CURRICULUM REVAMPED

CONTRA

OBSCENITY LAWS

MORE HARM THAN GOOD

By STANLEY FLEISHMAN

In a recent television program, Louis Untermeyer, the consultant in poetry at the Library of Congress, was asked his views about sex censorship. "My views," he said, "are very simple. I can't believe in censorship because I don't know where you can draw the line. I don't know who is to be let to draw that line. I think that censorship is an almost impossible subject to discuss because one gets very heated and very controversial. My feeling is that books should not be burned and books never do hurt anybody. I think a book will find its proper reader, or even its improper reader. But I do not know who is fit or able to draw the line and say, this should be read or this should not be printed."

When asked if he believed that the dangers inherent in censorship are greater than the dangers inherent in outright pornography, Mr. Untermeyer said:

"Pornography, sheer pornography—the stuff that's circulated on mimeographed sheets for mere purposes of sale and indecency of course should be destroyed. But when it becomes literature, when it has a purpose, when it seems to have that tone which we recognize as literary, but then you say well, who can recognize it, and then I'm baffled. I think there is no solution really. It's one of those problems that you just throw up your hands and say—I can only decide for my child and myself."

(Continued on Page 6)

A NECESSITY

By WILLIAM BRYAN OSBORNE

"Censorship" through criminal prosecution of obscene "Literature" is both necessary and desirable. Make this assertion in any group and a heated debate is bound to follow. The word censorship has an explosive emotional impact which invariably tends to obscure the basic issues involved. As a result of the intense feelings aroused, we find otherwise rational and intelligent persons taking extreme positions and spicing their argument with such compelling logic as "would you want your children to read that book? and "I don't want *anyone* telling me what I can or cannot read."

The attorney, however, whether he represents the prosecution or the defense is well advised to carefully consider the basic problems involved before assimilating the extremist approach into the case he presents to the jury. In the recent trial of Henry Miller's "Tropic of Cancer" the defense called sixteen "experts," each of whom held a Doctorate Degree in literature or a related field. It would appear that each of these men felt so strongly that censorship is wrong per se that they allowed the prosecution, on cross examination, to force them into ludicrous positions. The result—the jury simply would not accept their testimony.

As an initial and basic premise we should accept the fact that laws regulating obscenity are here to stay, at

(Continued on Page 7)

STANLEY FLEISHMAN, a member of the Hollywood firm of Brock and Fleishman, has gained nation-wide eminence for his work in litigation involving copyright and censorship. Since his graduation from the Columbia University School of Law, he has argued obscenity cases before the United States Supreme Court and the California Supreme Court, as well as cases in Louisiana, Ohio and Illinois. He is presently handling the appeal in the recent Los Angeles "Tropic of Cancer" prosecution. In addition he has written innumerable articles and made frequent TV appearances discussing the problems of sex, obscenity and censorship.

WILLIAM BRYAN OSBORNE received his B.S. from UCLA in 1952 and his law degree from the University of Southern California in 1956. After serving as a legal officer in the Marine Corps, he entered the United States Attorney's office, where he became assistant chief of the Criminal Division, Trial Section. He has now established his own practice in downtown Los Angeles in affiliation with Alan S. Ghitterman, UCLA Law School graduate of 1955.

UCLA DOCKET

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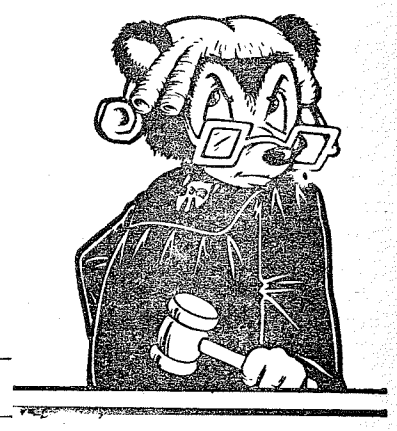
UCLA Law Students' Association



RICHARD T. HANNA — 1952 graduate of Law School who is a Democratic Assemblyman to State Legislature was voted "Alumnus of Year" at Law Day observance ceremony late last month.

Second Year All Elective

Sweeping changes in the Law School graduation requirements and curriculum to take effect in September were announced by Assistant Dean of the Law School, James L. Malone late last week.

The total number of credits for graduation has been softened from 87 units down to 85 and a switchover to a completely elective second and third year (compared with the present "all required" courses) has been earmarked. The first year curriculum has also been revamped.

With this will come a beefing up of the counseling system, instituted for the Freshman class this year for the first time, to cover the three-year period.

These reforms, although effective next semester, will not affect the current second year class.

For the freshman year second semester, Agency has been dropped with two units in Constitutional Law substituted. One unit of Contracts and Torts have been dropped, and one unit added to Criminal Law. The first semester remains unchanged and all first year courses are required.

The new system calls for raising the required unit load from 10 to 12 units per semester during the third year. Second year students will also be required to take at least 12 units, but no more than 16.

As presently planned, the only required courses after the first year will be Legal Ethics, one seminar course, and second year Legal Writing and Research—the latter only for those not exempted by Moot Court or Law Review participation.

The faculty has recommended, however, that the following courses be selected by students: Administrative Law, Business Associations, Commercial Transactions, Community Property, Conflict of Laws, Constitutional Law, Estate and Gift Taxation, Evidence, Income Taxation, Law and Accounting, Remedies, Trusts and Estates.

Although some courses have been established as prerequisites for others, final announcement will be made later.

The Assistant Dean indicated that the new program will be especially beneficial for students desiring a particularly-tailored Law education, but

(Continued on Page 2)

RICHARD T. HANNA

Vote Alum of 1961 At Law Day Fete

Richard T. Hanna of the Class of 1952 was named the UCLA Law School's "Alumnus of the Year" in a special ceremony at the annual Law Day observance, April 28.

The recipient, first UCLA graduate to be so honored in a newly established tradition, is a Democratic member of the California legislature, representing the 75th Assembly District in Orange County.

The honoree is also actively engaged in the practice of law in his home town of Fullerton as a partner in the law firm of Launer, Chaffee, Hanna, Ward, Stack & Langhauser.

Hanna's selection by the joint committee of faculty and alumni was based on his multiple accomplishments in the 1961 session of the California Legislature. He is chairman of the Assembly Committee on Education and has authored several bills which would regulate the activities of mortgage loan and security dealers.

In addition Assemblyman Hanna has been working closely with governmental units in negotiatios which will lead eventually to installation of a small boat marina in the Huntington Beach-Sunset Beach area of Orange County.

Hanna was first elected to the legislature in a 1956 special election and was re-elected in 1958 and 1960. As a member of the Assembly his committee assignments include: Judicial-Civil, Finance and Insurance, Governmental Efficiency and Economy and the joint Senate-Assembly committees for Education and Judiciary.

UCLA's first alumnus of the year was born in Kemmerer, Wyoming in 1914 and moved with his family to Long Beach in 1923. He attended the Compton Public Schools, Pasadena Junior College and took his undergraduate degree at UCLA.

He is a resident of Fullerton and is married to the former Doris Muriel Jenks. The couple has three children. Hanna is a World War II veteran of the Navy Air Corps and has membership in the Veterans of Foreign Wars, the American Legion, Elks, and Phi Delta Phi legal fraternity.

Malone to Review Law Board Exam

Assistant Dean of the Law School James L. Malone will take part in the meeting of the Law School Admission Test Council to be held on May 31 and June 1, in Princeton, New Jersey.

Malone is currently preparing a book covering the California law applicable to Notaries Public for the use of notaries and a series of articles on public use of private wildlands and forests.

Next Freshman Class To Increase 25 Percent

"The September entering class will be approximately 25% larger than the present first year class," Assistant Dean of the Law School, James L. Malone, reported yesterday. Between 220 and 225 new students will enroll compared with 180 last year.

Malone predicts that there will be a total of 700 applications filed, an increase of approximately 200 over last year.

A substantial number of the new students will be from widely different geographical areas with a significantly high percentage having attended undregraduate schools in non-local areas.

Malone sees a decided trend toward larger classes and indicated that the Law School student body would probably swell to about one thousand within the next six years.

"UCLA Law School will have to grow to meet the greatly increased demands for more lawyers — caused by the expanding Southern California population," Malone said.

"The increase in interest in the Law School by potential students is most encouraging because it means that UCLA is obtaining national prominence," Malone explained. Although the largest number of applicants are California residents, many have attended universities outside the state and have now decided either to return or to re-locate in Southern California. Malone pointed to the need for geographical distribution to allow for diversity in the student body and break down the homogeneity of background that results in a purely "local" group.

Malone attributed part of the increased interest in the Law School to a stepped up promotion - recruitment campaign and the growing reputation of the School.

