

the collegian

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saint mary's college of california

friday morning, may 7, 1971

"I am not long for this world."

As white as the mantle that covers this field in winter,

as clear as the sparkle of dew in forest's green,

as vast as the pores of my mind which wrap

me in--I am not long for this world.

I do not seek the happiness that evaporates

under my feet on its path to loneliness:

I do not hear the gentle cry of gushing streams

which promise hope and change;

and I do not taste the sweet honey that falls

from a lover's lips--I am not long for this world.

Oscar P.

DRAFT LAW

Copyright 1971 by John Striker and Andrew Shapiro

Each week The Collegian offers a Draft Law Column to its readers. The column is written by John M. Striker and Andrew O. Shapiro of the Military and Draft Law Institute, New York City. Striker and Shapiro are the authors of a recent draft law guide, "Mastering the Draft: a comprehensive guide for solving draft problems," published by Little, Brown and Company.

This column is offered as general advice; for specific questions on the draft, a draft counselor should be consulted.

"Games Draft Boards Play"

.. "Beat the Draft" has become a national sport for many young registrants. Their tactics have been widely publicized. Relatively little attention, however, has been paid to plays executed by the home team--the local draft board.

.. Draft boards play "Beat the Registrant." For a draft board member there is only one requirement to make the team: immaculate ignorance of the Fifth Amendment to the Constitution. That Amendment contains the Due Process Clause, guaranteeing citizens "basic fair play" at the hands of federal agencies. If draft boards had to provide registrants with basic procedural due process, the Selective Service System would break down completely. To avoid such an eventuality, the Due Process Clause is not allowed to delay the game when "Beat the Registrant" is played.

.. What are some of the plays to watch for in "Beat the Registrant"? One favorite is "forfeit." In "forfeit" the play actually begins with you. One day you submit a documented request for reconsideration of your classification. The board simply does nothing; it doesn't even bother to meet in order to consider whether your case should be considered. Perhaps, the draft board clerk will look over your request; she may even telephone one or two board members. But essentially the home team just fails to show up. The immediate result of "forfeit"--unlike in most sports--is that you lose: you stay in the same classification without really knowing why.

.. Another common maneuver is known as "wrong signal." Once more you initiate the play. Say, you visit your draft board office and seek legal information or advice. You may be counseled (contrary to all judicial precedent) that a conscientious objector must believe in a Supreme Being. Or you might be told that you cannot qualify for some deferment if you failed to report within ten days the facts on which your claim for deferment is based. The key to a well-executed "wrong signal" is to misstate the law in as authoritative a manner as possible. Then the registrant may be so encouraged that he will not even bother making his claim.

.. Aficionados of "Beat the Registrant" are always thrilled to see a well-trained draft board pull off "call from the bench." Unlike "forfeit", where the draft board avoids any decision by simply not showing up, "call from the bench" is used to let someone else make the decision. "Call from the bench" is run in many different patterns. For example, the board may tell a registrant, "The case is out of our hands now; we're just going to send it off to the appeal board." Or, perhaps, the board will abdicate its own judgement and blindly follow the advice of its State Director. In either instance, the board abjures the authority and responsibility that Congress gave it. .. Sometimes, a calculated "delay of the game" leads to victory in "Beat the Registrant." This particular play differs from both "forfeit" and "call from the bench." The draft board actually deliberates and comes to its own decision. However, it waits so long to do so that the decision, when finally rendered, appears to be of no use to the registrant. For example, a board waits until after the registrant's school year ends, before deciding there is no longer any reason to reclassify him from I-A to II-S. The decision not to reclassify unfairly denies the registrant his right to a hearing and an appeal.

.. Perhaps, the most deceptive play in the game is the "silent huddle." It keeps the registrant in the dark. He is not informed when, unbeknownst to him, damaging evidence has been slipped into his file. He is never given any specific reasons why he was not deferred. He is denied the benefit of counsel to cross-examine the board members and elicit their thoughts. As a result, the registrant is deprived of a fundamental right: the right to know and rebut evidence and reasoning that may cost him his life.

.. "Personal fouls" abound in "Beat the Registrant." One draft board was so prejudiced that it denied a II-S to a qualified student simply because he belonged to S.D.S. Another board became hostile over the time taken up in considering a registrant's C.O. claim. This board, after threatening to resign, asked the Appeal Board to give the case "quick action because of its moral status in the community, which...is undermining the integrity of Selective Service..."

