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Faculty Finds Right Stuff in Krier and White

By Greg Hopp

Their advent has been marked by little fanfare, perhaps even less than that which greeted the painters at the Lawyers Club a couple of weeks ago. They've been readily assimilated, concealed within the ranks of the dozen or so visitors who come and teach and go each year. Yet such is not to be the case with either Jim Krier or J.B. White. They're here to stay, having joined the faculty this fall as tenured professors.

If one looks hard, there are

similarities to be found between the two men. Krier (pronounced Kreer) and White (J.B. for James Boyd, not to be confused with James Justesen) are both in the prime of their academic careers. White is 45, Krier is 44. Both left tenured positions at very good law schools. Krier comes to Michigan from UCLA (and Stanford before that), while White hales from the University of Chicago.

Then there's the matter of qualifications. Professor White graduated from Amherst (four years

after J.J.), and spent two years as an associate at Foley, Hoag in Boston. Professor Krier was Editor of the Wisconsin Law Review. Following law school, he clerked for Chief Justice Traynor of the California Supreme Court and similarly spent two years at a major law firm, Arnold & Porter in Washington, D.C. While at UCLA, Krier co-authored a property textbook with Jesse Dukeminier. He has, however, written primarily about pollution and environmental topics. Professor White's interests range from criminal

procedure to the "legal imagination," while his recent writing has focused more particularly on law and literature.

Indeed, both men have a kind of literary bent. White's expresses itself in his academic interests, while Krier's is of a more personal sort: he admits to being a frustrated novelist, emphasizing the former part of the description. Both men smoke. White, incongruously, smokes cigars, Krier cigarettes. More surprisingly, perhaps,

See INVISIBLE, page 3

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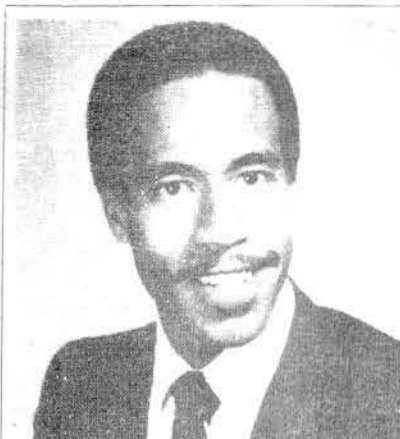
The Res Gestae

UNIVERSITY OF MICHIGAN

Vol. 32, No. 8

University of Michigan Law School

October 26, 1983



Dunn Reviews BLSA Activities

This week, Marty Dunn, President of the Black Law Student's Alliance (BLSA), discusses his organization with the RG's Ted Lee. Dunn is a third year law student.

RG: Last year, I got the impression that Broderick Johnson (then President of BLSA) ran things quietly. He seemed to want the organization to be rather conservative. Is that how you see the organization?

MD: That's interesting that you saw it that way. I wouldn't categorize BLSA as liberal or conservative. We are a support group for black law students. We want to make them more aware of services provided by the Law School. We also want to make them aware of the job market and the social responsibility of being a black lawyer.

RG: And how do you want to run the organization?

MD: Well, I'm not trying to run the organization conservatively. The only difference is that I want BLSA to be an active rather than reactive organization.

RG: Last year, the Law Review changed its policy from a purely grade-based system to one now called a "grade-boost" system. It was hoped the system would be more equitable, including more minorities making Law Review. No black students wrote notes last year. What happened?

see page two

Security Tightened; I.D.s Checked

By Kevin Tottis

If you think showing your ID at the library is a hassle, don't get caught in Hutchins Hall at the wrong time. Failure to produce that yellow, red-stickered card at night, could get you booted from the building — or maybe even arrested.

In fact, about a month ago, that's what almost happened to a third-year student, said Henrietta Slote, assistant to the Dean. One of the roaming security guards asked the student for his ID. He refused and campus security was called. He wouldn't show it to them, either, and finally the Ann Arbor police came to deal with the problem. The student evidently finally did produce his ID and he wasn't arrested, Slote said.

She added that the increase of thefts — such as the pilfering of computer

terminals recently — has created a need for increased security. A special guard has been hired to roam the corridors of Hutchins Hall at night in hopes of deterring any wrong-doers. The guard also keeps out undergraduates and other non-law students.

But just what constitutes the schools' policy toward ID checking is hard to tell. State Security — the outfit that rents the guards to the school — won't talk. The University's Public Safety Department — which supposedly gives orders to State Security — says it gets its orders from the school's administration. But Slote says there's no specific policy for the guards.