Universities and schools throughout the state were visited by the Assistant Dean during the year — including Claremont, Pomona, Occidental, Redlands, other University of California branches and the State Colleges. A trip to the East Coast schools is planned for later in the year and Law School catalogues were sent to all universities and colleges as well as being distributed through the State Department overseas.

Malone pointed to the alumni as being important in establishing the School's reputation. This spring is the 10th anniversary of the founding of the Law School and there are now about one thousand graduates.

The Law School's reputation has also been fanned because of the whole university's increasing recognition, the faculty, and the high admission and retention standards.

Although the admission requirement for next year's freshman class was the same as for the current one, Malone forsees a long-range rise in the standards — even though the school will be expanding.

The enlarged student body is going to necessitate changes in the physical accommodations. For next year no change is anticipated (the current building can handle 500 students) but Malone indicated that direct physical expansion of the present facilities is slated for the near future.

Acclaim Honor Code At Mid-Year Trial

By RONALD L. KATSKY

The Law School's newly adopted Honor Code satisfactorily met its first test during mid-year examinations in late January, according to student and administration reaction.

Prior to the exams, every student had signed a pledge neither to give nor receive assistance on examinations or written papers and to report anyone who broke the pledge. Assistant Dean of the Law School, James L. Malone, reported only three students had at first objected to signing the Code.

Their protest was that it was "against the moral grain" to report a student not following his oath. Others now also have admitted their reticence to comply with this feature of the pledge.

Malone pointed to this reluctance as one of the problems regarding the functioning of the Honor System, but insisted that the basis of the System rests on this obligation. "If a person does not abide by his commitment, he is not worthy of belonging to the profession," Malone stated.

As the Honor System now stands, all present students are pledged to the Code during the remainder of their UCLA Law School careers. Future and transferring students will be required to sign the Code when admitted to the School.

Malone pointed out that the great number of law schools have an honor system in effect. The UCLA Code—which was drawn up by the Law Students Association—was passed by a student vote late last year.

Malone spelled out the violations were to be reported to his office. Although there have been no reported violations to date, Malone said that the authenticity of each report would first be verified. The next steps would include an examination of the test paper, trend of grades and background of the alleged violator.

"Most of the information will require a personal decision as to the likelihood of the accusation," Malone stated. He indicated that reports and invetsigations would be confidentially treated.

The punishment imposed, if the student is eventually found guilty of a pledge, violation, would be determined by the nature of the violation. The most serious sanction would be dismissal from Law School with a recommendation that the student not be allowed to enter any other law school.

(Continued on Page 5)

Professor Jesse Dukeminier Visiting from Kentucky

Visiting faculty member from the University of Kentucky Law School Professor Jesse Dukeminier has noticed a striking difference in student thinking at UCLA from that at Kentucky.

"Students here see things more in terms of black and white, and this better for them as it is easier to lead them toward seeing their way through the grey," the professor of Land and Estate Planning observed.

The Professor believes that some students here are more liberal in their thinking and to the other end, some are more conservative than previous students encountered at Kentucky and the University of Chicago Law School.

Born at West Point, Mississippi, Dukeminier enlisted in the U.S Infantry at age 18. Wounded in action, he returned home to obtain a B.A. from Harvard and his L.L.B. from Yale.

Harvard Law School in 1948 was the traditional legal institution but is now, with some 1500 students, modifying toward the Yale philosophy and methods, he noted.

Yale Law School has some 500 students, is a proponent of the experimental-type of system stressing the realistic movement initiated in the 1930s. Law science and policy as the new scientific approach emerged from Yale.

Before entering the professional ranks, Jesse Dukeminier practiced law in New York City for two years. He says this was a "fascinating experience as the practice of law on Wall Street is both different and a very agreeable kind of law work." Additionally, he stated that "though the lawyers are excellent, they do only specialized types of legal work." These activities included such work as taxation, corporations, estates, and commercial exchange in the form of securities.

From Wall Street, Dukeminier went to the University of Minnesota, and then to the law school at Lexington, Kentucky the following year, where he stayed seven years.

He has "the horse-racing fever to the extent that at this time of year he gets lonesome for his Kentucky home so that a couple of dollars can be invested on a favorite."

After completing his duties at UCLA, Professor Dukeminier commences a Sabbatical leave from Kentucky. Next year he will do research and writing for a book, visiting both Harvard and Yale in the process, under sponsorship of

(Continued on Page 5)

Out of the Ivory Tower

News from Faculty Row

By ELEANOR LUSTER

PROFESSOR MURRAY L. SCHWARTZ is participating in a panel at the annual meeting of the California Peace Officer's Association the end of May at Disneyland Hotel. He is also giving the commencement address to the graduation class of the law school at the separate ceremony held in advance of the University graduation. Professor Schwartz is a member of the committee, Group Legal Services, of the State Bar Association of California.

The annual meeting of the American Bar Association takes place in San Francisco this coming August. Included in their activities will be a panel discussion of the section on Legal Education and Admissions to the Bar in which **PROFESSOR KENNETH H. YORK** is participating. Professor York is Chairman of the UCLA Senate Committee on Academic Freedom.

Acting Associate **PROFESSOR NORMAN ABRAMS** wrote an article entitled "Conspiracy and Multi-Venue in Federal Criminal Prosecutions which he expects will come out in the July issue of the UCLA Law Review.

Law in Transition accepted an article by **PROFESSOR ARVO VAN ALSTYNE** dealing with the recent trends of decisions in First Amendment cases of the United States Supreme Court, and should be out shortly. Professor Van Alstyne is spending July and August in Salzburg where he will teach American Constitutional Law at the Salzburg Seminar in American Studies. He is currently busy working on a new set of teaching materials for use in Trial and Appellate Practice. It will be published this summer by Edwards Brothers and will be available for use in the fall semester. The material is completely updated on California Trial and Appellate Practice and the problems related thereto.

PROFESSOR JAMES D. SUMNER, JR. will be teaching Conflicts this summer at the University of Texas.

MR. CHARLES M. LEVY, Associate in Law, is joining the Beverly Hills Law Firm of Kaplan, Livingston, Goodwin & Berkowitz upon completing his appointment at the Law School.

"Arbitration in the Federal Courts: Aftermath of the Trilogy" in the March issue of the UCLA Law Review and "Reflections on the Legal Nature and Enforceability of Seniority Rights" in the June issue of the Harvard Law Review were both written by **PROFESSOR BENJAMIN AARON.** He is attending a meeting, May 3-6, of the American Assembly, an organization originated by former President Eisenhower at Columbia University, on Automation and Technicological Change. May 8, Professor Aaron is addressing the Teamsters Conference Problems of Labor Law and Relations, in Santa Barbara. On May 13, he will address a conference in Carmel on Executive Leadership and Management and will discuss the Individual and the Free Society. On May 25 he will talk on the first two years of Landrum Griffin to the Annual Industrial Relations Conference in San Francisco sponsored by the Institute of Industrial Relations of UC Berkeley. And on May 26, Professor Aaron is talking on Employee Benefit Plans—The Rights and Obligations they create, before the Western Pension Conference in Monterey, California.

Three members of the staff of the Law School are participating in The First Conference on Recent Developments of The Law on May 19 in cooperation with University Extension. **MR. MELVILLE B. NIMMER,** Lecturer in Law, is reviewing Recent Developments in Copyright Law. **PROFESSOR BENJAMIN AARON** will discuss Recent Developments in the Law of Labor Arbitration. **PROFESSOR RALPH S. RICE** will talk on Basic Principles for Making Gifts of Property.

PROFESSOR PAUL O. PROEHL addressed the Copyright Society, April 16, on Communication Satellite Systems. His article, "Anguish of Mind: Damages for Mental Suffering under Illinois Law" was published in the recent issue of the Northwestern University Law Review. Professor Proehl left for Washington, April 25, to attend the annual meeting of the American Society of International Law.

The third issue of the UCLA Law Review has an article in it by **PROFESSOR WILLIAM D. WARREN** called "The Problem of Protecting Purchasers Who Buy Land Through Land Sale Contracts."

PROFESSOR RALPH S. RICE plans to be in Washington the latter part of May to attend a meeting of the Committee Chairman of the Tax Section of the American Bar Association. Professor Rice sent his final revision of his supplement to his book Family Tax Planning to the printer on April 23.

Curriculum Change

(Continued from Page 1)

observed that most students will be unaffected in the courses they take. "Many of the courses are basic or bar courses so most students will elect them anyway—although they may choose to do so at a different time," he said.

Malone advised that the Counseling Program would help students in making course selections in September. He pointed out that the Assistant Dean's Office would help with summer school selections to fit in with the changed curriculum structuring.

Gould Will Edit Next Law Review

By DAVE BERK

What goes on in the "room at the top?" Bill Gould, newly selected editor-in-chief of the 1962-63 UCLA Law Review, believes that the mystery surrounding the work and responsibility of the candidates and members of that elite staff needs disclosure.