.. If you feel you have been the victim of some unfair play in "Beat the Registrant," you had better seek

INTEGRATED PRESENTS 'THE BIRDS'

In a dramatic attempt to change its image, the Integral Department is presenting a play for the enjoyment of all and the astonishment of many. For tax purposes, the play will be put on by a dummy company called "Proteus Productions." There have been many attempts to stifle this production, and many tragic accidents have plagued rehearsals. Many high level people have attempted to stop the "show from going on" because of the highly controversial topics and the openness with which they are discussed. Such matters as the actual physical beating of a poet and a priest, when it is obvious that Saint Mary's is synonymous with peace and non-violence. Does a lawyer have the right to sell laws? Birds know how to nest, but can they build a wall? Did Pisthetarios really crap in court? Mr. Norman Springer and Brother Mel Anderson would not comment on the answers to these questions, even though they were never asked. The director, Miss Theo Carlile, is responsible for the modern translation that is sprinkled with four letter words and obvious references to sex. The entire is asking itself and Mrs. Carlile what went wrong with her daughter, Theo, a simple country girl from the midwest.

Brother Robert Smith, the high dealing financeer and main backer of the play has his entire life savings of \$5.36 invested in the play. There has also been the typical Hollywood ego conflicts. Jim Smith insisted that a skateboard be provided at his doorstep to transport him to the amphitheater, while the all-bird chorus insisted on an endless free supply of sunflower seeds. Despite the attempt of KKK and many of the cast to stop the play, it will go on Sunday May 9, in the amphitheatre at 2:30. It is called "The Birds" written by Aristophanes. Although the rumors have persisted, Tony Perkins will not make a personal appearance. Admission for students is free, adults one dollar. It is a comedy well worth the price of admission.

Bob Montgomery

LETTERS TO THE EDITOR

Sir:

.. The remarks by Mr. Blell in the April 30 COLLEGIAN cannot go into history without some response on behalf of the Christian Brothers. I appreciate Joe's concern that he may have been slighted or overlooked in the transition from one student administration to another. I can assure him that any such "oversight" was in truth and in fact an oversight. I might add that I personally am the object of at least a dozen such oversights in any typical year. I do not believe that a contribution to the well-being of the campus would be the result of my crying out each time such an instance occurs.

.. My chief concern, however, is about the notion that "strictly business" is a worthy way to conduct the College's relationships. Were this code to reign in the relationship of the Christian Brothers to Saint Mary's, the first item of "business" would be to close the College and dispose of the real estate. But the fact is that the total dedication of the Christian Brothers, the free giving of self without counting the cost, is what keeps St. Mary's alive.

.. To reduce this dedication to a purely economic term, hardly an adequate measure, \$308,000 in salary gifts were given to the College by the Brothers at Saint Mary's College in 1970-71. 1969-71 also saw a cash gift of \$1,500,000 for capital improvements from the Christian Brothers (money which was borrowed and will be repaid over years to come). Further gifts to the scholarship fund were received from Mont La Salle Vineyards. No, fortunately for Saint Mary's, the relationship of the Christian Brothers to the College is not "strictly business," nor has it ever been nor will or can it be.

.. I should also like to point out that the most recent budget calls for \$224,210 for the College scholarship program and an additional \$23,710 as the College contribution to loan fund, work study or other aid programs. Additional student aid is also in the athletic budget. The increase of \$60,800 over last year's student aid is nearly 30 per cent while tuition increased 16 per cent and room and board only 5 per cent (less than cost of living increase). This large increase in aid was predicated especially on the needs of low income students.

.. In a time when the survival of the College must be the concern of us all, "strictly business" must not, and I really believe does not, govern the relationships of the constituent elements of Saint Mary's College.

Brother Cassian
Director, Christian
Brothers Community

Dear Editor:

What the --- is wrong with arguing and dissension within the editorship of your paper. It makes you think. It makes you alive. It's only now that I'm starting to read it. And you want compatibility????!!! That's what makes your paper worse not better. If you go back to that now you'll have the same Tweedle-Dee Tweedle-Dumb bull--- paper you had before. By all means keep it extreme and as incomparable as possible, and if at all possible make it extremer. Freak out.

Vaughn Misak Hogikyan

Gentlemen:

Of all the problems confronting us today litter seems to be very trivial. Or is it really? The paper cups and other debris that can be seen on any section of the campus represents an attitude which is reflected throughout the whole campus. The same students that wish to take more responsibility in the running of the campus, which includes a million and a half dollar student union, fail to respect the campus enough to walk ten feet to dispose of refuge. Is it all just talk?

Those students who wish to show through action, not words, that they respect their campus environment can do so by helping in the campus cleanup. Over the next week read the signs and posters and come out and help the dorm council clean the campus. Look for the newly painted tables in the Quad....somebody cares; do you?

