

# Foothill College SENTINEL

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November 8, 1977

## Foothill offers photo symposium



Marion Patterson

By PETER G. BLISS

Noted photographer Ansel Adams will present a new autobiographical lecture/slide show at the first West Coast Photography Symposium to be held November 19 and 20 in the Foothill College Theater. The talk will feature photographs dating back to the beginning of his career in the 1920's.

The admission fee for both days is \$20 and tickets are available through the Foothill Box Office.

Co-ordinators of the event are photography instructor, Marion Patterson, and short course and seminar series director, Dick Henning.

Patterson stated that, "This is something I've wanted to do for a long time because the west coast scene is so dynamic. All the people I asked were delighted to come."

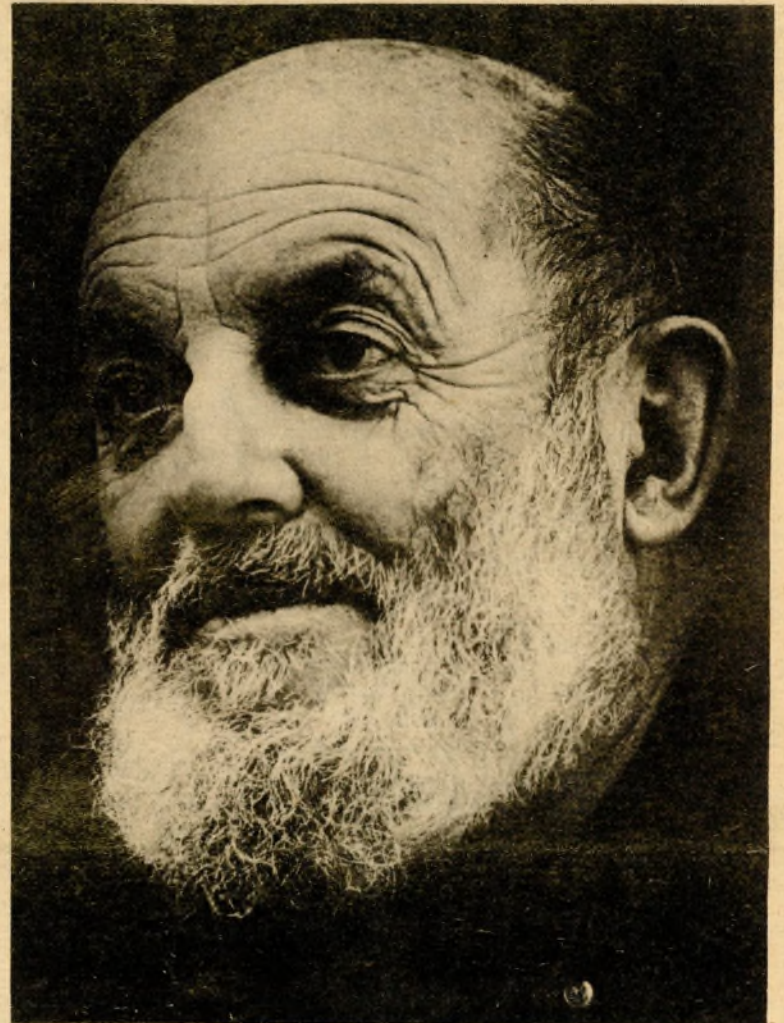
Historically this is the first time that there has been any gathering of big name west coast photographers, and as Patterson said, "these are the top people."

Besides Adams, Saturday's guests include Charis Wilson, who will speak about both her work, and that of her husband, the late Edward Weston. Patterson considers Weston to have been "the greatest in fine art photography."

Other speakers will be Therese Heyman, Senior Curator of Art from the Oakland Museum, discussing early west coast photography; and Leland Rice, photography historian and instructor at Pomona College talking on new west coast photography.

The Sunday symposium will start off with Linda Connor, photographer, and instructor at

(Continued on Page 2)



Ansel Adams

## Students visit Steinbeck country

By DAVE COLLINS

Looking at a beautiful valley, gazing through shops on Cannery Row, and viewing a special presentation in the John Steinbeck Library in Salinas was the complete agenda for Instructor Maury Dunbar and his 18 Steinbeck fans who ventured through Steinbeck Country.

Steinbeck Country is where author John Steinbeck wrote some of his best work in complete seclusion, and includes Salinas, Monterey, and parts of San Jose.

The chartered bus trip was on Saturday, Nov. 12.

Wayne Garcia, a sophomore student attending Foothill, had asked Dunbar to present a charcoal drawing of John Steinbeck to the John Steinbeck Library in Salinas. Dunbar presented the drawing to Shirley Saccone, Head of Reader Services at the library. Shirley said "the drawing will be placed in the newly opened Steinbeck room."

The Steinbeck room houses several first editions of Stein-

beck's early work as well as several original Steinbeck letters. The room was opened Sunday Nov. 6.

Dunbar introduced the group to Lee Richard Haymen, an authority on Steinbeck. Haymen works at the library and said, "We have things (at the Steinbeck Library) that no one else has, such as several original letters, tapes of Steinbeck reading and other such memorabilia."

From the library the troupe  
(Continued on Page 2)

## Brown signs student rep bill

By ERIK JONES

On Sept. 30, 1977 Governor Brown signed legislation requiring that student representative positions be created on the State Board of Governors of the California Community Colleges and local community college governing boards.

AB 591, which will take effect Jan. 1, 1978, provides that a voting student member will be appointed by the governor to fill the next full term vacancy on the Board of Governors of Community Colleges

occurring after that date. The representative, who would have to be a community college student in good standing at the time of appointment, will serve a one year term.

The position will be known as the "voting student member seat" and a representative will be appointed on a yearly basis.

In addition, the law requires that one or more non-voting student representatives must be included in the membership of local community college district governing boards. The student

members, who will be required to be residents enrolled in a community college in the local district, will be selected by the students of the district using guidelines established by the local governing board.

