

# dicta

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## The Use Of Hypnosis In The Prosecution Of Criminal Cases

by David Anderson

On July 15, 1976, the country was shocked to hear that a school bus and 26 children were missing from the small community of Chowchilla. By the victims own efforts they were able to free themselves from an underground burial chamber in a gravel quarry. Interrogation of the victims did not immediately reveal the identity of the kidnapers and Dr. William S. Kroger was called in to assist the investigation being conducted by the F.B.I. and other law enforcement agencies. Dr. Kroger hypnotized Ed Ray, the children's school bus driver, with astounding results. By Dr. Kroger having the bus driver follow through the sequence of the kidnapping's events under hypnosis, Ed Ray was able to remember all but one number of the kidnaper's license plate number.

In Los Angeles three men identified by police from artist sketches developed while one of their rape victims was under hypnosis were sentenced to state prison on July 22, 1976. Superior Court Judge Edward A. Hinz said: "The viciousness of the attack on this victim was more perverse and brutal than any this court has ever seen, except in homicide cases. She obviously is still suffering from emotional problems. Even though severely traumatized, the hypnotist was able to get the victim to recall with amazingly detailed likenesses of her attackers, which led to their arrest.

July 7, 1975, the Israeli police used hypnosis in their hunt for the guerrilla bombers who killed 13 people in a Jerusalem shopping square. Eye witnesses to the explosion, and passersby in Zion Square, immediately before the attack, were being put into hypnotic trances in an attempt to obtain details that their conscious minds had forgotten or suppressed. The use of hypnosis to refresh witnesses' memories was introduced by the Israeli police force three years ago on a regular basis. Police officers with psychology degrees now undergo a year-long course in the technique. Hypnosis is known to have produced some

striking results. Last year, a bomb went off in a Haifa-bound bus but the driver could not recall details of all the passengers. Under hypnosis, police said, he made the run again and made a positive identification of two suspects who were later arrested.

### Other Cases

Other cases described by Dr. Reiser, the director of Behavioral Science Services for Los Angeles Police Department, indicate the effectiveness of hypnosis in the investigation of criminal activities for subsequent prosecution. In one of Dr. Reiser's cases a police officer and his partner were assaulted by a suspect. One of the officers was shot several times in the abdomen with his own revolver. The

suspect got away and during investigation the composite pictures drawn by the police artist, based on descriptions supplied by the wounded officer and his partner, differed considerably.

In order to increase the accuracy of his verbal description, the critically wounded officer volunteered to undergo hypnosis. His eagerness, combined with extreme pain, enabled him to go into a deep hypnotic state very rapidly and to provide additional descriptions to the police artist. After all of the revisions had been made, it was suggested that the officer remaining in hypnosis, open his eyes and examine the final portrait. With a startled reaction he looked at the completed drawing and said in an excited voice, "That's him, That's the guy that shot me." Several months later the suspect was found still carrying the officer's revolver. He was a dead-ringer for the portrait drawn under hypnosis.

In another case a girl and her boy friend had become extremely intoxicated, and while they were in their apartment a man had come in and killed the boyfriend. The girl, stated that she was far too intoxicated to remember anything about the man except foggy impressions. Under hypnosis she had vivid recall of the suspect down to the stripes in his pants and the dots in his necktie. She was able to describe to the police artist a highly accurate picture of the suspect that was soon apprehended.

Under hypnosis witnesses may remember without the aid of a camera. The unconscious mind works almost like a computerized video camera. Information received by the sensory system is recorded and stored at the subconscious level for later retrieval. The reason that this information is not available to the conscious mind is that it has become repressed either naturally or through trauma. Hypnosis can remove the repression

and allow access to the facts stored in the unconscious.

Examine the four pictures and determine for yourself the likeness of the drawings made under hypnosis as compared to pictures of suspects that were later apprehended.

### Legal Status

The legal status of hypnosis in criminal prosecution goes back to the year 1897 in this country. A review of recent cases more pertinent to today's general trends indicates an acceptance by the appellate courts. Most hypnotic evidence is admitted subject to cross-examination, leaving its relative weight to be determined by the jury.

