SAN JOAQUIN COLLEGE OF LAW

SAN JOAQUIN COLLEGE OF LAW
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dicta

COMMITTEE TAKES INITIATIVE

PROPOSED CHANGES

By Patty Noyes

Two issues concerning the governing of San Joaquin College of Law have generated student and faculty interest, discussion, frustration, and perhaps even the possibility of some results.

The first of these issues involves representation of students and faculty on the Board of Trustees. Traditionally, the only faculty members who have sat on the Board have been the members of the Administration. There has never been a voting student Board member. Since there are ten Board members at the present time, any attempt to place one student and one faculty member on the Board is unlikely to result in any radical changes of policy. However, many people around the law school have expressed the opinion that the Trustees from the community at large might welcome and profit from an opportunity to receive more faculty and student input before making decisions.,

Acting in response to some of these concerns, a number of interested students, teachers, and alumni have met several times since last spring to discuss the possibility of submitting a proposal to the board of Trustees which would create new positions on the Board for a student and faculty member. It was considered essential that these new members be given a vote, to insure that they be viewed as *bona fide* members, whose opinions counted.

Proposals to that effect were drawn up, and were submitted to the faculty at their meeting held on September 15, 1977. Both these proposals were approved by the faculty by a strong majority. The vote was as follows:

VOTING FACULTY MEMBER: 8 Yeas; 1 Nay; 4 Abstentions

VOTING STUDENT MEMBER: 11 Yeas; 0 Nay; 2 Abstentions

The proposals have not yet been acted on by the Board of Trustees, and are scheduled for consideration at the December 13th meeting.

The second issue which has been of concern to many people at San Joaquin is the procedure for faculty evaluation. At present, there is an Evaluation Committee which consists of members of the local Bar Association, who have volunteered their time to visit classes and evaluate faculty performance. While the idea of having impartial outsiders evaluate the faculty seems to be a good one, this has not been well executed, due to various factors. The visits to classes have been spotty. Some teachers have said that they were visited only once throughout the academic year, and often the evaluater blitzes in and out without staying through an entire class. Such a quick visit doesn't provide an opportunity to see if the teacher is punctual, allows extended breaks, dismisses early, or loses his or her effectiveness as the three hours wear on.

A further problem with the present evaluation system is that the Evaluation Committee does not carry through with the Evaluation process once the classroom observation has been completed. The school Constitution provides that the observations of the Evaluation Committee are to be submitted to the Faculty Committee, which is composed of all those instructors in major subjects (not electives) who have taught at least three years at the law school. It then falls on the shoulders of the Faculty Committee to review the evaluations and make recommendations to the Administation as to how an instructor's performance can be improved, and whether or not an instructor should be rehired. It seems inappropriate that this function should be performed by a group which includes a substantial number of faculty members. A potential for conflicts of interest is readily apparent.

Because of a perceived need for a more aggressive and objective procedure, a number of interested students and an alumnus of the school drew up a proposal designed to give

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THE DEAN'S CORNER

By Dean John Loomis

When your Editor cornered me a few days ago and told me that publication time was just around the corner, I asked him, in a state of semi-panic "What do you think I should write about?" He responded, "Oh, I guess maybe the changes in policies and procedures of the school and its plans for the future."

I discern from this that no burning issue needs to be addressed. I am free to range and therefore will deal with background material for the most part. This information should, however, build a better base for student understanding as to how the school operates. Better understanding, in turn, should help prevent those periodic "bon-fires" we seem to have.

Before launching into comments about policies and procedures, I must reflect on the school's position in the State on the Bar Examination. I again thank the student who had sufficient clout with the Fresno Bee that he was able to get the article published stating that our pass rate was number one in the state during the past year and number three in the cumulative statistics . My thanks goes even more, however, to those diligent students who put forth the effort to pass and to the faculty members who contributed so much in directing these student's efforts. Thank you, one and all, for the distinction you have brought to your school.

I suppose it is redundant to emphasize that the school's primary purpose is to provide quality legal education. We feel that the bar examination results reflect a partial sucess in attaining that purpose. We must not forget that the "attainment" must be "sustained". We need to recognize, also, that bar examination results are only one facet in the effort to provide quality legal education. Are we also providing the training in and understanding of the American system of juris prudence that will make lawyers who will be a credit to their community and to the system? This aspect of our endeavor must also be kept in mind.

