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1987

Vol. 35, No. 22, April 1, 1987

University of Michigan Law School

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### Recommended Citation

University of Michigan Law School, "Vol. 35, No. 22, April 1, 1987" (1987). *Res Gestae*. Paper 342.  
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# The Reg Bestie

UNIV. OF MICH.

Vol. 35 No. 22

The University of Michigan Law School

April 1, 1987

## Law School Confronts Racism

By Steve Hunter

A large number of minority students, law school faculty and administration, as well as some white law students attended a meeting on racism last Wednesday. The lawyers club lounge was filled with emotion, as the group discussed racism at the law school and what can be done to combat it.

Dean Terrance Sandalow began the meeting by describing the University policy against racism and by voicing his surprise at the "expressions of blatant racism" on this campus.

Eunice Royster, the Director of the Comprehensive Studies Program for undergraduate students spoke next, and began to focus the discussion. Royster stated that she wished to dispel any notions that the recent publicized racism was simply isolated incidents or that the racism did not warrant the attention it has received.

Examples of racism given throughout the meeting by minority students gave ample support to Royster's position. One student told of how he was followed down South University by a car full of whites

shouting racial slurs. Numerous other students told of how racist jokes had been made in their presence, and one minority student spoke of how a white law student went through the face book and made judgments as to which minority students he felt belonged in law school and which did not.

Many students also pointed out that the campus racism is not just a recent problem. According to third year Adan Gonzalez, the racism has always been present but it "never got headlines before, and now it has."

Gonzalez also pointed out that many white students feel that people who are into their political and cultural heritage, and who spend a lot of time in the HLSA or BLSA offices are viewed as anti-white, "and that's just not true."

Royster also spoke against the idea that racism at Michigan is no worse than anywhere else. "This notion that its happening everywhere, so why not Michigan, doesn't make me feel any better." The idea that racism is no worse here than anywhere else was also dispelled by a variety of students with experiences in other places who stated

emphatically that racism is worse at Michigan.

Some of the suggestions to change the environment for the better included a meeting dealing with racism and cultural awareness as part of the law school orientation. Some suggested that faculty members also be given such an orientation.

Another problem with the campus discussed was the lack of white law students taking a personal position on racism. According to Royster, "to say nothing is to encourage." Instead, white students should speak out against racism. "If it is not funny, do not laugh. Take the responsibility to say it is inappropriate."

One student said, "[w]e don't discuss here, we ignore." Third year Reggie

Turner pointed out that there is apathy in the law school about racism, and that there were "a number of students not at this particular meeting."

First year Charles Wynder voiced concern over rumors that qualified undergraduates had been denied admission to the law school, and wanted to know what Dean Sandalow planned to do to reach a 12% level of minorities in the student body, faculty and staff. Sandalow responded that he was unable to reply with specifics, but that the law school had always been in the fore front of minority recruiting. He added that "it may well be that further efforts are necessary."

At the close of the meeting, it was suggested that there may be future meetings of this type.

## Drug Tests Questioned

By Jenifer Urff

Mandatory drug testing poses "an unprecedented invasion of the right to privacy" and citizens need to be concerned about "where drug testing may be taking us as a society," a Detroit attorney told law school students at a panel discussion Thursday

"Drug testing is one of the most serious threats to individual rights" facing our nation today, and the "dragnet basis" on which employees are searched "turns upside down" our traditional beliefs that one is innocent until proven guilty, said labor attorney Mark Brewer.

Brewer was one of four panelists participating in a panel debate entitled "Drug Testing in the Workplace." The discussion was sponsored by the Washtenaw County chapter of the American Civil Liberties Union and the Ann Arbor chapter of the National Lawyer's Guild. Jean King, president of the Washtenaw County ACLU, moderated the debate.

Brewer's condemnation of drug testing under any circumstances was countered by law enforcement administrator Maura Corrigan's urging of drug tests for government officials and agents involved in law enforcement.

Corrigan, who serves as the chief assistant U.S. Attorney for Michigan's eastern district, admitted that she is "offended that someone would want to test my urine." However, she stressed that a crippling drug problem in the United States made mandatory drug testing a concept whose "time has come."