A significant case leading to admission of evidence gained by hypnosis was *Cornell v. Superior Court*, 52 Cal. 2d99 (1959). Cornell, a lawyer, asked the Supreme Court for an order to compel the Superior Court of San Diego and Sheriff to allow his client to be examined by a hypnotist in order to prepare an adequate defense. There were issues involving sixth and fourteenth amendment rights and article 1 section 1 of California law. The Supreme Court found in favor. The defendant was charged with murder (187 P.C.) and claimed he was not present at the time the crime was committed and that hypnosis would aid in recall and in establishing his alibi. The attorney general said the information under hypnosis would not be admissible. However, the Supreme Court ruled that hypnosis can be used as an aid in one's defense, indicating that hypnosis was recognized by the medical profession and cited the *Encyclopedia Britanica*, 1944, Volume 12, pages 22-24. It also said the defendant had the right of privacy and ordered the Sheriff to provide proper accommodations for the hypnosis session.

See Hypnotism page 4



Photograph



Likeness Drawn from Hypnosis

## An Interview with Gary Mark Gilmore's Lawyer: Will the Real Dennis Boaz Please Stand Up?

by Kathy Hart

Dennis Boaz, one of several discharged lawyers of convicted killer Gary Mark Gilmore, was in Fresno the other day, hanging out with the two Rogers Nuttal and Vehrs. Boaz granted a not-so-exclusive interview with *Dicta*, having already been interviewed by *Newsweek* and wined and dined in Salt Lake by AP and UPI. *Dicta's* budget not quite up to wining and dining, we settled for sandwiches and apple cider on the Mariposa Mall.

Boaz, present domicile uncertain and mailing address now Salt Lake City, is a member of the California Bar and former resident of Oakland. A smoker of grass in public places — as a media stunt he once smoked a joint in San Francisco's Federal Building to the pop of flashbulbs and the scribbling of pens — Boaz has a flair for the flamboyant. His letter to Gary Mark Gilmore is a good example. Written November 3, 1976, the letter was calculated to catapult Boaz into prominence.

"Having had a background in psychological counseling, I knew just how to psych out Gilmore," Boaz explained. "I told him I completely agreed with his right to die, that I shared his philosophy." Boaz, a believer in capital punishment, thinks executions should be well-publicized dramatic events. The final sacrifice is a necessary catharsis, he says, and if publicized will act as a deterrent to crime. He sees Gilmore's plea for death as dramatizing the intolerable pain of prison life, as Gilmore would rather die than suffer a wasted life in prison.

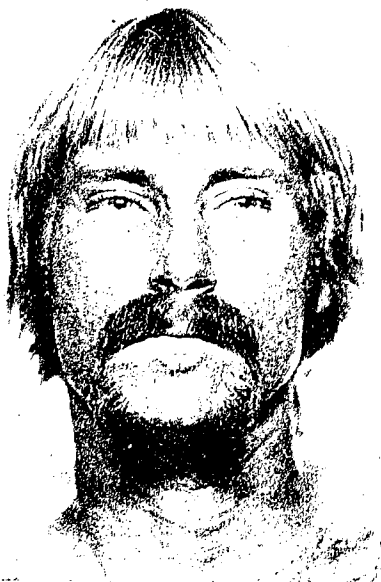
Gilmore granted an interview, then retained Boaz temporarily as his lawyer — long enough for Boaz to make an eloquent plea before the Utah Supreme Court on Gilmore's right to die, and long enough for Boaz, at the vortex of controversy, to make it as a public figure himself. Obtaining permission in Utah as an out-of-state lawyer to represent Gilmore was somewhat troublesome. "They didn't like me at all in Utah," Boaz confessed; "I was a threat to them. They didn't quite know what to make of me."

Boaz is different from most lawyers, and of course Utah is different from most states. According to Boaz, the conventional lawyer does not use the power of the press to his advantage. He stares vacuously at newsmen and mutters "No comment." The media lawyer, on the other hand, is there to expose, reveal, and curry favor with the press. The media lawyer avoids the detached, the clinical, and the legalistic, favoring the emotional, the dramatic, and the controversial. How important is the well-placed tear! Boaz announced, turning his head to the side and demonstrating how he achieves courtroom effect by coaxing into place one well-formed, bulbous tear in the corner of his eye. (As he demonstrated, the tear did not actually materialize, but I could easily imagine its presence.)

See Dennis Boaz page 4



Likeness Drawn from Hypnosis



Photograph

## FEDERAL JUSTICE PROGRAM

by Anthony Capozzi  
Assistant US Attorney

The purpose of the Federal Justice Internship program, which is offered to San Joaquin law students, is to give students an opportunity to participate in the litigation of federal criminal and civil cases.