The formalization and standardization of policies and procedures may seem somewhat remote from the foregoing comments, but they provide an important role in instilling smooth operations and an atmosphere that can concentrate on the important issues of education.

The formalization and standardization of policies and procedures began before the first class martriculated in the fall of 1970. A process of gaining experience in the application of policies followed. In the years which immediately followed we learned much. Some policies proved unworkable; others required substantial modification. During the process student apprehensions and misapprehensions rose and fell. The manual of policies and procedures was often amended and mutterings of promissory estopped often heard.

More recently, the student administration committee has had on its agenda that the Manual has not been easily available to students. The administration is remeding this complaint by causing the otherwise disappearing manuals to be placed under the reserve shelf lock. If you want to see a copy, ask the proctor in the library and he/she will get it for you.

Contrary to what your Editor's question seemed to imply, there have been very few changes to the policies in the past two or three years. I note that the last formal change was adopted in June 1976. There is a change in the works at the present time.

Matters of educational policy are formulated by the Faculty Committee. The Committeee recommends policy to the Administration who then adopts and implements. Such standards are then subject to amendment or modification by the Board of Trustees.

The policies sections of most interest to students are, I suppose, those relating to scholastic, grading and disqualification standards. It is also in this area that most of the early changing took place.

At present the Administration has before it a recommendation that not less than 78 of the 80 units you need for graduation consist of courses other than clinical programs. While our program has almost set this standard insofar as your required courses come close to 78 units, it is apparent that required courses fall short. While we see clinical programs as very valuable, they do not substitute for substantive courses. We do not, on the other hand, want to discourage any person from taking part in all the clinical programs he/she can absorb.

I fear I've run out of space to discuss the school's plans for the future. Perhaps the next issue will be timely.

CONFERENCE ON WOMEN AND THE LAW

By Barbara St. Louis

The Regional Conference on Women and the Law was recently held at the McGeorge School of Law in Sacramento, California. Its purpose was to improve communication between women in the legal fields and to provide growth in knowledge and expertise for law students and practicing attorneys.

Twenty-three women judges, including the Hon. Pauline Hanson of Fresno, attended the conference as guests of honor. A majority of these judges also participated as keynote speakers and in the workshops as panelists.

The atmosphere of the conference was continually warm and friendly which actively encouraged questions and discussion both in and out of the structured workshops.

Forty-two workshops were conducted, dealing with a wide range of topics related to the Law. A conferee had the time to attend eight of the forty-two, a difficult set of choices to make due to the high interest generated by each of the topics.

Each workshop this writer attended was well-organized, had excellent panelists, and