Corrigan pointed out the obvious dangers presented by policemen, prison guards and drug enforcement agents being involved in the use of illegal drugs.

While she agreed that a urinalysis is a search and seizure and should be subject to Fourth Amendment required standards of reasonableness, she added that federal law enforcement agents and government officials should have a diminished expectation of privacy under that reasonableness standard.

Steve Kelly, a Detroit labor-management attorney, defended an extension of mandatory drug-testing into the private sector, pointing out the huge costs in productivity to private enterprise directly related to chemical abuse.

"An employer will be providing fringe benefits, including health care," Kelly said. These employers have "a right to know if you use drugs."

Kelly pointed to a recent New Jersey lawsuit, where jockey Willie Shoemaker challenged a state law requiring urinalyses for all jockeys. In that case, the court agreed that urinalysis constituted a search under the Fourth Amendment, but ruled that because the state has an overriding interest in regulating gambling, the search wasn't unreasonable.

Both Kelly and Corrigan supported "pre-employment" drug-testing, a preventive measure to guide employers in their employment decisions. However, Kelly put several stipulations on his endorsement of drug testing; he does not endorse random or unannounced testing, and suggests a notice period of about 90 days to allow prior drug use to clear from the employee's system.

Kelly also added that his analysis of the issue includes "the entire scenario - alcohol as well as drugs, legal and illegal drugs." But one of Brewer's greatest criticisms of drug tests is that they seldom test for alcohol use.



Snow struck the law school community like a wet dog this week...

photo by Linda Schoemaker

## Ringes Romps In RG's NCAA

By Vince Hess

And the winner of the RG's NCAA tourney contest is -- Mark Ringes!

Yes, Ringes, the leader after the first week of the contest and tied for first entering the Final Four, won by accumulating 91 points. The prize is to be announced later.

Finishing second was Hilde Kahn,

with 80 points. Third was Peter Knoll at 79.

Special recognition goes to Lisa Batey, whose entry was the only one, out of 134 in the contest, to predict that Indiana and Syracuse would play for the championship.

Also finishing near the top were Todd Duchene and Kendall James at 77.

## Res Gestae

*Editor-in-Chief:* Reid J. Rosen  
*Opinion:* Jocko Kruppmann  
*Features:* Bob Mullen  
*Business:* Mike Nowdow  
*Law in the Raw:* Doug Graham, Tim Thompson  
*Photography:* Linda Schoemaker, Tom Knox  
*Graphics:* Mike Cramer  
*Staff:* Steve Hunter, Jim Konia, John Wendlandt, Jennifer Urff, Rebecca Redish, Linda Kim, Diane Miller, Vince Elm, Lisa Baker, Betty Gebura, Ruth Zimmerman, Marty Kato, Drew Farkas, Brad Lane

The Res Gestae is published every Wednesday during the regular school year by students at the University of Michigan Law School. Opinions expressed in bylined articles are those of their authors, and do not necessarily represent the opinion of the editorial staff. Articles may be reprinted without permission, provided that the author and the Res Gestae are credited and notified. Mailing address: University of Michigan Law School, Ann Arbor, MI 48106-1215. Phone: (313) 763-0333.

### No Laughing Matter

**EACH YEAR, AROUND THIS TIME,** the RG prints its April Fool's issue, the Indi Gestae. It's a practice that stretches back to those giddy days in the early 80's when the RG switched from mimeographed paper to newsprint, and we have understandably grown fond of that tradition.

This year, however, we ran into a small problem: nobody exactly knew what could be written in the April Fool's edition. We kicked around a few ideas, some of them funny, most of them only mildly so. But lurking in each proposed parody or suggested satire was the potential for a torrent of accusations against the RG staff: accusations of racism, of sexism, of homophobia, of bigotry of whatever stamp. We tread warily around in this minefield of mirth, this quagmire of quixotic quippery, and came up with something that we hope will poke some fun at the foibles and follies of a community which far too often takes itself far too seriously.