Gould's board, chosen by the outgoing members of the law review's editorial staff and affirmed by the third year members and the second year candidates, is: Marshall Lewis, managing editor; Larry Kasindorf, articles editor; Ken Owen, production editor; and Mike Murphy, Dean Stern, Leroy Gire, and Don Mike Anthony, associate editors. Gould has picked Ron Kabrins as representative on the Law Students Association Council.

An all-inclusive post, the editor-in-chief is responsible for the production and preparation of the journal. The

WILLIAM S. GOULD

managing editor functions as liason between the board and the staff. There are four associate editors, who formulate and check the editorial procedure performed by the student writers. The articles editor obtains dissertations from noted authorities. Mechanics of the review's creation is handled by the production editor.

Gould, twenty-three, is the youngest candidate to be chosen for the top position. Compared with this year's graduating board, the editorial staff is youthful. Their average age is twenty-three with Lewis being the oldest at twenty-eight.

A 1960 graduate of Loyola University of Los Angeles, Gould will be married in June and employed during the summer at Gibson, Dunn and Crutcher.

Publicity and circulation will be emphasized. Gould doesn't want the freedom of activity sidetracked by a lack of funds. It is Gould's desire to acquaint the students with the work of the publication.

One major misunderstanding is terminology. Students chosen to work on the law review during their second year are merely "candidates" and may not qualify until their third year as "members" or "staff."

In order to qualify for membership, each candidate is required to write at least two case notes and one comment. A "case note" is a limited discussion of a particularly significant case—it's problems and pertinent relationship to a specific area of law. A "comment" is a more lengthy discussion in a particular area of law - it's problems and analysis.

"The life cycle of a case note" is another way to describe the editorial process. It begins by choosing a case showing a recent development in law or denominating a change in legal trend. The choice of the case is made through advance sheets read by the staff and assigned to a candidate. After a series of conferences involving the mechanics and analysis of the candidate's draft, the associate editor submits the note to the editor-in-chief for final approval. The average case note requires seven to eight drafts before such determination.

The note then follows a similar process with reference to form and substance between the writer and the editor-in-chief. One or two more drafts may be required by the candidate. At this point the prospective note is transmitted to a faculty member who is a specialist in the particular area of law. He checks the note for possible legal errors and sends it back to the Board's production editor who sees that the note is "cite checked." This job is one of the most tedious and important aids to the note's appearance.

A cite checker certifies that the cases cited stand for the legal propositions for which they were cited. Questions arise in regards to correctness of page cites, interpretation

Elect LSA Officers

Mel Albaum—President Lee Hitch Wins V.P.

Mel Albaum, Docket Editor, has captured the top spot in law school student government in one of the most hotly contested elections on record here. The president-elect will be assisted by Lee Hitch, who coasted into the vice president slot.

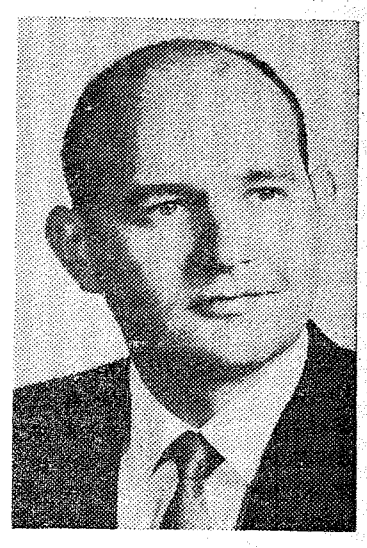
There was an all-time high turnout at the polls with 97% of the second year class, 84% of the first year class, and 76% of the third year class casting ballots.

Other LSA officers include Annette Hartmann, secretary; Wayne Butterfield, treasurer; Timothy Strojler, ALSA representative; Edward Landry, GSA representative; Michael Murphy, senior class president; and John Benson, second year class president.

LEE HITCH

Albaum and Hitch bring diversity of experience and a record of academic achievement to their new posts. Before entering law school Albaum was a public relations representative for Space Technology Laboratories, where among his duties he prepared speech material for Generals Bernard S. Shriever, Osmond J. Ritland and James H. Doolittle. He has numerous writing credits, including a TV series, Edge of Space, which ran for 13 weeks on NBC in living color. Hitch spent six years with the Los Angeles Police Department.

Both Albaum and Hitch were Phi Beta Kappas and rank high in their law school class standings. Albaum received his B.A. in French and his M.A. in Journalism at UCLA. He also has a degree from the University of Paris (Sorbonne) and taught in the French Department here.



MEL ALBAUM

Hitch received his B.A. in Psychology and turned down a scholarship in the Department in order to enter law school.

Both Albaum and Hitch are members of Phi Alpha Delta Legal Fraternity and both served their military time in the Air Force.

Albaum is an inveterate joiner. His memberships include Pi Delta Phi (French honorary), Tau Kappa Alpha (Journalism scholastic), Sigma Delta Chi (professional Journalism society), Aviation Writers of America, and International Society of Aviation Writers. He was a member of Alpha Epsilon Pi as an undergraduate.

Moot Court Trial

McKissack, Clements Garner First Place

By Nancy Norbury

The team of Luke McKissack and George Clements, counsel for Petitioner, won the Annual Roscoe Pound Competition.

The hearing was held Friday, April 27, before the Honorable Gordan Files, Justice, D.C.A., the Honorable Clarke Stephens, Judge, Superior Court, and the Honorable Frank S. Balthis, Justice, D.C.A. The case at bar was **Baker vs Carr**, the recent Supreme Court decision on reapportionment.

Gary Goldman and Ron Fidler were co-counsel for the Respondent. McKissack, Goldman and Fidler represented California and UCLA Law School in the National Moot Court Competition last year. The award to McKissack and Clements was a copy of Armstrong's **Family Law**, and the award to Goldman and Fidler was a Corporation Manual.

All four contestants are seniors this year and all intend to engage to some extent, in trial work. McKissack is a graduate of the University of Florida, receiving a B.A. decree in Philosophy and Political Science. He was the National Collegiate Debating Champion of that university in 1956. Although a native of Georgia, McKissack intends to remain in Southern California and to practice criminal law and general trial work.

Clements, a graduate of Indiana University, will be a Deputy District Attorney for Ventura County upon passing the Bar. He is a Navy Veteran of World War II and a native of Indiana. He plans to practice in this area also.

Goldman is an alumnus of UCLA and a native of Missouri. His undergraduate major was Accounting and he graduated with honors. He intends to practice in the Los Angeles area, specializing in Tax and Entertainment Law.

Beverly Hills Bar Sponsors African As Student Here

Mr. M. M. Kuku will be the young African legal scholar on the UCLA Law School-Beverly Hills Bar Association Scholarship program for 1962-63 Assistant Dean of Students James L. Malone announced yesterday.

Mr. Kuku is a graduate of University College, London and is a barrister at law. He will concentrate his studies with various aspects of comparative law.

Kuku is a native of Nigerian and received an undergraduate legal education at the University of London.

Kuku will be given an opportunity to observe law in action in local courts, law offices, and bar associations through the efforts of the Beverly Hills Bar Association.

Kerns to Direct '62 Moot Court

Bennett Kerns will be next year's Moot Court Chief Justice, it was announced at a luncheon of the Moot Court Honors Program last week.

Kerns is a native of Illinois and an alumnus of UCLA, graduating in 1960 in Political Science. While at UCLA he was active in campus politics, holding the positions of Sophomore President, Upper Division Men's Representative on the Student Legislative Council, and Assistant Director of Student Relations for the Alumni Association.

Assisting Kerns in next year's Moot Court activities will be Associate Justices Gary Taylor, Chairman of the Competition Review Committee, and Irwin Aarons, Chairman of the Case Selection Committee. Barry Marlin will be the Chief Justice's Executive Assistant.

Baseball Column

By DON GOLD

Scarred, battered and bruised, the remnants of the Law School's two softball teams ended their combat for this year.

Both teams, Lambda Lambda Beta and Phi Alpha Delta—finished with identical records of three wins and three losses, which placed each team in the middle position of its respective league.

It was a seesaw battle the whole season as both the defense and offense fought to see which could fall faster and more often. It was a tie, each accomplishing the feat in several games.

However, all was not bleak as both teams turned in some fine performances, holding opponents to one or two runs and scoring as many as 14 runs themselves in several of the games.

If nothing else the teams became well known on the athletic field and in the intramural office as the "old men of the law school." Establishing this cognomen was no easy chore, according to the captains of the teams, Gene Axelrod, Eli Blumenfeld, Don Gold and Bob Hanger.

Therefore, the teams will be out again next season to further justify the cognomen. Sign-ups and try-outs will be held soon (next March).