These non-voting members will be ineligible to attend executive sessions of the governing board or to receive compensation to which regular members may be entitled for their attendance at board meetings. They will serve a one-year term beginning July 1 of each year.

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## FACULTY NEWSLETTER CRITICIZED

A small Foothill publication has recently become a major issue for the Foothill faculty senate.

The "Faculty Newsletter", currently under the direction of Otys Banks, ethnic studies teacher, isn't fulfilling its intended "house organ" function, many staff members claim.

Banks' publication has received such extensive criticism that the faculty senate called a special session to order in the Faculty House on Monday, Nov. 14, to establish guidelines for the future nature of the content of that publication.

Banks and former newsletter editor Maury Dunbar (English and Speech instructor) were "invited guests" at the special session, prepared to represent their views on what the purpose of that publication should be.

Criticism stems from allegations made by faculty members that Banks' newsletter is "racially slanted", "was soon to expend its two hundred dollar annual budget by printing 23 page editions," and in general, "wasn't fulfilling the house organ function," according to



Otys Banks

various faculty members.

Sentinel reporters were unable to attend the special senate meeting and thus were unable to hear justification by Banks concerning the newsletter format.

According to Senate members, the issue was of "faculty concern only."



photo

(Continued from Page 1)

the San Francisco Art Institute, giving a presentation of experimental photography; Mike Mandel and Larry Sultan, photographers, and authors of the book "Evidence", will discuss the photograph as visual evidence. Robert Heineken, photographer and professor at UCLA will concentrate on southern California photography today.

Steinbeck visit

(Continued from Page 1)

went on to the site of Steinbeck's grave.

After the cemetery visit Dunbar and class went to a rolling beautiful, expansive valley which was termed by Steinbeck, "Pastures of Heaven."

The last leg of the trip was Monterey and dinner at Fisherman's Wharf overlooking "Cannery Row," a lineup of buildings chronicled in a Steinbeck title.



Cathy Julian receives assistance from Caprice Collins of Harvard Law School.

Foothill joins hunger project

Foothill students and faculty have joined people throughout the nation participating in the "Hunger Project," an organization that hopes to end world-wide starvation in two decades.

"We can lick the problem," said Eric Stietzel, a Foothill faculty member and Hunger Project participant. "Hunger is something we don't have to put up with."

A meeting for Foothill students and faculty

enrolled in the project will be held on Tuesday, Nov. 29, from 1-2p.m. in the Campus Center's Toyon Room.

According to global hunger organizations, 15 million people die of starvation each year; 75 per cent of these are children. At least 400 million people are seriously undernourished.

"Every ten hours," Stietzel said, "the equivalent of the entire Foothill College student body starves to death."

Law conference "good idea"

By DAVE COLLINS

This year 45 law schools sent representatives to Stanford University to conduct the sixth-annual Pre-Law conference.

Over 350 college students attended the six hour conference. The representatives answered questions concerning course offerings and curriculum at the various law schools throughout the United States.

Assistant Director of the Academic Information Center at Stanford, Anne Coxon, said "the most well known schools generally see the larger number of people, but for the lesser known institutions the turnout is satisfactory. The conference is usually held every year during November and is always well received by students and faculty alike."

Dave Rogers, a Stanford Economics major,

said "I am particularly looking over the written material to get an overall realistic view of what each law school has to offer. I personally feel this conference is a good idea."

A Stanford History major, Cathy Julian said "Although the representatives are mainly trying to admit you to their school, their answers to my questions have helped me to form an idea of just where not to go."

Harvard law school representative, Caprice Collins stated "I have seen a good number of students today, and they all seem to be formulating good questions that will enable them to reach a decision as to their best choice of school."

From Stanford campus the Pre-Law conference goes to U.C. Berkeley; the representatives will then return to their respective schools.

More newspaper courses offered

By TOM SELBACH

Now that it's registration time, students will be interested to know that there will be four courses by newspaper next quarter.

To take a course-by-newspaper you sign up for the course just like any other class. Pick up a copy of the SENTINEL and read the weekly columns. The only time you will have to come to class is to attend seminars or take the exams. Each class will have an instructor-of-record who is a member of the Foothill faculty.

"Crime and Justice in America" was featured in the SENTINEL this fall, and will be repeated in the winter.

The other three courses will be "Oceans: Our continuing frontier (Oceanography 10; Q010-60R,) "Popular Culture" (History 25), and Biological History: Geneology (Social Science 70A; RT70-60R).

The history of scientific and geographical voyages, descriptions of

the earth and its ocean basins, the geological, chemical and physical properties of the oceans, marine mammals, the cultures and lifestyles of ocean peoples, and man and industry's impact on the oceans all will be studied in the oceanography course.

"Popular Culture" will examine American life styles and leisure pursuits. The course will focus on who decides what is popular or "in" and what impact the media has on the shaping of our social values.

The Geneology course will teach you how to do what a lot of people are doing lately; tracing their "roots", or family tree.

Students who will not be on campus during the week to pick up a copy of the SENTINEL may have copies sent to them by writing to Newspaper Courses, Off-Campus Office, Foothill College, 12345 El Monte Road, Los Altos Hills, CA 94022.

Student rep bill

(Continued from Page 1)

that effects one's own life."

The Board of Trustees of the Foothill-De Anza Community College District does not presently have a student representative member.

Both the University of California Board of Regents and the Board of Trustees of the California State Colleges and Universities currently have a student member on their respective boards.

Under previously existing law the Board of Governors of the California Community Colleges consisted of 15 members appointed by the governor with the advice and consent of two-thirds of the Senate who serve four year terms.

AB 591, which was written by Assemblyman Vasconcelles (D-San Jose), originally specified that the new student members of local governing boards would be voting members. This was cancelled in the final version.