Steven Peters
Member of
Dorm Council

P.S. Dinner on Friday on May 7, 1971 will be served in the Quad for all resident students at 4 o'clock.

This has all been set up with the food service. The dorm council is having a clean-up that day.

legal counsel. Only he can advise you whether your board's gamesmanship was so unfair as to violate the Due Process Clause and nullify your induction order.

.. Courts are regularly voiding induction orders that were issued after a shameful disregard for procedural due process. In so doing, one court recently warned: "The draft board's overzealous, highhanded and erroneous handling of this (registrant's) plight hardly inspires confidence in the system. Rather, it is this kind of mistreatment which has alienated the youth of the nation, bred disrespect for the law, sparked the disorders which have torn a gap between generations and ripped open the very structure of society. It feeds the clamor for the abolition of the whole selective service system....At the very least, those entrusted with the awful power of (drafting) the nation's young men...owe a duty of the most searching examination of the facts, scrupulous fairness, sensitive care, compassionate hearing, patient consideration, cautious action and deliberate and rational decision within the law. We afford no less to the worst criminal in our society."

.. We welcome your mail addressed to "Mastering the Draft," Suite 1202, 60 East 42nd Street, New York, N.Y. 10017.

NON-COMMITMENT TO THIRD WORLD PEOPLE

I am addressing myself to the entire Saint Mary's Community, students, faculty and administration. First of all I want to make it clear to all of you that I do not particularly indulge in exchanging useless Mickey Mouse letters buried in rhetoric, read by indoctrinated minds--especially dealing with the important issue I am informing you about. Consequently, the serious purpose of this article is to thoroughly inform and expose to the entire college community the hypocrisy and non-commitment of this college to Third World People's needs and its inability and indifference in judging the most urgent and delicate priorities of this community.

Especially I am referring to the need of Third World faculty and personnel as pointed out to the administration by a letter which came from the Assistant Deans Office and Third World students approximately six weeks ago. What followed was a promise by the administration to halt and cease all hiring of general personnel until a recruiting process of Chicano and Black faculty members would take place. Lack of moral commitment, lack of social awareness, tokenism: these things were demonstrated by the administration, because at that time most if not all of the hiring and vacant positions had already been filled-in by Anglo personnel. The college went through the steps and motions of recruiting Chicano and Black people when in reality there were no serious intentions of hiring these people since there were only one or two full-time faculty positions open.

Later on, as time progressed in the "recruiting process", various reasons and excuses were given by the administration and department chairmen as to why a considerable or meaningful amount of Black and Chicano personnel would not be able to be hired. First of all the traditional and systematic indifference and even hostility towards hiring dedicated, effective Third World faculty to Chicano students and personnel--and Black students here at cannot take place until

there is a satisfactory and meaningful relationship between recruiting programs on the one hand and hiring, admissions criteria, and decision making on the other. It is assumed that this private institution has greater administrative and financial flexibility than state institutions, thus it has the ability to exercise its responsibility to a long forgotten segment of society.

Let me make clear that by meeting its responsibility to Third World People, this college would gain much and lose little, at the same time it would insure its existence as an educational progressive institution. Some of the positive results Saint Mary's College stands to gain would be: 1) funding by the federal government and flow of capitol into the institution, 2; awareness and exchange on a cultural level, broadening the institution's capabilities as a learning center, 3) understanding and sensitivity to the background of Black and Chicano people--social suppression and history, 4) sensitivity to the general evil of racism in this society, 5) fill in the vacuum, lack of social commitment, apathy and Saint Mary's "syndrome" by members of the college community, 6) a Third World faculty to compose a broader academic view of society's problems.

Saint Mary's College would also gain, as the idea has been shared and expressed in the past, a compulsory seminar on racism for the entire student body or community, which would insure an exchange of ideas and feeling of co-operation instead of competition and non-communication which presently divides this campus.

In order to gain this, the entire community of Saint Mary's College as an educational institution should exercise its responsibility to Third World People. This responsibility can be summarized three-fold: education, research, and public service to the community of Third World People in the general society. In order to meet these responsibilities and realizable ends, the college must act in the following: 1) admission and recruitment of Third World Students, faculty, administrators and staff, 2) a curriculum program and academic major relevant to Third World People's (Black, Chicano, Indian particularly) cultural and historical experience, 3) support and tutorial programs, 4)

research programs, 5) publications and programs to expand into Third World People's communities, 6) getting Third World speakers and contemporary policy makers, and 7) programs that serve and integrate the outside community into the academic community.

If no action is taken on the program outlined, Saint Mary's College can expect extinction and the fate of near-by colleges such as Holy Names College, burying themselves in passivity and non-sensitivity to today's

vital issues.