Editor's note: Send to us the lame, the halt and the blind, and we will make softball players of them.

Docket Dicta

"30"

Law students are second perhaps only to servicemen in their capacity for griping. And this column has been used to its fullest in furtherance of this national pasttime.

But as the academic year grows to a close, students desert the halls in a frantic drive toward finals and the harried activity of campus politics diminishes to a disgruntled murmur, one's state of mind mellows.

I want to leave the editorial anonymous in this last outburst as Editor of *Docket* to thank the many people who have enabled the paper to carry on in the fine tradition established by Mel Springer, our former editor.

Dean Maxwell and Assistant Dean Malone deserve special mention anywhere because they answer every question of any student and because they care. They are fine Deans.

To mention names of individual faculty members is to invite the sin of omission, but two such names are irrepressible: Edgar Allen Jones, Jr. and Murray Schwartz, for the kind of counsel, guidance, and compassion which make any task easier.

Lastly I will not mention my staff, because if I have not thanked them each day individually it was an unforgivable failing.

MEL ALBAUM, Editor

Alums Arise!

The normal increase attributable to graduation will add more than 100 new members to the Alumni of the School of Law.

Based on past experience, less than half of this number will take advantage of the opportunities offered by membership in the School's Alumni Association.

This is a statistic which the officers of the Association find difficult to explain or understand.

After three years of shared educatonal experience a sense of association should have been inculcated in the individual. For some reason however the metamorphosis that graduation and the Bar Exam work on the brand new Bachelors of Law inspires most to turn their backs on their one official link with the institution which nurtured them.

Membership in the Alumni Association is bargain-priced at $3 per year, which means that economics can't be a determining factor in the choice. Since there are no *Disadvantages* attendant on membership, perhaps it is no stronger force than apathy operating on the more than 500 graduates who qualify for membership but who have failed to join.

These persons should realize that their own enlightened self-interest will be served by active participation in the Association. It is well accepted that a viable alumni Association is an important element in the complex of factors which gain recognition for a school within the community, state and nation.

Now only ten years new, the Alumni Association can look ahead to interesting and important events. The raw material in the form of current and future prospective members is of the best. All that's lacking is a little interest and enthusiasm.

UCLA DOCKET

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KNOW YOUR JUDICIARY

HON. RICHARD F. C. HAYDEN

Judge, Superior Court of Los Angeles

By S. S. ROVNER

TIME: September 1945; PLACE: Buckner Bay, Okinawa, abroad the U.S.S. Hamul.

Deck officer R.F.C. Hayden is sitting in officers' quarters as a scholar. This serviceman is "writing home" but in a somewhat different manner than the usual correspondence with "the folks". Naval officer Hayden is exercising his mind and writing skills on materials labeled Bar Examination Questions of the California Committee of Bar Examiners. Hayden continued organizing his thoughts and placing them upon paper as they formed and marched from his mind in logical legal order. TIME: April 1962; PLACE: Pasadena, California at the courthouse of Los Angeles Superior Court.

Judge Richard F. C. Hayden is on the bench hearing a cause concerning people in trouble, and he still is writing. However, these notes relate to the trial he is conducting. Perhaps there will be a clue to the judgment he will pronounce in those questions he answered some 17 years before aboard a rolling ship off a Pacific Island. Pronouncement of sentence hangs heavy upon the conscientious jurist and the search for elusive and ultimate wisdom is the judge's compelling and sustaining motivation.

HON. RICHARD F. C. HAYDEN

Judge Hayden has spent all but the first ten years of his life as a Californian. He was schooled, later married to Charlotte Sloane, reared his two sons, practiced law and now presides as judge in this jurisdiction. These few statements might summarize the life of Richard Hayden, but they would not do "justice" to him.

After graduation from Beverly Hills High School, the future judge attended UCLA, participating in such activities as Student Council and the Dramatics Society. After earning his B. A. in 1939 Hayden headed north to Berkeley and Boalt Hall for law study and to serve as a member on the Board of Editors of the CALIFORNIA LAW REVIEW. The Second World War interrupted his law studies after two years, but with special dispensation given to servicemen ready to take the Bar Examination before discharge, the scene at Buckner Bay became a reality. It afforded Navyman Hayden the opportunity to be admitted to the California State Bar, return to the Law School at Berkeley to complete his third year while beginning the active practice of law.

It was during this period that law student-attorney Hayden had the opportunity of working as law clerk to the highly respected United States Circuit Judge William Denman. This proved invaluable to lawyer Hayden later during his 15 years of practice in such positions as Deputy City Attorney of Los Angeles, Assistant United States Attorney for the Southern District of California, and as private counsel in San Diego. Over this period a great variety of research and trial practice experience was gained which lended itself well to the crucial legal tasks he now accomplishes.

Judge Richard Hayden has been active both professionally and educationally in Lawtomation. He was chairman of the first Electronic Data Retrieval Committee of the American Bar Association, 1958-1960. He worked with UCLA Dean Maxwell and Professors Jones, Mueller, and Schwartz as a speaker and on the Planning Committee, in connection with the Conference on Electronics and the Law in 1960. This year Judge Hayden also will participate in the latest of these conferences when it is held at his alma mater.

His Honor is well acquainted with UCLA Law School. He has the distinction of having served as the first lecturer in Law to conduct trial practice court during the 1952-53. The Judge has also been a member of the Chancellor's Committee on Inter-Disciplinary Studies of the Law at UCLA since 1960.

In connection with this Committee work, Judge Hayden is directly concerned with Lake Arrowhead Conferences on the Law. Beyond his planning and writing for the Continuing Education of the Bar program, Judge Hayden has found time for faculty membership at California Institute of Technology as a lecturer in Business Law. This was woven into his time schedule while participating in such civic functions as Hathaway Home for Children and the Pasadena Liberal Arts Center.

Bar activities before becoming a Municipal Judge in early 1961 and a Superior Court Judge a year later included Conference Membership of the State Bar Delegates and Chairmanship of the Federal Indigent Defense Committee of the Los Angeles County Bar Association, 1958-59. The Judge has been active with this Committee since 1953. He was one of the members who aided in the establishment of a program whereby law students began to work with Committee members and on actual cases helping the defense attorneys.

Superior Court Judge Hayden reflects that his first law-school year was excellent in requirements, methods, and achievements of the students. For the second year, however, he would suggest less casebook study and more practice court in the fields of criminal law; domestic relations work by appellate method perhaps through moot court procedures, and some probate experience through the practice court media. Judge Hayden proposes that courses be tailored around problem-type, law-office practices. This might be accomplished by establishing legal samples of what a client could request and applying business methods as utilized in agency, securities, trusts, bills and notes, and property.

The Judge observed that the general quality of young attorneys is improving. The average young attorney with five years experience demonstrates that he knows his profession and is doing well at it, and Judge Hayden believes that "this is due to the progressive toughness of the Bar Examination and a general raising of legal-education standards."

His Honor went on to talk about important present and future trends in the practicing-lawyer's life. He says "the most important new change for the attorney is and will be the increased use made of behavioral sciences." This aspect will be highly significant to the legal practitioner because he will be obliged to recognize psychological and sociological problems even more acutely than in the past.

Then, the lawyer must acquire a more practical comprehension of human thought and action so that he will be more qualified to aid people in solving their problems.

A battleship is an unique point from which to launch a legal career but it has placed Richard F. C. Hayden in judicial orbit.

LETTERS ...to the EDITOR

To the editor:

The U.C.L.A. Law School is an institution of higher learning devoted to preparing individuals to enter an old, learned, and distinguished profession. Despite B-grade movie and literary presentation of lawyers as individuals of shady character and integrity, the profession of law has and should retain the dignity it deserves. And entrance into law study should include an assumption of that mantle of dignity.

Thus far this may smack of blue-nosed New England ancestry, and to this I plead guilty. The point I wish to make is that the use of the Law School premises as penny-pitching arenas is an insult to ourselves and the school itself.

This is a public institution and as such is open to the public. Additionally we invite the public to attend certain of our Law School functions. During the past month and a half we have had Moot Court hearings almost nightly. Relatives and friends of the participants and practicing attorneys sitting on our courts often had to dodge pennies and hurdle penny-pitchers in order to get into the courtroom.

I'm dismayed at the public image we must present to these members of the public. I'll pitch pennies with you in private on private premises, but it seems that the time is overdue when we should seek to build greater respect for ourselves and show greater respect for the school.

ROGER KEHEW

To the editor:

This summer when the grades come in for each course, let's post them by the numbers the day the professor submits them. Most of us are interested primarily in what we got—not in our class standing. It must take a long time to enter every student's grade on the cards—so while this is being done, any one could simply read the grade lists posted and figure out his own grade by matching it up with his anonymous number.

From the standpoint of both the administration and the students a great deal of unpleasant pressure would be removed. And so far as the professors are concerned, it should require no change in their procedures whatsoever.