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SJCL TOPS STATE BAR

SEE PAGE 3

FOOTBALLERS REMAIN UNDEFEATED

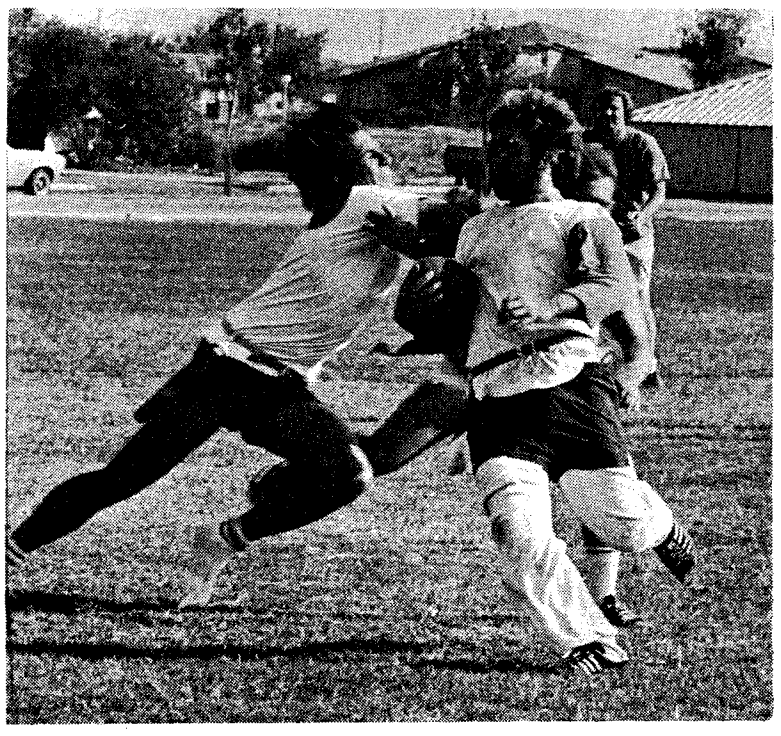
SJCL DUMPS THE HUMP 21-0

Living up to the pre-game predictions, SJCL's football team soundly thumped Humphrey's Law School in the fourth annual Benjamin Cardozo Memorial Bowl. Played at Kearney Park on a clear autumn afternoon, SJCL took control of the game early on when Humphrey's failed to produce enough warm bodies to field a team. This circumstance required SJCL to transfer 3 players from its own squad with an express promise (supported by 3 peppercorns from a nearby tree) to waive all defenses arising from the use of these "ringers."

However, the game proceeded as expected. On the first play from scrimmage, a Humphrey's pass was intercepted by Angus St. Evans. Quickly scanning the field for assistance, Angus spotted the Channel 24 newsman filming the game. Angus, using agility and balance not often seen in a man of Angus' size, spun and raced directly toward the cameraman. SJCL was immediately penalized 10 yards for unprofessional solicitation. Despite cries of "Belli v. State Bar Committee" the team soon got back to the business at hand. Bill Hancock then took a 10 yard pass from quarterback Dan Koontz for San Joaquin's first TD. Hancock immediately headed for the sidelines and heldout the rest of the game for a full scholarship for the second semester.

SJCL's next score came on an interception and run-back by Scott Quinlan. When asked later why he kept bobbing and almost dropping the ball during his run-back, Scott replied that he had watched a professional football game that morning and that most of the players had applied "stickum" to their hands to help hold on to the ball. It was then pointed out to Scott that vaseline was not "stickum."

Despite the fact that Quarterback "Silver tongue" Koontz had his worst day throwing passes in memory he started to connect in the second half. The last TD was set up by several short passes to Glenn Gates, Don Forbes,and John Suhr. Suhr caught the final TD pass on the famous "stand there and I'll throw you the ball" pattern. After several nifty moves Suhr covered the last yard while tripping over his own feet.



Glen Gates romps for big yard.

The outstanding defensive play of the game was turned in by Paul Hincky. Zeroing in on the ball carrier, Hinckly raced across the field in full walk. However, Hinckly misjudged his blinding speed and collided with his own teammate completely missing the ball carrier. As luck would have it, Hinckly collided with Koontz's head thus assuring that no injury could occur.

The enforcer Don Forbes got into a slight tiff with a Humphrey's player wherein Forbes threatened to bruise the player's fist with Forbes' face.

SJCL lost one of its better players when Frank Gash was unable to make it in time for the game. Seems Frank was at the county jail visiting friends.

After the rout of Humphrey's it was rumored that Pac-8 officials wanted SJCL to represent the West Coast in the Rose Bowl. However the idea was nixed when it was revealed that the SJCL players would actually have to take mid-terms in December and would therefor be unable to practice. The chagrined officials reluctantly decided to turn to their own conference for a team to be sacrificed to Michigan.

Special mention should be given who participated in the game. Greg Meyers, Randy Penner and John Shehadey all turned in great performances for SJCL even though Penner and Shehadey were playing for Humphrey's.

The lone faculty representative, J. V. Henry, while watching the game was heard to comment on a particular play that SJCL seemed to be offering the renvoi to Humphrey's but their partial acceptance was not consistent with the obligatio hovering over the field. Strangely enough no one seemed to understand the meaning of this analysis to which Henry quickly retorted that there is no answer but that perhaps if interest analysis were employed the game could be quickly shifted to Roeding Park which would be a better site for the confrontation. After which most of the students left at half-time and failed to return for the rest of the game.

A continuance was granted for cause.

