

# Civil codes supply tenant protection

By Bill Paterson  
Second of four parts

A tenant has certain legal rights under the California civil codes 1941 and 1942, with or without a written contract. However, many rental and lease agreements attempt to constrict these rights.

Attorney Harrison Taylor gave his definition of a good tenant-oriented rental agreement.

"The best rental agreement for a tenant would be one that would not have any cleaning or security deposits, or requirements the tenant stay for a particular period, and probably would not be written by a landlord-oriented association," Taylor said.

"It would be an agreement which would not necessitate any specific and unreasonable requirements upon going or coming, or visitors, and it would only contemplate the usual occupancy and the guarantee of peace and quiet," he added.

However, it is often difficult for a tenant to get this kind of agreement.

This stems from landlord oriented lease agreements which are usually written by their attorneys or real estate associations and favor the interests of landlords.

Eugene Kuehnis Jr., manager of Fidelity Property Management, claimed written agreements and leases protect both the landlord and the tenant.

Whether or not many of these contracts benefit the tenant is debatable, but evidence shows, by the contracts tenants often sign, the landlords are usually favored.

## Model Contracts

A tenant can strike out provisions he doesn't like in a contract if the landlord agrees. He can also obtain a copy of one of the National Housing and Economic Development Law Project's model rental contracts and ask the landlord to use it instead.

These agreements are more acceptable to a tenant than the standard contracts.

Printed copies are available free from the Santa Clara Legal Aid Society, 330 N. Market St., or by writing 2313 Warring Street, Berkeley.



Harrison E. Taylor

But these model agreements do not alter the three basic rental agreements available to tenants: oral, written 30-day contract, and written lease.

An oral agreement may run from week to week or month to month depending on the agreement between the tenant and the landlord.

Attorneys Taylor and Tom Perkins said an oral agreement would be best for a tenant who hasn't any long range plans, or fears the restrictions in many rental agreements.

"I would think a verbal agreement between a landlord and a tenant with the California law implied, as it always is, would be the best agreement for a tenant, especially a student," Taylor explained.

Often students aren't aware of what they agree to in a rental contract. With the implied law protected by the state statutes, plus an oral agreement, the tenant stands less chance of limiting his rights as he may with a written agreement.

## In Writing

However, a tenant should get landlord promises or other verbal provisions of the landlord in writing.

Attorney Perkins warned, "Anytime a landlord says we're going to take this much for last's month rent and this much for a security deposit, make sure that it's in writing."

In court, should the occasion ever arise, the oral word isn't as valid as the written — especially with conflicting stories.

For those tenants who want security from eviction or rent increases, a written lease may be beneficial — if it doesn't contain too many restrictions.

"A lease becomes a lease when it states in it that there is a definite period of tenancy," Perkins explained. "In other words there is a definite date when a tenancy begins and a date when a tenancy ends ..."

Under a lease a landlord cannot raise your rent

within the period agreed upon usually a year. However, the tenant is also obligated to adhere to the contract for that period of time. He could be held liable for rent not paid within this period.

The written rental agreement is usually for 30 days and is renewed automatically at the end of each period. Normally, 30 days notice is required for termination.

## Little Protection

Because of the short periods of this type of agreement there is little protection from recurrent rent increases (at the present time, however, there are limitations within rent control guidelines) and evictions. Yet it is the one student tenants most often sign.

No matter what agreement a tenant accepts he should always be sure to read everything and question provisions he doesn't understand.

Probably the least understood, most common and most abused provisions are those concerning cleaning fees and security deposits. Basically, a security deposit would reimburse a landlord against a tenant leaving before the agreement is concluded or damaging the premises.

## Civil Code 1951

Under civil code 1951, enacted in 1971, a landlord must return a security deposit or account for its use two weeks after a tenant moves out.

"If he doesn't return it then he's liable at law," Perkins said.

"If the courts find a landlord's refusal in bad faith the court can award up to \$200, in addition to the deposit itself, in a small claims court action," he added.

A cleaning fee is usually for cleaning a unit before a new tenant moves in or as reimbursement after he moves out. This fee is non-refundable if stated as such in the contract.

Otherwise, according to Perkins, this type of deposit would be included under the provisions of civil code 1951.

Tenants may be confronted with a cleaning deposit. Since one fee is refundable and another usually is not, its best a tenant understand the difference before signing an agreement.

According to Kuehnis his firm uses a security deposit to "cover cleaning, damage, and notice."

## Move In Charge

"We also charge a move-in charge," he said. "We charge in most rent buildings a \$75 security deposit, \$25 of which is a non-refundable move-in charge. It (the move in charge) covers credit checks, computer print-out cards, applications and various things involved with the tenant," he added.

He said the \$50 remaining is refundable if the premises are in clean condition.

"We try to have the tenants audited before they move in and have the manager check the apartment when they move out and review it before and after," he said.

Perkins explained, "If a tenant feels a landlord may try to hold back a deposit a tenant should have witnesses come in, either to help clean, or take photographs after it's been cleaned."

Taylor added, "We know that some landlords use those devices (deposits) to collect extra money. They fail to return them even if the place is secure and not damaged."

## Small Claims

Both Taylor and Perkins recommend the small claims court as a means of recovering security deposits.

"It is a relatively fast moving and inexpensive way to recover security deposits," Taylor said.

For a \$2 fee a person can file a small claims court action for less than \$5.00 in the San Jose-Milpitas Municipal Court Clerk's Office located at 200 West Hedding Street, San Jose.

The clerk will help fill out all claim forms. A brochure explaining the small claims court process, which should be read carefully, is also available at the office.

**Tomorrow: The tenants obligations and making repairs**

## Article incorrect

Despite the wording in the Trustees agenda, an M.A. degree in business education has not been dropped. An article in last Thursday's edition announcing the phasing out of certain degree programs was in error regarding business education.

The program has been changed to a master's degree in business. The Daily prints this information to alleviate any concerns among the faculty and graduate students in the program.

Friday, December 8, 1972

# Spartan Daily

Serving California State University at San Jose Since 1934

## Talk postponed

Announcements that Daniel Ellsberg, defendant in the Pentagon Papers trial, will speak in Morris Dailey Auditorium Sunday are in error.

Ellsberg, according to his sponsors, the Graphic Offensive, will not appear as previously scheduled due to a conflict with work he is doing in preparation for his defense.

## Better resale prices too

# More money for used books

By Mark Bussmann

Spartan Bookstore manager Harry Wineroth said yesterday the bookstore will be paying 60 per cent of new book list prices for used books, compared to the usual 50 per cent.



Harry Wineroth

Also, said Wineroth, the books will be resold at only 65 per cent of the list price new, compared to the normal 75 per cent.

Wineroth reached the decision yesterday after meeting with A.S. Consumer Affairs Coordinator Judy Garcia. Ms. Garcia offered volunteer help to reduce the cost of remarking the used books.

Later yesterday, Wineroth met with the Spartan Shops Board of Directors who approved the proposal by calling it an "information," meaning no vote of approval was needed because it was within the realm of the managers power to make the decision.

The only hurdle now facing Ms. Garcia is to find enough volunteers to man the shop during the rush hours.

Wineroth calculated it would take 11 people working eight hours a day for eight days (approx. 700 man-hours) to fill the positions of the included in Ms. Garcia's plan.

He further emphasized that although the average number of volunteer workers would be 11, only five to six would be needed in the first few days and the last two. He said the majority would be needed from January 16-18.

Ms. Garcia said she has already talked to the Society for the Advancement of Management (SAM) about volunteers and the A.S. Council has organized an external policies committee to

study the proposal and offer suggestions.