At the time the bill was introduced Vasconcellos stated that "Young people deserve the right and should be encouraged to participate in a governing process which so directly effects them. To add a student to the board is simply to recognize the growing desire in our society for self-determination and personal involvement in decision making

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Locals check out photo exhibit. Photo by Russ Rogers

## Photo pros hold exhibit

By LYNETTE KELLY

A collection of 34 photographs taken by Foothill photography instructors is on display in the college library throughout November.

The exhibit includes current works by instructors Marion Patterson, Patricia Stammer, Dale Boyer, Michael Ivanitsky and Steve Kiser. Each instructor chose his or her own photographs for the display. Regarding the absence of a unifying theme for the exhibit, Photography Department head Marion Patterson said, "We wanted to be individuals."

The collection features a variety of photo-

graphic styles and subject matter. Michael Ivanitsky presents images of parched ground. Dale Boyer captures the moods and activities of children in a series of candid portraits. Pat Stammer's five-photo series, entitled "I don't want to be a mommy blues," reflects the trials and tribulations of motherhood.

Although black-and-white photography predominates the exhibit, there are seven color photos taken by Mrs. Patterson. Her abstract images of wildflowers and bubbles on the surface of the Merced River were achieved by the use of a macro lens and extension tubes, used in close-up

photography. "Most of the instructors work both in color and black-and-white" she said, adding that the latter is the preferred medium. "Color printing is more costly. Also, black-and-white photography allows more control over the printing process."

Included in the exhibit is a photo essay entitled "Trip", by photography instructor Michael Beard and part-time English teacher Ted Hedgpeth. The collection, which describes their motorcycle trip from San Francisco to Vancouver last summer, consists of 36 written and visual images in the form of postcards.

## More to flight attending than image would admit

By LYNETTE KELLY

The job of a flight attendant is "less glamorous than people are led to believe," according to Peggy Brocius, a flight attendant for United Airlines. Miss Brocius, a Foothill student, spoke to reporters at a press conference on campus last Friday morning.

The stereotyped image of the stewardess as a kind of glorified waitress, whose sole function is to provide passengers with "coffee, tea, or milk" is dying out, Miss Brocius claimed. "Passengers are beginning to realize that we are the only ones they can turn to in an emergency," she said. "Our prime reason for being on the aircraft is safety."

Flight attendants must "know what to do when faced with a crisis," Miss Brocius stated. Hijacking, perhaps the most publicized type of in-flight disaster, is not the only one that attendants must be ready to deal with. "We have a lot of small emergencies," she explained, adding that knowledge of emergency medical procedures such as CPR (cardiac pulmonary resuscitation) is required, in case a passenger becomes ill during a flight.

The chance of a fire starting on the aircraft poses "the biggest worry for a crew member," Miss Brocius revealed. "In less than a minute, a fire could engulf the entire plane. A 747 holds 500 passengers,



Peggy Brocius

and we have a 45-second evacuation time," she continued.

In keeping with its motto, "safety comes first," United requires that all aspiring flight attendants complete a one-week safety training program, Miss Brocius disclosed. For eight hours a day, the trainees are instructed as to proper reactions in various emergency situations, as well as standard precautionary measures. Each year, the flight attendants must be recertified by the Federal Aviation Agency. "Because of my training," she said, "I've never been frightened of anything that's ever happened." Miss Brocius claimed that "United has the best employee training program in the world," and that "the competition is learning from them," in the area of safety.

During her ten years with United, Miss Brocius has worked not only as a flight attendant, but also as a training class instructor. The people who expect the job to be easy and glamorous are "weeded out fast," she said. Of the 60 trainees in her own class, she commented: "We lost ten before graduation, and another five in the first month of flying." Only "about one out of two hundred" aspiring flight attendants "make it through the first few months," she revealed.

"Flight attendants have to like long hours, catering to people, and a gypsy life—living out of a suitcase most of the time," she explained. "Airlines look for people who are responsible, out-going, and work well under pressure. Passengers pay a lot, so they expect a lot."

Although flying for 75 hours a month might not be a glamorous occupation, there are some advantages to the job, according to Miss Brocius. "What I like most is the opportunity to travel and learning to work with people," she said. "If I've learned anything, I've learned human nature—what to expect from people."



Nov. 17-Dec. 4

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## News briefs



Nov. 30 is the application deadline for the Douglas Herman Memorial Scholarship offered by KFJC, the Foothill College radio station.

Applicants must be Radio Broadcasting, Broadcasting and Film or Communications majors and must be enrolled in at least 12 units at Foothill.

Foothill college is having a Flea Market on Saturday, November 19 in parking lot C near the gym.

The flea market is being sponsored by Alpha Gamma Sigma and will last from 7 a.m. to 4 p.m. and spaces are available for \$3. There will also be free parking.

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# Editorial



## Behind closed doors

The duty of any newspaper is to inform the audience of events happening around the paper and in doing so, provide the audience with information that it otherwise would not have access to. The free press newspaper is obligated to be representative of the audience to which it serves.

Most feel the SENTINEL is a student newspaper, written to serve the students of Foothill. Untrue. The SENTINEL is a campus oriented publication and is written with the employes and faculty of the school in mind as well as the students.

For this reason we felt that the controversy within the faculty concerning the present format of the faculty newsletter, under the direction of Otys Banks, was newsworthy.

There was little difficulty in finding faculty members who were critical of Banks' newsletter. Most claimed the publication "wasn't serving its house organ function," was "racially slanted," or "was soon to expend its \$200 budget by printing 23 page editions." With the ideal of fair representation of all viewpoints in mind, we felt that Banks should be able to defend his position.

Unfortunately, when reporters from the SENTINEL requested to attend the special session of the Faculty Senate where Banks was to speak, they were denied the opportunity; and consequently were unable to pursue the goal of objective reporting.

We feel that our credibility has been questioned. Understanding that it is the Senate's right to close this meeting if it so desires, we believe the issue is of concern to our readers-400 of whom are faculty members, and that we should have been permitted to attend the meeting in order to gain a better perspective on the situation.

