordinary

By Robert Crook
STAFF WRITER

After months of waiting, the results of the July 1990 California bar examination were announced in late November. Of the 324 Hastings students who took the test for the first time, the 274 who passed were likely pleased with the results. The remaining 50 students undoubtedly were not. Hastings' pass rate was described as typical.

"It was pretty good," Associate Academic Dean David Levine said of the latest bar passage rate. "Typically, it tends to be true that the top three-quarters of the class does very well. The bottom quarter usually has problems."

When asked to identify other factors that correlate to bar passage, Levine stated that at the present time there are no indications that other factors determine who passes and who fails. Discovery of such a pattern would be useful, according to Levine, and Hastings is continuing to examine a wide range of data in order to improve students' chances of success.

Although Hastings' Legal Education Opportunity Program (LEOP) has the "Bar None" program to assist LEOP students with passing the California bar examination, there is no similar program for general admittees. All students are encouraged to take the regular academic bar courses and most take all or nearly all courses offered. Half of those bar courses are required in the first year. If a student is not in good standing, that student must meet with the Academic Dean to discuss ways in which to improve scholastic performance.

How does Hastings compare with other major law schools?

"It differs year to year," Levine said, "We're typically in the best group. We have been the best in the state but the exact rate, I think, is not important." Boalt had the highest passage rate for first-time test takers who took the California examination in July. Boalt passed 90.5% of its students; UC Davis passed 88.6%; UCLA passed 85.9%; and Stanford passed 85.2%. Hastings ranked last among this grouping of schools at 84.6%, but these percentages are very close together compared to the overall 73.4% passage rate for first-time takers of the July California bar.

"Hey, we beat Michigan," Levine commented. Seventy-five point four percent of Michigan students who took the California bar exam for the first time passed. Out-of-state schools Harvard and Yale passed 87.4% and 88.2% respectively. "Nationally accredited schools are basically in the same ballpark," Levine added.

For those who take the bar examination over again, however, the chances for success drop dramatically. Compared to an overall 73.4% passage rate for first-timers, candidates who took the bar examination for the second time had a passage rate of only 30.5%. Those who took the examination three or more times had a passage rate of 17%.

Should Hastings place more emphasis on teaching students to pass the bar examination itself? Levine sees Hastings' role to be larger than coaching for the test. He said taking the bar examination is only one aspect of a legal career, and law school must develop the individual rather than provide concrete answers to legal questions. "We're training people for the long run—judges, lawyers, the legislature," he said.

School Hung Up on Political Poster First Amendment Concerns Raised When BLSA Placed Sign in Lobby of 200 McAllister

By Betsy C. Johnsen
NEWS EDITOR

The Black Law Student Association (BLSA) clashed with the administration over the school's response to the posting of an admittedly "political" sign on Martin Luther King's birthday.

On Tuesday, Jan. 15, BLSA placed a sign on an easel in the first floor lobby of the 200 building. The sign, according to BLSA president Anita Santos in a recent interview, was meant to "heighten the awareness of the Hastings community about the statistical imbalance in our society." Printed on three lines was the information that African-Americans comprised less than 5% of Hastings students, less than 13% of the general population, and more than 60% of the soldiers stationed in Saudi Arabia. The poster also portrayed the face of a black man in military garb, and asked, at the bottom, "Affirmative Action?"

Since the sign had not been pre-approved by the administration, as all signs posted must be, it was immediately taken down. Lisa Ross, a first year student who had helped make the sign, saw it was down and went to Patsy Oppenheim, the Director of Student Services. Oppenheim stamped the sign with the required authorization notice and it was replaced on the easel.

But within a few hours, the BLSA students found that the poster had been taken down again. Ross then found a note in her SIC folder from Oppenheim telling Ross that the poster had been removed because "some students are concerned about their First Amendment rights. . . ."

The next day, Santos, a third year, plus Ross and several other first year BLSA students spoke with Oppenheim, who has since declined the *Law News*' request for her comment on the controversy. According to Santos, Oppenheim said that there had been complaints by some students that the sign "offended them" and they were concerned about their First Amendment rights, especially in conjunction with the anti-war table that had been in the lobby the previous week. Further, according to Santos, Oppenheim said that there were rules preventing the posting of the sign, although Santos says that Oppenheim was unable at that point to state what the rules were. Oppenheim did say that the sign could be placed in designated areas in the 198 building.

The group from BLSA also presented Oppenheim with a four page legal memorandum asserting that the removal of the sign had violated their First Amendment rights, and detailed the constitutional case law supporting their position. The group asked that the administration respond to their memo.

According to Santos, Oppenheim then said that she had "jumped the gun" by referring in her note to the sign violating other students' First Amendment rights, and that Oppenheim would pass on BLSA's legal memo to the school's General Counsel.

Later that day several of the first year students again spoke to Oppenheim. They were hoping, said Ross, to pin down the rules for posting signs on campus. According to Ross, Oppenheim then said that the sign could be posted on an easel in the lobby

only if it publicized an event. According to Ross, Oppenheim also admitted that she had mis-handled the controversy and should have contacted the BLSA members initially.

Ross then re-posted the sign, with an added reference to an event that BLSA was sponsoring that day, a vigil for the soldiers in Saudi Arabia.

Ross, Santos and others also met with Dean Read later in the week. According to Ross, he said he did not see how anybody could see the sign as a violation of their first amendment rights, and he had walked past the sign himself.

Santos stressed that she was angry about the actions of the school administration because they "just took it down, without consulting us, based on a few students' complaints, because it offended them. Yet we had gone through all the appropriate channels, and done everything we were told was necessary. If Patsy Oppenheim had just said, 'Put an event (announcement) on it or move it—that's the rule,' we would have complied. Instead of giving us a chance to follow the rules, the sign was just taken down."

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Is Hastings Health Care Leaving Students Ailing?

By Margo Buckles

PRODUCTION EDITOR
and Joe Vadala
MANAGING EDITOR

The ASH Health Services Committee is currently distributing questionnaires designed to give students the opportunity to air their opinions regarding school health care services.

ASH Health Committee members Elizabeth Calciano and Robert Fulton formulated the questionnaire because students had approached them with concerns about the health services provided by Hastings. The personal experiences expressed, however, were too vague to allow ASH to address the problems directly. By tabulating the results of the questionnaire, Calciano and Fulton hope to form a complete and concrete picture of student opinion, both positive and negative, regarding Hastings' on-campus health services and insurance coverage.

On-campus services are free to all Hastings students, even those who have waived school insurance coverage. The clinic is on

the second floor of the 200 building and is open Monday-Friday, from 8:30 a.m. to 1:30 p.m. During those times students can see a full-time doctor, two nurses, three psychiatric counselors and a gynecologist who is available twice weekly. The full-time doctor, the gynecologist, and one of the nurses have been with Health Services for over ten years and have been treating Hastings students since Taylor Street. According to Judie Martin, Health Services Administrative Nurse, the majority of patients need treatment for routine maladies such as flu, bronchitis and minor injuries. Martin estimated that approximately 30% of the services are dedicated to women's health concerns.

Hastings' Student Handbook outlines the scope of health care available through Health Services. Students are not required to use the on-campus health care, but those dissatisfied with on-campus care cannot see an outside physician and expect insurance reimbursement. Off-campus health care is reimbursed only when obtained by referral from

health services, for problems outside the range of their delivery system. Most health services-related complaints received to date, according to Martin, have dealt with Health Services' short hours and the delay in getting appointments, rather than with the quality of the health care service.

Most health services-related complaints received to date, according to Martin, have dealt with Health Services' short hours and the delay in getting appointments, rather than with the quality of the health care service.

"Health Services may not be perfect," said Martin, "but for a school the size of Hastings, I think we offer a lot."

Complaints directed at Hastings Health Services often include references to Hastings' insurance coverage. Like the other three UC law schools, Hastings requires that students have insurance coverage. Students can waive school coverage if they prove that they are covered by an outside insurance provider.

Hastings' policy of requiring insurance coverage has been in effect for the past two years and will continue, according to Martin.

Martin said that Hastings' health insurance coverage has improved greatly since last year. Last year's insurance policy covered only \$150 in outpatient services per accident or illness. This year, the policy covers \$1000 of outpatient care per incident. Hospitalization coverage rose from \$15,000 to \$50,000 per incident. Students' prescriptions are also now partially covered. For prescriptions, students pay a \$25 deductible, and then the insurance company will pay half of prescriptions cost up to \$200 per illness. Martin stated that at \$140 per year, the insurance coverage provided is relatively cheap compared to independent health insurance policies, which range from over \$100 to \$200 per month for similar coverage. The student insurance policy is subsidized by the school's budget.

In an attempt to improve insurance coverage, Martin approached UC Berkeley to see if they would accept Hastings students as in-

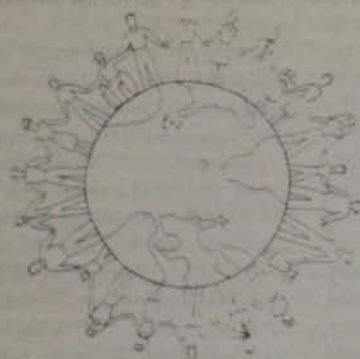
surees under their policy. Three years ago UC Berkeley started an independent insurance program which was mandatory for UC Berkeley graduate and professional students. According to Martin, because UC Berkeley's program was so new, Berkeley was unwilling to expand their policy to cover Hastings' students until the program's efficacy was tested on their own students. Although Berkeley might be willing to add Hastings students to its program in another two years, Martin is not convinced that it would be advantageous to Hastings students because Berkeley's insurance program is more expensive than the current Hastings plan and would require Hastings students to use Berkeley's health care facilities.

Calciano and Fulton encourage students to fill out and return the student Health Services questionnaires to ASH. With the information provided, ASH hopes to work with Martin to improve both on-campus services and insurance coverage.

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FEATURES

Restaurant Review

Chinatown's Tung Fong: Dim Sum Worth the Hassle

By Sean DeBruine
STAFF WRITER

Many San Francisco natives bemoan the fact that Chinatown has become just another tourist trap, like the cable cars and Fisherman's Wharf. For real Asian food, they say, you have to follow the migration of the immigrants to other areas of the city, primarily the Richmond district.

While it's true that some of the best Asian restaurants are to be found along Geary Boulevard and

many are either fried or baked. The result is a wide variety of light, tasty little jewels that make a great Sunday brunch, which was when we made our first visit. We arrived at 11:00 a.m. at Tung Fong, a small, nondescript storefront in the heart of Chinatown. The Sunday wait was nearly 20 minutes, although on our subsequent Friday visit we were one of only two parties in the room.

We were shown to a table and provided with small plates, chopsticks and tea. There were no

balance of the freshest shrimp and subtle seasonings. At \$1.60 a plate, they were certainly worth seconds.