About the content of the jobs, Wineroth said, "they (the volunteers) would just process the books after they are bought by us from the students." Processing includes removing the old price and replacing it with the new one and changing the course number, if needed.

Wineroth said the handling of the books as they are brought in by students would still be done by experienced workers because of the intricacies involved and the possibility of theft.

"We got clobbered a year and a half ago when one guy we hired was writing fictitious receipts to his friends," said Wineroth. "He ended up getting away with \$500."

Since the used books will be bought from the students by the bookstore at 60 per cent and then resold at 65 per cent of the current cost of the book new, there will be only a 5 per cent profit margin.

Wineroth claimed the bookstore needs to run on a 23 per cent profit margin to break even.

Wineroth said he hoped the free workers plus the additional markup of non-essential items (such as entertainment books, calendars, and knick-knacks) would provide enough revenue to break even.

"We'll take our chances," said Wineroth, "and we'll take a long look at it and if it works out, we'll do it again."



Up on a dorm roof--it's a giant puddle to walk in.

# Peace groups boycott local stores seeking medical aid for war victims

By Pamela Ward  
Special to the Daily

Some people in the Bay Area don't like what has happened to Christmas and are doing something about it.

One of the groups, the Bay Area Non-violent Community, is attempting an economic boycott of stores at Christmas as a statement and protest against the Vietnam war. They are asking the money saved from store buying be sent to Vietnam for medical aid to war victims.

Another San Francisco based group of people, the Committee to Save Christmas, is taking a positive approach to the problem of materialistic Christmas. They are searching for ways to give of themselves.

Spokeswoman for the Bay Area Nonviolent Community, Ruth Scovill, suggests that gift money be sent instead to the Bread Not Bombs Foundation which forwards the aid to Vietnam. "Boycotting stores at Christmas can have an effect on the economy and on the war. Also, many of the large toy companies have defense contracts," Miss Scovill said.

"We also feel a need to boycott the war toys that are made. It is effective because the large companies can't afford a poor public image." "Last year," explained Miss Scovill, "we gave away cookies at Ghirardelli Square in San Francisco to symbolize the idea of giving homemade gifts. It is really nice to make bread or some other thing. That's really giving of yourself."

When asked how she answers the charge that her group is trying to spoil Christmas, Miss Scovill had a ready comment.

"The sense of joy and spirit has already been taken away. The stores are out to get your money. We're trying to replace all of that with something good and real."

## Peace and Commitment

Father Larry Purcell, spokesman for the

Committee to Save Christmas, said that his committee began in the summer of 1971 when a group of people concerned about social developments began to meet in each other's homes.

"We're not brilliant people, but we talked and studied. We trusted each other enough to want to work together to put our ideas into action," explained Father Purcell, a Catholic priest.

He stated that the group perceives Christmas as a time to celebrate peace and as a time to commit oneself to life issues.

"However," said Father Purcell, "we see Christmas now as a time of death, a choosing of the negative, instead of life, which is choosing the positive. We began questioning what we could do to save the spirit of Christmas."

Father Purcell views Christmas as a time for families to be together. He feels that people need to appreciate the life that they share and "refuse to be sucked into the rat race."

"Last year we tried to give things we loved like a favorite record or book or a poem — things that were expressions of our own personalities."

Father Purcell says the group encourages people to use the money, they would have spent, for a cause that benefits children.

"Christmas is really a joyous time for children. Ours are pretty well taken care of. So many people in our group gave money to the Committee of Responsibility which gives medical attention to children hurt in the Vietnam war."

Father Purcell notes sadly that half of all children in Vietnam do not reach the age of five and 60 per cent of the war injured in both North Vietnam and South Vietnam are under sixteen.

"For this reason we wanted to help the children maimed by the air war. Other people donated the money to poor families, the United Farm Workers, and other organizations."

Father Purcell expressed satisfaction with the

program. "Last year families who changed the structure of their Christmases told us afterwards that it was the best Christmas that they had ever had. We all stopped trying to buy love."

# Swing band gigs tonight in ballroom

"Asleep at the Wheel," a Bay Area country-swing band, will play 8:30 p.m. today in the C.U. Ballroom.

Admission for students is 50 cents and general admission is \$1.

Featured with them will be the "Funeral Wells Band."

"Asleep" has an album coming out in February, 1973, on the United Artist's label. The group is western rather than country, because they feature a modern and swinging sound as opposed to the Appalachian folk music which is the basis of "country songs."

Ray Benson is the lead guitarist, singer and spokesman. The rest of the group are singer Chris O'Connell, who also plays backup guitar; Luck O. pedal steel guitarist; Floyd Domino, on piano and LeRoy Preston, drummer, who also sings and composes.

## Violates state law

# Beer class halted

By Tom Miller

A law that prohibits beer making in California, and includes a somewhat dubious restriction on teaching it, abruptly terminated a "Wine and Beer Making" class at San Jose State University this semester.

The informal, no-credit course sponsored by the Consumer and Leisure Arts group (CLA) was intended to teach students how to make beer and wine for personal use.

It was dissolved even before its first meeting, however, when Don DuShane, assistant dean of student services, received a call from the Alcoholic Beverage Control Board (ABC) informing him that the ABC was "prepared to take action" if beer was made on campus.

While David Jochner, student instructor for the six session class, claimed he "never intended to mix beer," the question of the legality of teaching it was enough to prompt DuShane to request an interpretation from university attorneys.

According to Jochner, it was the delay in obtaining this legal clarification more than anything else, that caused his class to be dropped. "It would have meant rescheduling it for a later time," he said, which could have run it into midterm week, causing an inconvenience for his students.

Immediately following the cancellation a contradiction of legal opinions concerning the little-known law became apparent.

While Larry Frierson, SJSU attorney, stated that he was "not aware of any law that prohibits the teaching of making beer," Phillip Cattaneo, the ABC agent who contacted DuShane, contended that such a law did exist. He added, however, that he "couldn't say at this point" what action would be taken if Jochner taught the course without actually making beer.

Despite the stalemate, it seems almost certain at this time that if Jochner's class does resume next semester, administrators for the CLA and SJSU would have the beer-making part omitted.

According to DuShane "It was decided that it (teaching the controversial beer class) was inconsistent with objectives of the Industrial Arts department." (Industrial Arts is the parent organization of CLA)

Further confirmation of this stand was expressed in a letter from Jan Chauncy, co-ordinator for CLA, in which she wrote, "The Consumer and Leisure Arts group will welcome Dave (Jochner) should he want to teach only a wine class next semester."

Jochner, indicating a willingness to comply with administrators decision to confine his instruction to wine, said "the basic techniques are the same for beer as for wine anyway." The 26 year-old I.A. minor added "I don't feel put down or taken advantage of by anyone because of the decision."

The ABC's official statement of opinion concerning the teaching of beer-making came from Charles Bucher, administrator for the San Jose region. "It is illegal to manufacture beer without a license," he said, "Therefore, to teach it a person could be found guilty under a federal conspiracy code."

Another ABC spokesman, Mark Olenlager, stated an article about the course which was published in the Nov. 2 issue of the Spartan Daily could fall under the restrictions of the code. The story, which was what tipped the ABC off about Jochner's class, roughly described the beer-making process. Thus, illegally "informed" people how to do it, according to Olenlager.

Disputing this interpretation of the law, Harrison Taylor, attorney for the Associated Students, believed that if it were ever brought to a court test the ABC's ruling would be determined "void for vagueness."

"Criminal statutes are suppose to be construed very narrowly," he said, "so as not to take advantage of anybody. This law is in violation of due process because it doesn't clearly indicate what is certain or not certain."