Under the supervision of myself and Assistant US Attorney Richard Harris, students participate in the following phases of criminal litigation: the interviewing of federal agents who present criminal cases for prosecution; the interviewing of witnesses; the research of various legal issues; the preparation of pleadings; the conduct of trials; and the writing of appellate briefs.

The program was initiated in the fall of 1976, and two fourth year students, Kathy Hart and Malcolm Stewart, participated during the first semester. Although both students were involved with a variety of cases and different phases of proceedings, ranging from narcotics smuggling to tax evasion in the criminal field, and including tort and contract law in the civil fields, much of their work during the semester was concerned with the prosecution of a first degree murder case, and the prosecution of an armed robbery case. Their work, was done professionally and was deeply appreciated.

The course is offered as a two unit, one semester course. Students are selected following application to the school registrar and after an interview with this office. They are required to work a minimum of twelve hours per week, at times which are mutually convenient for this office and the individual students. The program is limited to third and fourth year students.

I believe that the program affords a unique opportunity for those students who are interested in learning about the federal justice system, and who are interested in developing practical legal skills.

(Mr. Capozzi is a graduate of the University of Buffalo, and the University of Toledo Law School. He has been an Assistant US Attorney for the Eastern District of California since August 1973, and the Supervising Attorney for the Fresno Office since July 1974. He was recently selected as an instructor for the US Attorney General's Advocacy Institute for New Assistant US Attorneys, and is also a candidate for appointment as the US Attorney for the Eastern District of California.)

## CHAMPION'S CORNER

by Peter Champion

One of the after effects of reading William Prosser and/or John Cleland is the realization that "courtship" does not import as its subject matter a tribunal aboard a sailing vessel; some appellatives of "court" which have been gleaned from casebooks and more traditional literary sources have not lent themselves to such realization, thereby causing a lack of universal comprehension. This lack of lending may have resulted from the adoption and use of a term having been limited to a particular local, genre, or historical period.

The object of the puzzle is to correctly pair the "court" with its definition.

"COURT"	DEFINITION
1. Kangaroo Court	A. a leather bottle
2. Brand Court	B. court of the Carolina Colony
3. Court Jack	C. a corrupt court
4. Lynch Court	D. court without authority
	E. the choicest castor (1649)
5. Court Party	F. a spurious court
6. Court Plaster	G. congressmen favoring Hamilton's financial plans for the Federal Government
7. Palatine's Court	H. an irregular tribunal
8. Court of Nuns	I. 12 bushels of sand and lime
9. Court Load (1703)	J. a bandaid
10. Widow Court	K. swimes habitat (1639)
	L. another name for a Kangaroo Court
11. Autocourt	M. game of dice
12. Court of Chambering	N. a virginal court
13. Hog Court	O. an infamous court
14. Cabbage Court	P. a brothel
15. Kirsch Court	Q. another brothel
	R. a vigilance mob
16. Bastard Court	S. "California Cabin Colony"
17. Mustang Court	T. adjudicates captures made at sea
18. Prize Court	
19. Court Beaver	
20. Court Passage	

See Answers page 3

## Insult to Injury? College of Medicine Plan Unveiled

by Bruce Owdom

If you've had trouble lately seeing your doctor for emergency treatment or getting him/her to keep scheduled appointments promptly, worry no more. Dean Eymann and the rest of the team at San Joaquin College of Law have recognized and are attempting to remedy the severe shortage of medical service personnel by expanding the San Joaquin College concept to include a College of Medicine, the administration announced recently.

In a prepared statement issued late last week, the administration noted that "our decision, in large part, resulted from the realization that too many physicians practicing in the United States are trained in other countries. This is like adding insult to injury insofar as the American economy is concerned — American dollars should stay at home, where they are most needed. Moreover, our philosophy is that *anyone* who needs a doctor should have the privilege of paying the most for that care." It is apparent the last sentence of the statement was intended to allay fears in medical circles that San Joaquin College of Medicine (SJCM) will alter the traditional economic perception of professional training by instilling in its graduates a sense of public duty beyond fee collection.

At a hastily called news conference at the exclusive Downtown Club, Deans Eymann, Loomis, and Wanger hoped that the Fresno patient community will appreciate the several hours of dedicated planning that preceded the decision to open the College of Medicine. They are confident that the slight delay in beginning this Spring semester won't interfere with the quality of education students receive. Because of the extensive facilities necessary to accommodate a project of this magnitude, instruction can't begin until February 1, when forceps and stethoscopes arrive.