In a sense, we are grateful to Deans Eklund and Gordan for their subtle hints about the place of humor at the law school. Truthfully, we probably would not have been so careful when addressing certain subjects had it not been for them penda-flexing their muscles last month. Several articles which might have escaped notice in previous years came under closer scrutiny this time around—we think we made a considered effort to avoid any hint of harassment or group libel in the Indi Gestae. Those who think otherwise will, no doubt, let us know.

There were also several subjects which, although we felt that they could be the legitimate objects of humor, we decided not to touch with a proverbial ten-foot pen. We viewed certain volatile campus issues as beyond the range of our satiric volleys—not because we didn't think we could print anything about them that would be both humorous and harmless, but because some people or organizations are considered, to paraphrase a rather pointed letter on the subject, not appropriate targets for humor or sarcasm.

We are not prepared to risk our incipient legal careers because of a few jokes on April Fool's Day. Consequently, we chose not to print items which, in all probability, we could have justifiably published. If the deans' letter and the recent actions against the Barristers were meant to have a chilling effect, the staff of the RG has most assuredly caught their cold.

So when you read the Indi Gestae, please be charitable, and refrain from dashing off a letter to our bar examiners. We think everyone deserves a good laugh, but we don't want to be martyrs for humor.

# Letters

## Racist Speech Has No Value

To the Editor:

I read the letter in last week's *Res Gestae* condemning the deans' determination to take a strong stance against bigotry in light of the BAM demonstration at the Union which brought home to me again the pain which bigotry has engendered. Bigotry, in the form of sexual and racial discrimination is denying the equal rights of a large segment of our society, and more must be done to counter it than "ensuring a diverse student body ... and fostering an atmosphere of free debate," as the ACLU suggested. The administration must take positive steps to ensure that students know bigotry is really unacceptable and that it is not a harmless joke, but a serious attitude problem that hurts other people as well as the bigots.

One reason for the need for action is the existence of institutional bigotry. Traditionally, bigotry has been tolerated. Because of this historical acceptance, silence or mild reproof of bigotry can be perceived as approval. If our society wants to break this tradition, it must do so with unambiguous, effective acts of disapproval. Such an act of disapproval coming from the administration is necessary to combat the approval often coming from the students. Blacks and women must know that the acts of personal bigotry they experience are condemned by the administration. They must not be left to wonder about their own value in the eyes of the administration. Bigotry has burrowed itself into societal institutions, and institutions such as our law school have a right and duty to do all that they can to disassociate themselves from the ugly disease. It would be great if blacks and women could achieve a knowledge of their basic equality from interactions with their peers of different races and sexes without the interference of the administration. But this is not the way it is. Although we can't rid people's minds of bigotry, we can at least try to prevent its growth into the appearance of institutional approval.

I agree that free speech is one of our most important liberties. But no liberties are free of cost. In this case, the bigots' freedom of speech is exacting a price from the victims of bigotry. It is interesting that one person cannot harm another's property without being punished and yet he can harm another's self-esteem, a far more precious commodity, without retribution. I think more attention should be focused on the victims' suffering, not to mention the suffering which the bigot unconsciously experiences. It is true that limiting free speech potentiates the slippery slope problem. But the courts and legislatures face slippery slope problems all the time. I think this one, too, can be faced without engendering a parade of horrors.

But, I'm not convinced that bigoted remarks are protected by the First Amendment. I see a difference between the Nazis marching in Skokie and the acts of

bigotry experienced on our campus recently. I do not sympathize with the Nazis, but I do think their marching deserved First Amendment protection. I think the RG's publication of admission data showed poor judgment, but I think it should be protected. These acts were motivated by legitimate, if misguided, efforts to make a public statement with political overtones to society in general in a socially acceptable manner. But the acts of bigotry mentioned by the deans are not motivated by a desire to make a public statement in a socially acceptable manner. The vandalism of the LGLS board and the *Raw Review*, like the racial jokes heard over the university radio station, had no other purpose than to incite an emotional response, not to "communicate." And they were anonymous. I don't see any strong social value in protecting this type of speech. After all, people can make anonymous statements even in countries without a First Amendment. Strong sanctions against this type of speech will not chill valid First Amendment statements. If a person wants to make a statement about race or sex, let him sign his name to it and be willing to entertain contrary statements: don't let him resort to anonymous racist-sexist jokes.