No immediate reaction or positive response can be expected from the administration to the state of emergency pointed out by this article, but it has served the purpose, to expose the false, lying, racist-toned, token efforts of this college concerning the most important issue of survival in this century. I am talking of everybody's survival, and society's ability to accept and live in co-operation with different races and diversified opinions.

Alejandro Contreras
Con Safos

NOTES FROM THE REGISTRAR

TRANSFERRING TO ANOTHER SCHOOL?

LEAVING SCHOOL ALTOGETHER?

Any student who does not plan to return to Saint Mary's for the Fall Term should file a petition for honorable withdrawal in the Registrar's Office before he or she leaves campus for summer vacation. No final transcripts can be released to other colleges until "official withdrawal" has been completed. Withdrawal petition forms are available in the Registrar's Office.

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Committee to check the "dry run" January Course Catalogues about campus (library, brickpile, resident assistant's rooms, Registrar's Office), and then to file their preference cards at the Registrar's Office.

•••

INCOMPLETE GRADES FOR SPRING TERM

Any student who wants to receive and "I" grade in any Spring Term Course must submit a petition for same, approved by the instructor, to the Dean of Studies (Brother Cassian). Petitions are available in the Registrar's Office.

•••

All students are urged by the January Term

INTERESTED?

Anyone interested in the position of Editor for either the Gael Yearbook or Collegian, you must submit your policy statement to either John Neudecker or leave it in Box No. 1 at the post office. The deadline is this Sunday, May 9th.

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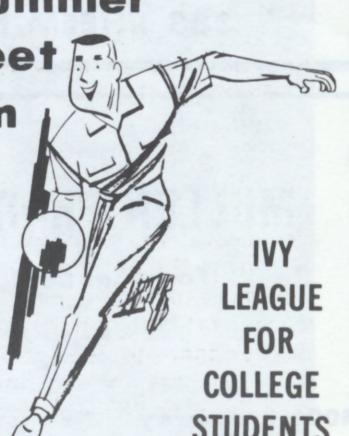
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SEMESTER EXAM SCHEDULE

.. Monday, May 17 8-10 All classes scheduled TuTh
10:30 10-12 Business Administration 123 sec 1,2 in
Room D204 1-3 All classes scheduled MWF 1:10 3-5
Economics 1B, sec 1,2,3 in G 201-202

.. Tuesday, May 18 8-10 All classes scheduled TuTh
8:20 10-12 Business Administration 115b, secs 1,2 in
Room D 204 1-3 All classes scheduled MWF 10:40 3-5
Economics 106, sec 1,2 in Room G201 Math 160 in
Psy Lab

.. Wednesday, May 19 8-10 All classes scheduled
MWF 8:20 10-12 Business Administration 124, Secs
1,2 in D 204 1-3 All classes scheduled TuTh 1:10 3-5
All classes scheduled MWF at 9:30

.. Thursday, May 20 8-10 All classes scheduled
MWF 11:50 1-3 All classes scheduled MWF at 2:20

.. Friday, May 21 8-10 All classes scheduled TuTh
at 2:20

.. Friday, May 14, will be "Dead Day". No classes
or examinations are to be scheduled on May 14.

.. All examinations are held in regularly scheduled
classrooms unless otherwise noted in this schedule.

.. Classes in the evening or late afternoon not
covered in the above will be scheduled by the
instructor at a time not conflicting with other
examinations.

.. Four-day-a-week classes have their
examinations at the MWF time.

.. Be certain to check through this entire schedule
for examinations at special times and for room
changes.

.. Graduating seniors' grades will be due in this
office by May 21st at the latest. A list of students
in this category will be given to you with your
grade cards.

.. Note Academic Regulations:
.. When final examination has been missed without
adequate excuse, the highest grade on the make-up
is a "D".

.. Incomplete grades (I) are only to be given after a
student has consulted with the instructor and filed a
written petition approving the Incomplete status
with the Office of the Dean of Studies.

MORAGA RANCHO:

THE COMING OF THE AMERICANO

The economy of the
rancheros of the San
Francisco Bay Area, like
that of the almost eight
hundred other rancho
owners in the Departamento
of California, was
dependent upon commerce
with Yankee trading
ships: Industrial products
of New England were
exchanged for the hides
and tallow of the
California's herds of long
horned cattle.

The liaison man with the
rancheros was an agent
for the shipping line, or
even for a single vessel. He
was known to the cat-
tlemen as the "super-
cargo." His job was to
persuade the rancho to
consign next year's
production to his par-
ticular boat or line. Part of
the persuasion was a
display of sample mer-
chandise aboard the
floating emporium that
was to load this year's
purchase of hide and
tallow; another might be a
sale on credit. Often,
however, the supercargo
endeared himself to the

ranchero by accepting his
hospitality and perhaps
visiting him with a mule
train in tow that carried
samples from the mer-
chant ship.

