

# LAW PROFESSORS ACTIVE IN DAVIS CASE



Prof. Arthur Rosett



Prof. Kenneth Karst



Prof. Harold Horowitz



Prof. Leon Letwin



Prof. Henry McGee

by JON KOTLER

Five Law School professors were instrumental in composing each of the eight resolutions overwhelmingly passed at the emergency meeting of the UCLA Academic Senate which met to consider UC Regents' action in the Angela Davis case on October 1.

Those involved were Professors Arthur Rosett, Kenneth Karst, Harold Horowitz, Leon Letwin and Henry McGee.

Prior to considering the resolutions, the Senate approved the report of the Committee on Academic Freedom, whose five members included Professor Arthur Rosett.

The Committee report stated that the termination of Miss Davis' appointment by the Regents at their meeting of Sept. 19 was "in grave violation of the principles of academic freedom. . . (and) that it also impinges upon the individual and collective rights of all of the Faculty under the laws and constitutions of the state of California and of the United States."

#### Intervention Recommended

Recommendations by this body included legal intervention to seek a judicial declaration that "this infringement upon our rights of privilege and tenure and upon our constitutional rights is unlawful and void," as well as calling upon all members of the Senate to contribute to the expenses of the planned litigation "brought on their behalf."

Out of these recommendations came the subsequent lawsuit filed on behalf of the Senate, the details of which are explained elsewhere on this page.

Resolutions one through five, were drafted primarily by Professors Kenneth Karst and Harold Horowitz, and included proposals which ran the gamut from a demand that the Regents refute their stand upholding political affiliation as a basis for disqualification, to the appointment of an ad hoc committee charged with considering the legal aspects of the Regents' recent actions.

Specifically, Resolution One declared that "A faculty member's fitness to teach is to be judged by his professional qualifications and his own conduct, not the conduct of his political associates." It also called upon the Regents to honor their own Standing Order 102.1 which sets out that "no political test shall ever be considered in the appointment and promotion of any faculty member or employee."

Resolution Two states that the Regents' dismissal proceedings were "knowing and delib-

erate" violations of both the United States and California Constitutions as well as "official anarchy" and "the height of irresponsibility" in as much as "the University has a contractual commitment to Angela Davis (and) its officers, including the Regents, are sworn to defend the Constitution of the United States and the State of California." It ended by announcing that "it is time for these officers to demonstrate their respect for law."

The third resolution called upon the other divisions of the Academic Senate, the State-wide Assembly and the Academic Council to "join in this Division's repudiation of political tests for membership in the University facility and its condemnation of the Regents' action. . ."

Resolution Four recommends that a "friend of the court" be appointed to appear on behalf of the Senate in any hearing of the Committee on Privilege and Tenure may hold in connection with Miss Davis' dismissal "to argue against application of the Regents' resolutions of 1940 and 1949 disqualifying members of the Communist Party for membership in the University faculty."

#### Committee Established

The establishment of a committee to advise members of the Senate on the desirability, timing, and conduct of litigation to declare the invalidity of the Regents' resolutions was the subject of successfully passed Resolution Five. Subsequently, Professor Harold Horowitz was named to head the committee, assisted by Professors Kenneth Karst and Henry McGee.

Professor Henry McGee authored Resolutions Six and Seven, the latter calling for the establishment of the Angela Davis Fund "to guard against the possibility that Professor Davis may be severed from the University payroll. . . and to assist in the payment of her legal fees and costs to oppose the willful action of the Regents."

The final resolution to come out of the meeting was submitted by Professor Leon Letwin, in his role as Chairman of the Senate Committee on Equal Opportunities. It reflected that any serious effort to implement a policy of recruitment of minority group members for UCLA faculty positions "required acceptance of the fact that minority candidates will, with some frequency, come with unconventional political backgrounds and views as judged from majority perspectives. Regentally imposed political tests which assault the academic freedom of all will fall upon such candidates with unusual severity."

## A Student's View

# Resolutions in Davis Case Are Meaningless

By Allen Fleishman  
SBA Vice President

The Student Bar Association's response to the Angela Davis affair has thus far been on par with that of our peers across the state. We of course dashed off the usual resolution of indignation "directing" (or did we demand?) Chancellor Young to permit Miss Davis to continue teaching. Having contented ourselves with a mild but responsible expression of anger, we assumed a wait and see posture. If Miss Davis' situation does not change for the better, I assume we will again "demand" or "implore", or "beseech" the proper authorities to take note once again of our indignation.