But Dean Loomis conceded that other arrangements remain to be made. No physicians have yet agreed to teach the opening semester classes, but Dean Loomis assured the Board of Trustees that he intends to complete negotiations with prospective professors by January 31. "Those guys at the Auto Doctor are just great. I took my sick little Dodge Dart in there at 9, and it was purring like a kitten by 5. I'm confident that with a little teaching experience, they can teach our students everything they need to know."


"And besides," interjected Dean Eymann, "the Auto Doctor only pays those jerks \$2.10 an hour. We can pay the minimum wage and still make a killing!"

Continuing the successful and now legendary approach to education first instituted at the College of Law means developing programs in the new College of Medicine through which the close personal contact and effective student — administrative communication are established. Rather than hire a separate administrative body for the College of Medicine, Dean Eymann announced that the present SJCL administration would "double" as the administration at SJCM, until the operation stabilizes. "We will stay personally involved in the growth of SJCM until absolutely necessary (sic)." When asked about the advisability of assuming new, additional administrative duties, Dean Wanger responded from a nearby backgammon table that he would still have plenty of time for skiing, tennis, softball and litigation.

The administration's prepared statement indicated that quality instruction and effective institutional organization are not sufficient for the training of equality physicians. SJCM's unique curriculum will include courses in "life style." Among the more interesting is Golf 630, in which students will have the beautiful Sunnyside Country Club exclusively reserved every Thursday. Conveniently, SJCM will not have any other scheduled courses on Thursdays to enable students to take advantage of this unusual elective and learn the guts of the profession on a more practical level.

Another unique elective is Home Planning 1000. Selected houses in North Fresno (nothing under \$150,000, of course) are shown by SJCM's own Dr. Robert Fistfull every Tuesday. Spouses may accompany students and need not pay tuition charges as long as they help with the gas. Cocktails are served on the tour bus on a no-host basis.

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# Your Auto Insurance Policy: What You Don't Know May Not Hurt You

*Hypo #1: You're taking a trip to Mexico and you stop in San Diego to buy auto insurance to cover your car while driving in Mexico. For \$2.50 a day you're sold a policy with a coverage limit of \$10,000 for bodily injury or death to one person from one accident and \$15,000 for two reasons. While driving your car in Mexico, you're in a car wreck that seriously injures one of your passengers and kills another passenger. The insurance company, which patted you on the back and gave you a hearty handshake after you bought the policy, treats you coldly when informed of the accident. Opening up the policy, the insurance agent points to an exclusionary clause: "In no event shall the insurance cover liability because of death or bodily injury to the driver of the described vehicle or any other occupant."*

*You should (1) seek asylum in South America; (2) call up conflict of laws teacher J.V. Henry and ask about Mexican stand-offs; (3) cite California public policy, the Vehicle Code, the Insurance Code, and applicable case law. Try (2) or (3).*

On similar facts, the court of appeals in *Contreras v. America, Compania General De Seguros, S.A.*, 48 Cal. App. 3d 270, said any policy issued in California must protect the passengers and must provide minimum coverage limits of \$15,000 for one person and \$30,000 to two or more persons. Exclusions in auto insurance policies are governed by Insurance Code section 11580.1, which allows an insurance company to exclude coverage for injuries to the insured, but provides no such exclusion to occupants of the vehicle other than the insured.

The court observed that the "legislative intent not to exclude occupants of motor vehicles from coverage is in keeping with a discernable trend towards a public policy which affords compensation for those injured through no fault of their own." Citing Vehicle Code section 16059, which provides the minimum coverage limits, the court in effect rewrote the automobile policy — to expand monetary limits and to broaden coverage to occupants.

### Permissible Exclusions

The permissible exclusions in automobile liability insurance policies are governed by Insurance Code section 11580.1. This section allows a policy to exclude liability for the following: intentional bodily injury, bodily injury to an insured, liability imposed or assumed by the insured under workmen's compensation laws; bodily injury to any employee of

the insured arising out of the course of his employment; etc. In addition, by virtue of 11580.1(b), the insurance company must explicitly describe the purposes for which coverage is specifically excluded and the class of vehicles to which coverage is specifically granted.