He said even making beer would probably be judged legal as long as the mixing was done "in a laboratory, pursuant to a class."

He emphasized, however, that although the "case can be beat, it doesn't mean you can't be hassled."



## Editorial

## Threatening freedom

(Editor's note: The following editorial is a reprint of a Nov. 29 editorial from the Los Angeles Times dealing with a disturbing series of court attacks upon freedom of the press.)

William Farr went to jail Monday. He was imprisoned by order of Superior Judge Charles H. Older of Los Angeles, who convicted the newspaper reporter of contempt of court for refusing to identify the source of a news story about the Charles Manson murder trial.

Farr's imprisonment has less connection with his refusal to betray the confidence of his news source than two other elements: first, an ugly streak of authoritarianism that is pervading some of the courts and, second, the false free press-fair trial issue that masks an attack on First Amendment protections of press and speech.

The Sixth Amendment, which guarantees a fair and public trial, and the First Amendment are not antithetical. They are allies in freedom, but the First Amendment is the basis of all our liberties. Without a free press and free speech — which mean freedom of thought and, more important, the right to express thought — the administration of justice becomes shrouded in secrecy, which breeds the germs of injustice. The sunlight of disclosure is the best and only disinfectant. All history, and events in present-day totalitarian regimes, bear witness to this truth.

Americans, with our strong tradition of liberty dating from the birth of this nation, can be counted on to repel frontal assaults on freedom. Oblique attacks, advanced in the name of freedom itself, are more difficult to recognize and harder to resist.

The current assaults on press and speech come dressed in noble robes. Restrictions on information about court proceedings have been imposed in the name of a cherished right — a fair trial. Thus, three years ago, the American Bar Assn. suggested compromising the First Amendment in the name of justice. The ABA recommended stringent controls on the release of information in criminal trials. Not only by prosecution and defense attorneys and judicial employees but by law enforcement officers as well. In doing so, the ABA gave assurance that its proposals were not aimed at newsmen, but that assurance—since proved false—made the proposal no less repugnant.

The impulse toward censorship by those in authority is always strong. The courts have recognized this by repeatedly rejecting restrictions attempted by other government agencies, but some judges — not all by any means — have now decided that censorship is the basis of a fair trial. They welcomed the ABA proposals that shielded some stages of judicial proceedings from public scrutiny. The flow of restrictive orders increased, and judges often went far beyond the ABA recommendations:

—A Monterey County judge not only restricted the release of information to the media but removed the press and public from the courtroom while the censorship order was argued. Furthermore, he forbade public complaints about the order. A New York justice barred the public from a criminal trial.

—The secret proceedings ordered in a court in Ventura County were so bizarre that an appellate court commented: "In the present case, it is startling to see the evils of secret proceedings so proliferating in seven short weeks that the court could reach the astonishing result of committing a citizen to jail in secret proceedings, could contemplate inquisitorial proceedings against the newspaper reporter for reporting this commitment, and could adopt the position that the district attorney, the chief law enforcement officer in the county, was prohibited on a pain of contempt from advising the public that someone had been sent secretly to jail..."

—A Superior Court judge in Los

Angeles County attempted last August to enforce direct censorship. He ordered the media (an order that was appealed) not to print or broadcast anything relating to a murder case except proceedings in court, over which, of course, he exercises direct control.

—A Superior Court judge in Los Angeles prohibited any comment on a pending case by the county, its sheriff and district attorney, the city of Los Angeles, its chief of police and Board of Police Commissioners. His assertion of power was so broad that a writer on legal affairs stated, "Thus a single judge in a single community felt it appropriate to... assume the role of the Legislature, the Supreme Court, the executive head of local government, the promulgator of rules of professional conduct and, most importantly, a censor of speech."

—Another judge, in a flight of imagination, named the district attorney, the sheriff, the chief of police and the police commissioners of Los Angeles as "Ministers of Justice," and declared, as such, that their "speech is peculiarly subject to judicial control."

—A Baton Rouge, La., judge ordered newspapers not to publish news about the trial of a civil rights case.

—An Arkansas judge ordered a newspaper not to publish the news on the verdict of a rape trial.

Such decisions are not aberrations by the few judges; a pattern is emerging—a pattern that reflects a no-more-extreme view of judicial power than the State Court of Appeal did in the Farr case. That three-member court waived aside a California law that protects the confidentiality of news sources and said it regarded such laws as "an unconstitutional interference by the legislative branch with an inherent and vital power of the court to control its own proceedings and officers." This was a naked claim to power that mocked the Constitution it invoked.

We have reached this juncture step by step:

First, the assertion, supported by the ABA, that the courts have the right to gag attorneys.

Second, the extension of this power to law enforcement officers and to elected executives of government.

Then, an attempt at direct censorship of the media by telling them what they can and cannot print or broadcast.

And, finally, the assertion that the courts are not a coordinate branch of government, but supreme and answerable only to themselves.

All this on the mere presumption, barren of evidence, that pretrial news is always and without question prejudicial to a fair trial.

Judge Harold R. Medina, U.S. senior circuit judge for the 2nd Circuit, foresaw these consequences several years ago. A report prepared under his supervision for the Bar of the City of New York said, "The prospect... of judges of various criminal courts of high and low degree sitting as petty tyrants, handing down sentences of fine and imprisonment for contempt of court against lawyers, policemen, reporters and editors is not attractive. Such an innovation might well cut prejudicial publicity to a minimum. But at what price... With respect to the police and the press in the entire pretrial period, we think it unwise and detrimental to the public interest to give such contempt powers to the courts and judges."

Judicial censorship that smothers the public's right to know how law enforcement agencies and the courts are functioning will not assure fair trials, but will guarantee the opposite. Censorship will lead to secret investigations, secret arrests and secret trials.

Today, as a portent of things to come, William Farr is in jail. His cellmate is the First Amendment. Judge Charles H. Older of the Superior Court of Los Angeles put them both there.

Gov. Reagan has on his desk a bill approved by the state legislature which would block the burgeoning threats against press freedom cited in the above editorial.

Authored by Assemblyman William Bagley, the bill would bar grand juries and all other bodies with subpoena power in California from judging newsmen in contempt of court.

The Spartan Daily urges the governor to sign this important bill.

## WE THE STUDENTS...

## Forward, toward a sense of community

by Dennis King

At one time, the streets immediately around this campus served a quiet residential neighborhood. Although both the campus and the city are among the oldest of their kind in California, they were small. Small enough that a sense of community was natural and appealing.

It is well known that since World War II, this area has grown tremendously. So, too, have its problems. Worse, it seems that community planning and decision making in the areas of housing, traffic circulation, open space, and population density and spread have been made haphazardly or not at all.

Today, the area is over 80 per cent deficient in open space. Board and Care homes have replaced many of the student living centers. The air pollution is so bad that during the summer months it looks as if someone stole the mountains. The soon-to-be-opened Sinclair Freeway will undoubtedly increase noise and pollution. The campus community has been and is being divided in many ways. Any long-standing resident of the area can tell you that the overall situation is rapidly worsening.

Rather than just condemn history and simply criticize what's happening to this, our community, a group of students has decided to learn from the experiences and go from there. With the encouragement of the A.S. government, these students have formed the Associated Students Planning Agency. At the risk of leaving

someone out, I'd like to identify the more active ones. They are Jay Marder (A.S. Planning Agency Director), James Beall (A.S. Housing Director), Toby Kramer, Susan Feldman, Mark Leonard, Ed Bielski, Carol Sanford and Gary Ziegenfuss.