"Closed meetings" strike up negative connotations and over an issue concerning the establishment of guidelines for a newsletter seems ridiculous.

Taxpayers are paying for this college and should have complete knowledge of whatever goes on within its confines.

Perhaps the triviality of this particular issue has made the faculty shy.

-Scott Partridge

## Apartheid in South Africa

The Republic of South Africa has been compared to a Zebra; its stripes representing the racial segregation in South Africa. This is not just an issue of racial segregation or apartheid between whites and blacks but of prejudice and segregation of Indians, Blacks and natives of that country. There is not only tension between Blacks and whites, but also between Blacks and other Blacks and between Blacks and Indians.

For more than three decades, apartheid has existed in South Africa, the ruling white Nationalist party was encouraged and defended by the Dutch Reformed Church Theology that holds the belief that Blacks are inferior to whites. In South Africa this does not only apply to Blacks but to any race which is not white.

The problem in South Africa is basically not one of just race but of nationalism, a Black nationalism and a white nationalism. They are two entities that have developed completely apart from one another with the Indians and other races developing outside both groups.

Many Black leaders feel that any Black rule would be better than the best white rule, but this would just produce another apartheid because of the prejudices existing between different Black tribes.

Change must come slowly within South Africa to give its people time to change their prejudices which have developed over years and cannot be changed overnight no matter how much violence and rioting occurs.

Religious insitutions recently have been challenging the existing government by integrating their congregations and speaking out against apartheid. It seems the most effective way to break down the existing system of total white rule is through the church sence this is where apartheid had been established and sanctioned.

-Kathy Lynch

## Letters

Dear Sir,

"Tires were spinning, rubber was burning, and cars were racing around parking lot C . . ." So begins the lead news story in the last SENTINEL.

In earlier issues this year, students expressed concern for the parking problem and the inefficient use of transport to reach the campus. Not only are the lots crowded, but a lot of fuel is wasted for want of car pooling, adequate public transit, etc.

It all seems somewhat inconsistent, does it not? On the one hand, students are concerned about the energy problem. On the other, the school sponsors an event which is—considering the present energy difficulty—a gross misuse of fuel. An official pronounces the event "so successful that we're thinking about making it a yearly event."

Granted, the amount of gasoline consumed by the Auto-Cross is minimal. But that is not the point. Educational institutions have a particular responsibility to identify and offer solutions to problems. Where possible, such institutions should set examples for dealing with the problems. It is therefore highly irresponsible of the college to sponsor an

event which, in the light of present energy circumstances, is a misuse of both fuel and vehicles. The private auto is not a racing machine, either on or off the track.

Eventually the government will probably have to pass laws to prevent such misuse of motor vehicles. It is always regrettable when the government extends its arm to further interfere with our lives. It would be far more tolerable for us to take the responsibility into our own hands.

I recommend that the school hold no more Auto-Crosses. This small saving of fuel is accompanied by a large and important lesson in how to deal with the problem of conserving energy.

-Tom Smith

## On the Spot...

By TOM SELBACH and DICK LEEVEY

Question: What do you think of Idi Amin?



Hank Ketels:  
(Cross-Country coach)

If you had a malignancy like he is you would probably cut it out. He's like a cancer.

Jay Zavala:

I can't believe this person exists. After I saw "Incident at Entebbe" I was surprised that people could allow themselves to be manipulated like that.

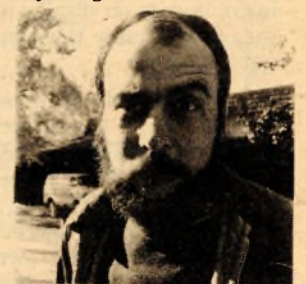


Brian McCracken:  
(Communications)

He has a solution to all the world's problems. If Jimmy Carter was more like him then there would be no protests about anything.

Mando Bondage:  
(Life)

There's a lot of good people in the world and then there are a few like him who can ruin it all. He's imposing his evil upon those under his domain.



Dennis Rhodes  
(Music)

From all the news it seems like he's not such a hot character. A lot of people have stepped on a lot of toes to get to the top, and I guess that's his way of doing it.

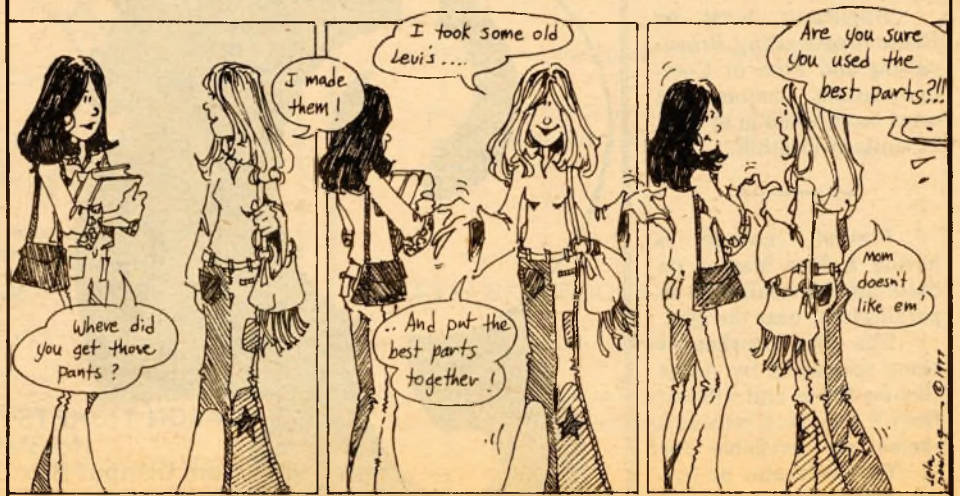
Dan Albrecht:  
(Music)

They should build him a pen to play in and give him snails that he can smash with a hammer.