DOUGLAS LANS

Joyce Forecasts 'Need to Disarm'

James Avery Joyce, London economist, author and international lawyer advised law students: "As lawyers and citizens we are concerned with the problem of a world which is capable of extinguishing itself," in a speech here in late March. Joyce spoke on the sources of the problems of world disarmament.

The economist emphasized the danger which exists in a great part of the world due to the strength of the military. He pointed to situations in Argentina, Pakistan and France where generals vie for political control. He believes that existance of this trend, when coupled with a basic military desire of self perpetuation and continuance of influence, has led to a situation of "the arms race vs. the human race."

The present structure of the United States and the Soviet Union is forcedly war-directed and therefore will call for a rearmament in reverse." He forsees that all the efforts of government and industry would be directed toward creating a market for peaceful goods and developing a propaganda program as extensive as that employed in the arms race to allow this deceleration and ease the resultant problems.

He suggested aid to underdeveloped countries which support disarmament and which will welcome engineers and scitntists.

Joyce said the difficulties are further aggravated by certain factors. One such factor is that some 770 retired military men who had held the rank of Colonel or above are on the staff of some 88 companies and do some 75% of the contracting with the government on their company's behalf.

Joyce accused the U.S. of asking the rest of the world to disarm itself without a firm and concrete plan of its own.

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Honor...

(Continued from Page 2)

In the past, Malone indicated that there had been a few instances of plagiarism which resulted in "some censure," but no expulsions. Under the old Proctor System, the Law School had conducted a "few investigations, but they went no further," Malone conceded.

The Assistant Dean pointed out that the two great advantages of the New Honor System over the old Proctor System are that the Honor Code puts the onus on the student for self-policing and represents a saving in personnel time in administering exams.

Under the Honor Code, exams are distributed in an assigned room at the beginning of the scheduled hour and are due back at that room at the end of the allotted time. Students may write the exam anywhere—as long as it is returned within the allotted time, Malone said. The Assistant Dean noted, however, that it was time-saving to take the exam in the room where it was distributed.

LSA President Farewell Letter

VERN DAVIDSON

When, during the last three years, we have discussed law school, it has usually been to talk about what is bad. Now, when I am asked to write an article as outgoing LSA President I can think of only good things. This is not a surfeit of sentimentality, but - I think - an honest evaluation of the experience. While I remember the agonizing wait for grades, and gasping for air in the Library, let me talk now about the good things, for in total they far outweight the bad.

Let me mention first my class, because I am proud of it. We have lived together for three years, and in this time we have grown to know each other better than is ever true in an undergraduate school or a larger institution. We know that we do not agree on many things, and this is as it should be, but we also know - at least I do - that it is a group that no one will ever have to apologize for belonging to. I have been especially lucky to have worked with Jan Vetter and the other editors of the Law Review, but I have also felt pride in listening to Luke McKissack and George Clements as they won the Roscoe Pound competition. Our best is unbeatable and this reflects upon the standards of the whole group.

Along with my feelings for my class I feel the strongest about our faculty. Time and again I have been glad that I came here and not to one of several other schools that I had considered, and this is because of what I think is an outstanding faculty. I have become more and more convinced that more important than the substantive subject which is taught, the methods and insight of the man who teaches it is the most valuable thing which is offered to us as students. As I have picked my courses this last year it has been with this in mind. The problem has not been a lack of men who I wanted to study under, but too few hours to take all that I know I could have benefitted from.

There are other things too, which have made this a good three years. There is a Dean whose office door is open to us when we have problems. There is B.T. and Mayme in the library who take us by the hand and lead us to the books that we did not know existed. There is Grace Black in the Law Review office who never hesitated to help me with L.S.A. work when she saw that I was getting behind in my work. There was Nancy Norbury, Jerry Levitin, and Cecil Ricks on the L.S.A. Council who did more than their own work to help me. There have been innumerable students who have kept our LSA work and committees functioning.

These things have been good, and they have added up to a law school and a legal education which is among the best which can be given. I know how they add up, because I know that the sum total of a legal education should add up to a pride and love for the field we are entering. These are the feelings that I have after three years at UCLA Law School.

Prof. Jordan To Instruct At Cornell

Joining the Cornell University Law School faculty as visiting Professor for 1962-63, Robert L. Jordan will teach Anti-Trust, Corporations, and Equity.

Mr. Jordan has been a member of the UCLA Law School faculty since 1959, coming from the New York law firm of White and Case. His principal area of practice while associated with this firm was corporate law, involving problems of drafting, financial transactions, and the Securities and Exchange Commission.

Following his year at Cornell Mr. Jordan intends to return to UCLA. Between teaching and private practice he prefers the former, saying that there is more freedom in teaching.

In 1948 Mr. Jordan graduated from Pennslyvania State University and three years later from Harvard Law School. The following two years were spent in the Air Force.

Replacing Mr. Jordan in the teaching of Anti-trust will be Mr. Edgar Jones, while Mr. Kenneth York will take over the duty of teaching Corporations.

Ky. Prof.

(Continued from Page 2)

the Ford Foundation. The subject matter will pertain to "land use controls for aesthetic objectives."

The Professor is quite disturbed about the ugliness of our cities which he thinks are "dirty and sleezy." However, he does believe that "there has been some awakening recently to the problems and that steps are being taken to correct" the situation.

The visitor from Kentucky University Law School says that the Los Angeles area is a "totally different type of organism, which seems to have a vacuum at its core, but under the broad surface there may be a marvelous order and productive way of life.

"One is first impressed with the image of a massive conglomeration of motor vehicles and buildings and people," he observed.

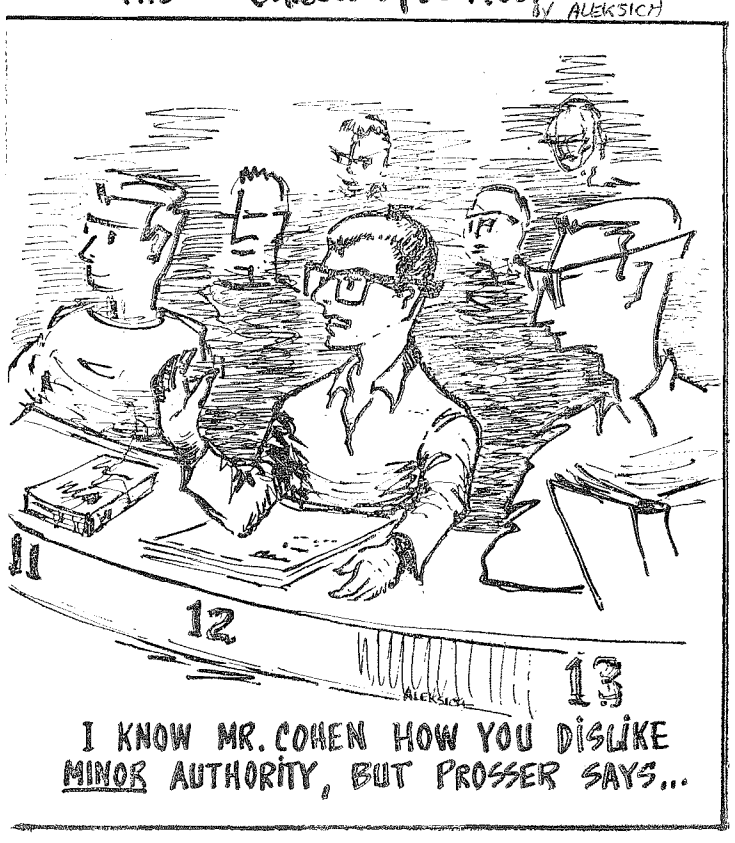
A short-term visitor cannot truly analyze Los Angeles from his own way of life.

Award Proehl Grant to Study

Professor Paul O. Proehl of the UCLA School of Law has been awarded a 20-month research fellowship by the American Society of International Law to commence April 1, 1962, it was announced yesterday.

He will travel to Nigeria in the summers of 1962 and 1963 to gather materials for this study through interviews with Nigerian leaders in government, law, and business, as well as foreign business men now active in Nigeria.

The Ford Foundation has provided funds to the Society for studies in the area of foreign investment and economic development, space activities, federalism, and disarmament.



MORE HARM THAN GOOD

—Fleishman

(Continued from Page 1)

Those who urge repression of "obscene" books are convinced that "obscenity" can be identified. The term, however, is extremely slippery and no satisfactory definition has ever been formulated. The United States Supreme Court test for determining whether a book is within the protected area guaranteed by the free press provisions of the Constitution, or on the other hand obscene, is this:

"Whether to the average person, applying contemporary community standards, the predominant appeal of the book taken as a whole, is to prurient interest."