Moving on to the next cartload, we sampled the Sil Mye (meat dumplings, both pork and beef), Lo Bak Go (fried turnip cakes) and Fun Gor (meat-filled, half-moon shaped dumplings). Compared with the other dishes, the almost pure meat steamed Sil Mye were a little heavy, but still well-seasoned and enjoyable. The Lo Bak Go were an interesting dish—



PHOTO BY SEAN DEBRUINE

Clement Street, these newer establishments lack the major advantage of their Chinatown counterparts — the atmosphere. Walking along Chinatown streets in the morning is a close as you can come to Hong Kong without a 17 hour plane ride. This alone is worth the headaches involved in finding a parking place. (The city-run garage on Vallejo is a short walk to both Chinatown and North Beach.)

Best of all, one can enjoy the atmosphere and get great food in the bargain. To test this premise, a group of *Law News* staffers recently made two visits to Tung Fong restaurant to sample the southern Chinese delicacy of dim sum.

Dim sum is the collective name for a wide variety of finger foods traditionally eaten as breakfast or lunch. The general idea is to take a filling, meat, seafood and/or vegetable, wrap a small serving in dough, pastry or a cellophane-like rice wrapper, and cook it. Most items are steamed, although

menus, and the reason became immediately clear. Circulating throughout the room were waitresses pushing carts loaded with little taste treats just waiting to be tried.

We started explorations with three choices from the cart: Chor Sil Bow (BBQ Pork Buns), Har Gow (Shrimp dumplings) and Chun Guen (Spring Rolls). The spring rolls were dominated by the taste of cabbage, and although they had little other flavor, they were not at all oily, which was a blessing. The steamed Bow, on the other hand, were the definitive execution of this dish. The white, steamed dough is surprisingly delicate, and surrounds a sweet, tart mixture of barbecued pork strips and onions. This is one of my favorite foods, and this is as good as it gets. "Barbecue ecstasy" exalted one of our tasters. So imagine my surprise and delight when the flavor of the Har Gow flooded my palate. Har Gow can often be greasy and fishy-tasting, but these were a delicate

imagine your Sunday hashbrowns, but in perfect rectangles and with turnips where the potatoes belong.

The carts kept coming, and we ate until we couldn't eat anymore. Not all of the dishes were stellar—the bamboo shoot and meat dumplings were gooey and tasteless, and the Lotus Seed Bow was a bit beyond this Western palate. Looking a lot like a golf ball—it's the same size and covered with sesame seeds—it is hard on the outside and filled with a gummy, slightly sweet, slightly plum flavored bean paste. Other desserts, especially the custard tart, were much more popular. Unlike other restaurants, Tung Fong bakes its tarts continuously, so they're very fresh.

I could go on, because there are so many choices. And half the fun of dim sum is to see all of the different dishes and explore different tastes. While the sick green and red decorating scheme is not exactly upscale, and there can be

Continued on Page 8

Gossip, Speculation and Other Half-Truths The Jaundiced Eye

By I. C. All
STAFF WRITER

"Sees all, knows much, tells some." — Anon.

Hello, hello, hello, welcome back to all from a well-rested and unusually chipper Eye. Here's hoping all of your winter breaks (the Eye has been informed that the traditional "Christmas vacation" is no longer to be used) were filled with rest and recreation, with a minimum of regret and recrimination. Over the break, the Eye sought help for its alliteration addiction, but so far, as you readers can tell, the treatment hasn't taken.

The Eye boarded an AirFrance Concorde scant minutes after acing its Gifts & Stiffs exam and was carried aloft amidst much revelry and alcohol abuse, stumbling hours later from the super-sonic sardine tin into "l'aéroport" of the glamorous and oh-so-sophisticated pleasure province of Cannes, France!!! There the Eye consulted a world-renowned linguistic therapist about its alliteration problem and spent the remaining moments of a sun-drenched fortnight floating on the placid swells of the tepid Mediterranean on an inflatable raft, wearing a swim suit it would not don on a bet here on this side of the Atlantic. The Eye's gay wit and trenchant commentary were quite the rage among the glitterati of the jet set arrayed like jewels on the sparkling shores, desperate with ennui, and not as familiar as are you, dear readers, with the clever wordplay which has long made the Eye the darling of discriminating audiences in this country, and, now, on both sides of the sea.

But enough about the Eye "soi-meme," dear readers, what of you, the brilliant players in the compelling drama that is life at Hastings College of Law? The Eye has learned that some of our very own mates here spent their breaks in exciting pursuits that make "three weeks in L.A. visiting my family" sound even worse than it really is. And, as always, the Eye is here to tell you readers of some of them.

... it was a productive break for one student, a humorless, hard-working, disgustingly successful drone most often found grinding away in an airless nook of the library (according to reports to the Eye, which has never seen this

fellow, since the Eye spends as little time as possible in the library, and even less in classes, in order to more efficiently scour the campus for fascinating factoids to feed to you, dear readers). This monk of the legal order served as a substitute clerk for the Ninth Circuit Court of Appeals, rising from his spot at the end of the bench to fill in valiantly for the first string clerk felled by a Yuletide injury. In a scene reminiscent of a recent Super Bowl triumph, the hermit from Hastings performed his duties ably and with aplomb, and, when the starter returned to the field, the justices commended our man with sincere gratitude. Upon his return to our more mundane environs, sources tell the Eye that on the fourth floor, smart aleck chatter stops and a respectful silence descends as the super sub passes by.

... and many have asked the Eye for the real story of the third year who returned this semester with a cast on his foot and a beard on his face. Contrary to the pedestrian (bo-ring) explanation he's been giving everyone, here's the inside scoop. It seems our friend headed down to South America for the break, to ski an Andean glacier. But the plane in which he was traveling went down in the treacherous and icy mountains. Sad to report, nearly all aboard were killed instantly. Glad to report, among the survivors—indeed, the lone survivor—was our intrepid third year, who spent nearly two full weeks in blizzard conditions, huddling for warmth among the corpses inside a torn but almost intact section of the fuselage, subsisting on a diet of coca leaves, his shattered foot hanging by a thread, until rescued, miraculously, by a heroic Chilean helicopter crew. Infused with an otherworldly serene joy at still being alive, according to those who know him, he keeps the facial hair as a token of his perilously close brush with death.

The Eye is aware of many other stories of fun-filled holiday hijinks which it has neither the time nor the space to report here, since it must move on to other subjects. Suffice to say that those tales recounted here are not the best—nor, certainly, even the funniest—the Eye has to tell. Ask it next time you see it.

Now, of course, we're all back at school, and things are almost
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Reel Time

Harris Shines in Gritty "Field"

Greg "Joe Bob" Zlotnick
STAFF WRITER

Three Shakespearean tragedies are currently playing at theatres around town. Mel Gibson's "Hamlet" has received the most attention. "Men of Respect" is a gangsterized version of Macbeth. Lastly, though not directly based upon a work of the Bard, "The Field" is a somber fable encompassing significant and melancholy themes within a framework closely analogous to Lear.

In a performance nominated for a Golden Globe Award, Richard Harris plays Bull McCabe, essentially the "chief" of a small village in western Ireland in the late '20s. He is a respected and quietly powerful elder whose views and words are almost accorded the weight of law. Imbued with a rugged and confident nobility at the beginning of the film, events overtake McCabe and we watch his subsequent, gradual descent into obsession and madness. Harris conveys this transformation with skill and evokes considerable pathos from the inexorable tragedy Bull is destined to suffer.

As the title suggests, the story is very much about and tied to the land. "The Field" is three acres of rented pasture land in a beautiful valley. It is a plot which Bull has fertilized with seaweed, labori-

ously hauled by hand over hill and dale. Bull has been on the land so long that both he and the townsfolk consider it "his," and he yearns to own it.

The widow landlord finally agrees to sell. McCabe informs the townspeople of his price and knows he will not be opposed at the public auction. Unfortunately, an "ugly" American (poorly



played by Tom Berenger) has come in search of his roots and profit. He wants to pave over the field, transform the lush green hills into limestone quarries and build a hydroelectric dam on the small river serving the valley.

In conjunction with the obvious allusions to nature versus "progress" emphasized by the juxtaposition of the "lieutenant of industry" with the simple, yeoman farmer, there is an interesting undercurrent of tension be-

tween the natives, as represented by McCabe, and a returning immigrant's son.

Bull bitterly lectures the American that he had no choice but to stay in Ireland, clearing rocks and tilling the unyielding soil with his bare hands as the great famine enshrouded his country. Now, he cannot countenance the Yank, whose forebears deserted, returning with some trinkets of silver to buy back ground he had previously forewarned.

Another powerful estrangement portrayed is that between the people and the church. Much is made of the fact that "no priests went hungry during the famine," and that innumerable victims were buried without the benefit of church blessing as they died wherever they lay. Indeed, even the newly arrived parish priest acknowledges that there is only a "thin veneer of Christianity" which has attached to these hill country folk.

The relationships of Bull to his wife, adequately played by Academy Award winner (for "My Left Foot") Brenda Fricker, his living son Tighe (Sean Bean), and his dead son Jaime, who was "13 years, 8 months and 24 days old" when he died, provide the focal points of the story.

It is the interplay of his family failures, most stingingly felt in

Continued on Page 8

Hoops Scene

This Year's NBA: The West is Best

By Tracy Thomas
STAFF WRITER

My lungs burned from the climb, as they tried to wring enough oxygen from the thinning air to keep my legs pushing upward. "Just three days ago," I thought to myself, "I was sitting at my desk with a Chronicle sports section in my hands...trying to make sense of this season's NBA Western Conference. Now, who knows where the hell I am?" With a resigned sigh and delirium tugging at the edges of my consciousness, I press onward, up the mountain; I am a pilgrim, I seek the Hoops Guru.

I am considering giving up when I turn a corner in the trail and discover a lone figure sitting cross-legged, back to me, with a strange blue glow radiating around his body. I draw nearer, hesitantly, afraid to disturb whatever cosmic event must be transpiring. Suddenly, he turns to reveal a face that will be etched in my memory forever: bald on

top, huge bulbous nose, crooked teeth clamped around an enormous cigar...a cross between Hubie Brown and Dick Vitale. He spoke to me, his voice a raspy Brooklyn scrawl: "Heyyyy! How you doin'?" Come on in, I got Chicago and Atlanta on TBS, don't ya' just hate the hawks? Fuhgedaboutit!" With smoke curling in my nostrils I think, "He's got cable, is this guy for

I came to slumped over my computer screen, with the following profiles already written. I may never leave the city again.

Houston Rockets

The good news is, with Larry Smith, Akeem Olajuwon, and the extremely underrated Otis Thorpe, the Rockets are an excellent rebounding team. The bad news is, they aren't much good at anything else. Kenny Smith is showing signs that he may one day develop into a good NBA point guard, and Sleepy Floyd is a capable, if erratic, third guard. Houston has real weaknesses at the shooting guard, the small forward position, and overall depth. Since Olajuwon went down with his eye injury, the Rockets surprisingly have refused to fold and have managed to stay slightly above the .500 mark. The team has come together to play solid defense and selfless offense. That's great.

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NBA Preview



real?" I take one step forward and fall face first into a pile of *Basketball Times*, passing out cold before I hit the ground.

Question People

By Susie Oh and Laurie Watkins

What's your most memorable exam experience?



Marc Ter Beek,
1st yr.

"Right before my Civil Procedure exam, I was in the restroom and there was this guy, on the pot, studying. What a hardcore! I got the biggest kick out of that."