In the practice of law, an awareness of individual rights is crucial. Lawyers represent the interests of individuals and to represent those interests fairly, he or she must see his client as a valuable individual, not through the haze of a stereotype. Lawyers are the champions of individual rights. I find it hard to imagine how such bigotry as has motivated some of the incidents of anonymous violence can permit a person to adequately serve as a lawyer. For example, I remember during my first year, I heard of an incident in the Reading Room where the lights went out and a group of people ran through the Reading Room. One person climbed on a table and exposed a huge artificial penis which he flopped around for awhile. How can that individual, so enthralled with his oversized appendage, adequately understand the plight of women? Such flagrant disrespect of certain members of society is antithetical to the concept of equality, the concept on which our law is based. Not only that, but lawyers wield great power and are an important influence in molding our institutions. Given the obligation to rid ourselves of institutional bigotry, I do not like the idea that people who resort to anonymous acts of bigotry could one day be the people who control the institutions and are responsible for implementing progress to end bigotry. That is why it is so imperative that the administration show that bigotry is not part of the law school curriculum, even at the risk of a certain amount of intolerance.

Kendall Welch

## Professors' Letter Blasted

To the Editor:

I am writing to express my disagreement with the letter written by Mr. Aleinikoff and Mr. Rosenzweig. In among its veiled accusations of racism, larded with pompous professorial prose, it accuses the RG of "transmut[ing] condemnation of racism into calls for censorship," and of taking "our focus off the underlying issue" of racism.

This is absurd. Deans Gordan and Eklund do not need the RG to transmute their penda-flex letter into censorship. That letter contained a very explicit and potent threat to take disciplinary action or contact state bar associations in response to "inappropriate" speech activity. As far as shifting the focus away from racism, that too was done by the deans when they threatened the

expression rights of all law students on the basis of vague and broadly worded policies against discrimination and harassment. The RG was merely fulfilling its responsibility as a member of the press when it addressed the Eklund/Gordan assault on the First Amendment.

The Aleinikoff/Rosenzweig letter also appears to defend the threats contained in the Eklund/Gordan letter. It urges us to abandon our traditional tolerance of free expression if that expression is racist, sexist, or homophobic. The boundaries of those categories, however, are far from clear. Some people consider it sexist to favor the old-fashioned terms fireman, policeman, and chairman over the more politically

see DEANS, page three



# Letters

## Deans Should Quit

continued from page TWO

correct firefighter, police officer, and chairperson. Some people consider the use of the term Black with the lower case "b" to degrade Blacks. Some people think telling a joke about AIDS constitutes harassment of homosexuals. Some people think satire directed at any liberal cause is bigotry. Who is to decide what is "an appropriate target for humor?" Who is to decide what is a harmless joke?

Fortunately, the First Amendment largely leaves those decisions to the individual. Hopefully, individuals will express themselves tactfully and with compassion. But when they don't, the First Amendment still protects them, in most cases. A few inconsiderate remarks is the price we pay for the freedom to speak our minds. The First Amendment does not allow petty bureaucrats to punish us for "inappropriate humor." And it does not allow pipe-smoking professors in tweed jackets who don't understand the connection between the First Amendment and ethical relativism to foist their "value choices" upon us.

That, however, is exactly what threatens me and every other law student at Michigan. Until an anti-harassment policy that is not void for vagueness and does not illegally restrict First Amendment rights is promulgated, our speech rights are being chilled by the "Rogue Deans." Deans Eklund and Gordan have obviously overstepped their authority. They should lead by example, they should denounce bigotry that comes to their attention, and they should work toward an anti-harassment policy that is consistent with the First Amendment. Their threats, however, have no place in the socio-political dialogue here at Michigan. They should retract those threats and apologize for them, or they should resign.

Blaine Renfert

## Notices

**Student Funded Fellowships**—SFF would like to thank everyone who helped us surpass our goal during the pledge drive. We raised \$28,000. Thank you. Thank you. Thank you!