## Lela's Last Laugh

By LELA DOWLING







# Police: law enforcement in a free society

JEROME H. SKOLNICK is Professor of Law (Jurisprudence and Social Policy) and Director of the Center for the Study of Law and Society at the University of California, Berkeley, where he was a Professor of Criminology from 1970 to 1977. He previously taught at Yale University, the University of Chicago, and the University of California, San Diego. In 1968-69 he served as Director of the Task Force on Violent Aspects of Protest and Confrontation for the National Commission on Causes and Prevention of Violence, and he is author of its report, "The Politics of Protest."

By JEROME H. SKOLNICK

Editor's Note: This is the 10th in a series of 15 articles exploring "Crime and Justice in America." In this article, Jerome H. Skolnick of the University of California, Berkeley, discusses the problem of reconciling order, maintained by the police, with individual freedom.

Police are often regarded as the thin blue line between anarchy and order—and there is some truth to that notion.

Whenever police services have been removed from a city—as when police strike—crime has risen, although not always by as much as expected. Still, it has risen enough to make most citizens uncomfortable. There is no question that police perform an essential public service. Yet the first formal police department in the Anglo-American countries was not instituted until 1829, in London.

England had sorely needed a major police force for three-quarters of a century. The industrial revolution had encouraged migration to the cities.

Unemployment and economic hardships following the Napoleonic wars led to widespread riots and protests over the climbing price of food. And the rise in urban crime reduced safety in streets and homes. "Society," wrote one historian of the period, "was in violent transition."

Still, most Englishmen—from Tories through Radicals—expressed greater fear of police than of crime and riots. Parliamentary commissions considered and rejected the police idea in 1770, 1793, 1812, 1818, 1822, and 1828. At the time, police on the European continent were often oppressive, corrupt, and arbitrary—and seemed the relevant model for England. The problem was, as it always is for a society valuing political freedom, how to reconcile gov-

ernmental power with individual freedom.

## FREEDOM AND ORDER

Sir Robert Peel, the Home Secretary, addressed the dilemma in several ways: First he spent several years reforming the criminal law before introducing his Police Act in 1829. He realized that the new police would not be successful if required to enforce inconsistent, irrational or exceedingly punitive laws.

Peel and his associates also distinguished the police from the army—feared and mistrusted by the populace—in two respects: Scotland Yard would not accept applications from senior military men for ranking positions in the new police.

Moreover, the "Bobbies," as they came affectionately to be known after Sir Robert, were not to carry firearms.

Deadly weapons were for the external enemies encountered by the army. The police regulated citizens and required guns only for emergencies.

Still, the new police were trained to be and to look authoritative. Uniformed police were carefully instructed to be fair and imperturbable. Force, when used, was to be measured, limited, and minimal.

Finally, and most importantly, Peel established the linked ideas of police accountability and public support. Just as police ranks were to be drawn from the class of working people to insure citizen support, police were to be accountable for their actions to Parliament and the courts.

These linked ideas—legal accountability and public support—were the tools to resolve the dilemma between freedom and order.

Although America was also a "free society" with laws and institutions modeled on England's, no American police department was so carefully planned and organized as Scotland Yard.

The first full-time United States police force was formed in Boston in 1837, after roving bands of Protestant rioters destroyed nearly every Irish home on Broad Street.

## AMERICA'S SPECIAL PROBLEMS

Unlike the English police prior to the 1960s, American police, from the 1830s to the 1970s, have been involved with often tragic ethnic and racial



Patrolmen playing with a resident of New York's Lower East Side, August, 1973 in an attempt to promote the idea that policemen are guardians of the people as well as guardians of the law.

conflict. This has generated special problems for American policing.

For example, New York City experienced a riot in 1900 that grew out of competition between Irish and blacks for jobs and living space. The police did not stop the white rioters who were beating the blacks, they joined them.

In a country with a history of immigration, rapid territorial and economic expansion, and slavery, the quality of law enforcement has often depended upon the question "whose law, whose order?"

## THE POLICE FUNCTION

Nor has the police function ever been clear in the United States, either to the police themselves or to the general public. Most police like to think of themselves as crime fighters. Studies have shown, however, that about 80 per cent of a police officer's time is spent providing a wide variety of community services and peacekeeping functions such as giving directions, handling traffic accidents, and resolving family disputes. Less than 20 per cent of an average patrolman's time is spent on crime-related activities.

Police enforce the criminal law by arresting violators and

providing prosecutors with evidence, so as to lead to a conviction—no easy assignment. But police are not usually able to catch criminals in the act. That is why the recent "sting" tactics, where police pretended to "fence" stolen goods but actually photographed the seller and tagged his wares, have been so successful. These records show exactly who did what crime, where, and when.

Ordinarily, police must rely on street informants—themselves involved in crime—for information about crime. In return, police can offer the informant immunity from arrest or some other "break" in the administration of justice.

This practice creates serious problems about the equity and efficiency of police procedures. I once conducted a study of vice detectives and burglary detectives in a respected urban police department. The vice detectives used burglars as informants and did not inquire about their burglaries, while burglary detectives used addicts as informants and ignored their drug offenses.

## POLICE DISCRETION

Since police departments have limited resources, police must employ considerable dis-

cretion in carrying out responsibilities. Police chiefs set priorities, employing personal values and departmental standards to govern conduct. Every student of police agrees that this police "culture" heavily influences how police conduct themselves on the job.

Often, police employ discretion sensibly and responsibly. At other times, discretion can deteriorate into police malpractice. Malpractice refers to a broader spectrum of behavior than police corruption. Corruption normally suggests the sale of official authority for personal gain, whereas malpractice includes not only corruption but also mistreatment of prisoners, discrimination, illegal searches, perjury, planting evidence, and other misconduct committed under the authority of law enforcement.

Police culture—especially unwritten codes of conduct and solidarity—is of critical importance here. New York's Knapp Commission found in 1972, contrary to public thinking, New York police corruption, no worse than in many other city police departments, was not attributable solely to "rotten apples." Where malpractice exists, it usually spans entire police departments.