"I rely really on [the guard's] sense of terrain," Slote says. In other words, the guards may do what they think is

necessary to ensure that non-law students aren't running amok in Hutchins Hall.

But whatever the policy, local experts agree that asking students for identification doesn't violate any right against improper search or seizure.

"I'm sure [checking for IDs] would be upheld, but I'm not sure how I'd write the opinion," says Professor Yale Kamisar.

Professor Francis Allen compares such a search with metal detector searches at airports.

"In an airport search, you are required to submit yourself to the scrutiny of your intimate belongings," says Allen. "This always annoys me. But I suppose at this point there's no doubt that it's been upheld."

see page two

Law Review Staff Eats, Listens

"All work and no play can make you a loser," G. Mennen Williams warned the Law Review on Saturday night. Williams, a former governor of Michigan, and currently chief justice of the Michigan Supreme Court addressed the Law Review Staff and alumni at the annual banquet Saturday, October 22 at the Campus Inn.

Williams, also called "Soapy," recounted stories from his time as Ambassador to the Philippines, as well as his service on a carrier in World War II. He described the importance of a good golf game to a diplomatic career, reminiscing about a game with the President of the Philippines. "The first hole included a long drive across the river; many diplomatic careers have faltered when the ball plopped in the river," commented Williams.

But the focus of Williams' talk was motivation, and the reasons for going to law school. Distressed by the younger generation's lack of motivation, Williams discussed his feelings when his son quit law school on the grounds that he was not motivated. "For me that was something new. Under my code if you had a job to do, you did it."

Williams said that reading about child labor in nineteenth century England provided the original impetus to go into law. "In my second year in prep school, I was motivated and my motivation

included becoming a lawyer. I was going to spend my life fighting for the underdog. I knew that would require a career in politics."

Finishing up his brief after-dinner speech, Williams encouraged the at-

tendant law students to make their own way. "The world greatly needs those whose hearts are attuned to a distant and different drummer... If any of you are so moved, have the courage to leave the beaten path."



G. Mennen Williams, Chief Justice of the Michigan Supreme Court, spoke at the Law Review Banquet last Saturday. From left to right: Dean Sandalow, Justice Williams, Mrs. Williams, Jim Loots, Marie Deveney.

Res Gestae

BLSA President Reveals Student Role in Recruiting

MD: One reason is that the decision to change the policy was made in late spring. Many students had probably made their summer job plans by then. They might not have had the luxury of taking three weeks off to write a note. Hopefully, people are more aware of the policy now and can plan accordingly.

RG: Do you expect black students to enter the competition this year?

MD: Yes I do.

RG: What do you think about the policy?

MD: The verdict is still out. It's better than before. It allows for more emphasis on writing than the grade based system did. It'll be important to see what happens in the next few years.

RG: During the time Law Review was developing its policy, BLSA did not provide it with any input....

MD: That's not true. We let Law Review know early in the year what

our thoughts were about changing the policy.

RG: What functions do members of BLSA perform for recruiting minorities to Michigan Law School?

MD: We go to undergraduate schools and recruit. We answer their questions and try to make them aware of Michigan's reputation and quality.

RG: How does the process work?

MD: BLSA has its own Admissions Committee made up of our own elected members. Dean Stillwagon gives us a budget. We then come up with a list of schools we think would be good to try to attract law students from. We go to their Pre-Law Day and answer questions about law school and Michigan. It's important to make them aware of Michigan's reputation. They know it is a good school, but because it is a state school, we have to make them aware of its reputation nationwide in relation to all schools.

RG: How many of these school visits do BLSA Admissions Committee people make?

MD: I'm not exactly sure of the numbers. This week, for example, one member went to schools around Atlanta, Georgia, another went to Case Western Reserve and that area, and a third went to some Indiana schools.

RG: What role does Dean Stillwagon play in this process?

MD: Well, he allocates the budget. He also discusses the list of schools we will attend. He has to o.k. the list.

RG: Does BLSA do anything else in recruiting?

MD: Yes. We send out letters and brochures in the Spring. We make follow up calls to people accepted by Michigan. This is very important. Most of these people are also accepted at Harvard and Stanford and other places. We have to try to inform them of the reputation of

Michigan and the services available to them in the Law School.

RG: Do you have any impression of how black students are doing in the job market?