Obviously, "obscenity" even as defined by the Supreme Court, remains extremely vague and elusive. As Professor Gellhorn of Columbia University stated:

"Obscenity is a reflection of subjective, unstandardized and inarticulate impressions, a variable not only from person to person but from time to time and from place to place."

Another and quite different test for the identification of obscenity was suggested by Father Gardiner, a very able and highly respected priest. Father Gardiner's test is, if the book arouses genital commotion, it is obscene.

Many judges and juries apply this test without formulating it quite as bluntly. Aside from the folly of attempting to suppress books that do no more than arouse sexual desires this test raises some practical difficulties. Judge Bok of Pennsylvania stated in a leading case that he fousd it impossible to say just what the average person's reactions to a book actually are. ,

"If he reads an obscene book when his sexuality is low, he will yawn over it or find that its suggestibility leads him off on quite different paths. If he reads the Mechanics Lien Act while his sexuality is high, things will stand between him and the page that have no business there. How can anyone say that he will infallibly be affected one way or another by one book or another? When, where, how and why are questions that cannot be answered clearly in this field. The professional answer that is suggested is . . . that the appetite of sex is old, universal, and unpredictable, and that the best we can do to keep it within reasonable bounds is to be our brother's keeper and censor, because we never know when his sensuality may be high. This does not satisfy me, for in a field where even reasonable precision is utterly impossible, I trust people more than I do the law."

II

The subject of obscenity is intimately related to attitudes toward sex and heavily charged with anxiety. There is probably no subject which is harder to discuss rationally since it is all wrapped up in religion, marriage, the rearing of children, superstition and taboo. Undoubtedly that is the reason why, as Mr. Untermeyer says, "it is an almost impossible subject to discuss because one gets very heated and very controversial."

The Supreme Court reflects much of this anxiety in its decision in the **Roth-Alberts** case decided in 1957. The Court there held for the first time that obscene books were utterly worthless and outside the area of protected speech. The opinion indicated an ambivalent attitude toward sex.

On the one hand, the Court there assures us that sex and obscenity are not synonymous; that the portrayal of sex in art, literature and scientific works is not sufficient reason to deny material the constitutional protection of freedom of speech and press; and that sex, a great and mysterious motive force in human life is one of the vital problems of human interest and public concern.

On the other hand, we are told that material which deals with sex in a manner appealing to prurient interest is worse than worthless and not within the area of constitutionally protected speech or press. By way of footnote we are advised that "prurient" means "having a tendency to excite lustful thoughts." By way of further elaboration the Court says, quoting Webster's New International Dictionary, prurient means "itching; longing; uneasy with desire or longing; of persons, having itching, morbid, or lascivious longings; of desire, curiosity, or propensity, lewd . . ."

The Court gave no reason in support of its conclusion that books which appeal to prurient interest are by reason of that fact utterly without redeeming social importance, and hence not protected by the free speech provisions of the Constitution. Instead the Court relied on history and the "universal judgment" of all "civilized" societies that such speech should be suppressed. Professor Gellhorn commenting on this argument said:

"The Court's opinion does not note however that this fifty nation agreement has been entirely inoperative throughout its thirty-five years of existence because the nations' delegates cannot agree upon what is obscene."

The Court's reliance on the infallibility of history also brings to mind Blackstone's observation that there must be witches because everybody agreed that they exist:

"To deny the possibility, nay, actual existence of witchcraft and sorcery is at once to flatly contradict the revealed word of God in various passages of both the Old and New Testament and the thing itself is a truth to which every nation in the world hath in its turn borne testimony, either by examples seemingly well tested or by prohibitory laws which at least suppose the possibility of commerce with evil spirits."

III

In challenging the constitutional validity of the obscenity laws on free speech grounds the defendants, in the **Roth-Alberts** case, argued that sex writings, including writings that appeal to prurient interest were entitled to the First Amendment protection afforded other writings. It was argued that, "It is not the function of the State to punish the incitation of thoughts or the arousal of desires, be those thoughts or desires denominated 'bad,' 'hateful,' 'lascivious,' 'lustful' or whatever. So long as the idea does not advocate or incite to acts of wrongdoing, so long as its recipients are free to accept or reject it, so long as the idea remains depictive, expositive, discursive or representational, so long as the idea remains subject to the cogitation of the mind, it is free from governmental power of abridgment—'hard-core' or not. That, at least, has been the theory of our legal system since the colonists parted company with King George."

The Court summarily brushed aside all arguments along these lines. Mr. Justice Brennan speaking for the Court said, "It is strenuously urged that these obscenity statutes offend the constitutional guarantees because they punish incitation to impure sexual thoughts, not shown to be related to any overt antisocial conduct which is or may be incited in the persons stimulated to such thoughts." The complete answer to this argument, said Mr. Justice Brennan, is "our holding that obscenity is not protected speech."

To ban books because they portray sex in a manner which a majority may feel appeal to prurient interest is to assume that we are all certain that such books are worthy of the bonfire only. In saying that a book appeals to prurient interest and hence is beyond First Amendment protection, two questions must be answered: Who says it appeals to the prurient interest? How can you be certain that the book is therefore "utterly without redeeming social importance?" It is, of course, commonplace that in the realm of discussion, particularly on such an emotional subject as sex, "the tenets of one man may seem the rankest error to his neighbor."

How certain can we be that an idea "is utterly without redeeming social importance?" Judge Hand once observed that the "spirit of liberty is the spirit which is not too sure that it is right," and stated on another occasion:

"How tentative and provisional are our attainments, intellectual and moral; how often the deepest convictions of one generation are the rejects of the next . . ."

History has taught us that the most uncertain question in the world is whether an idea is "good" or "bad"; whether it has "social value" or not. That is why there is so much danger to the public welfare in labeling books as "pure" and "impure."

The fact is that too often the measure of what ideas are "socially useful" is based on the limits of one's own knowledge, one's own passions, prejudices, personal predilections and experiences. In every field, and particularly in the area of sex, men's minds are touched by books which are deemed by many to be "shameful," "morbid," "sick," "loathesome" and "hateful." Ideas of great value or crude ideas upon which others might later build significant contributions to mankind are thus relegated to oblivion as obscene. Books which "go substantially beyond customary limits of candor in description or representation of sex" and which "appeal to the prurient interest of the average person" may sometimes mirror the most significant social, moral or aesthetic problem which cries for discussion.

IV

The novel has long been recognized as an important means of informing as well as entertaining. Jefferson, in recommending a library for his brother-in-law, suggested the purchase of various novels. "A little attention to the nature of the human mind," he said, "evinces that the entertainments of fiction are useful as well as pleasant. That they are pleasant when well written, every person feels who reads. But wherein is its utility, asks the reverend sage, big with the notion that nothing can be useful but the learned number of Greek and Roman reading with which his head is stored? I answer everything is useful which contributes to fix us in the principles and practice of virtue. When any signal act of charity or of gratitude, for instance, is presented either to our sight or imagination, we are deeply impressed with its beauty and feel a strong desire in ourselves of doing charitable and grateful acts also. On the contrary, when we see or read of any atrocious deed, we are disgusted with its deformity and conceive an abhorrence of vice . . . We are therefore wisely framed to be as warmly interested for a fictitious as for a real personage. The field of imagination is thus laid open to our use and lessons may be formed to illustrate and carry home to the heart every moral rule of life. Thus a lively and lasting sense of filial duty is more effectually impressed on the mind of a son and daughter by reading King Lear than by all the dry volumes of ethics and divinity that ever were written."

When an author describes in minute detail a way of life the description itself may be mute criticism of that way of life or of conditions that bring it about.

At times the novel can criticize existing social conditions more eloquently than a scholarly polemic. The novel furnishes insights for individuals which cannot be provided by scientific writings. In the novel, one can learn that other persons have the same "inferiority complex, the same vices, the same temptations." The novelist is not committed to any particular view nor will he be called upon to answer for the conduct of his characters.

The function of the novelist is to mirror life and to the average person a novel is often more revealing, more informative and has more ideas than a scientific or educational tome. To the average person, the novel is often the key to the universe.

In a recent article appearing in **Commentary**, the writer, Paul Goodman, objects to defending novels such as **Lady Chatterley's Lover** or **Tropic of Cancer** as if they were editorials. "In the breakdown of repression," he argued, "the artists do their part by first dreaming the forbidden thoughts, assuming the forbidden stances, and struggling to make sense. They cannot do otherwise, for they bring the social conflicts in their souls to public expression."

Oftentimes the novelist is reacting to something intolerable in society. This cannot be done politely or in essay form. Joyce, Lawrence and Miller wanted to make their readers feel as well as think. They probably would have considered themselves failures as novelists if all they had done was to convey ideas.