The A.S. Planning Agency is committed to the belief that it is the need and the right of this campus community to set up its own goals and priorities.

They are now setting up workshops whereby interested persons can eventually develop a Campus Community Plan. Hopefully, this plan will include elements on housing, traffic circulation, transportation, land use, commercial development, public

facilities, open space and community aesthetics. The plan will eventually be coordinated with whatever governmental agencies it has to and whatever neighborhood groups or councils are in the area in order to be successfully implemented.

The first workshop shall take place at 10:30 a.m. tomorrow in the Pacifica Room at the College Union.

The Campus Community Plan should be geared to bring the campus, its community and the city closer together. We want to make your thoughts our plans. We can use your ideas, your concerns and your participation in planning tomorrow's campus community. Why don't you come?

## Spartan Daily

Serving California State University, San Jose Since 1934

"The only security of all is in a free press..."

No government ought to be without censors;

and where the press is free no one ever will."

- Thomas Jefferson

Vol. 60

No. 50

## Editorial Board

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All articles designated as editorials reflect the majority opinion of the editorial board. All other opinions expressed are the views of the individual writer or cartoonist.

## UPS AND DOWNS

## Bunzel: teaching by proxy or just busy?

by Mark Simon

President John Bunzel and I have only managed to cross paths twice in my career here at San Jose State University.

I think it came out a draw. The first time, was while I was serving as a member of the Spartan Daily editorial board last semester. The board and a few other members of the staff trooped up to his office in the Tower and interviewed him en masse.

There he sat, our President. He leaned back in his chair, wiped a hand across his smoothly tanned forehead and then proceeded to tell all of us assembled how busy he was, how little time he's got to do what he wants.

He whipped out the proverbial black appointment book. That black book. Before you know it you're rushing your questions. The impression it leaves is as though he turned over an egg timer and said "You've got three minutes of

my time to waste." He doesn't do that, but it feels that way.

\* \* \*

He's a magnetic man, he's a dynamic man, he's all those things that describe an aggressive attractive figure, but he's also outright overwhelming.

He takes control of the situation such as an interview, and with highly phrased, intellectual language, dances circles around any poor sucker that happens to want to carry on a discussion with him.

\* \* \*

However, his time schedule, how he handles it and how he talks about it doesn't fit in.

Most men I've known who were of an

impressive stature who were also busy, usually didn't say so.

In my meanderings down the road of journalism I learned to be wary of a man who will tell you right away how busy he is.

Such protestations mean one of two things. He really is busy and can barely handle the situation. Or he isn't busy at all and is trying to convince everybody otherwise.

\* \* \*

Tacked on to his explanation of his schedule is usually another common "Bunzelism" to wit: "There has never been a day when I have had enough time to clear this desk and do some thinking."

A job in which I couldn't reflect upon my actions would make me miserable. Which brings me to another point about Pres. Bunzel.

Ever since my arrival at SJSU, which coincides with Bunzel's arrival, I've heard constant hints that the man is seeking higher office.

He denies it, of course. He says if he had wished to run for office he would have started long ago.

But the rumors don't go away. Some other things that don't change are Pres. Bunzel's general lack of presence on the campus.

San Jose is not really a place to build a national reputation but San Francisco is, which just happens to be in need of a new president and also, coincidentally, happens to be Bunzel's old stomping grounds.

As well, Bunzel has become outspoken at Trustees meetings and was referred to in a recent Newsweek magazine article.

The last national publication to make the smallest mention of SJSU was Playboy which noted a high level of promiscuity among the students.

Bunzel may not care for a higher job than the humble presidency of a humble college in humble San Jose.

Bunzel also says he entered education because he wanted to "rub minds" and teach young people.

If all that's true, I wish he spend a little more time around this campus. Teaching by proxy has not proved to be adequate in the past.

## Letter to the Editor

## Christmas without Christ?

Some charitable agencies put a Santa out on the streets at Christmas to collect funds for the needy. Pictures and figures of Santa Claus are in every shop two months before Christmas. Billboards display Santa Claus with his wares. Whose birthday is it?

We save and scrimp so we can buy all our friends and loved ones gifts. Fine. But are we giving as much thought and concern to those people who have never heard of their Savior? Some people give themselves into debt at Christmas. But for whom? Whose birthday is it?

There is a great difference between Christmas and Christ. Millions of people crowd Christ out of the day which is set aside to remember Him. Holly replaces holiness. The wreath hides the cross. And the Savior Jesus Christ, is asked to set down for Santa. Whose birthday is it?

Without Christ, there is no Christmas. There is nothing to sing about. There is nothing to be happy about. Your soul without Christ will remain starved.

Whose birthday is it? We have been accurately and adequately told through the Bible, "For unto you is born this day in the City of David a Savior, which is Christ the Lord," (Luke 2:11).

"Unto you," that's personal. "This day," that's present. "A Savior," that's precious.

Are you a child of God this Christmas? Have you repented and received Christ as your Savior? Or does Christmas have no real meaning for you?

Take God's gift of salvation.

"As many as received Him, to them gave He power to become the sons of God, even to them that believe in His name," (John 1:12).

A Sister in Christ

## Comment

## N.O.W. SOBs

by Robert Hill

The past several years has been a resurgence of demands from women for their inalienable right of "equality."

Many people have brushed this demand aside, attributing it to the corresponding popularity of nostalgia and trivia that also has been lionized of late.

I myself had thoughts such as these, until finding myself, for the first time, really listening to the "spokespersons" of this movement.

Their feelings and the persuasive manner in which they express their ideas has brought to me the realization that what they are actually saying has an abundance of validity, and is basically sound in its premise, and that we, enlightened individuals, as most of us men are, should agree and relent to their demands.

That is why I propose that, immediately, the D.O.B.'s all that we enjoy, right now! Right, N.O.W.?

## Spartan Daily

Serving the San Jose State University Community Since 1934

Second class postage paid at San Jose, California. Member of California Newspaper Publishers Association and the Associated Press. Published daily by San Jose State University, except Saturday and Sunday, during the college year. The opinions expressed herein are not necessarily those of the Associated Students, the College Administration, or the Department of Journalism and Advertising. Subscriptions accepted only on a remainder-of-semester basis. Full academic year, \$9 each. Semester, \$4.50. Off campus price per copy, 10 cents. Phone 277-3181. Advertising 277-3175. Press of Folger Publications, Inc., Union City.



# News Review

By Cathy Tallyn  
Compiled from the Associated Press

## Disappointments in peace talks?

PARIS—There might be "disappointments and setbacks" in the pace of peace negotiations, an American spokesman said yesterday after Henry A. Kissinger and Hanoi's Le Duc Tho met for four hours Thursday.

## Secret study forbidden in trial

LOS ANGELES—The government was forbidden yesterday from introducing as evidence in the Pentagon Papers trial huge chunks of the secret government study which the prosecutor had not revealed to the defense by the trial's judge Matt Byrne.

Daniel Ellsberg and Anthony Russo are charged with espionage, conspiracy and theft in connection with the leak to the news media of the Defense Department study on the origins of U.S. involvement in Southeast Asia.

## Dismissed professors sue SU

WASHINGTON D.C.—Suit has been filed against Southern University by the two SU professors fired the day after a confrontation between students and law enforcement officers that left two Black students dead.

Dr. Joseph Johnson and George Baker were accused by SU President G. Leon Netterville Jr. of serving as advisors to dissident students, encouraging students to stay away from class and neglecting their campus responsibilities.

## War to break out on borders?

TEL AVIV—Premier Golda Meir said yesterday that because of arms shipments to the Arabs she would "not be surprised if war breaks out on the borders."