Policemen everywhere experience feelings of isolation, public rejection, and hostility in a job characterized by danger, authority, and the pressure to produce. Consequently, policemen build up intense feelings of group loyalty, coupled with deep suspicion of outside interference.

In most American police departments there is a stubborn refusal at all levels to acknowledge that malpractice problems exist, especially corruption.

In the long run, the police themselves, the community and victims of crime will best be served by police accountability for the quality of their policies and work. Television programs to the contrary notwithstanding, the U.S. Constitution does not envision police as asphalt cow-

boys, riding herd on crime and disorder in the central cities.

Police are government officials, armed by law, whose monopoly on force is a public trust in a free and democratic society. They fail when they are transformed into distant and mobile authorities, encased in vehicles, remote from the communities they serve.

Sir Robert Peel understood that when he created the first Western democratic police organization. His ideas about how to reconcile policing and freedom—in periods of rising crime and social turbulence—scarcely seem dated.



Mayor John Lindsay and New York City Police Commissioner Patrick V. Murphy place hats over their hearts in tribute to Patrolman Gregory Foster, gunned down on January 27, 1972





# Pre-trial detention: bail or jail

By CALEB FOOTE

Editor's Note: This is the 11th in a series of 15 articles exploring "Crime and Justice in America." In this article, Caleb Foote, Professor of Law and Criminology in the Law School at the University of California, Berkeley, discusses the inequities in our system of pre-trial detention. This series was written for COURSES BY NEWSPAPER, a program developed by University Extension, University of California, San Diego, and funded by a grant from the National Endowment for the Humanities. Supplemental funding for this course was provided by the Center for Studies of Crime and Delinquency, National Institute of Mental Health.

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To an accused person spending many weeks or even months in jail awaiting trial, the doctrine that an accused is innocent until proven guilty seems a mockery. The accused is, in effect, being punished before conviction.

But if released from custody, the accused may escape justice by running away, compromise the trial process by intimidating witnesses or commit a crime before being brought to trial.

The failure to guarantee to all citizens, regardless of race or economic circumstances, due process and equal protection under the law constitutes one of the most pervasive denials of equal rights in the entire judicial system.

What to do with the accused until trial has plagued every system of criminal justice at least since Plato wrote about the problem more than 2,000 years ago. The traditional Anglo-American response to this dilemma is the bail system, which uses financial incentives to deter flight.

The accused can be conditionally released upon the deposit of financial security to back up his promise to show up in court or trial; if he fails to appear, the security is forfeited. The amount required to be posted is set by a judge at the accused's first appearance in court following his arrest and is supposed to be determined after consideration of such factors as the seriousness of the crime charged, the accused's prior record and the strength of his ties to the community.

## FREEDOM BEFORE CONVICTION

In all except death penalty cases, this right to bail pending trial is guaranteed by federal law and almost all state constitutions. "This traditional right to freedom before conviction,"

the Supreme Court said in 1951, "permits the unhampered preparation of a defense and serves to prevent the infliction of punishment prior to conviction. Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning."

It is important to recognize however, that the "traditional right" is merely that of having a judge set the amount of bail which is required in a particular case to secure pre-trial freedom.

While the amount, according to the Constitution, cannot be "excessive," courts have held that the amount "usually fixed" for the offense charged meets this requirement. If the defendant cannot afford that amount, he stays in jail.

Ordinarily, the amount of bail ranges from \$1,000 to \$25,000, although in some cases bail has been set as high as one million dollars. As most defendants do not have such assets,

a bonding system has developed whereby a defendant can purchase the required security from a licensed bondsman for a premium—usually around 10 per cent of the required bond.

Thus, if bail is set at \$5,000, a defendant can pay a bail bondsman \$500, which is not refundable, and the bondsman will post the \$5,000 bond in the defendant's behalf.

As the bondsman is liable to lose the \$5,000 if the defendant disappears, he frequently protects himself by demanding some collateral, and many people do not have sufficient collateral.

In any event, a bondsman is not required to put up bond for anyone and will only do so if he regards the defendant as a good risk. The result is that many defendants find themselves unable to obtain a bond.

## EQUAL JUSTICE?

This system may have worked tolerably well when there was little concern for the rights of slaves or paupers, and when such protections of the Bill of Rights as the right to counsel or bail depended upon the ability of the defendant to pay for them.

The perpetuation of such economic discrimination is incongruous, however, in a society that has abolished slavery and proclaims "equal justice under law" as its ideal.

Such discrimination has been recognized and at least ameliorated in connection with other civil rights; thus the state must supply counsel and the means for appeal to a defendant even if he cannot pay for them. But a right to pre-trial liberty remains a dead letter as far as most poor persons are concerned.

Furthermore, intensive studies my students and I conducted during the 1950s show that persons detained because of inability to post bail receive more severe sentences if found guilty.

Likewise in many cases, as the Supreme Court has implicitly recognized, it is hard to defend oneself against conviction when behind bars.

Moreover, American jails used to detain persons accused of crime are overcrowded, unsanitary and unsafe. Ironically, a detained defendant who is found guilty and sentenced to imprisonment will usually be transferred to an institution where living conditions are far better than those in jail—where one is entitled to the presumption of innocence.

The criminal system, from the Supreme Court down to public defenders, has taken no effective action to remedy these manifest infringements of due process, equal protection, and unconstitutional punishment.

## OWN RECOGNIZANCE

A short-lived concern with the impact of poverty upon the fairness of the criminal justice system during the sixties resulted in the development of pre-trial release procedures which eliminate or minimize financial security.

The most common is "release on own recognizance," or "OR." According to procedures employed in Federal courts and in many cities, a superficial social history of the accused is compiled soon after arrest. If the defendant is deemed to be a good risk, the judge is authorized—but not

required—to grant OR release instead of demanding bail.

This reform has had only slight impact on the discrimination problem. It has not improved conditions in jails, and probably most of the limited number of defendants who have been released on OR could have afforded bail.