In drawing the line between constitutionally proteced books and unprotected books, the divisional mark is not between works that are educational or scientific on the one

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A NECESSITY — Osborne

(Continued from Page 1)

least for the forseeable future. All of the states, and the Federal Government, have adopted some form of laws designed to censure obscenity. The Supreme Court of the United States, in the celebrated Roth case,[1] firmly established the constitutionality of such laws. It is difficult to conclude that the dangers inherent to such laws have been overlooked by so many and for so long. The conclusion to be drawn appears to be that such laws still represent the will of the people. If they do not, debate on the constitutionality of obscenity regulation becomes nothing but mere trivia. One need only recall the public furor that was evoked in 1959 when the Supreme Court struck down a local obscenity ordinance[2] to be convinced that public sentiment still favors the regulation of obscenity. In view of the attitude of the voting public, one cannot reasonably expect either the Courts or our elected representatives to radically change the existing laws.

Admittedly, this justification of the existing law does not meet the philisophical objections to censorship of the obscene. It does, however, take the discussion out of the realm of speculation and personal opinion. One does well to realize that the behavioral sciences have not yet attained sufficient accuracy to prove or disaprove the effects, if any, that obscenity works on the society. Until this can be done, the best that can be said about the consequences of obscenity and of obscenity censorship, whether real or imagined, is that, no matter what opinion is offered by the so-called "experts," another "expert" will be available and willing to offer a diametrically opposed position. In the meantime, the pragmatic approach has considerable merit.

If we accept the foregoing premise, as I believe we must, the rationale behind the statement "criminal prosecution of obscene 'literature' is both necessary and desirable" becomes apparent. Consider the alternatives: PTA and church action, Civil Service boards such as those who select the text books to be used in our schools, self-regulation such as that the movie industry allegedly has, and others ad nauseum. Since it is freedom of speech and press with which we are concerned, compare the protection afforded the "literature" and the defendant in a criminal trial with the protection afforded by the alternatives. Perhaps most important is the presumption of innocence until guilt is shown **beyond a reasonable doubt.** Next in importance is the procedure followed in a criminal trial. While those opposed to censorship in any form invariably imply that the Government censor is a repressed sex fiend hidden away in the basement of the police building, any student of criminal law knows that the "censor" is not one, but many people. All of the following must agree before a conviction can result: the enforcement officer and his superiors, the prosecutor and his superiors, the Grand Jury, the Petit Jury, the trial court and the appellate courts. Finally, the criminal trial itself is particularly well suited as a forum in which to air the controversy. Where else is the extreme position so ludicrously exposed and the truth subjected to such close scrutiny? Those who criticize the courtroom as not equipped to make literary judgments invariably have two failings in common. They ignore the fact that the courts have in fact done so for several hundred years without apparent harm to the field of literature and secondly, they offer no alternative to the technique which has evolved as the best result of our accumulated experience.

In summary, when it is the will of the mapority that no control be exercised over "literature" then the obscenity statutes should be eliminated. Until that time arrives I prefer the freedom of speech and press which we now enjoy to the tyrany of the minorities that could result if Government refused to assume this burden.

Admittedly, the foregoing arguments constitute a negative justification of existing laws. The positive approach is somewhat more difficult. While the minister, sermonizing to his congregation on the evils of smut, many have no difficulty in reaching the conclusion that obscenity does irreparable harm to the soul, his proofs and logic will not be subjected to cross examination and comment. Again, the local PTA may have no difficulty in branding a particular book as obscene, since the "burden of proof" required for such action is minimal.

In view of the difficulties involved, how is it then that prosecutors are so frequently able to successfully carry the burden or proving "beyond a reasonable doubt" that certain matter is obscene? The answer lies in the fact that he will be concerned only with a particular book or movie. While the application of the obscenity laws to the borderline novel presents the most difficult problems, the frequent application of these laws is to the so-called "hard core" pornography. Rather than argue the literary merits of "Tropic of Cancer" one should consider the desirability of allowing the unrestricted exhibition of movies depicting such things as sodomy, bestiality and homosexuality along with all the other forms of sexual perversion which the human mind is capable of creating.

Although certain TV network officials might not agree with the conclusion it appears to be reasonably well established that constant exposure to violence through television and other communications media does breed violence. Is it not equally reasonable to assume that constant exposure to sexual perversion would have the same effect. It takes little imagination foresee the flood of fifth that would result were all obscenity laws to be stricken from the books. Would such exposure cause actual harm to our society? While an affirmative answer seems undeniable it is most probable that the matter will remain in the realm of speculation for many years.

The real issue today then is not "Should we have obscenity laws" but rather "How and where" to draw the line between literature and the obscene in such a manner as to avoid impinging upon the cherished rights of free press and speech. As indicated earlier in this article, until the minds of men devise a better system, the criminal trial by a jury of peers with all of its obvious faults comes nearer to balancing all of the interests involved than any alternative presently available. Perhaps the finest attribute of the existing system is that when, and if, our community standards change sufficiently so that the portrayal of sex and its various perversions no longer offends the average person, the laws will, by definition render themselves inoperative.

[1]/Roth v United States, 354 U.S 476 (1957)

[2]/Smith v United States, 361 U.S. 147 (1959)

MORE HARM . . .

(Continued from Page 6)

hand, and the novel or poem on the other. Stimulating emotions is as protected as stimulating ideas. Why them, asks Mr. Goodman, should an author have less right to arouse sexual desires than laughter:

"In our culture an artist is expected to move the reader; he is supposed to move him to tears, to laughter, to indignation, to compassion, even to hatred; but he may not move him to an erection. Why not?"

Another reason for questioning whether obscene books are utterly without redeeming social importance was raised by Havelock Ellis, the noted sexologist. He believes that books which go substantially beyond customary limits of candor in the representation and depiction of matters pertaining to sex are a necessity in modern conventional society. His view is that the conditions of contemporary society require relief from oppressive conventions, just as the conditions of childhood create the need for fairy stories.

Every book, however "obscene" in content, communicates at the least a portion of knowledge and nature and exemplifies, if nothing more, a belief rebellious against prevailing morality, modesty and prudery and generally supportive also of the notion of catharticism or of need for increased social toleration and understanding of sexual dreams, abnormalities or excesses. Such ideas may prove right.

V

The evil at which the obscenity laws are aimed is the writing and reading of books which appeal to the prurient interest. No attempt is made to justify the law on the theory that the reading of "obscene" books may cause sexual misconduct, and the available evidence indicates that there is no such casual connection. At most, "obscene" books are believed to arouse some vague "bad" sexual emotions. If society's interest in the arousal of these emotions is not trivial, it is not substantial enough to justify the serious intrusions on freedom of speech and press which are necessarily involved in attempts to control these emotions. History proves that obscenity laws have a stifling, far-reaching effect upon all books, including works which do not appeal to prurient interest. The very vagueness of the law invites suppression of the broadest character. Today we are witnessing a virtual orgy of censorship engaged in by private vigilance groups and police officials.

A recent story in the Miami Herald is illustrative of what is occurring throughout the nation, including California. At the suggestion of Murdock Martin, Acting Director of Florida's Children's Commission, "more than twenty" books were removed from all newsstands in Tallahassee. Martin explained that he thought the books should be banned because they had stories concerning adultery or some form of sexual deviation. Martin explained that "local committees accept volunteers who visit newsstands and look around. If they find something obectionable they buy it and bring it back to the whole group. If the consensus of the group is that the material is is obscene or morally bad, the committee goes back to the news dealer and gets him off by himself and asks him to remove it from the stands. There is no loud embarrassing demand made on him in public." According to Martin, his committee obtains absolute "cooperation" from news dealers and distributors. The reason for this cooperation was given by William I. Dubey, a Tallahassee news dealer: "We're in no position to offend or defend anyone. If a book becomes involved anywhere in Florida, we get it off the stands. If a book becomes controversial, we get it off. Making a stand for one book isn't worth it," Dubey explained.

VI

If we are to continue to have obscenity laws there should be an absolute exception for books sold to adults. The strongest argument advanced by the censor is the supposed need to protect "our children."

Even assuming that adults should be able to choose their own reading material freely, they argue "would you allow your children to be exposed to such trash?" The columnist Sidney J. Harris expressed honest puzzlement at the low and nasty opinion of children implicit in this argument. "During my youth," he said, "all my schoolmates and myself were exposed to the most pornographic kinds of cards and pictures and illustrated books. We weren't amused; we weren't shocked, and we weren't corrupted; we were simply bored by the graphic dirtiness after the initial curiosity wore off . . . By the time a child is six years old his basic attitudes have already been shaped. If these attitudes are not healthy and productive ones, he is going to look for other outlets in sex violence, in lying, in stealing, or in playing truant. No police power or censorship power can be a substitute for the moral function of the parent and the family. The parents who are so angry and worried about pornography falling into the hands of their children are really expressing deep doubts or fears of their own effectiveness as parents. They feel that they have failed in some way, and hope that some outside discipline will take up the slack for them."