# Bunzel dorm 'rap' set for Monday

San Jose State University Pres. John H. Bunzel will exchange views with students at an open rap scheduled for 7 p.m. Monday in the main lounge of Joe West Hall.

Pres. Bunzel agreed to talk on a variety of subjects with students following a meeting Nov. 28 in which he met with A.S. Pres. Dennis King and

three A.S. councilmen.

According to King, the session is open to all students, although dormitory students are particularly encouraged to attend.

Pres. Bunzel will have dinner with students at 6 p.m. in the dormitory dining commons, King added.

# Political Science material available

A recent decision by the California State Universities and Colleges will make available much-needed research material for both college faculty and students.

San Jose State University's membership in the Inter-University Consortium for Political (and Social) Research

(ICPR) will provide access to a vast amount of data as well as special computer programs for faculty and graduate student researchers.

According to ICPR council representative Terry Christensen, the materials are primarily political, although there is much available information for those interested in history and sociology.

Christensen points out that although the primary use is for instructional purposes or faculty research, graduate students and some undergraduate students with computer knowledge may use the consortium.

Data from ICPR includes material on studies of elections, judicial cases and organizational behavior as well as political behavior studies, socialization and education studies from around the world.

Further information may be obtained by calling Terry Christensen at SJSU at 277-3315.

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Dr. Ellen Weaver takes notes on some technical data.

## Cousteau co-worker

# The ocean: her life

By Howard M. Schleeter

An associate professor from San Jose State University and the National Aeronautics and Space Administration, have teamed up with famous sea-explorer Jacques Cousteau to study the productivity of the sea.

San Jose State University Associate Professor of Biology, Dr. Ellen Weaver, is working on a research program she hopes will provide useful information about the food-producing potential, and pollution problems of the sea.

"In a world not only hungry, but already far behind in providing adequate protein sources to its people, sea food is potential salvation," Dr. Weaver said.

On Nov. 7 she returned from Buenos Aires where she installed scientific equipment for her research on Jacques Cousteau's famous ship, Calypso.

Cousteau, a noted photographer and sea explorer, said that unless ocean pollution is abated it may destroy the world's seas within 50 years.

Testifying before the Senate Subcommittee on Oceans and Atmosphere last year, Cousteau stated that man has damaged from 30 to 50 percent of the earth's oceans in the past 20 years alone.

Calypso is currently off the southern coast of Argentina. The cruise will cover parts of Antarctica, and will end in San Diego.

During the approximately 10-month voyage, the ship will continually take fluoridation and temperature readings of the sea, said Dr. Weaver.

This information is constantly sent via radio to a computer at Ames Research Center in Mountain View, where it is processed.

Ames Research Center is part of the National Aeronautics and Space Administration (NASA) which initiated this research with a \$26,000 grant.

The fluorescence level of sea water indicates its approximate chlorophyll content, noted Dr. Weaver. High fluorescence means much chlorophyll.

Chlorophyll is the green substance in plants which, in a process called "photosynthesis,"

converts sunlight energy into chemical energy in plants, according to Dr. Weaver.

Too much, or too little chlorophyll indicates a low food producing potential. A median amount is necessary for high productivity, she said, adding that extremely high chlorophyll content is a sign of pollution.

The scientist refrained from predicting what she expects of the results of this research, but noted, "We'll see if we can find any correlation between chlorophyll, temperature, and other sea life observations."

In addition to extending her research on board Calypso, Dr. Weaver last year worked with NASA scientists in other pollution and chlorophyll detection research.

It consisted of flying a sensitive monitoring system over bodies of water and recording two wavelengths of light scattered upward from beneath the surface.

One is the wavelength of sunlight absorbed by chlorophyll, the other is a standard for comparison.

The system can make its comparisons 1,400 times a second, and can record changes in chlorophyll concentration instantly.

Previously, pollution detection was done point by point, using analytical chemical methods. However, pollution is not static and this type of detection cannot give a complete picture of the constantly changing nature of water pollution, according to Dr. Weaver.

Also, some pollutants cannot be detected directly in water. But it is possible to infer their presence by examining the rate of photosynthesis, or chlorophyll production.

Dr. Weaver has been at SJSU since 1960. A graduate of Western Reserve University in Cleveland, Ohio, she received her M.S. degree from Stanford University and her Ph.D. from the University of California at Berkeley.

Dr. Weaver said she would like to see more student interest in the food productivity program, noting that there is possibly a paying part-time job available. Graduate, and undergraduate research grants are a possibility also she noted. Interested students should leave a note at her office, Duncan Hall, 237.

# Five council posts filled

By George Rede

Five Academic Council vacancies were filled Wednesday as A.S. Council approved each of the recommendations made by a three-member committee.

Students Clara Hill, David Hunt, Ronald Indra, David Mayes, and Jack Palmtag were named to fill seats which

opened up this semester due to resignations and disqualifications.

Bob Griffin, Ron Harbeck, and Ted Weisgal—the three students who kept their seats—made the recommendations.

A.S. Council also gave its approval to 13 recommendations for five committees, among them four positions on the A.S. Judiciary.

The judicial branch of student government has not functioned yet this semester due to a rash of vacancies on the nine-member board.

A.S. personnel selection officer Donna Lai told council the judiciary still can not meet until it fills three faculty vacancies.

Students Rives Hassel, Richard Pruitt, Grant Jones, and Tim Robb were named to justice seats.

Only one recommendation—Michael Sweet to the Budget Committee—was held up.

Councilman Greg English, chairman of that committee, requested it be delayed until other students have time to apply.

Two students-at-large are needed on the committee and Sweet was the first recommendation.

In other action, A.S. Pres. Dennis King's request for a screening committee to select six new councilmen met with favorable reaction. Councilmen Morris Bean, Larry Gonzales, Tony Gonzales, Akbar Hajjarian, Cookie Poinsett, Spyder Sanchez, and Bob Weber volunteered for the committee. At its last meeting, councilmen had passed a motion declaring that all six council seats should be filled at its

# New figures reveal student GPA better

By Alan Rosenberg

Students at San Jose State University are getting smarter or maybe they are just earning better grades.

The grade point average (GPA) for all undergraduate students last fall was 2.66. This was a slight increase from six years ago when the GPA was estimated at 2.41.

But a noticeable increase occurred at the graduate level where a 3.38 GPA was compared to a 2.99 average in the fall of 1966.

These results, published as a SJSU program on academic standards, was submitted to the trustees at their last meeting.

This increase in grade point average is a reflection of changes in the grading distributions at all levels of college. Yet the change in

student grade point averages at SJSU is attributed to the frequent use of the incomplete (Inc.) grade and the practice of excluding the incomplete from the GPA calculation.

At the present, the incomplete may be a permanently assigned grade, while the use of the Inc. in graduate programs occurs during the student's work on the master's thesis.

Unlike some institutions, SJSU used grades of D and F in the grade point average computation.

But grades earned in the Spring of 1971 at SJSU by undergraduate and graduate students compared favorably with the grades for all students in the system.

In the undergraduate classification, SJSU students

received fewer A's and C's than students at the other 18 state colleges and universities. Though there was an even percentage of D's, students on this campus earned more B's and twice as many F's.

The graduate level differed with the other group of results. These students were more in line with the system as they received a small increase in the percentage of A's and D's. The difference occurred with the distribution of F's tallied throughout the system.