Perhaps the net impact of OR has been to intensify the discriminatory effect of poverty, for poor people now come into court under a double handicap: not only do they suffer the prejudice that results from poverty in the disposition of their cases, but they are now often considered "unreliable" as well. Consciously or unconsciously, judges, juries and counsel may reason that if they had been worth anything they would have been released on OR.

## PROTECTION SOCIETY

Several reasons account for this failure of OR and related reforms to resolve discrimination against the poor in pre-trial detention. Most important is the judicial response to public demands for protection against crimes committed by defendants on pre-trial release. Although in theory the law is clear that risk of flight is the only relevant criterion for bail setting, judges usually demand high bail whenever they perceive the slightest risk of crime to the public.

To date, we have not developed any scientific techniques for predicting future criminality that do not involve gross errors of overprediction. But despite its illegality and its simplistically erroneous assumptions, preventive detention is not only tolerated but often

demanding. For example, in New York City in 1976 a black

judge who followed the law in generously granting OR releases was severely criticized; the pressure exerted by newspapers, police and prosecutors resulted in his transfer to a civil court.

Thus the great majority who are not dangerous are detained because they cannot be distinguished from the minority who are. The media aggravates this misuse of detention by systematically publicizing escapes or crimes by OR defendants, while ignoring both those on OR who do not commit crimes, and the systematic discrimination against those who, although "safe," have been denied OR and are unnecessarily locked up.

Below the surface is another pervasive force operating to prevent effective reform. The administration of criminal justice in America is like a bargain basement, viable only if 80 to 90 per cent of all defendants plead guilty.

Plea bargaining is the heart of the system and, rightly or wrongly, it is believed that if most or all poor defendants were released pending trial instead of being jailed, the rate of guilty pleas would drop, the courts would then be unable to handle the increased volume of trials, and chaos would be the result.

This probably explains, if it does not justify, the otherwise incredible failure of the Supreme Court, courts in general and lawyers to do anything about what has become the most pervasive denial of equal justice in the entire criminal justice system.



"ENTOMBED." Inmates in the Manhattan House of Detention for Men, known as "The Tombs," await court hearings and trials. The Tombs was closed by Federal Court order in December, 1974 as unfit for inmates.



## Ace Trucking Co. to perform here



Ace Trucking Co.

By LAURY MASHER

The nationally known comedy team "Ace Trucking Company" is scheduled to perform in the Foothill College Gym on Saturday, November 19 at 8 p.m.

The performance, sponsored by the ASFC day and evening student councils, will include Fred Willard who appears as sidekick Jerry Hubbard on the television series "Fernwood Tonight." According to John Lowe, ASFC director of student activities, "Fernwood Tonight" was replaced by a series titled "Forever Fernwood" that performs material "more like a soap opera."

"Fernwood Tonight comes back in January," said Lowe.

Other members of the comedian team include Nellie Bellflower, Michael Mislove, Doug Stekler, and Paul Zegler.

Lowe maintains that ASFC decided to bring Ace Trucking Company to Foothill after comedian Martin Mull was unable to

appear the date he was scheduled to perform. "We just decided that we wanted to do something that was funny, that would make people laugh, other than rock and roll all the time," said Lowe.

Lowe claims the performance of Ace Trucking Company is "co-related" to that of Martin Mull. "It's practically the same program," said Lowe.

Ace Trucking Company has appeared on over 100 network television shows, in four motion

pictures, and on a syndicated radio show. The comedy group now have their own radio series "The Ace Trucking Company News Cavalcade of the Airwaves" that currently reaches over 50 markets across the country.

"I think they're funny," said Lowe. "I previewed them up in the city."

Tickets for "Ace Trucking Company" are available through the Foothill and Flint Center Box Offices for \$5.

### Guitarist scheduled

compositions, and popular songs of Brazil.

Brazilian guitarist Laurindo Almeida is scheduled to perform a classical and bossa nova guitar seminar at 2:30 p.m. Nov. 20 at the De Anza College Flint Center.

The concert, part of the Flint Center guitar series, will include "Suite in A Minor," "Menuetto," "Andantino," "Prelude Bouree," "Arioso," "Jesu-Joy of Man's Desiring," some of Almeida's

Almeida, who has been termed "the complete musician," is noted for writing over 200 compositions. He has also earned 10 Grammy Awards for his recordings of "Back to Broadway."

Tickets are available for \$3, \$4, \$5 from the Flint Center Box Office, San Jose Box Office, the Peninsula Box Office, and major Ticketron outlets.

## Frame by Frame

## Damnation Alley

By DAVID HERN

Every once in a while, Hollywood develops a new cinematic "gimmick" geared to bring the masses running to the box office. In the 50s it was 3-D, in the movie "Earthquake" it was "sensurround."

DAMNATION ALLEY is the only current film exhibiting the revolutionary sound development known as "Sound 360"; a four speaker sound system in a diamond shape arrangement designed to "surround" you in sound. DAMNATION ALLEY is also a rotten movie designed to "surround" you in stupidity.

The plot (if that's what you want to call it) concerns a small group of survivors of the Nuclear Holocaust. That's right! The big one! Now, this wouldn't be so bad if only we, as viewers, were given a little bit more information.

Throughout the entire film, there is never any mention of who fired missiles upon whom, at what time or for what reason. Sorry gang, I don't buy it. Nobody destroys my world without saying "please" first.

Well, at least it's done very scientifically. You know, lots of army generals in uniforms looking very official sitting behind large control boards with lots of lights and buttons on them. It's all a swift clean operation—Armagedon right in between the popcorn and the "Big Hunk." Lucky I didn't get a malted.. Next thing

you know, they would blow up Saturn and try and find "what's out there." This is all very fine except that at the end of the film one isn't quite sure if they've found it. The suspense scenes are about as exciting as Tony Bennet's home movies.