STUDENTS REVIVE "SQUARES"

By Barbara St. Louis

A gathering of 106 persons consisting of law students and their companions shuffled shyly into the Community Room of the First Federal Savings and Loan on the evening of October 8, 1977. The studious, reclusive group of tense persons was quickly transformed into foot-tapping fun-lovers with broad smiles by a large injection of Kentucky Bluegrass guitar plucking by The Roundtown Boys. And what did my eyes perceive? A square dance! Though the form was not immediately recognizable, thanks to instruction by Jeremy Bluestein, the inherent but well-hidden dancing talent of our student body surfaced and heretofore unlikely artists such as Tim Magill were performing reels with the greatest of ease.

The involvement with this tapestry of faces,colors, and left feet was so intense that it resulted in a failure to consume even a respectable amount of the refreshments provided for the malnutritioned bookworms. Cases of soda pop and beer had to be returned for refunds. An attempt was made by the staff to dispense a ton of pickles, sliced meats, cheeses, crackers, deviled eggs, and olives (what happened to the marinated artichoke hearts and mushrooms?) directly to the needy. This humane endeavor was thwarted by several guests who were observed concealing heaping plates of food under their jackets while leaving. Why is there never a cop around when you need one?

An attempt was made by Marv Helon, in rare form that night, to purchase a six-foot sandwich during an auction staged on behalf of an anonymous non-profit organization but was narrowly outbid by a zealous infiltrator of unknown origin.

Awards earned on this momentous occasion are hereby announced:

Top Dancer in the Male Category:	Greg Myers
Top Dancer in the Female Category:	Kay Tuttle
Special Cameo Appearance:	Mr. Barry Bennet
Best comic performance:	Bill Hancock
Best musical production of the year:	The Dan Koontz Stompers
Best performance in a supporting role:	Joann Eckles
Best special effects:	Lynne Phillips
Best production in any category:	The Student Association

A carefully conducted survey revealed an overwhelming consensus that if you missed this party, you really missed out.

NEW SCHOOL

It has been reported that the law school has entered into an escrow agreement to purchase land for a new school plant. The site is located at California and Chestnut.

There are conditions attached to the purchase which the buyers must fulfill before the escrow can close and the students can look forward to their own facilities. More information in the January edition of DICTA.

WOMEN continued

were foreseeably of immense long-term value to the law student as well as the fledgling attorney.

A particularly interesting workshop entitled "Courtroom Tactics" was conducted in a ultra-modern courtroom on the McGeorge campus normally used as the classroom for Moot Court. The panelists were eight women judges. Each of these articulate and impressive women had a particular message containing practical advice and encouragement to the new attorney and candidly answered questions from the floor.

Another workshop entitled "Women in Private Practice" dealt specifically with the practical and psychological challenges encountered in opening one's own law office upon graduating from school. The panel consisted of four female attorneys of various specialties, including G. June Register who is a Fresno attorney also serving as Judge Pro-Tempore of the Superior Court. These four attorneys each explained the methods they have used in overcoming these hurdles while setting up an efficient office, establishing a new practice whether in a large urban or small rural community, while still getting the bills paid during those initially lean times.

Among the many highlights of the conference was a speech given by Rep. Yvonne Brathwaite Burke who addressed the topic of Women and Power in the political process. The Congresswoman discussed recent and upcoming legislative proposals of interest to the women's caucus such as the Equal Rights Amendment, ideas on welfare reform and job opportunities for the displaced homemaker. She urged women to enter the political arena as a means of effecting a positive change in the system.

Rep. Burke has since announced her candidacy for California state attorney general. She is the first black woman elected to Congress from California.

What has been presented here is a simplistic overview of an ultimately personal impression of the conference. It has been difficult not to overflow with superlatives and enthusiasm regarding this conference when, in fact, such descriptions are accurate and well-deserved. Suffice it to say that the time spent at such a conference is a minimal investment resulting in highly prof-

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ERA — A CASE FOR RATIFICATION

Doris Coleman

Proposed Equal Rights Amendment:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

The Equal Rights Amendment was first introduced in Congress in 1923 by the National Womens Party. Women's organizations at that time were primarily interested in passing protective labor legislation for women so congress gave the Amendment little attention. For over a half a century women have struggled for passage of this amendment guaranteeing them equality. To date 35 states have ratified the proposed amendment. Three more states are needed to reach the required three-fourths. The approval must come by March 22, 1979.