Here is a statistical tally, Spring 1971  
Percentage Distribution of Earned Grades

Grade	Undergraduate Students		Graduate Students	
	San Jose	System	San Jose	System
A	27.9	30.0	59.1	58.6
B	38.7	37.0	36.9	37.3
C	24.7	25.7	2.6	3.3
D	4.6	4.6	.3	.2
F	4.1	2.4	.1	.6

# KSJS schedules speech messages

If you have considered radio a medium for broadcasters only, you're in for a surprise.

A new program on KSJS radio (90.7 FM) called the Free Speech Message (FSM) allows an individual to call attention to his opinions, according to Brian Prows, KSJS station manager.

"We only ask that the message be 60 seconds long or thereabouts. You can do the FSM in your own voice, and KSJS public radio will tape your FSM for you," Prows said.

KSJS is also providing public service announcements for non-profit organizations helping the "Christmas needy."

Organizations such as Toys for Tots, and Help for Retarded Children can deliver free public service messages during the week of Dec. 15 just prior to the Christmas vacation.

The messages can be from 10, 20, or 30 minutes on broadcast time.

Messages can be sent in

already recorded or hand written. The station will also tape the message for you when you come in.

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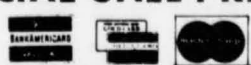
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Many pets die yearly in death chambers.



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## 150,000 killed yearly

# Do you really want a dog?

**By Debbie Sells**  
For a few months in his short life, a clumsy blond puppy named Buttons managed to please his master. But it didn't last. Neither did Buttons. His master abandoned him on a roadside. Later he was picked up, put in a crowded truck and a few short days later he collapsed in breathless convulsions on

the floor of a county animal decompression chamber.

Each year, 150,000 unwanted animals in the Bay Area like Buttons are destroyed. A thousand "extra" puppies and kittens are born every hour in California. They, too, will all die—violently under the wheels of cars, in county pound death chambers or more slowly of hunger and disease.

An agreement between the County Board of Supervisors and a private animal hospital may eventually end this serious problem.

"Spay-neuter clinics," operated by the Animal Control offices at 800 Thornton Way in Santa Clara are now in operation.

Betty Phipps, who was instrumental in the institution of the county clinic, said that there are only two alternatives to unwanted pets. One is disposal in death chambers. This solution, however, is one that does not stop the over-population of animals, but confuses citizens into thinking that the problem is being taken care of.

"The only way to approach this is to prevent those births—killing doesn't solve the problem," emphasized Ms. Phipps. The spay-neuter clinic, she says is the only solution affecting this end. "This is a tragic business," she said.

She went on to point out the responsibility of pet owners

toward their animals.

"Pets aren't just fun—they are a responsibility. They shouldn't be used to teach children the facts of life," Ms. Phipps said.

The community, she emphasized, also must face this dilemma.

Homeless animals foul pavements, ruin gardens, bite children and smaller animals and cause highway accidents.

In 1970 alone, the taxpayers of California spent a minimum of 50 million dollars on catching, boarding, feeding, placing or destroying unwanted animals.

Animal shelters, whose primary role once was to place unwanted pets for adoption, now find themselves thrust unwillingly into the business of being humans' pet slaughterhouse.

Ms. Phipps said one female animal that produces four offspring, two female, in one year, can be responsible for 4,372 "children" and "grandchildren" in seven years.

The clinic, which began last September through the efforts of many volunteer agencies, is operated through the County Animal Control Offices.

County residents who want to have their cat or dog altered may buy a certificate for the operations from them.

Certificates cost \$20 for female dogs and cats, \$10 for

male cats and \$15 for male dogs.

The operation itself is a simple one. It takes only 15 or 20 minutes, and involves a small incision. Few animals show any change in physical traits or personality.

In the 5,000 operations performed thus far at the clinic, Ms. Phipps points out, there has not been one casualty.

Pet owners who use a private veterinarian may pay over twice the fees for the same operation, according to county officials.

The reduction in price is due in part, say officials, to the fact that the county will absorb administrative costs and secondly to the volume of animals that will be altered.

If these animals are not altered, many will end like Buttons.

What's it like inside a decompression chamber? "I don't know," said Ms. Phipps, "an animal can't tell you, can they?"

She carries a pamphlet with her that might sum up an animal's point of view. It reads in part: "I ask for the privilege of not being born... not until you can assure me of a home and a master to protect me, and a right to live as long as I am physically able to enjoy life... not to be born until my body is precious and men have ceased to exploit it because it is cheap and plentiful."

## Ski report good but risky driving

Skiing is good at the Sierra ski areas. However, it may be troublesome to get to the slopes because chains are required on some of the major highways.

As much as three feet of new snow is reported at Sugar Bowl, Squaw Valley, Powder Bowl, Bear Valley, Mt. Rose and Slide Mountain.

Motorists were even advised to carry chains while going through the Altamont Pass near Livermore yesterday.

The Weather Service said near-blizzard conditions would continue in the Sierra Nevada. There were 37 inches of snow reported on Interstate 80 west of Donner Pass. Thirteen fresh inches of snow fell yesterday at Norden near Donner Pass during nine-

degree weather. Chains were required on Highway 80 from Auburn to east of Reno; on state route 88 over Carson Pass which was closed temporarily due to high winds, and on Highway 50 over Echo Summit.

Alpine Meadows ski area reports 18 inches of new snow with good skiing on packed and powdered snow while Badger Pass has very good skiing conditions with a foot of new snow.

Heavenly Valley ski area will be in full operation tomorrow with both sides of the mountain open. The new \$60 million ski resort near Carson Pass, Kirkwood Meadows, will not open until next Friday, a spokesman said.

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### Poetry book review

## Realism probed

**By Debbie Teresi**  
Special to the Daily  
Realism in life is brought out by poet John Berryman in his book of poems entitled "Dream Songs."

Dr. Peterson explained, "Dream Songs" represents "the standard quality of life for me. I'm very tired of the lyric poem, possibly because I read so many of them."

Explaining that the lyric poem is a "young man's poem," Dr. Peterson said the lyric "does not express my quality of life."

According to Dr. Peterson, Berryman was obsessed with death. His poems, Dr. Peterson says, capture "the way our lives move and feel."

Dr. Peterson explained that Berryman committed suicide in Minneapolis this year—something he might not have done if he had not been a modern-day poet, said Dr. Peterson.

Dr. Peterson pointed out a statement Berryman made in 1971—"I hope to be nearly crucified."

Berryman's poetry has been called the "poetry of survival of catastrophe," stated Dr. Peterson.

The poetry style is free in "Dream Songs," and Dr. Peterson compared the poems to the "dream poems of the Middle Ages where the writer projected himself into his work."

He explained that he likes Berryman's poetry because "his technique is interesting."

and he likes Berryman's created character, "Henry Pussycat."

According to Dr. Peterson, "Dream Songs" is Berryman's fictional projection of Henry's life. Henry is the character dealing with the realities of the world. And the main character is the person talking about Henry.

Names of alumni who fit any of the following categories will be included in the file. 1)

## Alumni seek information

The Alumni Association is seeking information from students, faculty and the community-at-large to aid in compiling a list of prominent alumni.

"Articles on the achievements of Spartan alumni are being planned for publication and present alumni files are being updated and expanded," John Fielder San Jose State University alumni president, said.

Categories of alumni who fit any of the following categories will be included in the file. 1)

Education [college presidents, deans, superintendents of schools, private educational foundations, educational associations and societies.] 2) Business and Industry [corporation presidents, chairmen of boards, owners and operators of large organizations.] 3) Scientists [including directors and administrators of scientific organizations.] 4) Government officials [those in high positions in the executive branch, the judiciary, the diplomatic corp, state or

federal legislative branches, etc.] 5) Sports [those who hold world or national records, participation in Olympics, members of professional sports organizations.] 6) Artists [concert pianists, writers, vocalists, dancers, actors and actresses, etc., including members of national or internationally recognized groups.] 7) Individual attainment [winners of national contests such as Mother of the Year, Miss America, Salesmen of the Year, etc.]