Dawna Jones,
2nd yr.

"I was in the November Professional Responsibility Exam. After the exam started, I realized I didn't know my exam number. I had to go across the street to the Records Office and stand in a long line with all the other people who had forgotten their numbers."



Abdul Sayeedi,
3rd yr.

"A friend of mine in the second grade told me this story. She had had a perfect score on every spelling test all year. During the last spelling test, the teacher recited each word and used it in a sentence. Carla was so nervous that she wrote down a different word from the sentence."



Andrew Brown,
2nd yr.

"The night before a big exam, I borrowed my roommate's car to drive to a friend's house to study. We studied until 3 a.m. Coming home, I was pulled over by the cops. They noticed the car wasn't registered in my name and that I had an out-of-state driver's license. They took me to the station and called California to check my license. I didn't get home until 5 a.m. and had to take the exam at 8:30."



Eyeing Holiday Hijinks and Return Engagements

Continued from Page 6

back to normal. First the Eye notes that our fabulous first years have endured the experience that completes, once and for all, their initiation into the hollow ranks of law study, and the Eye wishes to issue a hearty welcome to them. Now you know the bewildering and belittling sensation of being examined and evaluated in the cold and bloodless fashion that distinguishes the law from all other fields of endeavor. Glad to have you with us at last.

... some of our youngsters refuse to accept the numbing effects of what passes for legal education. Among these is a young man cursed to learn the law of contracts from the professor with the most unrelentingly atrocious wardrobe of any faculty member. These two, teacher and student, are in the center of what promises to develop into a full-blown controversy too large to fit within the confines of this little column. Already it has been reported that the scholar, in characteristically martinet fashion, has denied access to his students who fail to seat themselves before the second sounding of the soothing tones which mark out our days here at Hastings High. But those students recently began to suspect that the bright sun of rationality was beginning to peek out from behind the dark clouds of bilious autocracy which hang in the classroom, when a certain

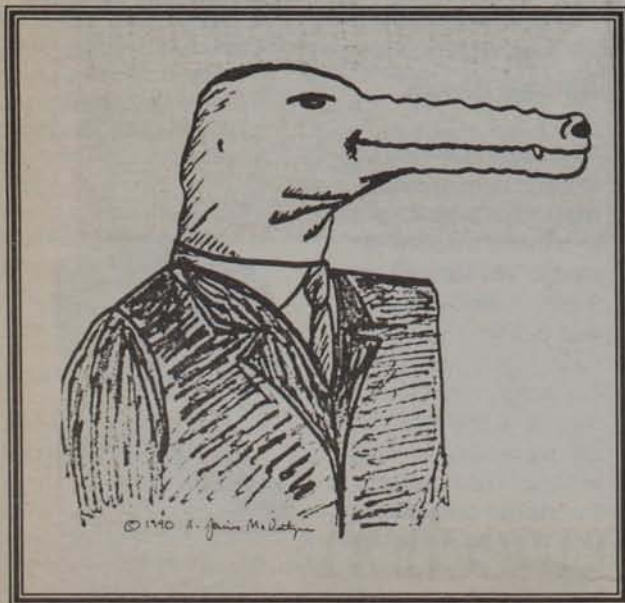
young woman's tardy arrival in class was met without comment. However, the very next day, the haberdasher's nightmare exiled a young fellow who entered class after the appointed time. And it was at that time our story took a truly delicious turn. Because, as the scolded student shuffled dutifully from the room, our hero (and the Eye's favorite first year, on the strength of this act alone), stood up purposefully, and joined his compatriot in exiting the classroom. A roomful of students erupted in silently thunderous applause, or at least wished they did. The Eye, too, applauds lustily, and would whistle with its fingers if it only knew how. A word of caution, though, echoing warnings already voiced and heard, the Eye is sure: the Englishman wields a steep curve to bring recalcitrant students to their final resting place. Tread wisely, if not softly.

... while the Eye is thrilled with the energy and enthusiasm displayed by the eager first year students, still fresh enough in spite of their first dose of the cruelty which passes for instruction in the legal academy, it observes with baleful resignation further evidence of the end product of the dehumanizing wringing out of those qualities which three years of law school inevitably work. This latest example is the moot court competition team that dis-

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Legal-Ease

by R. Janis McIntyre



Liti-Gator

"Field" Is Seen

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Tighe's ambivalence to the land and the meaningful connection to place it confers on life, with the trespass of the American that combine to crush and strip away Bull's hard shell. Demons which have haunted him for years are released to wreak their havoc. In the end, he is reduced to a shattered spirit making feeble entreaties against his fate.

John Hurt plays the village drunk and "informer" Bird. He is a classic jester. A fool who is privy to all, but who indiscriminately loosens his tongue with disastrous consequences. Still, he is not as unredeeming as it first appears. He is firmly attached and loyal to Bull, who is his prime benefactor. He is also capable of reflection, however askew: "I have always loved the smell of a cemetery, so sweet and silent."

Jim Sheridan, who directed "My Left Foot," has imbued "The Field" with a similarly gritty darkness and ashen feel, but has adroitly set off the constriction of village life and the individual relationships depicted against the beautifully photographed backdrop of the open Irish countryside. Despite the trials and tribulations of the locals, the land will endure.

This movie is by no means an upper. However, it succeeds at keeping your attention and also gives you some motifs to ruminate upon when the lights go up. Joe Bob recommends "The Field" if you're not looking for a mindless entertainment that will simply wash over you.

Dim Sum

Continued from Page 6

a substantial wait on weekends, the quality of the food makes Tung Fong one of the best places in San Francisco to explore the Southern Chinese tradition of dim sum.

Tung Fong is located at 808 Pacific, just up from Stockton. Prices are very reasonable. Each plate contains three servings, and prices run between \$1.30 and \$1.60. On Sunday, three reviewers ate themselves sick for \$23.00, plus tax and tip, and a subsequent trip by two came to \$11.50 before tip.

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Ultra Vires

By Fabrice Rodriguez



Daytripper

A Ferry Ride to Tiburon

By Alicia L. Queen
STAFF WRITER

Okay, so the trip to Stinson Beach left you waiting with baited breath for my next article and I left you hanging without anywhere to go last issue. My apologies. This issue, we'll take a ferry ride across the bay to Tiburon.

The Red and White Ferry Co. makes several daily trips to Tiburon. You can call 546-2896 for information. Go to Pier 43 1/2 (i.e. Fisherman's Wharf) for departure. The roundtrip costs \$9.00 which is admittedly a little pricey, but the ride is definitely worth it. It can be windy and cold out there on that bay, so take a warm, windproof jacket. The trip takes you right by Alcatraz and stops at Angel Island, both of which are quite interesting and pretty to view. You can get off at Angel Island for a hike and then continue to Tiburon later in the day, if you want.

Tiburon, the home of Governor Wilson's new drug prevention czar, is quite a place. The

homes are incredibly beautiful, but you don't want to know how much they cost. There are several shops along Main Street which sell everything from art to clothes. The town boasts an older theater which has only one screen (!!!) and shows current films.

The restaurants are all good, but Sam's Anchor Cafe is the one you should not miss, at least for a drink. On weekends, it is truly the place to be in Tiburon. The huge outdoor deck has separate eating and drinking areas, the margaritas are great and the atmosphere sublime. The fare is basic seafood and chowders, as well as great burgers; the prices are reasonable and the view terrific. (Yours truly worked there one summer last century and developed quite a left bicep carrying those French waiter trays through the throngs.)

In my opinion though, the best food in Tiburon is at Guaymas, also on Main Street, at the east end, right near the ferry loading

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OPINION

En Banc

Keep the Bar Out of the Bedroom

The California State Bar, in its infinite wisdom, has decided that attorney-client hanky-panky is a subject that urgently demands its attention. No fewer than three different versions of proposed additions to the professional rules are currently under consideration, all aimed at keeping overly amorous lawyers and clients from mixing business and pleasure. The proposals range from a complete ban on attorney-client sexual relations to a vaguely-worded proscription against liaisons which will impair "the bar member's ability to perform legal services competently."

First, there is not really any hard evidence that a problem exists. How many lawyers are actually having sex with their clients anyway? There's an old joke that says the only thing that lawyers need to use for birth control is their personalities. We wonder whether lawyers' personalities are not, in fact, already limiting attorney-client hijinks. In any event, it is premature for the bar to consider taking action on this issue before it has determined that there really is a problem.

The proposed alternatives would also create their own difficulties. Enforcement, for example, would be difficult if not impossible without seriously intruding on both lawyers' and clients' privacy and constitutionally guaranteed freedom of association. And wouldn't the couple's pillow talk be protected by the attorney-client privilege anyway?

Any rule would also more likely be abused than used, by overzealous attorneys looking for notches on their opponents' bedposts, hoping to find some juicy bit of gossip that will hold up in open court. In addition, jilted lovers could easily use the threat of a disciplinary hearing to exact revenge on an attorney/lover whose performance, in or out of court, failed to measure up.

Currently, the state prohibits doctors and psychotherapists from engaging in sex with their clients, but there the bar bears a relationship to a foreseeable problem: their role as professionals directly involves protecting the client's emotional well being, and becoming personally involved therefore must represent a conflict of interest. But lawyers are charged with protecting their clients' legal, not emotional, well-being.

And who wants this protection? The debate seems to depend on the stereotype of females as helpless victims. One state bar Board member conjured up "a haunting vision of a vulture covetously eyeing a defenseless, injured lamb," when thinking about vulnerable clients. We find that to be an exaggerated view of both female clients' innocence and male lawyers' virility.

Ultimately, the kind of coercive or intimidating behavior which these proposed rules are intended to discourage is already covered by existing rules dealing with conflicts of interest and moral turpitude. One of the proposed rules, for example, would prohibit lawyers from "demanding sex from a client as a condition of professional representation." We are surprised to find out that the bar thinks that kind of behavior is currently within the rules...

We suspect that the bar and the legislature have taken up this issue only as a titillating alternative to confronting the real problems which plague the legal profession. Lying, cheating and stealing are the kinds of basic abuses which are already prohibited by the rules, but which are in need of more aggressive enforcement.

Letters to the Editor

Peaceful Demonstrations?

Dear Editor,

A few observations regarding the many "peace demonstrations." The efforts of the demonstrators are perhaps well intended but misguided. The closing of the Bay Bridge twice and the Golden Gate did not affect President Bush, Congress, or anyone else with power over this country's foreign policy. The demonstrators severely disrupted the lives of fellow American citizens who are also entitled to their own opinion about this crisis — but who have not power to control the situation. The protestors invoke the protective shield of the First Amendment. I suggest they read the next clause which provides the right to petition the government for the redress of the grievances. The protestors would be better advised to march to the State and national Congress to make their views known to their elected representatives. I suggest that the protestors avail themselves of the proper channels through elected bodies to make their views known. That is the essence of a government by, for, and of the people and of the First Amendment.