Opponents of the bill generally fall into two groups; there are those who fear it will disrupt America's traditional ideas of marriage and the family and another group that feels that a constitutional amendment is not the proper method of achieving equality. The latter is far easier to deal with.

Individuals can try to enforce equality with state legislative reform, legal challenges in the lower courts, or appeal to the Supreme Court under the Fifth and Fourteenth Amendments. Each of these methods, however, allows great latitude of interpretation and application of both the laws and amendments about what actually constitutes "discrimination." The Fourteenth Amendment has been interpreted to define race as a "suspect" classification but the same has not been done for sex. Sex is the only "class" not covered explicitly by the Constitution. Equal protection has been explicitly extended to all other groups, blacks, and aliens, but sexual equality remains implicit and therefore debatable. What this means is that a law or practice involving race discrimination is "suspect" and must be subjected to "strict scrutiny" by the court in order to be upheld. The burden is on the discriminator to prove the necessity of the classification; the discrimination is seldom upheld.

If the clasification is based on sex, it is not "suspect" and the standards of review under the Fourteenth Amendment are far more lenient, and a "compelling state interest" or a "rational basis" test can be used far more easily to uphold the classification. The burden is shifted to the victim of discrimination to prove the law or practice illegal.

The ERA by defining sex as an equally "suspect" classification requires "strict scrutiny" and makes it more difficult for any court to uphold any discrimination based on sex. ERA would make court decisions regarding sex discrimination more uniform; it would give a universal legal definition of female equality; and it would outlaw distinctions between people on the basis of sex as a violation of constitutional rights.

Case law is both slow in coming and eratic. The California Supreme Court was the first to hold that classifications based on sex are inherently suspect. In *Sail'er Inn, Inc. v. Kirby* (1971) the court found that the California Business and Professions Code section prohibiting the employment of female bartenders to be violative of the Equal Protection Clause of the state and federal Constitutions and that "sexual classifications are properly treated as suspect, particularly when those classifications are made with respect to a fundamental interest such as employment." A year later the United States Supreme Court adopted the strict scrutiny test for sex-bases classifications in their decision in *Frontiero v. Richardson,* (11973). The basis of the discrimination was found in the Due Process Clause of the Fifth Amendment. In 1975 the United States Supreme Court switched back to the "rational basis" test in dealing with sex-based classification in *Stanton v. Stanton,* and *Schlesinger v. Ballard.* ERA would correct the erratic and/or arbitrary application of the "strict scrutiny" and the "rational basis" test in determining discrimination. In effect, the test used will determine the outcome.

There are a number of cases which could be cited to show the erratic, whimsical or tortured rationale used by the court to reach what it believed to be the 'right' decision concerning women's rights. In 1908 the United States Supreme Court upheld an Oregon maximum hours statute which applied to women only in *Muller v. Oregon* stating that a woman "was properly placed in a class by herself." Mr. Justice Brandeis said, "The two sexes differ in structure of body, in the functions to be performed by each, in the amount of physical strength, in the capacity for long-continued labor." This protective benevolence was not applied 15 years later, however, when the court invalidated the District of Columbia's minimum wage law for women in *Adkins v. Children's Hospital.* Strangely, the court justified its departure from its protective position in *Muller* by pointing to the 1920 adoption of the Ninteenth Amendment. Was there something abou the right to vote that made a woman more physically able to compete with her brother? Could it be that the brothers on the bench were a bit piqued by their sisters' victory?

It is far more difficult to approach arguments premised on the certainty that the passage of ERA will destroy the traditional home, will emasculate men, will discriminate against those who want to be wives and mothers, will fill governmental day care centers with all the children of America, will draft teen-age girls, outlaw heterosexual marriage and make everyone wear the same kind of underwear. (For more fears to ponder see *Phyllis Schlafly Reports).* These arguments are based on real concern for the future of the American family. The anti-ERA Eagle Forum has equated the passage of ERA with the pasage of the American family, the end of close family ties, gingerbread cooking in the kitchen and mothers in aprons darning socks. Most of America looks with longing to simpler times, less frenzy, a slower pace. The Waltons are such a nice family. But that time has past.