## ASPA meets to develop campus area master plan

"The policy makers won't come to grips with the problems of the campus community. They are not being pressured," Ed Bielski, a staff member of the Associated Student Planning Agency (ASPA), claimed.

Bielski and other ASPA members are preparing for its Saturday morning workshop, 10:30, in the Pacifica Room of the College Union to formulate a campus-community master plan.

Bielski believes the campus organizations dealing with the problems of housing, transportation and land use are apathetic to student needs.

"This has reached a peak especially now with the plans for the highrise library," he said.

"This is a good example of where there is no input by the students in the planning of such campus facilities," he added.

Bielski voiced hope the workshop would help solve some such problems.

According to ASPA Chairman Jay Marder, John Brezzo, City Demonstration

Planning Coordinator for Model Cities, will be the featured speaker. Mayor Mineta is expected to attend also.

Marder said after formal presentations on ASPA's plans and goals, members of the organization would break the audience into groups to discuss ways of developing a campus community plan.

Mineta has stated his intentions of attending, at a recent special city council session at San Jose State University. His secretary said the date was still on his calendar.

Dr. Donald Rothblatt, of

SJSU's Urban Planning Department, said "we expect to have someone there."

According to Marder the community campus plan would investigate transportation, housing, open space, land use, and community facilities.

### Colder weather

From the SJSU Meteorology Dept.—Chance of showers mixed with snow this morning. Clearing this afternoon but continued cold. Today's high 50, tonight's low 28.

## spartaguide

**Today**  
YESTERDAY'S TRIVIA ANSWER... Ramona.  
S.A.S. (Students Aid Student), 2 p.m. in the A.S. Council Chambers.  
SPARTAN CHRISTIAN FELLOWSHIP, 2:30 p.m. in the C.U. Diablo Room. Ruth Siemens, IFE's staff worker in Spain and Portugal, will speak on "Christian Movements in Europe and Latin American."  
I.C.S.C. 8 p.m. at the New Wineskin.

Christmas party, a traditional I.C.S.C. function.  
GO-REC, 7:30 p.m. at the Joint Effort. A spaghetti feed for 50 cents. "Casino Night."  
JONAH'S WAIL COFFEE HOUSE, 9 p.m. at 300 S. 10th St. At 9:30 p.m. "Phantom of the Opera" will be shown.  
THIS WEEKEND  
PI OMEGA PI, Saturday, 7:30 p.m. at 1460 Benton, Santa Clara. Christmas Party. Call Tony or Jo at 241-5212 for directions.  
HILLEL, Saturday 8 p.m. at 441 S. 10th St. Party, refreshments, good music. All invited.  
SPARTAN OROCCO, Saturday Dance, presenting "Sand" in the C.U. Ballroom, 9 p.m. to 1 a.m.  
JONAH'S WAIL COFFEE HOUSE, Saturday 3:30 S. 10th St. Goheen and Elliot, contemporary folk music, 9 p.m. to 1 a.m.  
LUTHERAN STUDENT MOVEMENT, Sunday 6:30 p.m. at 300 S. 10th St.  
NEWMAN CENTER, Sunday 8 p.m. St. Patrick's Church. Ninth and Santa Clara streets. University Mass.  
GRACE BAPTIST CHURCH, Sunday 5 p.m. "Christmas Star Banquet," featuring Bishop C. Edward Crowther, who was thrown out of South Africa for his opposition to apartheid. Admission \$4 general, \$2 students. Call 295-2035.

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We've handed over the keys to several San Jose State Grads, including FRED POOLE (Aero Maintenance, 1966), MIKE ERICKSON (Psych-Philosophy, 1966), MIKE COCHRANE (Poli Sci, 1971), and BOB WHIPPLE (1970 Grad). These 4 men will be at the Aero Campus Monday through Friday, December 11-15 to discuss old times, football, and flying. Come on out and see them.

Naval Aviation Officer Candidates actually fly naval aircraft 11 weeks after reporting for training at Pensacola, Florida. See the Naval Aviation Information Team for opportunities as a Naval Aviator or a Naval Flight Officer.

If you're on the Main Campus you can find a NAVY Officer Information Team at the corner of San Carlos and 7th and at the corner of San Fernando and 7th. They can discuss possibilities in Aviation, Nuclear Power, and any other Officer Program you can think of.

**THE NAVY**





Cheech chides Chong at Wednesday night's performance

Bill Fant

## Comics will work 'til they wear out'

"When you go to see somebody, you expect to see what they're famous for," explained Tommy Chong, after the Cheech and Chong performance Wednesday night.

"We will be doing our hits until the material wears out, he added after being questioned how long the two's satires about drug freaks and racial stereotypes will last.

"We don't worry about the show," Chong put in, "tonight's performance was not the best because the stage felt like it was about to cave

in, the mike was f---ed, the lighting was f---ed, and my chair was split down the middle."

Richard Martin, better known as "Cheech," explained the two try to relate to their audience, and therefore their material changes a little each time it is performed.

He said he wished he could "live among the people at least a day before he entertained them."

Cheech and Chong have been criticized by various groups in the past of

exploiting the stereotypes of minorities.

To that argument Cheech replied, "When you go to a university, and you're an ethnic minority, you become an expert on the field of ethnic exploitation...according to the textbook, we are exploiting them."

However, he added, "If they want to get up-tight about it, go ahead. What we are depicting are characters. If that holds true, then we're stereotyping all white people, all Black people...They're funny characters, and we're into doing funny characters. Cheech, who is Chicano, said no Chicano group in California has approached the two, and added "tell them to come and see us."

Chong added that much criticism aimed at them stems from "jealousy."

He said legitimate theatergoers don't think "the average poor slob should have anything to laugh at."

"We're down with the people," he added.

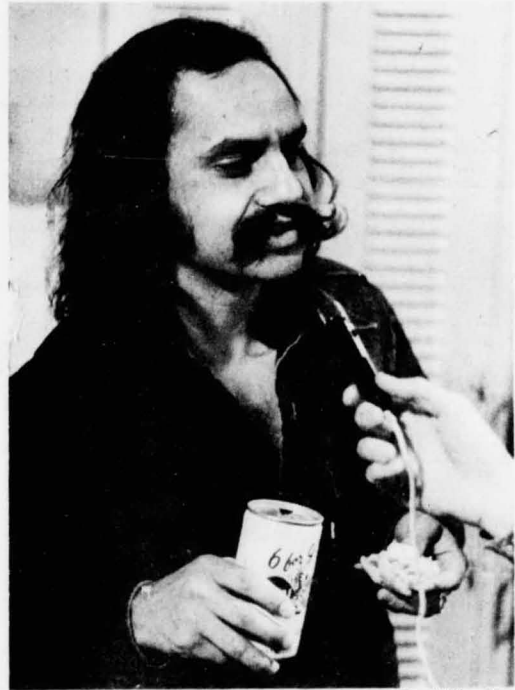
"There are all kinds of people in this world," Cheech commented, and although our fans are minor, its enough to support our trip. If everybody thought that way (about exploitation) nobody would come."

Cheech and Chong fans were enough to lure CBS to offer the comedy team a show under any format the two desired, according to Chong.

However, the two turned the offer down because they do not like the way television "sells their stuff," Chong said. The two do plan to do movies.

"We're great, and we know it," Chong concluded.

M.M.