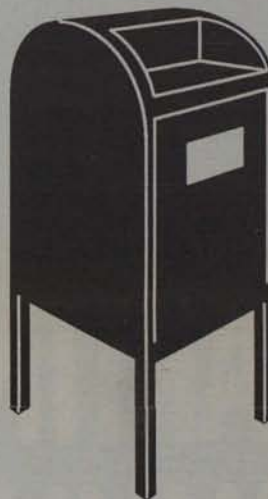
I would also urge the protestors to closely examine the First Amendment provision which allows the right of the people "PEACEABLY TO ASSEMBLE." I have no respect for a demonstration which in the name of peace expresses lofty slogans such as "Words not War" while at the same time causing severe damage to vehicles, store-front windows, and other property. The protestors lower themselves to that which they condemn. Such violent actions eliminate the moral authority, integrity, and merit their views may have had. I wonder how many of our own children will continue to grow hungry when parents cannot cross bridges, or how great the suffering of those who depend on medical or other supplies which must cross the bridges [will be], all in the name of peace.

Lastly, some criticized Mr. Bush for choosing Jan. 15, Martin Luther King Jr.'s birthday, as the deadline for war. First of all, Mr. Bush did not pick the date, the U.N. did. Those protestors who find an offense against MLK's spirit would do well to examine their own offensive actions in the light of the very spirit they in-

voked: MLK was nonviolent, as the protesters should be, and took his noble cause with 200,000 demonstrators in August 1963 on a PEACEFUL "March on Washington."

The protesters could make a far more positive impact on this entire situation if they were to practice what they preach and consistently abide by the First Amendment which they (and all) Americans cherish.

Jeff Angeja



Health Service, Ha!

Dear Editor,

This morning, I visited the Hastings Health Center for the first time, intending to renew a prescription for birth control pills. I had no doubt that my student health insurance policy, which I paid for, would cover such a basic item. After all, I received the pills last year at low cost from a student health center at another U.C. campus.

To my surprise, I discovered that Hastings' health insurance doesn't cover birth control devices at all.

Considering that half the students at Hastings are women, I think that the Administration's choice of this insurance plan is extremely insensitive. Even in the "enlightened" 1990's, women almost always bear the burden of obtaining and using birth control. It's ridiculous to force us to either pay the full expense of birth control devices, which are not cheap, or to make inconvenient trips to Planned Parenthood. Sure, we can split the cost with our boyfriends. Sure, we can walk a few blocks to the clinic on Eddy Street. But why should we have to? What is health insurance for?

I can't imagine what the Administration was thinking when it decided to buy this insurance policy. Last time I checked, no one required law students to take a vow of celibacy. Birth control is an important aspect of women's health care, and a significant concern for men, as well.

I urge all Hastings students to write letters to Dean Read demanding that the College enter the Twentieth century and develop a health insurance plan that provides students with low cost family planning services.

Name withheld by request

[Editor's note: This letter was submitted to the Law News for the November issue. Unfortunately, the Law News was unable to publish it because Law News editorial policy prohibits publishing unsigned letters to the editor. However, as we noted in the November issue, the Law News is willing to withhold publishing the name of a contributor when circumstances warrant it. The author of this letter subsequently signed the letter and due to its highly personal content, the Law News agreed not to publish her name.]

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Letters to the Editor

Letters are accepted from anyone but must be typed or legibly handwritten double-spaced. Letters should be clearly marked as such and must bear the writer's signature, name, and telephone number. Frequent or lengthy contributors will be limited to ensure that a forum is available to everyone. We cannot print letters without signatures, but names will be withheld upon request if the circumstances warrant such action. Letters do not represent the opinion of the Law News, its staff, or Hastings College of the Law.

Periscope

Gulf War Put In Historical Perspective

By Philip Sinco
OPINIONS EDITOR

President Bush claims that the U.S. is currently waging a "just war," a war about good versus evil. Nothing could be farther from the truth: to quote the President out of context, he "is dead wrong." This war is more complicated and ambiguous than that euphemism suggests.

Nations go to war for a variety of reasons, and although moral grounds are frequently cited, morality has very little to do with it. In my view, the ultimate facts indicate that this war is about the hypocrisy and shortsightedness of U.S. foreign policy. The situation the U.S. is currently in is analogous to that of Dr. Frankenstein: U.S. actions in the Middle East have created forces that have now turned against it. The "monster" that U.S. foreign policy has helped to create must now be destroyed.

A historical context is essential for understanding how the U.S. got into the current situation, but my limited knowledge of the Middle East and space limitations

prevent me from presenting a complete account of past U.S. action and policy with respect to the Middle East. I must limit this account to one event, the 1953 CIA-sponsored coup in Iran, which brought the Shah to power. An examination of that event is relevant to a deeper understanding of the current situation.

Prior to 1953, Iran was briefly ruled by a democratic government which nationalized oil production facilities previously owned by Britain and the U.S. The U.S., through the CIA, sponsored a coup in order to once again gain control of the production of oil, installing the Shah, who promptly created one of the most brutally efficient (secret) police forces in history to maintain power, the SAVAK. The Shah was the most reliable U.S. ally in the Middle East. As a reward for this loyalty, the U.S. trained the SAVAK and provided the Shah with over \$1.5 billion in military aid from 1953 to 1979, the year of his overthrow.

The Islamic fundamentalist uprising that forced the Shah to

flee caught the U.S. by surprise and precipitated a foreign policy crisis because it left the U.S. without a strong foothold in this vital region. However, in light of the U.S. support for the Shah, it is not difficult to understand why the Ayatollah Khomeini condoned the holding of 52 U.S. hostages and referred to the U.S. as the "Great Satan."

The American people reacted with outrage. People could not comprehend why Iran hated the U.S. so much; after all, we are a benevolent and peace-loving nation. But the media did little to explain why this revolution had occurred, and instead lamented the Shah's demise and portrayed Khomeini as a fanatic who wanted to lead Iran back into the fifteenth century. The media focused only on the revolution and emphasized images of U.S. flags being burned and students chanting "Down with the U.S." The revolution was taken out of its historical context and helped create anti-Iranian public opinion.

Iraq has never been within the U.S. sphere of influence, and the U.S. has never attempted to impose control over it either by providing military aid or sponsoring a coup. Nonetheless, Iraq is an Arab nation and naturally resents the manner in which the U.S. attempts to (subtly) impose its will over the region. The history of the media's portrayal of the Iranian revolution should be compared with its portrayal of Iraq prior to and immediately after Saddam Hussein invaded Kuwait. How many of us even knew who the leader of Iraq was before Aug. 2, 1990? How many of us knew that he was akin to Hitler or that he used chemical weapons on the Kurds? While the U.S. was sending military supplies to Hussein to help him in the war against Iran, the media was curiously silent about these facts. Yet on Aug. 3, 1990, the media got in gear and began to report the truth about Hussein. Prior to that date, the truth did not seem to warrant our attention. The media image we now get of Hussein makes it very difficult for us to even understand why the Palestinians and Jordan side with Iraq. However, in the historical context of U.S. actions in the Middle East, particularly the attitude that their oil is ours, sheds some light on why desperately poor Arabs see Hussein differently than we do.

Selective attention is the media's *modus operandi*, and is best illustrated by the way it por-

Dissenting Opinion

Bring the Troops Home

By Timothy Huet
COLUMNIST

Editor's note: This article marks the first appearance of a new monthly column by this columnist.

The people of Kuwait have been subjected to unspeakable wrongs. There can be no honest dispute about that. But it is an enormous mental and moral leap across the gulf between "Kuwait wronged" and "a U.S. military attack can set things right." It has merely been assumed that we can send in the U.S. cavalry, save the savages from each other, and then ride off into the sunset — if we consider it worth our effort. It has hardly been questioned whether a "successful liberation" of Kuwait by U.S. military force might get us inextricably involved in a region made even more extremist and bloody by our intervention.



Such consideration would seem justified since the U.S. has consistently shown itself unable to understand or predict events in the Middle East. But as with Vietnam, we have plunged ourselves into a part of the world we cannot fathom, to defend a dear friend most of us never even knew existed.

If we have forgotten the Vietnam War, at least we should remember our involvement in Lebanon just a few years ago. We sent troops into that troubled land, being hailed as heroes and peacekeepers. But anger at U.S. intervention soon surfaced. After a few months passed and several hundred U.S. troops died, we had to withdraw in humiliation. The Reagan/Bush administration went into the Middle East not understanding its volatile politics and seems to have emerged none the wiser for its wounds.

The attack on Iraq portends much greater repercussions. The U.S. public is likely to feel dismayed and betrayed as it watches this conflict spread and deepen. The war is already disturbing the

delicate balance of power in the Arab world, threatening to engulf the entire region in civil and international war. Terrorism is likely to expand warfare into the global arena.

Indications are that Bush will have to invade Iraq to achieve his ultimate objectives: the removal of his rival and a subsequent trial for war crimes. Such an invasion would increase the number of casualties astronomically. It would likely necessitate an extended and costly occupation. The Vietnam and Afghan wars should teach us that a Third World nation is harder to hold than it is to take.

If we cannot learn from our experience in Vietnam or that of the Soviets in Afghanistan, perhaps we can learn from Israel's invasion of Lebanon. Israel gained a sudden and stunning military "victory" only to cause increased enmity and instability that has outlived any initial benefit. The real victors of an Iraqi defeat could prove to be the extremists of Iran and Syria, who will exploit the political chaos and anger left in U.S. tracks. Unfortunately, many in our country will not even consider the long-term consequences of our intervention until body bags start arriving home.

The costs might be worth bearing if the aims and motives of our government were as noble as they are portrayed. But in the context of the foreign policy pursued by the Reagan and Bush administrations, it is difficult to see how our military intervention is motivated by moral outrage over the invasion of tiny Kuwait. Remember, the "Liberation of Tiny Kuwait" is brought to you by the same folks who gave us the invasion of that colossus to our south, Grenada.

One may justly ask why there is no official U.S. outrage over military aggression in other parts of the world. It would be hard to reconcile, in moral terms, our policy toward Iraq with that for El Salvador, Guatemala, Israel, or many other countries. But let us use one country, South Africa, for a comparison. The apartheid government of South Africa has repeatedly used its military against its neighbors and its own people, slaughtering and enslaving the black majority. The Reagan/Bush administration urged patience with that fascist government and fought imposing sanctions until forced to by overwhelming public pressure. The weak sanctions against South Africa have been enforced with a notable lack of enthusiasm for several years. Yet,

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"From dialogue comes truth"

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Dissenting Opinion

Continued from previous page
after only five months of crippling sanctions against Iraq, the Bush administration attacks that country. What happened to the infinite patience our government has urged for the "emergence of democracy" in countries like South Africa and Guatemala?

Kuwait is not an emerging
Those who protest against such a state of affairs are accused of not "supporting our troops." Yet, most of the people protesting are doing so because they consider the lives of our troops too precious to be spent for oil.

democracy or any other kind of democracy, and Bush has no intention of establishing democracy there. Saudi Arabia, the country our troops were supposedly sent to defend, is not a democracy either. The Saudi royalty imposes extreme sexual, religious, and political oppression through torture and other authoritarian means. Our newest-found friend and ally in the coalition against Iraq is Syria. This is the same Syrian government responsible for the lethal attacks on our Marines in Lebanon a few years ago! This is the same Syrian government that most experts call the moral equivalent of Saddam Hussein's regime. But perhaps the alliance should not be surprising since the Reagan and Bush administrations were supporting and supplying Saddam Hussein himself a short time ago.