For example, in *State Farm Mut. Auto. Ins. Co. v. Allstate Ins. Co.*, 9 Cal.App. 3d 508, the court upheld an insurance company's exclusion of non-owned vehicles used in business and non-owned vehicles having more than four wheels. One type of exclusion was permitted because it was for a specific purpose — business — and another because it applied to a class of vehicles — those with more than four wheels. Similarly, where a travel agent's visit to friends at Lake Tahoe was a social and not a business trip, the automobile policy covering the travel agent on business did not cover him while on personal trips (*Otter v. General Ins. Co. of America*).

All automobile policies must cover permissive users, so if you let anyone drive your car your liability policy must provide coverage up to the full limits of the policy. It is permissible to name in the policy persons specifically excluded from coverage. In the typical case, this allows children in high-risk age groups to be excluded from the parents' liability policy covering the family car.

What about exclusions not specifically permitted by statute? May an insurance company insert other exclusions not legislatively sanctioned? The *State Farm* case, *supra*, declares: "Aside from statute, an insurance company has the right to limit policy coverage..." But the *State Farm* decision itself is based upon a statutorily permissible exclusion, and the more recent *Contreras* case says that the list of permissible exclusions is meant to be comprehensive and inclusive: "Accordingly, we may conclude that it was the legislative intent that exclusions not therein listed are impermissible." Both cases are appellate cases, so resolution of the question may have to await Supreme Court determination.

*Hypo #2: You're leaving your place of work in downtown Fresno and your employer has a large package of materials to be mailed to an office out on Shaw Avenue. You live close by, so you decide to save your employer the postage and drop off the package. Without telling anyone, you pick the package up, go to your car, and start driving north on Blackstone. An uninsured motorist plows into you and you spend six weeks in traction. The hospital bills mount. Your employer sends you a get well card. The uninsured motorist sues you for negligence. Your insurance company finds out about your package delivery errand and points to a clause in the policy: "This policy does not cover named insured while on business purposes." Your employer and the attorney for Workmen's Com-*

*pensation say you were not within the course and scope of employment.*

*You should (1) stay in traction, having given up the will to survive; (2) return to work, sadder and wiser; (3) stay out sick, run up the damages, and sue the insurance company. Try 3.*

Even if a clause limiting coverage is one of the statutorily permissible exceptions, under well established rules it may not be enforced unless stated in the policy in such a manner as clearly to apprise the insured of its effect. An excellent case regarding insurance company's contracts of adhesion is *Gray v. Zurich Insurance Co.*, 65 Cal. 2d 263. Here the court says that in standardized insurance contracts, exceptions and limitations to coverage reasonably expected must be called to the insured's attention, clearly and plainly, before the exclusions will be interpreted to relieve the insurer of liability.

Applied to the hypo above, the *Gray* test would be as follows: (1) Was liability coverage while driving home from work within your reasonable expectation? (2) Was the exclusion at issue conspicuously, plainly and clearly brought to your attention, either in the wording of the policy or by the insurance agent before he sold you the policy? You would argue that the reason you bought the insurance was to cover your automobile when driven by you or someone else with your permission. Not only were you not told when you purchased the policy that business purposes were excluded, but the exclusion is buried in fine print. What's more, you weren't really on a business trip; you were leaving for home and on your own initiative decided to drop the package off. Your primary purpose was to go home, not to run business errands. Furthermore, the term "business purposes" is not clear.

## FAMOUS AUTHOR

### DEPT.

"Always remember that when you go in to an attorney's office door, you will have to pay for it, first or last."

Anthony Trollope, *The Last Chronicle of Barset* (1867)

"... the law is a ass, a idiot."  
Charles Dickens, *Oliver Twist* (1837-38)

### — NOTICE —

Be it proposed that Article V, section 2, clause (b) of the Student Association Bylaws be amended to read:

"Any CANDIDATE for the office of PRESIDENT shall be a current member of the second or third year class."

Vote to be taken at the February meeting.

## Academic Calendar

7 March	Speeches for candidates
9 March	Election
25 March	Tentative date, Annual Awards Banquet



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1. H
2. O
3. A
4. R
5. G
6. J
7. B
8. Q
9. I
10. D
11. S
12. P
13. K
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FIRST YEAR REVIEW

## Hypnotism

In *State v. Jorgensen*, 49 Pac. 2d 312 (Oregon App., 1971), a murder case, a prosecution witness suffered a loss of memory. Memory was restored by use of drugs and hypnosis. The court held that hypnosis is allowed as long as cross-examination is possible by the defense.