David Newton

Cheech faces press

## Vidal's new L.P. barbs Nixon's life

By Steve Marinucci  
Gore Vidal, one of America's biting critics, turns his sights on Richard Nixon, in his newly recorded play, "An Evening With Richard Nixon, by Gore Vidal" and tears the Chief Executive to shreds.

The play is a Vidal view of Nixon's life, but not in the usual biographical sense of second person narration.

Vidal plays out Nixon's life by use of advocates, pro and con, including John Kennedy, George Washington, Dwight Eisenhower, friends and associates, as well as the man himself.

Chief "pro" advocate interestingly enough, is Vidal rival, William F. Buckley Jr., who, as befits the Vidal style, takes several sharp cuts himself in the course of the plot as leader of the "opposition."

Lest anyone accuse Vidal of distorting the words of our beloved President, Vidal assures all in a note on the back of the album that all Nixon's statements on the play are only those used in real life.

The second-rate imitations of the advocates done by the actors on the album, all non-famous people, only lend to the mood Vidal creates.

Nixon's early life, his Congressional campaigns, and his campaigns for Vice President and President all

lend themselves easily to what Vidal is trying to say. Nixon is an inept, bumbling, sneaky politician, motivated by many outside influences rather than his own mind.

And the outcome is very funny, with Nixon's self-contradictions being the most interesting material.

Vidal's play is a fine record, the perfect gift for that Nixon-lover in your life.

## Comedians save the day

# Conditions affect show

By Maureen McCarthy  
The eight o'clock show of Cheech and Chong Wednesday night was something the comedy duo can use for future material. It was a joke.

Besides the fact that the women's gym was overcrowded with 2,500 people, that no one could hear in the back of the room, that the show did not get started until 8:45 p.m., that Tufano and Giamarese were jeered off stage, and that everybody's legs were deadened by sitting on the hard wood floor, the show was great.

Those sitting in front laughed and applauded as Cheech and Chong went into some of their now well known satires of drug addicts and racial stereotypes, but ignored those in the rear who could not hear.

Even Cheech and Chong themselves, complained about the show's being in the Women's Gym.

In an interview after the show, Chong said he "felt like the stage was going to cave in at any moment," and that the chair he was sitting on was "cracked right down the middle."

Since many of the comedians' routines are performed sitting down, the cracked chair had a definite effect on the quality of the show.

Also, because the acoustics in the gym are atrocious, the comedians could not hear themselves talk. For an improvisational group, that can mean disaster.

## Grad student wins award of excellence

Carol Jean Zafren, San Jose State University graduate student in drama, won the Dr. Dorothy Kaucher award for excellence in oral interpretation in competition last week.

Miss Zafren won the \$50 prize by presenting a reading from James Stephens' "The Crook of Gold."

She is currently a student assistant teaching a drama class in body movement, planning to receive her master's degree from SJSU in June.

During the summer of 1971, Miss Zafren was a member of the Nebraska Repertory Theatre. Last year she acted and directed with the SJSU creative associates in drama.

Also active in plays at SJSU, she has appeared in "The Front Page," "The Taming of the Shrew," and "The Rose Tattoo."

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Given the conditions, Cheech and Chong did a fantastic job. They managed to captivate the unruly crowd in just a few moments.

From "Let's Make A Dope Deal," a take off on a television game show, to a dialog

between a hitchhiking "downer" freak and a Chicano "cruiser," Cheech and Chong had those that could hear rolling on the floor.

However, the two showed signs of inhibition, which could have ruined the performance.

## King disc mellow but lacks variety

By Mark Bussmann

If there is one word that describes Carole King's new album, "Rhymes and Reasons," it is mellow.

"Rhymes and Reasons" moves gently from song to song like the green fields and rolling hills of "Been to Canaan," the single released from the album.

When first heard, "R & R" is just a giant slice of mellowness and it has to be played many times before the songs gradually take on an identity of their own.

The album is typified by songs which show a feeling of loneliness, but end with the hope that things are getting better.

The most representative cut is, "Take the Bitter with the Sweet." In it Miss King stresses there are both good and bad times in life, but one has to wade through the bad to get to the good.

Still the album doesn't offer the versatility Miss King exhibited in her previous albums, "Tapestry" and "Music." It doesn't have the contrast of a soft, touching, "So Far Away" next to a rocking "I Feel the Earth Move."

When using "Tapestry" as a tape measure almost all albums come out second, so the comparison might be unfair.

Noticeably missing from "R & R" is the background vocals of Merry Clayton and James Taylor, both of whom were present on "Tapestry" and "Music." Their absence may contribute to the overall lack of versatility.

Trying to pick a hit single from the album is nearly impossible; none really stand out.

Miss King still puts on paper feelings people identify with,

which makes her so successful. But it appears she has exhausted her current theme and she needs to break new ground.

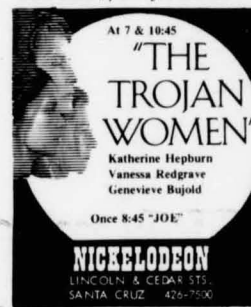
"Rhymes and Reasons" provides good listening and Carole King fans should enjoy it, but it is a far cry from the brilliance of her earlier albums.

## Picasso play presented at City College

Pablo Picasso's personal reaction to the first three days of Nazi occupation in Paris is the subject of his play, "Desire Caught by the Tail," to be presented by the drama department at San Jose City College.

Directed by Stuart Bennett, the fragmented play opened Thursday and will run through Sunday. Tickets can be obtained at the door of the campus theater.

Elements of the play include dance and dramatic acting along with lights and music. Bennett is aided in the production by SJC dance instructor, Jimmyle Kester.



The show was a test case for the women's gym, and if one is to judge its success by the feelings of those in the audience, it was a flop.

People complained not only of discomfort, but of not being able to hear. The two fire aisles which were required by the fire marshal were abandoned when the gym became too crowded.

It's also a good thing the audience was not policed too closely, because many smoked dope and drank liquor freely.

Perhaps Chong was correct when he surmised why the marijuana initiative failed: "Everybody in California thinks dope is legal anyway."

Probably the most unfortunate consequence of

the evening was that Tufano and Giamarese were all but kicked off stage by the roaring audience.

The song duo should be commended for remaining calm. But, the crowd was not completely at fault either.

The singers did not begin until 8:45 p.m. because it took so long to fill the gym. Then, their performance was far too long.

Cheech and Chong did not start until 9:30.

Although Cheech and Chong cost the A.S. Program Board \$5,000 plus 60 per cent of the ticket sales above \$9,000, it wasn't worth trying to cram 2,500 people in a room where over half the people could not hear anyway.

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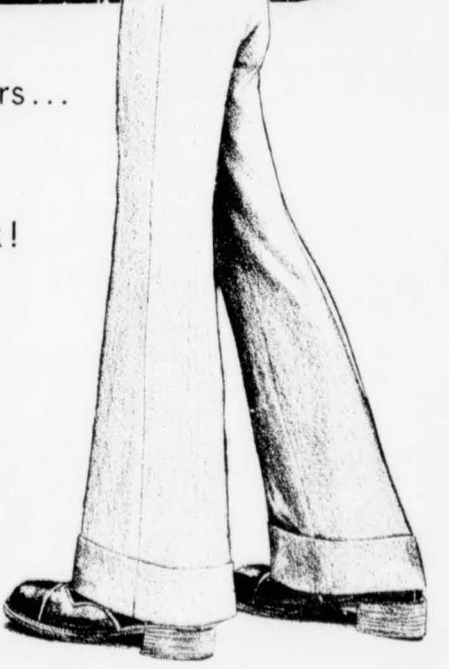
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