Along the way, they encounter many strange things. First, they pass through the land of the "bad visual effects", where large creatures have thin green lines around them and the sky jiggles relentlessly. Then they all come down with the dreaded "bad acting" disease. The symptoms of this ailment manifest themselves in many forms, such as persistent inane dialogue and occasional inordinate

screaming. Early warning signs are one or more of the following lines: "Oh! my God it's a town infested with . . ."; "Oh! my God we're being attacked by . . .", or "Look out here come the . . ."

And last and certainly least, our sojourners truck through the land of the "miniatures-that-are-supposed-to-look-like-big-things-but-really-look-like-small-things."

All these elements combined serve to make a movie that is fun for the entire family, that is, if you are a family of chimpanzees. I suppose DAMNATION ALLEY would be fine for a drive-in theatre, but then you'd miss out on "Sound 360"!

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# Women in continuing education Part 1

By FLO PALLAKOFF

Can Women Get it All Together<sup>1</sup>

A look at programs for women at Foothill College

Part I: The People, The Programs, The Differences

There are two significant programs for women at Foothill College—Women's Studies and Continuing Education for Women. Like two supermarkets operating in the same neighborhood, each program features its own brand of the commodities everyone agrees women need and use.

Each program runs its own "Women's Center" for the purpose of offering counseling and guidance. To add to the confusion of the new woman on campus seeking such services, one Women's Center is in room L7 in Language Arts, the other in room 7a, in the Administration Building.

Georgia Meredith is coordinator of Continuing Education for Women with offices and a Women's Center in the Administration building.

Peggy Moore is an English teacher who oversees Women in College, a program in the Women's Studies major. Her office, program and Women's Center are part of the Language Arts department and are located there.

Both these women, along with Ruth Morales, the Foothill Career Center counselor, agree that many women entering or returning to college lack self-sufficiency and assertiveness.

The majority want to go someplace, but they don't know where," says Morales. "They've had their families and they want to branch out . . . they know its their turn. Some are ashamed they never finished school . . . never took math. School is a first step, oil to the wheels, a break with routine."

Peggy Moore says many women have low self-esteem and are afraid they won't be able to do the work required in college. A typical apprehension she hears is, "I shouldn't be here taking up someone's place."

According to Meredith, "Women have to learn how to go out and

hunt." There are plenty opportunities for women, but their hang-up is, she says, "They lack skill in discovering for themselves what is there."

And what is there for the woman shopping around Foothill?

To begin, Continuing Education for Women is associated with the college as a community services program. Aimed primarily at adult, middle-aged women, it offers evening and weekend short courses, lectures and seminars, some of which carry college credit and all of which are open to the community-at-large. That, after all, says Georgia Meredith, is the function of a community college.

Women's Studies, on the other hand, is an academic major in the Language Arts department. Women in this program enroll in college. One can receive an Associate in Arts degree in Women's Studies. While W.S. does not target a particular age group, the typical student is also an older adult woman, says Moore.

This is understandable since, according to Ruth Morales, "The average age on campus gets older every year. This year it is 27, so you know lots of middle aged people are returning to school."

Continuing Education for Women offers courses in personal growth. For example, "Self-Actualization Courses for Credit" include social science classes such as "Confronting Anger," "Financial



Peggy Moore

Self-Defense," "Color and Self-Esteem," "Time Management." Also, classes in a wide range of subjects aim at intellectual stimulation, vocational development and community involvement.

The emphasis in Women's Studies is on women as individuals. The required history, art, political science, English and sociology courses in

this major all focus on women: English 22—Women Writers; Anthropology 21—Women in the American System, etc.

Moreover, there is Women in College, a special program directed by Peggy Moore within the Women's Studies major. WIC is a direct response to the second-class-citizen syndrome Moore observes in many women students. The program is specifically designed to allow women to take classes as a group and to take advantage of flexible hours, support counseling and guidance classes which are scheduled into the program.

The time flexibility, self-actualization and guidance aspects of these classes seem to overlap



Ruth Morales

features already offered through Continuing Education.

According to Peggy Moore, however, it is fair to equate Women's Studies and Black Studies: Women's role in history, science, politics, the arts, etc. has been "definitely

neglected," she says.

Listening to Moore, one infers that academia's neglect, along with cultural conditioning, has wounded women's psyches and academia has an opportunity and obligation to heal the wounds while, at the same time, women pursue their academic goal—a degree.

A subtle difference in approach becomes apparent here. One observer characterizes it this way: Women's Studies seeks to improve women's lot by singling women out and placing emphasis on their unique contributions to the main stream. Continuing Education for Women seeks to improve women's lot by enhancing their interaction with the main stream.



Georgia Meredith

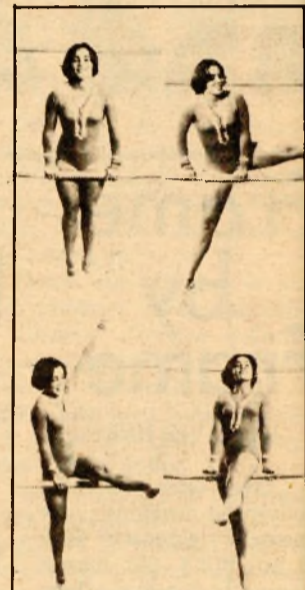
Is it a good idea to segregate women and direct them into the study of women per se, rather than into specific fields? Counselor Ruth

Morales says, "Yes." Why? "Because some people need that, thrive on it. I see the way women are affected by the courses," she says. "They develop strong feelings of awareness. They are vitalized by the information they receive. It helps them get rid of shackles and get on with their lives. Women's Studies offers a core of rational information about women in various fields."

"Traditionally," says Morales, "Foothill has resisted segregating women into separate classes. The idea was to have programs available and direct people to them."

But both she and Peggy Moore perceive the need for women-oriented support systems built into academic subjects.

Next issue will contain part 2 of Flo Pallakoff's story on women's programs at Foothill. She will explore the future and finances of the two women's centers at the school programs at Foothill.



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