So what accounts for Bush's sudden attack of moral fervor? Our vital interests are at stake, we are told. Anybody who is able to

read this article should be able to read "vital interests" as "oil." Added to this "vital interest" is the over \$100 billion invested in the United States by the Kuwaiti royal family—an investment that is certainly paying dividends these days. And last, but certainly not least, there is George Bush's ego. It is to that ego and oil that our troops are sacrificed.

Those who protest against such a state of affairs are accused of not "supporting our troops." Yet, most of the people protesting are doing so because they consider the lives of our troops too precious to be spent for oil. The lives of all people are too precious for such squandering. But those who send our young people to die for oil boast of "supporting our troops."

In addition to the waste of human life, there is the staggering diversion of our social and economic resources to this war. We have great injustices and problems at home to face; we should not look away for foreign adventures and adversaries. We could solve our own problems if we would muster for peaceful aims the same resources and resolve we turn to war. Those who truly love the United States should fight on the home front for justice and to bring our troops home.

Tiburon Trip

Continued from Page 8

dock. They serve exquisite Mexican food with an emphasis on seafood, imaginative sauces, and handmade tortillas. Again, the margaritas are great. They also have outdoor heaters, which Sam's does not.

Across the street from Guaymas is a new mall which has some nice shops, but it starts to feel like a tacky tourist sojourn rather quickly. A long stroll around the older part of town is much more interesting. At the west end of Main Street is the Tiburon Yacht Club and you can probably sneak in for a peak at some outrageous sailboats. One of my favorite places in town is the art gallery which is right near Guaymas. I have seen a wide variety of work there over the years, ranging from some original Norman Rockwell paintings to modern metal workings which are fascinating.

If you stay past the last ferry to San Francisco which leaves around 7:30 p.m., you can take Golden Gate Transit back to the city. GGT stops right near school. Just ask someone where to catch it or call 332-6600 ahead of time. Enjoy!

What With the Persian Gulf... ASH Notes and Comments

By Doug Fox
ASH PRESIDENT

It's February [sic] and spring training, warmer weather and water rationing aside, ASH hasn't sponsored a single beer on the beach. What's been going on?

We had a "bash" planned for the very week that war broke out way over there in the Persian Gulf. The picture of Nero fiddling while Rome burned may not exactly parallel this situation, but we felt it would be beyond bad taste to go revelling while thousands of other humanoids hunker down to war.

Maybe as time passes, and we all get used to the idea of body bags and casualty counts, a beer on the beach will be appropriate. As a matter of fact, we're thinking of throwing one of these events in the near future, and would greatly appreciate hearing from anyone who has thoughts on the subject.

Even the Commander-in-Chief has told those of us not in uniform to go on with our lives as usual, and all agree that we still need to eat, sleep and make love. As we learn details from the corporation code of Delaware, we can ask nonetheless whether the war has any bearing on the law or our society or on ourselves.

Having not heard any such inquiry coming from the educators at Hastings, we have decided to create a forum to express some relevant ideas and perspectives and will continue to call each a "teach-in".

More than two hundred students, faculty and guests were present at the inaugural teach-in on January 23. Of the five panelists, there were two plainly pro-war voices represented, two were against the war, and one panelist didn't have enough time to make his perspective clear (a professor of Modern Political History of the Middle East at Stanford: we may

ask him back).

Future teach-ins will be held in the same spirit of dialogue but from now on with an eye toward a particular issue. The next teach-in will focus on solutions to the Gulf War, both short and long term, real and imagined, from a multitude of viewpoints (as best we can).

Anyone who wants to be a part of this ongoing project can leave a note in Janet Frankel's SIC folder or under the ASH door in the basement.

Life during wartime:

Don't forget to fill out the Health Services survey. It can yield better health care and insurance. It will be a mountain of work for Beth Calciano & Co.

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Forget the "wailing wall" in the basement.

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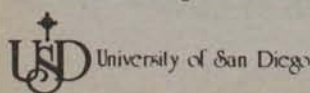
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History A Better Guide to Understanding Gulf War

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trays those nations who are "friendly" as benevolent, and those who are "unfriendly" are portrayed as repressive or undemocratic. Whether a particular government is democratic, or whether it respects human rights, is irrelevant: nations such as El Salvador, Pre-Sandinista Nicaragua, Saudi Arabia and South Africa (i.e., "friendly" nations) are portrayed in a generally positive light, while Syria, Libya, Cuba, Sandinista Nicaragua (i.e., "unfriendly" nations) are portrayed negatively. The information we receive concerning foreign policy and other nations is inadequate and should not be relied on for making a critical evaluation.

I do not want to portray the U.S. and the Bush Administration as in any way worse than Hussein. Saddam Hussein is one of the most ruthless and cruel leaders the twentieth century has produced, comparable to Hitler and Stalin. Hussein is a threat to the national security of every other Middle East nation: Iraq has the fourth largest military in the world, significantly larger and more

menacing than that of any other in the region (with the possible exception of Israel's). Even prior to his invasion of Kuwait, Hussein had proven that he was not afraid to be the aggressor in war (e.g., the Iran-Iraq War) and has shown a ruthless disregard towards human beings (i.e., his use of chemical weapons).

His actions since the war began only confirm this assessment. His allegedly intentional pumping of oil into the Persian Gulf and threats to destroy hundreds of Kuwaiti oil facilities demonstrate a reckless disregard towards the natural environment. (Of course, we only "know" that he intentionally spilled oil from Pentagon reports. Due to the strict military censorship we do not know for sure if he intentionally spilled the oil or if the U.S. "accidentally" caused the spill on one of its sorties). Assuming, for the sake of argument, that the spill was intentionally ordered by Hussein, it undercuts his claim that he is fighting against the infidels on behalf of all Arabs, because the spill has little military significance and will cause his fellow Arabs

(not just the Saudis) great suffering in future years. He has indiscriminately attacked civilian targets in Israel, officially a neutral party. In light of all of these facts, it should come as no surprise if he uses chemical, biological, or nuclear weapons in the future. In short, Hussein is an unstable and dangerous leader: such a leader has no place in the modern world.

Pulling out now will not improve the likelihood of a long-term favorable outcome, but a substantial and long-term U.S. presence will make a favorable outcome practically impossible.

But before we justify the U.S. (excuse me, the U.N.) military campaign against Hussein on the grounds that he is evil incarnate, we must ask ourselves how it was possible for Hussein to come to power in the first place. Historians point to the harsh conditions of the Versailles Treaty as creating the economic climate that made it possible for Hitler to come

to power. U.S. actions in the Middle East have created resentment among many Arab nations. Just as Versailles laid the foundation for the emergence of Hitler, U.S. foreign policy has laid the foundation for the rise of Hussein.

Nonetheless, perhaps we should not be held responsible for the sins of our fathers. The current Administration has inherited this mess and must deal with it the best it can. Although members of the current Administration have been party to at least some of the events that created the current crisis, much of the blame lies with those who came before.

For that reason, although I oppose the U.S. military presence in the Gulf, I cannot support the concept of bringing the troops home now. If the U.S. cannot accomplish its business within a year, I will probably change my tune. I do support a renewed effort to end the hostilities, but if the situation has degenerated to a point where that is impossible, the U.S. must do the best it can to achieve victory, in the slim hope that a post-Hussein Middle East will be a more stable place than it

was before. But I fear that what is the most likely long-term consequence of our current policy will be instability. Pulling out now will not improve the likelihood of a long-term favorable outcome, but a substantial and long-term U.S. presence will make a favorable outcome practically impossible.

The purpose of my criticism of the current U.S. involvement is to alert us to future dangers latent in the hypocrisy and shortsightedness in U.S. foreign policy. It seems that the U.S. continually fails to learn from its mistakes, jeopardizing its security interests and creating continuing crises.

[Editor's note: When Hussein first invaded Kuwait and up until several days ago, I was in general agreement with the manner in which Bush handled the situation and when the U.S. first attacked, I gave lukewarm support to the idea of military action as a necessary evil. Accordingly, I had planned that this column would be sort of "pro-war" and attempted to present a logical argu-

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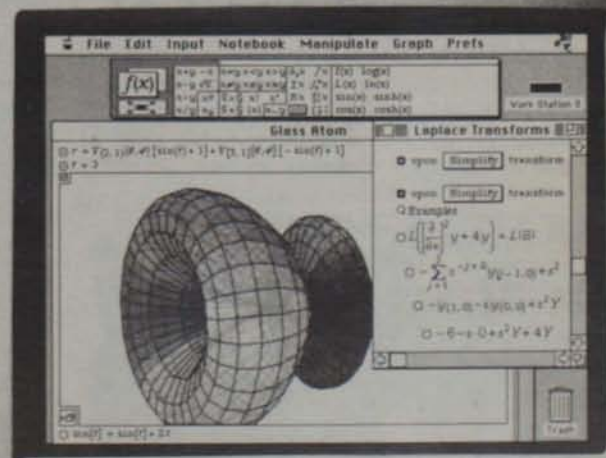
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For further information contact

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Students Train to Help C.O.'s

By Betsy Johnsen
NEWS EDITOR

Several Hastings students opposed to the war are offering counseling to those interested in conscientious objector ("CO") status. Through on campus training programs, they are learning how to present legal and other information to current military personnel and to people who might be subject to a draft.

Three training sessions this month will increase by at least thirty the number of students with these counseling skills. The sessions will be videotaped for those unable to attend in person.

There are numerous potential clients for these students. According to David Freedman from the Central Committee for Conscientious Objectors (CCCO), their San Francisco office is now receiving over 600 calls a day. CCCO is a private, non-profit agency active since 1948 in providing draft and pre-enlistment counseling.

Freedman and his office will offer ongoing support to the students involved in CO counseling. He was first introduced to Hastings students when he spoke

at last semester's training session. That session also featured attorney Charles Johnson, one of a handful of local specialists in military law, who spoke about the Uniform Code of Military Justice. "Service people do not have the same rights and protections that civilians have," he noted.

Because of the huge local demand for its services in the past few months, CCCO has been working with other legal groups, including the National Lawyers Guild and the local bar associations. Besides offering counseling, CCCO provides referrals to lawyers to handle military cases and to bring litigation challenging Department of Defense policies, such as limitations on CO applications and the recent suspension of normal discharges for reserve personnel.

Heidi Rand, a third year student who is the on campus coordinator of these training sessions, has been offering counseling since the beginning of the year. "I've talked to about thirty people, mostly by phone, since I started this," she said. "Not all of the questions are about CO status. Lots of people are having prob-

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Anti War Protest

Continued From Page 1

helped to organize the Hastings contingent which marched alongside at least 100,000 others down Market Street during the January 26 march. According to Huet, the contingent marched together as law students under a Hastings banner to show the diversity of the peace movement. "The movement is not a monolithic mob of raging anarchists," said Huet. "There are people from all walks of life, some of which are considered respectable — even though those who hold an anti-war opinion have been portrayed as not so respectable." In addition to demonstrating, about 30 Hastings students have also served as legal observers at the rallies. (See

"We felt it was important to show the presence at Hastings of people who are opposed to the way in which this war was initiated."

accompanying article, on this page)

Students interested in working for peace have also formed an anti-war committee. About 20



PHOTO BY DEREK BERCHE

Police remove protestor from Jan. 15th demonstration at the Federal Building. Hastings' students were among those arrested.

students staffed an information distribution, letter-writing, and petition table. "We felt it was important to show the presence at Hastings of people who are opposed to the way in which this war was initiated," said Caryn Gottlieb, Hastings first year. Gottlieb added that over 70 letters and post cards to Congress and the President and over 300 signatures on a petition opposing the war were

collected at the table before the January 15 deadline.