One of the supercargoes
who had long beat the trail
from adobe to adobe in the
hills of the East Bay was
William Heath Davis who
terminated his
peregrinations when he
became a victim of love
and settled down as the
husband of a daughter of
Jose Joaquin Estudillo of
San Leandro Rancho. (The
headwaters of San
Leandro Creek are the
streams of the Moraga
Valley.)

In his memoirs, "Sixty
Years in California",
Davis recalled his in-
ventory of the livestock of
his former customers.
Among ten in the East Bay
who sold to him there were
only two rancheros whose
herds of cattle numbered
less than a thousand:
Felipe Briones (who had
been killed by Indians
shortly after settling) and
Joaquin Moraga. Others,
Ignacio Martinez, and the

Peralta Brothers, for
example, had herds
numbering 8000.

Davis lists Moraga's
holdings at 800 cattle and a
few hundred horses. One of
the Peraltas, Antonio
Maria of Rancho San
Antonio, (Oakland), said
Joaquin had 1000 cattle
and 400 horses.

That was before the
Yankee imperialists
conquered both the
Territory (Departamento)
of California and the
Central Government
thousands of miles away.

A few days after Joaquin
died (June, 1855), an
American tax appraiser
appeared at the Moraga
Adobe to count his assets.
There he found only eighty
head of "Spanish" cattle;
sixty horses, wild and tame;
one hundred "California" sheep;
20 hogs; and two wagons.
(Spanish or California
stock was appraised at a
value much lower than
that of American origin.)

The advent of the
Americans brought a
strange and confused
admixture of blessing and
curse upon the conquered
race.

There would have been
little of the latter had not
an accident occurred:
Four months before the
Mexican Government had
put its pen to the Treaty of
Guadalupe Hidalgo (May
30, 1848), gold had been
discovered in "Nueva
California" (January 24).
It was the discovery of
gold and the subsequent
pressure of an influx of
tens of thousands of gold
seekers who had to be
assimilated into the social
and political structure of
an infant government that
were responsible for most
of the misfortunes visited
upon the native Californians.

As a result many of the
blessings that some of the
pro-American natives had
anticipated remained but
the promises of such after
they had been
promulgated on paper.

One of these was the
assurance through the
Treaty that the decisions
of Mexican courts or
legislatures would be
honored; another, that the
Californian was now an
American citizen whose
rights would be protected
by American courts of
justice.

Another source of an-
ticipated blessing was the
ranchero's possession of
two commodities which
would be shortly in great
demand by the
newcomers: food and
land. If he could survive
economically, there was a
chance that he would in
time become an integrated
member of the new
society.

However, it was in these
very areas from which
such blessings had been
anticipated that the
scourge of curses
originated.

For Joaquin Moraga
they became incarnate in
the form of horsemen in
black: rustlers, squatters,
tax collectors--and, im-
poverished by these, the
money lenders (7½ per
cent per month) and the
lawyers.

NEXT WEEK:
MORAGA IN THE
NEW SOCIETY

GAEL SPORTS AWARDS

Wednesday May 5, the
athletes and coaches of
Saint Mary's held a Sports
Awards Banquet; this is
another Gael first for
Athletic Director Dr.
Donald McKillip. Main
Speaker for the dinner was
Mr. Elwood Lang, better
known as "China Lang".
Mr. Lang is Chairman of
the Department of Health,
Physical Education and
Recreation in San Francisco.

The following awards
were presented:
FOOTBALL: out-
standing back; Julio
Lopez, outstanding
lineman; Kevin Hagerty,
most inspirational; Don
Hensic, the Toby Hunt
Award (for Defensive
play) Dan Ferem, Red
Dog Award; Don Hensic,

Pirate Award; Jim
Datrice, Raul Rames, and
Greg Schneeweis, and
Captain Awards Jerry
Murphy, Pat Madison, and
Don Hensic.

SOCER: outstanding
forward; Joe Blell, out-
standing defender; Lake
Tengun, and Most Im-
proved Player, John
Chapman.

BASKETBALL: MVP;
Sam Hill, Captain Award;
Chris Dayak, and Best
Foul Shooter also Chris
Dayak.

TENNIS: Captain
Award; Rueben Hunter,
Most Improved; Don
Byrd.

GOLF: Captain Award
Barry Brynjulson, MVP
(Low Medalist) Jim
Kolbus.

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