**Speaker**—The International Law Society is pleased to welcome Prof. Georges Abi-Saab to the University of Michigan. The ILS will host a wine and cheese reception for Prof. Abi-Saab on Thursday, April 2, at 4 p.m. in the Lawyers Club Lounge. Following the reception, Prof. Abi-Saab will discuss the Third World's perception of the use of force in international law.

**Law Revue**—Funny? Creative? Like to be the center of attention? Even if you're not, the annual Law Revue is coming up soon—April 11, at 8 p.m. So start your creative juices flowing. Ask your favorite professor to join you if you want. Sign up now on the door of the LSSS office to audition. Auditions will be held April 5 & 6.

**Sale**—LSSS Social Committee is selling Michigan Law School mugs and hats this week in front of Room 100, from 10-3. The Law School clothing sale is also coming soon.

**Summer Jobs**—The *Michigan Law Review* seeks to hire three student clerks to work over the summer. Duties will involve citechecking, proofreading, and administrative tasks. Positions are available for the entire summer and a 40 hour work week is envisioned. Applicants will be asked to complete a three hour citechecking test and a personal interview. If hired, they will be compensated for the time spent completing the test. Applications are now available on sub three in office S-380C. Completed tests should be returned by Friday, April 17. Interested students should contact Patrick Connors or Marilyn Leitch at 747-4073.

**Dean Search**—The Student Senate invites all concerned students and organizations to submit statements or concerns about the dean search process. In addition, we are seeking specific questions for Dean Search Committee interviews with the inside and outside candidates for the deanship. You may place your questions or comments in the Senate door mailbox located at Room 217 Hutchins.

American Indian Law Students Association Presents

# NATIVE AMERICAN LAW DAY



Topic: Indian Education - The Reagan Years

Speakers: Ben Meadows, Ph.D., Professor of Anthropology, Bishop Neive Center, University of Calgary  
Bob Thomas, Ph.D., Professor of Indian Studies, Former Director, Native Studies Program, University of Arizona  
Paul Juviler, M.Ed., Professor of Development and Human Rights, Consultant for the Michigan Education Assessment  
Richard Noyes, M.Ed., Vice President, OASIS Association, The IV Indian Education Resource and Evaluation Center One  
Ann Lovell, Counsel to the House of Representatives, Committee on Education and Labor, responsible for legislation on Native Americans

Friday April 3, Room 250, Hutchins Hall, Law School, Ann Arbor 12:30 pm - 5:30 Reception Following, 8 - 8 pm

Special Thanks to: Rackham Student Government, Dean Eklund, Law School, Henry Johnson, Vice President, Student Services Office of University Student Services, Native American Student Services (NASS), Native American Student Association

For more information call: 763-9044

A D M I S S I O N F R E E

# LAW STUDENTS

## PHOENIX LAW FIRMS SPONSOR OPEN HOUSE

You are invited to an informal program about living and practicing law in PHOENIX, ARIZONA.  
Please join us for refreshments and conversation on

**TUESDAY**  
April 7, 1987  
4:00 - 6:00 p.m.

University of Michigan  
School of Law  
The Lawyers Club, Main Lounge

Brown & Bain  
Jennings, Strouss & Salmon  
O'Connor, Cavanagh, Anderson, Westover, Killingsworth & Beshears  
Fennemore, Craig, von Ammon, Udall & Powers  
Evans, Kitchel & Jenckes  
Lewis & Roca  
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"The legal community in the metropolitan Phoenix area is composed of diverse firms of varying sizes. We encourage you to explore opportunities for practicing in the metropolitan Phoenix area and to contact or interview with other law firms not sponsoring this Program."

See the Placement Office for Fall interview dates and firm resumes.