Currently, the committee is preparing anti-war events at Hastings as part of a nationwide day of student protest in February. Meanwhile, other Hastings students are using their legal skills to provide counseling for those considering conscientious objector status. (See article on this page.)

Legal Observers Try to Keep the Marches Peaceful

By Heidi Rand
STAFF WRITER

Demonstrations for peace occasionally lead to violence.



PHOTO BY DEREK BERCHE

Hastings protestors among those who used body bags to demonstrate anti-war sentiment.

Since this violence may occur in the form of police-initiated brutality, the National Lawyers Guild (NLG) has continued a long tradi-

tion by providing "legal observers" at recent peace marches.

The Demonstration Committee of the NLG has about 40 Hastings students presently

civil rights and AIDS activism. To prepare for the peace demonstrations that were being planned, NLG recruited and trained several Hastings students to be legal observers.

Ruby Lieberman, a Hastings third year, sought training last year because she was interested in the demonstrations about El Salvador. Since then she has been a legal observer at several demonstrations. She feels it's important to observe. "I was only a few feet away from the police at the corner of Van Ness and Turk when they sprayed Mace in the face of protesters and used batons and excessive force just after they gave an order to disperse," she said. The proper procedure to disperse a crowd is to arrest people, not to use Mace or physical force, according to the police crowd control manual. "I sent a report with the officer's name to the Guild," said Lieberman.

"Personally, I think we have even more of a preventative value than strictly as observers — you can't have a pair of eyes everywhere. Police have come to know

that the green armband means we're there, and they notice," she said. "At one demonstration when my coat covered my armband, a woman officer came up to me and said she remembered that I had been there the previous day as an observer."

"Another time that I was directly useful was during the demonstration in front of the stock exchange the day after the bombing started," Lieberman continued. "The police said something no one could understand into a megaphone, then cordoned everyone off to be arrested. Since many were on the sidewalk and hadn't even expected to be arrested, I was able to tell them what to expect."

Individual reports are used to hold the police accountable. Moreover, by keeping a complete record of what is observed, the notes can be used as evidence against the arrest in court. For example, if a person can show that the police did not give a warning to disperse, or that the warning was not audible to the crowd, an arrest for failure to

disperse is unlikely to stand up in court.

According to Riva Enteen, a Hastings graduate and the current Demonstrations Coordinator at NLG, a number of cases of police misconduct were reported to her by legal observers. For example, there was a report of a woman who was thrown to the ground while standing on a sidewalk at the Jan. 15 demonstration. According to the report, she was actually pro-war and was just watching. Several people heard her head crack when it hit the ground. She had been pregnant and subsequently miscarried, and there is an investigation to determine whether there is a connection.

In another example, a man from the "Food Not Bombs" group reportedly had his leg broken with a baton by a member of the California Highway Patrol. The officer has been taken off the street pending an investigation.

Another man who had climbed a tree to watch the demonstration out of harm's way was also arrested — for blocking the sidewalk.

Legal-Ease

by R. Janis McIntyre



Expectant Heir

Last of the Eye, We Swear, Dear Reader (for this issue)

Continued from Page 8

integrated with scarcely a whimper over the break, leaving, by the re-commencement of instruction, barely an empty husk for the winds of an approaching deadline to blow away. It seems this team was top-heavy with students on the home stretch of law school, third years in their last semester, who, like greyhounds grown tired of chasing the mechanical rabbit and spotting the finish line in the distance, simply broke stride and left the race. While their motives are easy to sympathize with (after all, none can deny that the upcoming weeks of spring are likely to be the last these folks will be able to spend at the Beach), the fact remains that the opportunity to compete and excel which this team seized—and squandered—could

have been better granted to students who would have used it. The Eye squints disapprovingly, it can say nothing more about it, except this: the would-be competitors should feel pretty darn guilty.

... the Eye sees now that it is fast approaching the limits of space which the Law News graciously allots to it, and there's at least one more thing the Eye strongly desires to say. Recently, the Eye was making one of its rare appearances in class when it noticed that a certain class member, a very successful female student, was responding to the lecture in a way the Eye found to be excessively positive: laughing a bit too hard at the professor's lame jests, gazing intently as the professor let forth another well-practiced and--from

the Eye's objective viewpoint--hardly compelling pronouncement on the law. This young woman has already been the subject of unflattering tales concerning her close contacts with faculty members in position to reward her performance. The Eye, hardened cynic that it is, has seen it all before. It wishes, nevertheless, to avoid ugly, objectionable expressions too inflammatory even for it, and so limits itself to this: beware, dear readers, of putting yourself in any position where your performance, in whatever area, might disappoint the one who judges and rewards.

Thus spake the Jaundiced Eye. Till next time, Eye'll be watching you.

tumbling down the conveyor belt! lost in an avalanche of spud siblings potatoes bound for every part of the world, but you, little potato, you were always destined to be in the produce section at Safeway.

now, as the minerals you absorbed from the Northwest sod course through my veins... I thank God for you, little potato.

Christopher Alonzi

Letters

Continued from Page 10

Protesting the Protests

Dear Editor:
Move over Rambo 'cause coming soon to a theater you it's... MILITANT PROTESTORS FROM HELL!!
Feel the warmth as they read their Constitutions by the glow of a burning flag...
Chuckle with glee as they maul riot police in the name of peace...
Weep with pride as they demand the troops be brought home, so they can spit on them.

...
Feel their indignation as they lament over health care funds being wasted on sandblasters brought in to erase their nifty anti-war slogans...
Jump to your feet in support as they scream for more war information on CNN, because they (and Saddam Hussein) have a right to know...
Bring the whole family!
(Poignant narration by Jane Fonda)

Don Bariceval

Plans for an Eventful Black History Month

Wednesday, February 6

Soul Food Luncheon

Time: 10 a.m.-2 p.m. — Old Commons

Menu: Fried Chicken, Greens, Black Eyed Peas,
Peach Cobbler

Dinner: \$4 (side orders extra)

Wednesday, February 20

Cultural Night

Time: 6-9 p.m. — Alumni Reception Center

Program: Music, Poetry, Drama

-Free Admission-

Friday, February 22

Film: *Death by Temptation*

Starring Kadim Harrison of *A Different World*

Time: 7-11 p.m. — McAllister Towers Mezzanine

-Free Admission-

-Check the *Hastings Weekly* for further announcements.

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Race for Truth, Justice and the American Way

By Law News Staff

The second annual Race for Justice, a 5K (that's a measly 3.1 miles) fun run, has been set for Sunday, March 3. The race is sponsored by Phi Delta Phi and the Hastings Alumni Volunteer Association, which will use the proceeds to benefit homeless children in the Tenderloin. Last year's proceeds of about \$3500 established the Tenderloin Homeless Children's Clinic, besides being, in PDP President Chris Holland's opinion, "the biggest event on campus last year."

The race, of course, doesn't actually take place on campus (it would be very short or very repetitive). Runners instead will take off from the Pioneer Log Cabin in Golden Gate Park at 9:00 a.m. Breakfast will be served after the race. Last year, many

members of the faculty and administration were on hand at the race. Professors and Mmes. Thurman, Woody, and Lathrop conducted the pre-registration and served post-run refreshments. In addition, Dean Read's fine athletic performance in the race should inspire more faculty and staff to join the joggers this year.

Registration has just begun and will continue until the race. Fifteen dollars (\$20 on Race Day) will get a runner a T-shirt and breakfast. Registration forms will be placed in all SIC folders and should be returned to Phi Delta Phi. Those who don't have the urge to run (on this or any morning) can still support the Tenderloin Homeless Children's Clinic by buying a T-shirt in the bookstore for \$10. For more information, contact PDP's Shaun Murphy at 283-8612.

Poetry Corner

little potato in my microwave
you sizzle and hiss as you are bombarded with radiation
by what miracle does a tuber growing in a field
in the Northwest come to be in my bowl in San Francisco?

little potato, I see you growing in the Idaho soil
with a million other spuds
suddenly you're wrenched from the only world
you knew as sunlight explodes upon you for the first time

Hastings, City at Odds Over Development: West Block May Be Stumbling Block for Debt-Laden College

Continued From Page 1

West Block. The WTA seeks to prevent Hastings "from 'going wild,' displacing [residents] and changing the character of the neighborhood," WTA President Steven Harris told the *Law News*.

Hastings' New Development Procedure

However, the *Law News* has learned that the College has already begun a two-step process to

years.

According to Hastings officials, there is still no specific plan as to the precise use of the property. Hastings' stated goal is to design a plan for the West Block properties which will best suit the long-term (50-100 years) needs of the College. One idea discussed has been a "Legal Affairs Center," which could include space for clinical programs, a judicial college, continuing edu-

explained that the College would be unable to recoup its investment in the parking lot before the eventual development plan could begin.

Past Attempts to Develop West Block

The West Block has been the subject of potential development plans by the College for over a decade. In the mid-1980s the College developed detailed plans for the construction of an office building on the Westblock. The project, which would have included a 10-story office building of approximately 300,000 square feet, had financing, a prospective state tenant, and city approval almost locked up, sources have told the *Law News*. These plans apparently fell apart in the wake of state investigations into improprieties by the College.

In October 1986, the state Auditor General reported that the College had inappropriately used restricted student scholarship trust funds to pay for purchase of the property. An investigation by the Attorney General's office resulted in a court order in which the College pledged repayment of \$2.8 million in principal and interest to the scholarship funds in April 1988. To secure cash with which to repay the funds, the Board entered into a complicated financing scheme, involving the West Block, the College-owned KGO building on Golden Gate Avenue, and McAllister Tower. Last November, the College announced that it had fully reimbursed former Hastings students whose financial aid may have been affected by the deficiency of scholarship funds and that the raided trust funds had been fully replenished.

The properties, which were substantially encumbered in the spring of 1988 to repay the scholarship funds, were refinanced to give to the College five years in which to develop a plan for repaying its debts.

Controversy Over West Block Zoning Scheme

Because Hastings has not yet made its final decision regarding a specific development project, it is not yet known if the other buildings standing on the West Block will also be torn down. This uncertainty provides little solace for city officials, Tenderloin community members and West Block tenants, who insist that Hastings must comply with the

existing zoning ordinance that designates the West Block as mixed use residential.

Under the city's general plan, the West Block property is part of the North of Market Special Use District, whose purpose, according to Planning Commission Vice-Chair Jim Morales, "is to promote housing." Presently, Hastings is complying with the zoning scheme, operating the buildings on the property as residential apartments and hotels, some units of which are occupied by Hastings students.