Today, many homes are a one-parent home and that parent is more often the mother. Many of these women are the sole support of their family. Many women outlive their husbands and are left with no financial resources. Many young women are postponing marriage. Many couples are turning away from traditional notions of marriage in favor of 'personal contracts', in favor of not having children or limiting their family to one child. The institution of marriage is changing and our society is changing. Many things have brought this about. To blame or credit this to the feminine movement or to the proposed amendment is to find a simple answer to a complex sociological change in our society. The proposed amendment says that there shall be equality of rights under the law and these rights will not be abridged on account of sex. That's all it says.

The late Chief Justice Earl Warren was asked, in 1971, why the Court decided *Brown v. Board of Education of Topeka* as it did; he looked almost alarmed at the simplicity of the question as he saw it, and answered, "Why, because of the Fourteenth Amendment — because of equal protection of the laws." All of a sudden the equal protection clause became self-explanatory notwithtanding the fact that it was ratified in 1868. After a hundred years, it all seemed so simple. The framers of the Constitution meant for all people to be equal under the law. Does that include women?

SJCL No.1 In Bar Exam

Fresno's San Joaquin College of Law ranked first in California with the highest rate of passage for the 1976 State Bar examination for students taking the exam for the first time, according to the Committee of Bar Examiners.

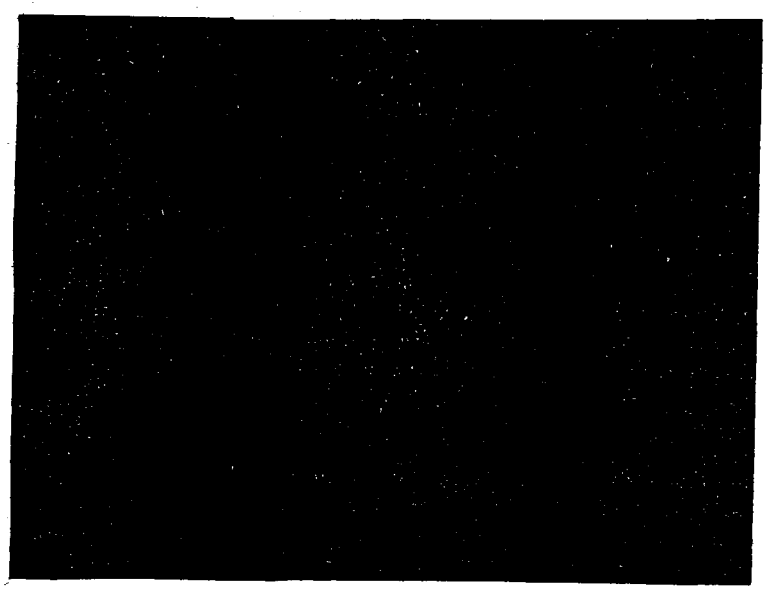
San Joaquin's pass rate was 93.8 percent. Stanford Law School was second with 89.7 percent and the University of Pacific McGeorge School of Law was third with 89.3 percent, according to the bar examiner's report.

A three-year study for the period of 1974-76 showed Stanford ranked first with 89.4 percent, McGeorge second with 89.2 percent and San Joaquin third with 86 percent.

The top 10 in the three-year period after the first three included University of San Diego Law School, Whittier College of Law, Universitv of Southern California Law Center, Los Angeles School of Law, Berkeley School of Law, Hastings College of Law and the University of Santa Clara School of Law.

ACADEMIC CALENDER SPRING TERM

REGISTRATION	JAN 2-4
INSTRUCTION COMMENCES	JAN 2
EASTER VACATION	MARCH 27-31
FINAL EXAMS	MAY 8-19
GRADUATION	MAY 26



Blackacre from 10,000 ft. at midnight.

SJCL DICTA

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CHANGES

continued

There was an attempt to submit this proposal to the faculty at their September 15th meeting; however it was suggested that the advocates of these changes meet first with the Faculty Committee to discuss the proposal. Such a meeting will take place on November 29, 1977. Anyone interested in expressing an opinion on the proposal (printed below), should speak to Dan Koontz, Fran Wessel, or Patty Noyes, as they will be discussing the proposal with the Faculty Committee.