# Diversions

## Good Chow at Trattoria Bella

By D. Gustibus

This week, D. Gustibus visits an array of area ethnic restaurants. The main obstacle to eating at our first selection, **Trattoria Bella Ciao**, is finding the name in the phone book. Frequent name changes -- first Trattoria Bongiovanni, then Giovanni, then Bella Ciao -- nearly made D. Gustibus hang it up when calling for reservations (which are essential). For future reference, it's listed as "Bella Ciao Trattoria." if you're in search of spaghetti and meatballs, forget it; the country-Italian menu concentrates on more exotic and innovative offerings. For instance, a cold antipasto combines cold spaghetti, Italian parsley, celery leaves and Michigan golden caviar for a full-flavored pasta salad. Corn crepes stuffed with ricotta and spinach were excellent; this hot antipasto was laced with a mild tomato sauce. A cold chicken pate in pastry was disappointing, overly bland and clammy. A good salad followed with mixed greens and a light dressing.

For the main meal, D. Gustibus sampled Fettucine Con Tre Fromaggio, a richly sauced pasta dish. The three-cheese sauce was a little on the bland side, but still delicious. Spicy Penne Alla Rustica, with sausage, wilted greens, and hot peppers, is probably the most aggressively flavored pasta selection; the timid can request that peppers and sausage be left out. Buridda di Pesce Fresco is a shellfish stew with a strong garlic-flavored broth -- delicious, and incredibly filling. Trattoria also offers side orders of lightly sauteed greens (a la carte), that vary with the season. On D. Gustibus' most recent visit, the green-of-the-week was rapini, a strong-flavored, almost bitter vegetable that looks like broccoli.

We closed the meal with an incredible chocolate-Amaretto ice cream (made on the premises) and an equally incredible chocolate torte. A pear poached

in red wine and cinnamon was an appropriate dessert to follow some of the richer entrees. Service was polite, efficient, and incredibly knowledgeable about the wine list and the menu -- something rare in Ann Arbor restaurants. With appetizers ranging from \$3.25 to \$6.95, and entrees ranging from \$7.25 to \$13.50, Trattoria is in the upper level of pricy.

Trattoria Bella Ciao serves dinner only at 118 W. Liberty.

**The Oyster Bar and Spaghetti Machine**, at 301 W. Huron, also offers a range of Italian dishes -- mostly pasta and veal. The Spaghetti Machine offers a warm, if somewhat underlighted, atmosphere; grand opera plays softly in the background, and candles flicker on tables. This restaurant boasts, at least in D. Gustibus' opinion, one of the best salad bars in Ann Arbor; good out-of-season tomatoes nestle next to bowls of feta cheese, Greek olives, scallions, capers, and delicious navy bean salad. A range of herbs, vinegars, and oils, along with the standard salad dressings, allow diners to exercise individual taste. A bowl of soup, along with the salad bar, makes for a very full meal.

The pasta menu at the Spaghetti Machine is organized around a choice of pastas -- spaghetti, white or green fettucine -- and sauces. The sauces are fairly standard -- red or white clam sauce, pesto, marinara, carbonaro. D. Gustibus tried pesto with white fettucine; this rich basil-based sauce was tasty, but almost too filling in conjunction with a salad. A Sicilian sauce based on fresh tomatoes, eggplant, and green peppers was very good, but D. Gustibus could have done without wrestling with the several enormous chunks of vegetable that graced the sauce. White clam sauce received praise; the garlic lovers among us singled out a butter, basil, and garlic combination as the best choice on the menu.

Dessert at the Spaghetti Machine is an all-or-nothing proposition. In addition to creme caramel (good) and carnoli (better), the dessert menu features a dark chocolate offering, laced with Grand Marnier, that is nothing short of exquisite. This dessert is something like a collapsed chocolate mousse -- it's thick and sweet, and eating one is like going after a chocolate orange with a spoon. Service at the Spaghetti Machine is generally amiable, but uneven; some service persons can be inattentive and disorganized. Prices are reasonable, especially given the generous servings. Don't go on a weekend night if you don't have a shoehorn -- or a reservation for parties of six or more. Lunch and dinner are served daily, seven days a week.

**The Shanghai Restaurant** at 2016 Packard offers a regionally diverse menu, including not only the spicier Szechuan, Hunan, and Peking varieties but also milder dishes from Canton and Shanghai. Don't be put off by the building's spartan exterior; one of us noted that "this place looks like an Ace Hardware." Inside, the somewhat minimalist dining room is decorated with framed Chinese brush paintings and a large aquarium shared by half a dozen goldfish.