As for the vacant parcels on the block's north side, "[w]e would love [for Hastings] to build on the lot, but nothing that goes against the character of the neighborhood," Harris told the *Law*

News.

Last week, Levine insisted that no one has suggested any uses that are inconsistent with city zoning laws. "In fact, several developers are on the list [to receive a RFP] that specialize in residential and affordable housing," Levine said. At a Board meeting last fall Board Chairman James Mahoney assured tenants that "no precipitous action is going to be taken with respect to the development of the property without a full hearing before the Board and without ample notice to all."

Yet Hastings appears to be dissatisfied with the mixed use residential zoning scheme. Hastings is poised to free itself from the restrictive zoning ordi-

Continued on Page 18



PHOTO BY JOHN ANDREWS

One potential use for the West Block is for court or office space, similar to that provided by the Federal Building across the street.

achieve a long range development plan. In the first stage, which spanned the past eight months, the College conducted an in-house analysis to address the feasibility of various developments on the property.

The RFP solicitation marks the beginning of the second stage, during which the College will decide how to develop the property. Hastings will review the various developers' qualifications and initial concepts, narrowing the field to a list of five to six developers who will be asked to further refine their development plans. Finally, one developer will be chosen to commence ground breaking on the West Block. Levine expects this selection process to be completed by the end of this year and actual construction to begin within 2 to 3

cation, and student housing, which would replace or complement McAllister Tower.

Levine maintained that all conceivable uses will be considered, although the in-house feasibility study concluded that the best opportunities for development lay with several different mixed-use scenarios. The College continues to consider the option of selling the property, and the possibility of building a new county courthouse on the property remains alive, despite suffering a major financing setback with the defeat of last November's courthouse bond initiative.

On the advice of Hastings staff, the Board of Directors last September scrapped plans to temporarily expand the existing parking on the corner of Larkin and Golden Gate to cover the open pit. Levine

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Blazers, Suns On Fire in the NBA West

Continued From Page 7

There just isn't enough talent here to get past the first round of the playoffs. For years all we heard was how Houston needed only a good point guard to be dominant; now they need a lot more than that. Odds on winning the Conference: 200-1.

Seattle Supersonics

Since the trade that sent Xavier McDaniel to Phoenix for Eddie Johnson and some draft picks, the Sonics have played quite well. I cringed when I first heard about the deal, being a big fan of the X-Man, but it looks as though Seattle knew exactly what it was doing. With more minutes and more shots to go around, both Shawn Kemp, at power forward, and Derrick McKey, at small forward, are profiting from McDaniel's absence. The Sonics still have plenty of firepower, with Dale Ellis returning from an injury and Eddie Johnson coming off the bench firing. Center is a weakness. Right now the Sonics are playing Michael Cage and Olden Polynice there, neither of whom is apt to remind anyone of Bill Russell. Seattle could be very scary a few years down the road, for the talent here is young and gifted. Ultimately, Seattle's future is in Gary Payton's hands; he must learn to run an NBA team on the floor, cut down on his turnovers, and not be so shy with his offensive skills. Odds: 100-1.

Golden State Warriors

Boy, would I hate to have to play these guys in the playoffs. Chris Mullin and Mitch Richmond should be All-Stars for the next five years, and Tim Hardaway is a great player who gets better every time he steps onto the floor. Beyond the Celestial Three the Warriors get thin, but coach Don Nelson has this uncanny ability to emphasize his players' strengths and hide their weaknesses. He rarely asks any of his players to do something they can't do. His handling of Tom Tolbert, Alton Lister, Rod Higgins, and Tyrone Hill are prime examples. Each of those guys, who are border-line NBA talents, brings positive minutes to the Warriors, night after night. If Sarunas Marciulionis ever truly learns how talented he is and starts playing with more confidence, the Warriors could be a fifty or fifty-five win team. Golden State could easily make a run in this year's playoffs, but they simply do not match up well with either Portland or Phoenix. Odds: 50-1.

Utah Jazz

Not enough depth. Karl Malone, John Stockton, Thurl Bailey, and Jeff Malone are the only legitimate proven pros on this team, and four players alone cannot win an NBA championship. The Jazz win a lot of games each season because the hectic NBA schedule affords little opportunity for their opponents to prepare for them. Utah's offense is extremely predictable, even with the addition of Jeff Malone. The Jazz like the half-court game, and even run most of their sets from the same (left) side of the floor. During the playoffs, other teams discover Utah's tendencies and are able to make adjustments to take certain things away. The Jazz, partly because of their lack of depth, can't make similar adjustments, as nobody besides the four players mentioned is capable of changing the course of a game. Utah could give the Lakers or the Spurs trouble, but they have real trouble with the more athletic teams in the Conference, i.e. Portland, Phoenix, and even Golden State. Odds: 20-1.

San Antonio Spurs

Who's sailing this ship, anyway? Ever since he threw that ludicrous, over-the-head pass that cost the Spurs a chance to win Game 7 a year ago against Portland, I can't help doubting Rod Strickland's ability to lead this team into the NBA Finals. This is unfortunate, because San Antonio seems to have everything else covered. Paul Pressey, Terry Cummings, and David Greenwood give the Spurs intelligence and experience, while Willie Anderson, Sean Elliot, and Sean Higgins add some talented young legs. Toss in your average, run-of-the-mill dominating center (David Robinson), mix well, simmer, and viola!...NBA champs. The Spurs are a legitimate contender, I just wish Strickland's game was more like, say, Maurice Cheeks'. Odds: 8-1.

Los Angeles Lakers

This is a solid basketball team. When the Lakers were 2-5 early in the season all the experts wrote them off; they laughed at new coach Mike Dunleavy and gave "Showtime" up for dead. Well, who's laughing now? The Lakers have just won their fifteenth straight and find themselves just a few games behind Portland in the world's toughest division, the Pacific. Bryon Scott's sticking

his jumper, A.C. Green and Sam Perkins are playing well together, and James Worthy is still James Worthy. However, "Showtime", meaning the lethal Laker break, is dead. Dunleavy has quietly turned the Lakers into one of the toughest defensive teams in the league. The only negative effect this transformation has had is that the Lakers no longer get many transition baskets, putting much more pressure on their half-court offense. L.A. is good enough to win another championship, and you had best think twice before betting against Magic Johnson. Odds: 5-1.

Phoenix Suns

Is there a more fun team to watch in the NBA than the Phoenix Suns? Kevin Johnson takes your breath away. Tom Chambers looks so smooth he can't be 6-10. Xavier McDaniel scores like Charles Barkley and fights like Marvin Hagler. Every time I look in the box score Mark West shoots eight for nine. Jeff Hornacek looks like the guy you play pick-up ball with on Tuesday night, and Dan Majerle does just about everything. With backup point guard Negele Knight playing well, the Suns don't really have a weakness. This is a young team, however, and must execute better down the stretch in close play-off games to get by the Trailblazers. Odds: 4-1.

Portland Trailblazers

What a collection of talent. You want strong and versatile guards? Portland has Terry Porter and Clyde Drexler, each an All-Star. You want rebounding and toughness? Portland has Buck Williams, Kevin Duckworth, Wayne Cooper, and Mark Bryant. You want high-flying acrobats who leap through the roof? Portland has Drexler, Jerome Kersey and Cliff Robinson. You want scoring and experience off the bench? Portland has Danny Ainge and Walter Davis. The Trailblazers go eleven men deep, play defense like demons and run the floor like greyhounds. They started the season something like 23-1 and haven't looked back since. Barring major injuries, the Blazers are the clear favorites to win the Conference, and probably the entire league. Reaching the Finals last year gave the Blazers much-needed experience, and boosted their confidence level greatly. Odds: 2-1.

Students Trained to Help Objectors

Continued from Page 14

lems getting military discharges despite the fact that they are in units that they were told would never be activated, and these people face extreme hardships."

Rand felt she was getting a lot out of doing the work, beyond fulfilling her desire to help the peace movement. "One really direct way to stop the war is for people not to fight," she said, adding that, "I'm learning and using counseling techniques with people who have immediate needs. I'm also learning these really complex laws, and seeing their impact, which is pretty negative, on the clients. I help these people deal with the administration that's using these laws against them."

Rand said that people who are trained first counsel CO applicants under supervised conditions, and then take calls on their own. "At first, counseling a CO is frightening because you feel like you have life and death power over the applicant," she said. But according to Ann Wrixon, another CCCO staff member who has been training Hastings students, "If you don't help that person, no one will - we (CCCO) just don't have the resources to handle all the cases without you."

"Counseling is a very emotional and fulfilling experience," said Rand. She is particularly impressed with the courage of the people she counsels. Said Rand, "The CO process isn't simple. The objector must write a de-

tailed explanation of his or her beliefs and show how their beliefs have changed since enlistment. They must also gather letters of support attesting to their sincerity. Finally, they must undergo interviews with three people: a psychiatrist, a Chaplain, and an Investigating Officer. The last is usually extremely hostile and tries to confuse the applicant and to get the applicant to contradict him or herself."

Rand explained that that the government is making it very difficult for applicants to file for CO status. "Some are told they can't file here, but must wait until they are in the Gulf. Filing for CO does not prevent the applicant from being shipped out. One man watched as his commander placed his CO application in a wooden box, pounded nails into it and addressed it to Saudi Arabia. Although the military is supposed to assign the applicant to duties which least conflict with his or her beliefs, there are few non-combat duties in a combat zone. Also, being far away from counselors, lawyers, supportive friends and family, and personal records makes the application process very difficult. For this reason, many people are going AWOL in order to have the time to finish their CO claims."

Members of the Hastings community who want to counsel CO's can contact Heidi Rand through her SIC folder.

Periscope

Continued from Page 13

ment that would be supportive of U.S. policy. However, after numerous and extended discussions with friends and fellow students, my lukewarm support withered.

I apologize for the absence of a "pro-war" perspective in this issue. Mr. Huel expressed his interest in writing an "anti-war" piece, and since I had planned to write a "pro-war" piece, I thought there would be an editorial balance. As I have confessed, my opinion changed too late to solicit a "pro-war" piece. I realize that there are two sides to this issue and regret the apparent editorial bias. If anyone wishes to rectify this condition, I encourage submission of an opinion piece in support of the U.S. action.]



PLAY Your Part

American Red Cross

Much Ado About West Block: Developing Dissent

Continued From Page 16

nances by employing the conditional use clause in the current zoning provision. This loophole would permit Hastings to develop the property however it wishes, provided that the project was "primarily for education purposes." The problem here, explained Levine, is determining whether mixed use development, determined to be the most feasible alternative by the College in its recently completed in-house analysis, would be a valid use under the conditional use clause.

Hastings expects to lose over \$400,000 on the West Block properties this fiscal year alone. Over \$524,000 will be paid just in interest, representing over half of Hastings' expenditures on the property.

Pending Litigation Complicates West Block Resolution

However, Hastings has gone much further by seeking judicial determination as to whether the College is a state entity and thus exempt entirely from city zoning laws and regulations. This argument defeated the proposed injunction sought by the city in San Francisco Superior Court in December 1989 to prevent the College from demolishing the four earthquake-damaged structures on West Block's north side where the pit is now located.