In *Harding v. State*, 5 Maryland, App. 230 (1968), a girl was shot and raped and couldn't recall the crime. Under hypnosis, she remembered. The court said the evidence was admissible; it wasn't a question of admissibility but how much weight the jury gives to the evidence. The court emphasized the professional expertise of the psychologist who hypnotized the subject and who laid a solid foundation for his testimony. The court stated, "Modern medical science recognizes that hypnosis can aid in recall, though fancy may be mingled with fact."

In *People v. Peters*, a police officer was ambushed the night the defendant was elected president of a motorcycle club. The officer was subsequently hypnotized to enhance his memory of the events. Although the court didn't directly answer the question of hypnosis in this case, it gave some pertinent dicta:

**California law doesn't preclude hypnosis as to state of mind.**

**Decided the evidence would have been admissible if a proper foundation had been laid.**

**The value of hypnosis as a tool of discovery was acknowledged by Cornell.**

**The possibility of misuse of hypnosis by the prosecution exists because of increased suggestibility.**

**It precluded blanket approval, indicating that cross-examination was needed to overcome any objections.**

In *Wyller v. Fairchild-Hiller Corporation*, 503 F.2d 506 (9th circuit, 1974), two persons were killed in a helicopter crash near Ketchikan, Alaska. After monetary awards were made to the plaintiff, the helicopter manufacturer appealed, citing the use of hypnosis four years after the crash had occurred, in order to improve Wyller's limited recall of the events surrounding the incident. A psychologist qualified in aviation and hypnosis testified, fully describing the age-regression technique used for recall purposes. On appeal, the hypnosis was objected to. The court of appeals said it was for the jury to determine the credibility of the evidence.

### Techniques

In inducing hypermnesia to enhance recall, there are several useful techniques. The one I use most often as an investigator for the D.A.'s office is the TV technique. This involves suggesting to the subject that on signal he will be watching television from his favorite relaxed position at home. The program will consist of a special documentary film that can be speeded up, slowed down, stopped, reversed, or zoom-in on any portion of a person or object in the film. The film will be an exact replay, in vivid and accurate detail, of the crime event in question. The subject is instructed to remain calm and relaxed while viewing the documentary and to report what is seen, heard, and experienced in the film, just as it occurred originally. Additional techniques involve dream-inducing, idiomotor signals, age-regression, and automatic writing.

## The Sun Is Setting

by Bob Sherfy

While we are locked in our own little world of law study, the nation continues on a path which will lead to destruction unless something is done.

To even the least observant, society is seen as changing rapidly. Unfortunately, the changing economic, political, and social conditions foretell a dismal rather than a bright future for America.

Economically, this nation was once unquestionably strong, but in the last few years, matters have taken a turn for the worse. The evils of inflation and unemployment have hit with a crushing impact. Until the last few years, economists saw inflation and unemployment as divorced from one another. Either there was inflation or unemployment, never both. Such is no longer the case, and the "solution," if indeed there is one, has not been found.

One contributing factor to inflation is, no doubt, the skyrocketing price of oil. So far, this nation has not had the guts to wage economic warfare with the oil producing countries. Their reliance on us for food is significant. We have possessed the economic leverage to withhold, or at least cut back, our exports to them until the price of oil would come back in line.

Politically, the United States is rapidly losing influence all over the world. The answer to our Viet Nam debacle is not isolation at any cost. More and more of the world is living under dictatorship as the number of democracies becomes a smaller and smaller minority. Though it is not our duty to be world policemen, it is our duty to be ready to stand up to aggression. Prime Minister Vorster of South Africa stated flatly that the West has lost its will to stand up to communist aggression. If his country were attacked, he justifiably fears that South Africa would have to stand alone.

Meanwhile, the United Nations has become a sounding board for a number of Third World countries to denounce American "aggression" and capitalism. (These people conveniently forget that America is always the first nation on the scene in times of natural disasters, bringing food and medical supplies. They also forget that American tourism and American business are usually the principle source of wealth of their own countries and that American technology is responsible for the few luxuries they may have.) Meanwhile, Uncle Sam cowers in the corner and dumps more of its taxpayers' money into these countries and then gives their leaders full press coverage as they once again denounce the United States.

Thirdly, we continue to lose ground militarily. My fears of U.S. inferiority to Russia in terms of weaponry, as expressed in an earlier column, have been borne out by the latest U.S. intelligence figures. One high-ranking official stated frankly that Russia is ahead of us in every category and, as I suspected, *Russia is preparing for war and not trying to avoid one.* Even civilians are being trained in military matters in preparation for a nuclear war. The Soviet Union has bomb shelters the size of a football field with good U.S. grain stored underground.