PROPOSED RESOLUTIONS FOR S.J.C.L. BOARD OF TRUSTEES

To amend the Academic Policies and Procedures to read as follows:

I.B. (2) Student Representative
A student shall be annually selected by the student association to sit on the Board of Trustees as a voting member.

(add) I.B. (3) Faculty Representative
A member of the faculty of the school, not a member of the Administration, shall be selected by the student association to sit as a voting member of the Board of Trustees as a representative of the faculty.

IV.B. The faculty shall be evaluated annually by an Evaluation committee, composed of not less than three (3) attorneys practicing in Fresno County, selected with the cooperation of the Fresno County Bar Association, and not less than three (3) San Joaquin College of Law alumni, who shall be selected by the executive body of the student association, at the beginning of the fall semester.

IV.C. On separate occasions during the academic year, each class shall be visited by two (2) members of the Evaluation Committee, one of whom shall be an alumnus. Each visit shall be for the full class period.

IV.D. The Faculty Committee shall consult with and provide evaluation criteria for the Evaluation Committee to follow. An instructor and course evaluation shall be completed at or near the end of the academic year by the students in each class. Each instructor shall file with the administration a general outline indicating the course content of each course that he teaches. The student evaluations, course outlines, and statistical information regarding the average Bar exam scores of San Joaquin College of Law students in each area of instruction should be made available to the Evaluation Committee.

IV.E. Reports from the Evaluation Committee, student evaluation questionnaires, course outlines, and statistical information with respect to the California Bar exam shall be reviewed by the Evaluation committee. The Comnmittee shal then report to the administration in writing regarding its conclusions as to whether each instructor's performance is satisfactory or unsatisfactory. It may also make recommendations to the administration as to how individual instructors' performances can be improved, and as to whether or not an instructor should be retained by the college of law.

IV.F. Delete.

GAY RIGHTS PANEL HELD

By Nancy A. Currier

On November 8, 1977, the Fresno Chapter of the National Lawyer's Guild sponsored a panel discussion on the legal rights of homosexuals. The panel consisted of Betsy Temple, a Fresno attorney representing the National Lawyer's Guild, and Gary Lewis, Worship Coordinator of the Fresno Metropolitan Community Church, and Nancy Currier, spokesperson for the Fresno gay community. The Fresno Chapter of N.L.G. has chosen gay rights as one of its priority issues for the coming year and in this connection presented a forum for the exchange of information and ideas about the position of homosexuals in our society.

The controversy about gay rights arises from the concern of many people, heterosexual as well as homosexual, that basic human rights are currently being denied to a definable and sizeable segment of society. Oregon Governor Robert Straub's Task Force on Sexual Preference reported, "It seems reasonable to conclude that no less than 10% of the adult population have had a homosexual orientation for at least three years of their adult lives." This 10% figure has remained fairly constant in varous studies done over the past 75 years. The national Louis Harris poll, published July 19, 1977, shows that the majority of Americans think that homosexuals suffer the greatest amount of discrimination in the country today — even more than blacks, Puerto Ricans, Mexicans Americans, women or Jews. This discrimination includes a legal discrimination — not only in employment, housing, and discriminatory enforcement of criminal, civil, and family law — but also involves personal discrimination founded upon centuries of myths and fallacies about homosexuality.