However, Hastings also cross-complained against the city, asking the court to declare once and for all whether the College is in fact exempt from city zoning ordinances. The WTA intervened on the side of the city in July 1990.

Hastings relies on Article 9, section 9 of the California Constitution which proclaims that the University of California Regents hold in public trust both title and control over property the UC has acquired. According to Hastings' supporting legal documents, case law interprets this language to exempt the UC from local regulations with regard to land use and management. The College's argument follows that as a state agency affiliated with the UC, Hastings is also not subject to local regulations with regard to the West Block's use or management.

The idea of exempting Hastings from city zoning is an ominous one for Steven Collier of

the Tenderloin Housing Clinic and counsel for the West Block tenants. His position is that the exemption does not apply to any uses of West Block which are not for educational purposes. "When [Hastings] acts as a private landlord, it is required to abide by local law," he said.

Collier also remains skeptical that an unrestrained Hastings would spare from destruction the homes of the tenants he represents. According to Collier, Hastings has already violated city law by failing to provide one-for-one replacement housing for the residential units torn down by the College last year.

The litigation has dragged slowly, as Hastings scheduled, then cancelled, a motion for summary judgment last December. According to Hastings counsel Juliet Gee, Hastings is still undecided whether to refile the motion. And currently, Judge Wilbur Johnson has taken under submission the issue whether draft proposals created by Hastings administrative staffers and rumored to outline the "best use" of the West Block property, are discoverable by the Tenants Association. According to Gee, the Board of Directors has an exclusive privilege covering documents used during closed session meetings. The court, says Gee, must decide whether this privilege can be circumvented by requesting discovery of the documents before they reach the Board. WTA's counsel Collier counters that "[i]t is essential for the court and the parties to know what development Hastings is contemplating before issuing a sweeping order regarding exemption from local ordinance."

Gee anticipates a decision in the lawsuit "by the end of the year." She acknowledges, however, that further procedural sidings and the possibility of an appeal would extend the timeline and thus affect any development schedule that Hastings may formulate.

And time directly relates to money in the case of the West Block. According to figures presented to the Board of Direc-

tors last fall, Hastings expects to lose over \$400,000 on the West Block properties this fiscal year alone. Over \$524,000 will be paid just in interest, representing over half of Hastings' expenditures on the property. Updated financial projections for West Block will be presented to the Board Finance Committee in a meeting next week. These startling figures demonstrate Hastings' urgent need to resolve quickly the development issues surrounding the West Block properties.

An Insensitive Landlord

Potentially lost in the College's haste to recoup its already substantial losses on the property are the concerns of tenants residing

on the block itself. Tenants claim the school has been negligent in its management of the property. Last September, the *San Francisco Independent* reported that the West Block tenants were given no warning before the College commenced the reroofing project on the 200 Building last summer. Harris stated that a young woman collapsed from the fumes and was forced to move out of her building on her doctor's order.

More recently, tenants have charged that Hastings discontinued security patrols through the West Block buildings. According to WTA president Harris, "the tenants saw the patrol as part of the services that they were promised" as residents of property.

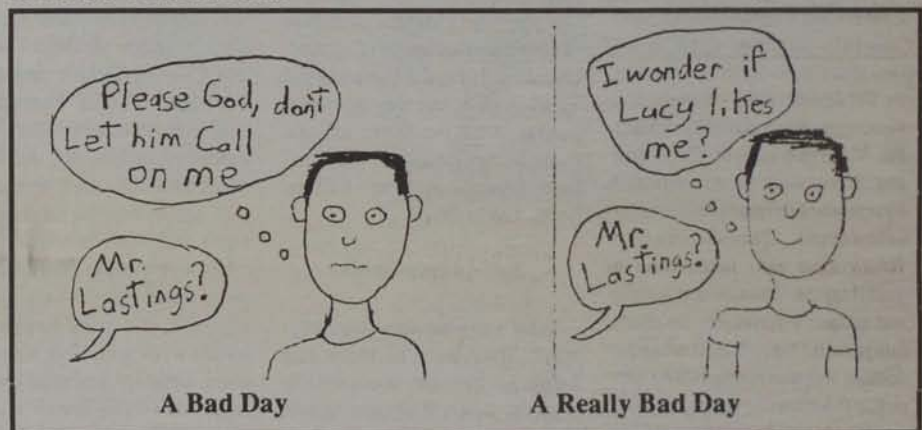
Gee explained that the patrol

fell outside the scope of campus security's jurisdiction. She maintains that Hastings responds to problems when notified by its property management service. On one occasion, Hastings "posted a [private] guard in a building [on McAllister] where there was suspected drug activity," and the alleged perpetrator was eventually evicted from the premises by the College.

But regardless of Hastings' changed security policy, the tenants view the College's failure to at least inform them as another example of the College's continued disregard for their legal rights. Says Harris, "We have been waiting for a written explanation [from the College], but there was none. I think we're at least entitled to that."

By John Nemoy

First Edition



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Visiting Prof Opens Up Chinese Legal System

By James T. Schmid
COPY EDITOR

Hastings students interested in such unfamiliar legal concepts as criminal trials where the accused must take the stand, or divorce mediation by Resident Committees, are taking advantage of a unique opportunity to step outside the American legal system this semester.

"In the United States there is emphasis on the rights of privacy. We lay emphasis on the interests of the state as well as the interests of individuals, and the interests of the former are more important."

Professor Gao Wen-Bin, a visiting professor from the Shanghai Maritime University, is giving those students an insider's look at the Chinese legal system. In the course of his lectures, Professor Gao also takes time to comment on Chinese and American culture and society, covering subjects as varied as abortion in China and gun ownership in the United States.

Professor Gao, who graduated from Soochow University Law School in 1945, has seen many of the most significant events in recent Chinese history firsthand. His first job out of law school was serving as secretary to the Chinese prosecutor at the International Military Tribunal investigating Japanese war crimes. He taught at several law schools in his native Shanghai during the early development of the Chinese Communist system.

Professor Gao has studied both the Chinese and American legal systems, and recognizes that there

are fundamental differences between them which make it difficult for students to understand.

"In the United States there is emphasis on the rights of privacy," he said. "We lay emphasis on the interests of the state as well as the interests of individuals, and the interests of the former are more important."

Professor Gao has been frank about many of the disadvantages of the Chinese system, admitting that "comparatively speaking, we enjoy less freedom than you do in the United States." But he feels that each system has its good and bad points, and that there are benefits to the Chinese system that many Americans do not see.

For example, Professor Gao points out that the penal system in China emphasizes education and job training, which is often minimal or nonexistent in American prisons. He also decries the American penchant for private ownership of firearms, forbidden in China, noting that there is a much greater crime problem in the United States.

"In Shanghai, a woman can walk out in the street at midnight, and not worry about being robbed or raped," he said.

The difference in Chinese and American philosophies was also highlighted by a recent discussion of the role of Resident Committees, which are local arms of the government located in every neighborhood. Several students were concerned about the committees' potential for limiting individual rights and freedoms, especially after hearing that they are responsible for assisting police in investigating crimes and providing information about individual residents. But Professor Gao maintains that the committees are appreciated by the Chinese people, because they also provide a variety of community services, such as visiting elderly shut-ins and counseling married

couples.

Professor Gao also stresses that the Chinese system must be evaluated in light of the different problems faced by Chinese society. "Some measures we adopt in China are taken in light of the situation in China," he said, citing in particular the use of abortion to combat China's overpopulation problem. He said China's huge and growing population will cause serious problems in the future unless steps are taken to control it right now.

"What will we do fifty or 100 years later?" he said. "We have no alternative."

Hastings is the second American law school that Professor Gao has taught at during his current stay, having also visited the University of Maine in Portland. He

said he has been impressed with the beauty of both Portland and San Francisco and with the frankness, kindness and generosity of the people he has met.

On his return to China, Profes-

sor Gao plans to build on the connections he has made during his visit. He has already discussed the possibility of faculty exchanges with the Hastings administration.



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Toy Drive a Success

The annual holiday toy drive sponsored by the Association of Students for Kids (ASK) was a big success, reported drive coordinator Kandace Sheya. The toy drive, conducted over three days last November, raised more than \$1200 worth of toys for the San Francisco Firefighters Toy Program. The firefighters distributed the toys to children in the Tenderloin and other needy areas of the city.

John Voelker, chair of the San

Francisco Fire Fighters Toy Program, thanked Hastings students for their participation in the toy drive. "The help [students] have given our program will go a long way in helping to assure that every child smiles on Christmas morning," he said. Members of ASK also extended their appreciation to those who supported the drive and said they hope that this year's success will carry over into future toy drives at Hastings.

The Switch Is On!



Bar Facts

MULTISTATE MATERIALS* <small>*On a scale of difficulty from 1-10, PMBR Questions are 9's & 10's. Barpasser & Bar/Bri Questions, on the other hand, are very simplistic and range in difficulty from 4 to 5!</small>	<ul style="list-style-type: none"> • 2,000 Questions with fully detailed explanations • Multistate Nuance Charts delineating the "fine line" hornbook & Restatement distinctions commonly tested on the MBE • Multistate "Flash Cards" 	<p>During the last 14 years over 150,000 students have enrolled in PMBR for the Multistate Advantage. In California, the MBE is of crucial importance. If you don't achieve a 145 scaled score on the MBE (out of 200 questions), you have <i>less than a 7% chance of passing the California Bar Exam!</i> Moreover, the essays are scaled or "adjusted" to the MBE. According to the California Committee of Bar Examiners, "a one point increase in the MBE scores accounts for about a three and one-half point increase on the overall bar exam!"</p>
MULTISTATE WORKSHOPS* <small>*70% of all Barpasser & Bar/Bri students enroll in PMBR Multistate Workshops</small>	<ul style="list-style-type: none"> • 6-Day "Early Bird" Workshop (30 Hours) • 3-Day Multistate Workshop (18 Hours) • 48 Hours in-class 	<p>PMBR offers <i>more Multistate Workshop hours</i> than any other bar review course. The tuition cost of the 6-Day course is \$495; while the 3-Day enrollment fee is \$350. However, these courses are included FREE in the California "full service" course!</p>
ESSAY WORKSHOPS	<ul style="list-style-type: none"> • 10 Sessions • 30 Hours in-class 	<p>PMBR Essay Workshops are taught by Professors Richard Sakai (USF) and Brian Siegel. Professor Sakai formerly conducted BAR/BRI's Essay Workshops before joining the PMBR Law Faculty this year.</p>
PERFORMANCE WORKSHOPS	<ul style="list-style-type: none"> • 8 Sessions • 24 Hours in-class 	<p>PMBR Performance Workshops are conducted by Professor Peter Jan Honigsberg (USF). Professor Honigsberg is recognized as California's leading expert on this section of the bar exam.</p>
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SUBSTANTIVE LECTURES	<ul style="list-style-type: none"> • 78 Hours in-class covering every Multistate & California subject area 	<p><i>PMBR offers more substantive in class lecture hours than any other bar review course in California!</i> In combining substantive lectures with Multistate, Performance and Essay Workshop hours, PMBR conducts over 150 hours of preparatory classes for the California Bar Exam!</p>
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