D. Gustibus started with hot-and-sour soup -- the version here is liberally laced with egg and strips of pork. Unlike other local restaurant offerings, the effect of this hot-and-sour soup is cumulative. Seemingly mild at first, the flavor comes to assert itself; ask for a glass of water. D. Gustibus was pleased to note that Shanghai has a far more extensive vegetarian menu than other Ann Arbor Chinese restaurants. However, the variety of vegetables used in the dishes was limited -- Middle Kingdom's combinations of wood ears, daylily buds, baby corn, and

more prosaic vegetables remain unchallenged. D. Gustibus' selection, vegetables with fried brown rice, was noteworthy for its presentation. Our waitperson brought a steaming hot platter of small cakes of rice, molded into nests, then poured vegetables in sauce over the rice. The effect was spectacular; the sauce steamed as it hit the platter, the vegetables sizzled, the rice crackled. Unfortunately, the entree itself was somewhat less spectacular. The textural combination of crisp rice and tender vegetables was very effective -- until the overly-abundant sauce made the rice as soggy as yesterday's cornflakes. The vegetables themselves, a combination of water chestnuts, carrots, celery, snow peas, and bak choy, were delicious, seasoned with garlic and ginger.

A better offering was almond chicken; small, tender pieces of chicken were served with chopped celery and a generous sprinkling of almonds.

Dessert at Shanghai is a far cry from the usual standard loquats and fortune cookies. "Spun-sugar apples" are both delicious and well-presented. Sliced apples, coated in a sugar-sesame seed glaze, are plunged into an ice-water bath at table side. When the sugar hardens, the apples are taken out and placed on a cold platter. This is one of the best desserts D. Gustibus has had anywhere in Ann Arbor; the still-warm apples are covered with a crisp candy-like glaze. Shanghai also offers equally wonderful spun-sugar bananas.

Service here was unfailingly quick and unflaggingly patient with explanations. Most dinner entrees are under \$8, running up to \$17.75 for a whole whitefish available in both Cantonese and Szechuan styles. The Shanghai serves lunch and dinner seven days a week, 11:30 a.m. to 9:00 p.m.

## Law In The Raw

BY DOUG GRAHAM AND TIM THOMPSON

### Ponch, John, Where Are You?

Sue Ann Yasger was cruising past other cars on a crowded Southern California freeway when a patrolman pulled her over. The special car-pool lane in which she was driving, the officer explained to her, was reserved for autos with more than one passenger. Yasger insisted she was not alone: she was five months pregnant. The patrolman handed her a \$52 ticket.

A municipal judge dismissed the ticket after Yasger, by then eight months pregnant, reminded the court that California's child-support law considers a fetus to be a child. Judge Randell Wilkinson threw out the ticket rather than rule on the legal status of a fetus. The California Highway Patrol (CHiPs) will continue to write similar tickets. Says Officer Paul Caldwell: "Our officers are not qualified to determine whether a lady is with child."

Time, February 2, 1987

### By the Short Hairs

West Keynote - Searches and Seizures 3.3(1)

Warrantless seizure of some 20-25 pubic hairs which were "plucked" or "yanked" from 17-year-old defendant's body was not necessary because of exigent circumstances since pubic hairs may be expected to remain where they are long enough to obtain valid search warrant or court order.

West Keynote - Arrest 71.1(6)

Warrantless seizure of some 20-25 pubic hairs which were "plucked" or "yanked" from 17-year-old defendant, without consent of defendant's parents and without his permission, could not be justified as seizure "incident to lawful arrest."

State v. Gamill, 585 P.2d 1074 (1978)

### Who conducted the voir dire?

The supervisor of the clinical law program at the University of Denver College of Law arrived early to a courtroom where one of his students was going to try his first jury case. Criminal arraignments had also been scheduled in the courtroom that day and, as was customary, the 10 prisoners were put in the jury box to await their hearings. Many of the unshaven prisoners sported tattoos or were shirtless.

The student arrived, looking pale and nervous. Glancing towards the prisoners, the aspiring litigator exclaimed, "Would you look at the jury we've got?"

ABA Journal, Feb. 1, 1987