Even more frightening than the outward signs of decay are the inward ones.

First, a look at the American family is in order. Divorce rates are skyrocketing. At least one in every three marriages ends in divorce. Discipline of children is considered old-fashioned. Let's consider this last point.

When was the last time you were in a grocery store or doctor's office or some public place and witnessed some little kid yelling or running or turning the place into a junk heap while the mother or dad did nothing or at most gave a warning or two which was completely ignored? Finally, either you

or the parents could take no more. If dad or mom finally decided to "get tough" he or she "spanked" the child (i.e., one or two taps on the posterior). If you lost your temper first and glared at the parents, your stare was returned with a weak smile, as though to say, "Isn't junior cute, the way he just shredded that magazine."

This lack of discipline in the early years leads to a second major problem that is visible all around us: *the sickening condition of our youth.* Drive by a high school if you haven't lately. One look tells it all.

Kids emerge with no books. They don't do any homework. Their unkempt and often dirty appearance is *chic*. They don't believe in work of any type. They are hedonists. They seek only pleasure. *Reading, writing, and arithmetic* have been replaced by *drugs, drinking, and sex.*

They are also a bunch of ignoramuses. According to an associated press story a couple of weeks ago, forty-seven percent of our young people do not know that each state has two United States Senators. Ask a sampling of teenagers who Alan Cranston and S.I. Hayakawa are. Answers will range all the way to the world's latest "tag team" of big time wrestlers.

Lastly, American values are being debunked. The idea of profit is considered evil. Great Britain isn't even the ghost of the nation she once was (her standard of living has now fallen below that of East Germany), yet more and more Americans are turning to increased socialism to solve our problems. Great Britain is living proof of how not to run a government, yet our liberal friends bury their heads in the sand and refuse to face reality.

Before the hue and cry goes up that I am too narrow minded, let me qualify a few things in closing: 1) not all Americans are isolationists; 2) not all Americans think that Russia is a pussy cat; 3) not all Americans are too lenient with their children (and, sadly, some are even brutal with their children); 4) not all American youth are dope, sex, and pleasure addicts; 5) not all Americans want a more socialist government.

Then on the other hand, not all Russians are Communists (only one in twenty). And of course, Adolf Hitler started out with only twelve men.

## Dennis Boaz

Curious about Utah's reaction to Dennis Boaz, I called my mother in Salt Lake. Having lived in Utah for 58 years, 40 of which were supposedly with the devil (she left the dominant faith at age 18 and incriminated in the church records is the notation, "The devil has her soul"), she is an able commentator on the local scene. "What do you think of Dennis Boaz?" I asked. (No need to identify who he is; in Utah he's now a household word.) "We didn't like him at all up here," she offered. "He came here as a writer, and then we found out there was a lawyer lurking in him as well. It was disturbing."

Ah. Boaz would have loved hearing that. He knew it already, and in the interview had voiced some strong opinions about people's fixed ideas of what a lawyer is. "A lawyer can and should be a writer, poet, philosopher, and psychologist as well," he announced. Boaz gets around a lot, mentioning Sufism, John Fowles, Heinlein, the occult, Piscean mentalities, the Age of Aquarius, Armageddon, the Arica Institute, and Tantra Yoga. (We discussed just about everything except est, the Tibetan Book of the Dead, and Primal Scream therapy.)