Moreover, the Supreme Court has made it clear that the Constitution does not permit the quarantining of the general reading public against books in order to shield juvenile innocence. The adult population may not be reduced to reading only what is fit for children. As to adults reading books, each reader holds a power to stop at will and cannot be a "captive audience." With books it is possible to allow perfect liberty of expression without involving any inevitable interference with the freedom of others. If the function of democracy is to produce wise answers and solutions, then clearly it is important to permit the unfettered interplay of sex ideas. Sexual morality is a field upon which there are less final conclusions than any other. There's no common agreement on ultimate moral attitudes. This is true of divorces; it is of birth control or homosexuality or "matrimonial unhappiness" in general. Far from being unimportant, restrictions on "obscenity" and sex matters affect crucially the happiness and moral health of individuals.

In our free society, founded on individual liberty, the adult citizen must be allowed to decide for himself what he will read. As a nation we have staked our all on the "power of reason" and the ability of the people to choose wisely between good and evil. If the adult citizen cannot be trusted to choose the boks he will read, how can he be trusted to govern himself? The fact is that democracy works in the area of sex literature and art as nobly and well as it does in politics or other areas of public importance.

Judge Frank, correctly contended that the only completely democratic way to control publications is through nongovernmental self censorship by the individual adult reader:

"According to our ideals, our adult citizens are self-guardians, to act as their own fathers, and thus become self-dependent. When our governmental officials act towards our citizens on the thesis that 'pappa knows what's good for you' they enervate the spirit of the citizens: to treat grown men like infants is to make them infantile, dependent, immature."

LAW REVIEW

(Continued from Page 3)

and word mistakes. The production editor checks the cases for proper Blue Book form.

A galley proof is prepared by the printer subsequent to the cite check and returned for correction. The proof is returned to the printer who prepares a page proof. It shows how the note will look in print. Now the proof undergoes a final check prior to return to the printer for incorporation into the distributed edition.

During this time the candidate is observed by the board in reference to his qualifications for "practice editorship." Practice editing is the method by which the present editors prepare a final slate of qualified candidates for the incumbent editorships. Candidates who have shown promise within the journal's editorial process are chosen by the board to practice edit.

Each practice editor is given a published note and confers with its writer at least three times as if he were editor. This procedure is observed by the board and forms the basis of the editors' choice of candidates.

Choosing the slate, the editors designate which candidates will be editor-in-chief and managing editor without revealing their choice. The staff and the second year votes on the slate of eight men. Subsequent thereto, the signified roles are announced and the in-coming editor-in-chief decides who will fill the remaining positions.

The publication's project this year concerns the employment relationship and its significance in ascertaining coverage under social welfare legislation. This disussion forms the largest student contribution to the law review, and runs upwards of one hundred and fifty pages. Under the personal supervision of Erwin Diller, the project's staff includes Joel McIntyre, Gould, Lewis, Stern and Anthony.

For those first year students who will become second year candidates, it is significant that the average law review student spends more than half of his university time on work for the publication. In regard to this fact Gould commented, "The law review represents an outstanding educational stimulus, and every student whose grades qualify him as a candidate should take advantage of this opportunity."

JOYCE

(Continued from Page 5)

The Russians, he reported, have a 27 page, 4-year plan, which though unrealistic as to length of time for completion, is workable only if the U.S. would be willing to participate. In contrast he offered the position of the British which is an "awkward somewhere-between," since it had pledged its support to the U.S.

FRATERNAL FRANCHISE

NU BETA EPSILON

By Alan J. Stein

The forthcoming graduation will see many people who have been members of Nu Beta Epsilon leaving the campus. Among the most illustricus are: Jan Vetter, edior in chief of the law review; Foster Tepper and Erwin Diller, associate editors; Mel Reich and Gary Goldman, who have been members of the staff of the law review and moot court, respectively. Also graduating is the president of Nu Beta Epsilon, Sheldon Barkan. Another graduating member whose reputation has been of wide reknown is the incomparable (fortunately) Ed Ullman.

Taking their place in the third year will be Marshall Lewis, the new managing editor of the law review; Jerry Manpearl and Tony Summers, members of the law review staff; and Jack Margolis, who will be entertaining in moot court.

In the activities of the fraternity during the past year credit is due to Ben Pynes, Dick Quan, and Jerry Billet who helped in arranging and conducting a very successful series of seminars and practice exams for the first year members. Fred Marks, president of the pledge class, reports that the first year members derived great benefit from this program. In fact, during the last practice exam Fred was approached by some non-members who wanted to take the tests, having heard of the excellence of the program.

Presently under consideration are plans to provide some sort of social activities after final exams in order to bring back the first year members to the realities of the outside world. We hope that this can be done through the instrumentality of a beach party and the consumption of medicinal beverages.

Due to the scheduling of the election meeting we are unable to announce the officers for the coming year at this time as the candidates are still preparing their campaigns.

Most of the second year members have been fortunate enough at this early date to have summer legal jobs lined up. Special laurels may be counted by Tony Summers who received one of the coveted positions with the Attorney General for the summer.

PHI ALPHA DELTA

By Jerry Levitin

Phi Alpha Delta Fraternity has again distinguished itself in its service to the school. The two winners of the Pound Competition (Moot Court) are both PAD members. They are Luke McKissack and George Clements. Luke was also awarded for being the top speaker in Calif. as well as representing UCLA in New York for the National Moot Court program.

School Officers whose terms have ended are the President, Vern Davidson, the Law Students Association Representatives, Jerry Levitin and the Graduate Students Association Representative Bob Berton. For the firth straight year a PAD will serve the school as its student president. Congratulations go to Mel Albaum and to Lee Hitch the new vice president. Four members have been elected to the eight man law review board, Larry Kasindorf, Don Anthony, Kenneth Owen and Dean Stern.

Friday, May 4, forty-six pledges were initiated with a celebration following at the Fox and Hounds. A. L. Wirin was the guest speaker.

As the term approachs its conclusion, I would like to express my appreciation to the officers who helped me in making this semester a successful one for the fraternity. Special thanks go to Hal Klein for being an excellent luncheon chairman; to Ray Jeppson for a successful dance and to Charlie Field who not only won the Vice Justice position of District Three at the San Francisco Conclave, but who did an excellent job on outlines and on the initiation procedure.

To all those others who showed an interest in the future of the fraternity a sincere thanks.

Officers chosen at the recent elections are: Hal Klein, Justice; Bob Hanger, Vice-Justice; Vince Bugliosi, Clerk; Issie Zabarsky, treasurer; and Eric Parkan, Marshal. Co-recipients of the PAD-Of-The-Year award were Jerry Levitan and Lee Hitch.

PHI DELTA PHI

By Dan Shafton

As the brothers of Pound Inn gird themselves for their forthcoming encounters, we pause to review the more noteworthy of recent events.

Topping the list are brother Bill Gould's election as Editor-in-Chief of the Law Review, and Irv Sepkowitz's election as Editor & Chef of the Low Review. Working with Gould as Associate Editors will be Mike Murphy and Leroy Gire.

On the political side of the ledger, Mike Murphy was elected President of the Third Year Class, with John Benson receiving the same honors in the Second year elections. In LSA elections, Wayne Butterfield won the Treasurer race; Tim Strader, ALSA representative; and Ed Landry, GSA representative.

Socially, the brothers, their wives and dates, took May 5 off and journeyed to Professor York's home for the annual picnic and spirited offerings to Vulcan. Entertainment was provided when brothers Kelly, Halpin and Webster read their new treatises on, respectively, Tapping, The Return of Hand-Painted Ties, and Inebriology.

April 18 marked the formal Initiation of 51 new brothers into the Inn. Members of the California Supreme Court and Federal Bench were among the Initiating Brothers, and ceremonies took place at the downtown State Building.

Newly-elected officers of the Fraternity are Cecil Ricks, Magister; Tim Strader, Exchequer; Wayne Butterfield, Clerk; Dan Shafton, Historian; and Tom Justiz, Rush Chairmen.

At this time the Brothers of Pound Inn would like to extend their congratulations to all graduating seniors, and their vote of thanks to this year's excellent slate of Pound Inn officers: Jim Kelly, Ben Dorman, Irv Sepkowitz, Jack Vincent, Ken Maddy, Dick Aldrich, and Tim Strader.

A PENNY EARNED
IS TAXABLE INCOME
—RICE—

GOD BLESS
OUR
PUTATIVE HOME
—VERRALL—

Docket Issues

THE UCLA DOCKET

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	No. 2	Dec 1960, 8p
	3	Not published
	4	Mar 1961, 8p
	5	May 1961, 8p graduation pictorial supp, 4p
Vol. 6 No.	1	Oct 1961, 8p
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