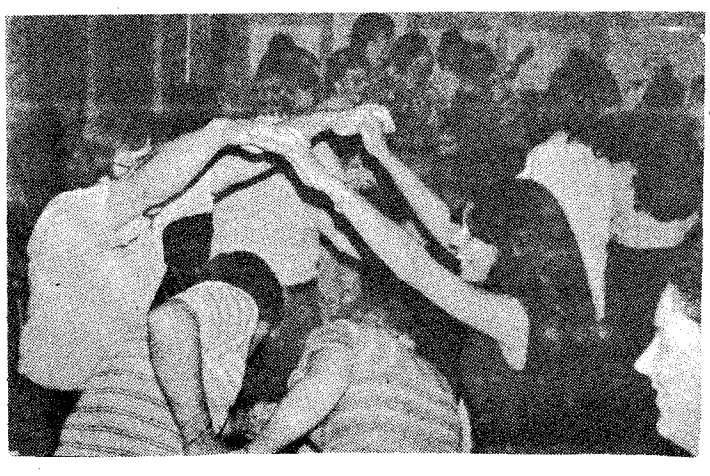
Looking first at the legal side of discrimination against gay people, a unique circumstance exists with which other minority groups seeking equal protection under the law rarely have had to contend. This circumstance is invisibility. Members of other minorities, such as racial groups and women, are identifiable; their recent struggles for an end to discrimination have gained widespread support based in part on the obvious numbers of persons suffering such discrimination. Homosexuals, however, are not identifiable unless they choose to be. Contrary to the myth that gay men are effeminate and gay women masculine, there is no intrinsic and overt characteristic which distinguishes a gay man or woman. Consequently, gay people are often able to avoid the effects of legal and social discrimination, by "passing" as straight. Yet they do so at great personal cost, for they live with the reality that if their homosexuality is discovered — by an employer, an associate, a landlord, even a friend — their lives may be destroyed.

Legal protection for gay people would begin to put an end to this second class citizenship. In the area of employment protection, rarely, if ever, can homosexuality be shown to have any adverse effect on an individual's ability to perform a given job. In fact, homosexuals are, and always have been, found in every occupation, and they bring to these occupations the same range of skill and expertise as do heterosexuals. Yet, absent laws forbidding an employer from firing or refusing to hire a person solely on the basis of affectional orientation, a gay person can be denied employment, regardless of skill, experience, or past performance. Both the Gallup and Harris polls of July, 1977, show that 54-56% of the American people favor equal rights for homosexuals in job opportunities. Because social attitudes are slow to change, legislators need to take the first step to insure such equal rights.

Legal protection is required in areas other than employment. Landlords, mistakenly subscribing to the myth that gay people are either irresponsible or criminal, can evict tenants on the basis of homosexuality. Criminal statutes in a number of states still prohibit certain sexual acts performed in private between consenting adults. While these statues technically pertain to the proscribed acts themselves, whether performed between persons of the same or opposite sex, selective enforcement of the laws has made them little more than a tool for the persecution of homosexuals. In family law homosexuality has been considered grounds per se for a declaration that an individual is an unfit parent, there by depriving a great many gay men and women of custody of their children. In cases where the gay parent cannot risk a court battle for custody, the children are yielded to the non-gay parent. Where the custody battle is fought, admitted homosexuality may seriously curtail visitation rights. Gay parents who do win custody, and this is rare, generally do so at the sacrifice or severe limitation of their right to express their affectional orientation. Such parents live with the constant fear of subsequent court action concerning their custody if they deviate from court imposed structures on their life style. This situation persists despite the established fact that children raised in a gay home show no greater tendency than children reared in "straight" homes to express a homosexual identity.

Further legal discrimination against homosexuals is evident in the recent California legislation forbidding same sex marriages. Many gay people have established long term relationships, with the same expectations and hopes for permanence that heterosexuals have when entering a marriage. Yet regardless of the duration or commitment of the relationship, the unavailability of legal recognition for such unions denies the partners the economic benefits enjoyed by heterosexual couples in areas such as taxation and health insurance. Also, the lack of legal status often has tragic consequences. If one partner becomes ill and is hospitalized, the other may be denied the visitation or consensual rights which would be granted to a family member.

The discrimination suffered by homosexuals in our society has not developed overnight, nor will it disappear overnight. Discrimination is usually founded upon prejudice, and prejudice is founded upon fear, misconception, and lack of knowledge. No one can legislate prejudice out of existence; no law can force an individual to personally accept or endorse any belief or opinion which differs from his or her own. Only through education and the dissemination of true and accurate information can gay people overcome the myths, fallacies, and stereotypes which give rise to legal and social discrimination. Legislation can, however, insure that gay people will be protected in employment, housing, and those other areas legally protected for other minorities, until the slower battle for social and attitudinal changes is won.



FALL PARTY BIG SUCCESS

Squares kick up big times at fall party.