Perhaps it is time, in light of Berkeley (see S.B.A.'s demanding letter to Ronald Reagan June, '69) and in light of Angela Davis, to pose a modest query: What the fuck do we think we are going to accomplish with resolutions?!

It became clear to me in the aftermath of People's Park

## Karst Files Suit To Block Regents

By JON KOTLER

An immediate outgrowth of the emergency meeting of the Academic Senate on October 1 was the filing of a taxpayers' suit by Professor Kenneth Karst and four others on October 3.

The complaint in the case of Karst v. the Regents of the University of California seeks both a declaratory judgment as to the constitutionality of the regental rule prohibiting Communists from holding faculty positions within the University, as well as an injunction against imposition of this rule by the Regents.

Attorneys for the plaintiffs, who are acting under the request of the UCLA Academic Senate, are Charles H. Phillips and Richard H. Borow.

On October 9, Professor Angela Davis, acting through her attorney John T. McTernan of Margolis and McTernan, intervened, and together with the original plaintiffs filed for summary judgment.

A hearing on this motion has been set for today by Superior Court Judge Robert W. Kenny. W. Kenny.

However, attorneys for the Board of Regents have filed a demurrer and requested a change of venue to Alameda County, the home of the administrative offices of the University.

that students had been effectively disenfranchised across the board. Reagan demonstrated that the "people" of California are not those who voted overwhelmingly in Berkeley for a park (including the scheduled recipients of the athletic field) nor are the "people" the sympathetic majority of students at the other U.C. campuses. With the Davis affair, Reagan extended this disenfranchisement to the faculty as well. In effect he and the Regents declared that the "people" were fed up and would not grant the University its needed monies unless a firm stand was taken against Communism.

#### Meaningful Resolution

The only time resolutions are meaningful is when they devulge a shift in opinion from the expected. Thus, if the Orange County City Council were to deplore the use of troops in crushing the Berkeley People's Park, that petition would effect a greater impact than 500,000 individual letters signed by students across the state. Therefore, the only people who benefit by our petitions is us. But then masturbation doesn't cause acne or mental illness either, and sometimes it keeps one's head together.

The logical direction one must be moved in after an acceptance of the above, is to a discussion of more effective means of protest. Let me begin by saying that I now believe that all traditional forms of protest are either suicidal or meaningless. It is my belief that the current Board of Regents, Superintendent of Education, and Governor consciously want to destroy the institution of the University of California and replace it with a second rate system. (That's a

conspiracy folks!) I base this upon my conviction that they are answerable to the uniformed majority who simply do not understand the nature of the animal they feel so threatened by. The schools most rocked by turmoil have been those with the highest academic reputation; Harvard, Yale, Columbia, Berkeley and Stanford to name a few. But people today don't want anymore trouble.

#### Causes Are Irrelevant

Causes are as irrelevant to the average angry voter as they are to the newspaper from which he gets his information. Consequently, if the people in power are to appease the voter, a more docile institution must replace the present one. I simply do not think that the current Regents would hesitate to fire the entire faculty and replace them with second rate professors who are willing to "teach not riot" and second rate students who are eager to "learn not burn". Of course only a small percentage of faculty or students are really going to sacrifice their position once things get serious - but since they are what made the University great, their loss will be its death.

#### Conspiracy of Sorts

Given this conspiracy of sorts, a new confrontation is really what they want. With the Berkeley precedent behind them, the police will be shooting into crowds and the true repression will be on. In other words, while I promised advice on stronger action, I have concluded that any action will facilitate the destruction of the University.

The work that must be done is a massive educating drive on two fronts. On the one hand, we must show our fellow stu-

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## Miss Davis' Curriculum Vitae

BORN	January 26, 1944
1961-63	Brandeis University, Waltham, Massachusetts
1963-64	The Sorbonne, Certificate de la Literature Francaise Contemporaine
1964-65	Brandeis University, BA French Literature
1965-67	Magna Cum Laude, Phi Beta Kappa Johann Wolfgang von Goethe Universitat, Frankfurt, Germany. Studied philosophy under Theodor W. Adorno. Major work in field of German Idealism.
9-67 until 12-68	University of California at San Diego, MA in Philosophy. Passed PhD qualifying examination in Philosophy
10-68 until 6-69	Teaching Assistant, University of California at San Diego.
Currently	Working on dissertation concerning the problem of violence in German Idealism under the supervision of Professor Herbert Marcuse.