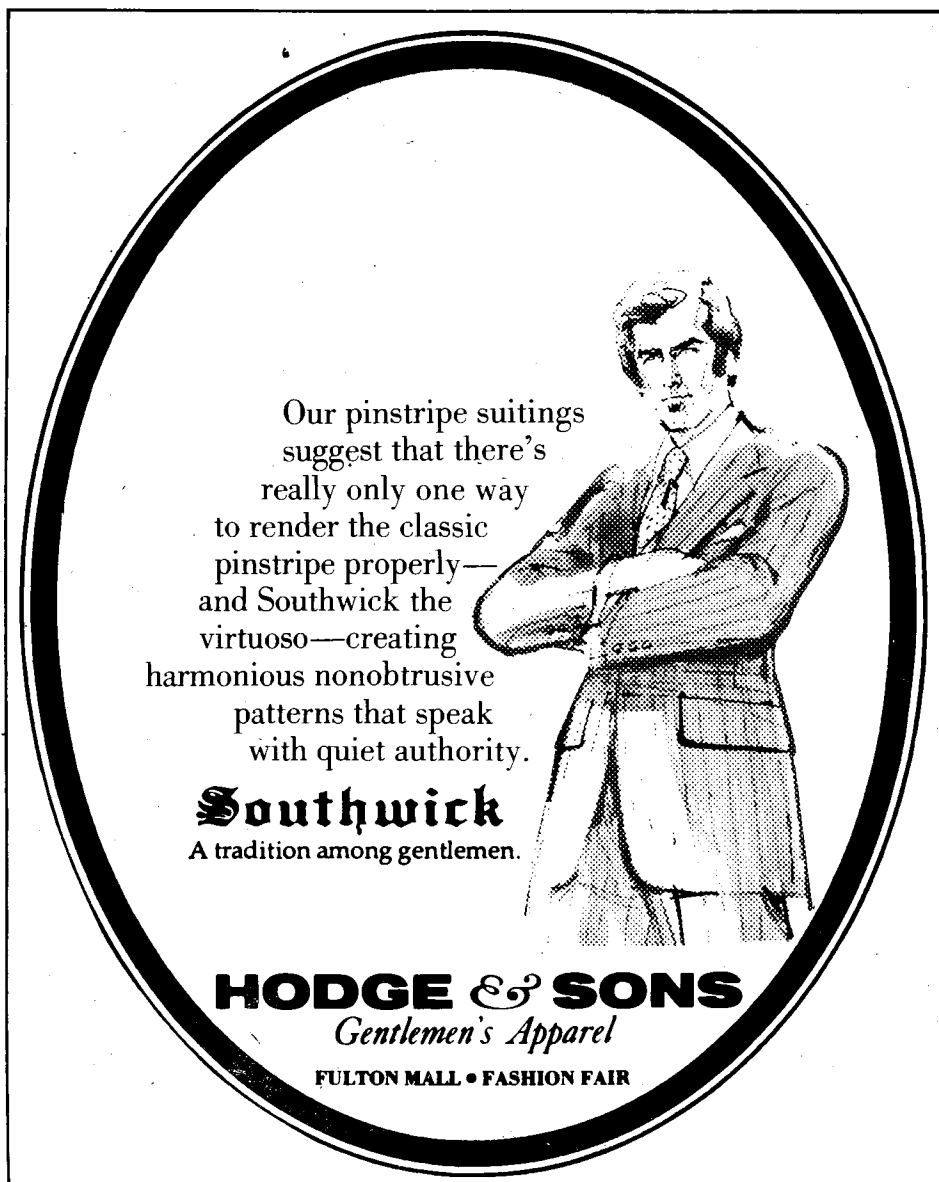
How my mother would have liked meeting him. Reading all the samebooks, they could have rapped for hours. But there's the rub: one might expect a philosopher, writer, or professor to have read all that stuff. But a lawyer? No wonder he rankled the state of Utah. Sure people smoke grass in Utah. Sure people in Utah read hippy trippy books. People do. But lawyers don't.

Ever in the process of defining himself and embroiling himself in controversy, Boaz has future plans to work with a UPI reporter on a book about Gilmore, to advocate the legalization of all drugs and victimless crimes, and to endorse the videotaping of trials. No doubt the care and cultivation of personal image will play an important part as well. Boaz probably has the requisite mystique to make it as a media figure. At times he reminds you of a 50's Beatnik, right out of Kerouac's *On the Road* — no domicile, going where the spirit moves him; at other times a French existential hero — Boaz is big on personal responsibility and has read his Camus. Sometimes he seems dated: though he did not mention Marshall McLuhan, a lot of his comments translated as, "The medium is the message." Sometimes he seems puerile — smoking a joint in the Federal building? Is he a prophet without honor in the state of Utah, a new breed of lawyer, or Just Another Flake? Will the real Dennis Boaz please stand up!

## 93% of 1976 San Joaquin Graduates Pass the Bar

For the third year in a row, the San Joaquin College of Law has proved that its graduates are competitive with those from any law school in the state, based on state bar results. This year's 93% pass rate exceeds that of any other year. Last year's pass rate was 91%, the previous year's 71%, making a three-year pass rate of 85%. This year's pass rate is

as high as any in the state, showing that San Joaquin is consistently producing high calibre students as qualified as those from A.B.A. accredited law schools. *Dicta* extends congratulations to the Class of 1976 for its successful performance on the Bar and for its contribution to enhancing the reputation of the school.



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