MD: It's much more difficult now. This is a difficult time for minority students to find jobs. The legal profession is conservative. Because of that, minority students are having trouble. One small businessman from Detroit said it well: "When white businesses have colds, black businesses catch pneumonia." I think that pretty accurately describes the legal profession.

RG: Should there be a Martin Luther King, Jr. national holiday?

MD: Yes, I'm very pleased with what's happened. It was long overdue. Martin Luther King, Jr. was one of the greatest Americans that ever lived. It's a real honor and one that's deserved.

Notices

THE LAW SCHOOL COMPUTER FACILITY needs part-time help. The 10 hour per week position pays about \$4.40/hr. Interested persons should leave a brief description of their computer-related background, including familiarity with TEXTEDIT, MTS, MIDAS, and Apple IIe. Applicants should also include expected date of graduation, availability during summer of either 1984 or 1985, phone number and local address. Applications may be left in the Computer Facility mailbox in 300 Hutchins.

THE COMPUTER LAW SOCIETY will have a Micro-Computer User's Group lunch meeting on Monday, October 31, in the Lawyer's Club Lounge, from 12-2. It's an informal meeting, and anyone associated with the Law School is invited to attend all or part of it.

TUTORING — Law students with experience in teaching or tutoring English composition who might be interested in tutoring other law students should contact Virginia Gordan (308 HH). Tutors are paid by the hour.

WALLACE D. RILEY, President of the American Bar Association, will be the featured speaker at the ABA's Law Student Division Annual Fall Roundtable being held *this weekend*, October 28 - 30, at Wayne State University. A schedule of events and other speakers is posted on the bulleting board by the LSSS office. Students interested in attending any of the programs or workshops should contact their Siegel at 994-5287 or Dean Rietberg at 996-0476 for information and transportation.

OPPORTUNITIES FOR LEGAL study in China — The United States Committee on Legal Education Exchange with China offers a program for law students who plan to graduate in 1984 and wish to take non-degree courses at the law faculties of Peking, Wuhan or Jilin Universities for a period of one year beginning in September 1984. Applicants should have a strong academic record and be fluent in Mandarin. Applications must be submitted in November. Interested students should contact Virginia Gordan immediately (308 HH) for additional information.

LAW TEACHING CAREERS: A panel discussion with Professors Kahn, Reed and Whitman for students with an interest in law teaching careers will take place on Thursday, November 3, at 3:30 in Room 138 Hutchins Hall.

ATTENTION UPPERCLASS STUDENTS: Dean Sandalow is interested in meeting with students over several lunches this term. He has met previously with a group of first year students and would also like to meet with upperclass students. Please let Rosemary Vicary (307 Hutchins Hall) know by Friday, October 28th if you would like to have lunch with the Dean on Tuesday, November 8th.

The Law School Student Senate Social Committee invites all law students, spouses, friends and other hangers-on to their 46th annual Halloween party Saturday, October 29 from 9 p.m. to 2 a.m. in the Lawyers Club Lounge. Tickets are \$2.00 and will be available Wednesday through Friday from 9 a.m. until 1 p.m. in front of room 100 and Saturday at the door. Proceeds will go to charity.

THE HEADNOTES will present a short concert today at noon in the Lawyers' Club Lounge. Tickets available at all Ticketron and CTC outlets — or else just show up.

Registration

Materials Available for Seminar and Clinic Reservations — Room 300 H.H. (seminar & clinic descriptions and sign-up sheets, Winter 1984 Tentative Schedules) — October 24, 3:00 p.m.

Clinic Information Meeting — Room 138 H.H. — November 1st, 12 noon.

Seminar & Clinic Sign-Up Deadline — Room 300 H.H. — November 3, 3:30 p.m.

Results of Seminar & Clinic Sign-Up — Room 300 H.H. — November 7, 1:30 p.m.

Dean Eklund Meets with First Year Sections to Distribute Materials — Sections 1 - 4, Room 218 H.H. November 7, 2:30 p.m.; Sections 5 - 8, Room 250 H.H. November 8, 2:30 p.m.; Sections 9 - 12, Room 220 H.H. November 9, 2:30 p.m.

I.D. Checks

from page one

"Asking for identification asks for a much less intrusive violation," Allen added.

Allen also said that such checking may help protect against the "astronomical" amount of theft in the building.

Professor Jerold Israel also sees little problem with checking IDs. "It's distasteful, but it's necessary," Israel says. "It depends on how you view this place. I think it's not a public place after a certain hour."

"I just view (checking IDs) as a condition of employment," Israel said.

Kamisar, however, disagrees with calling it a condition of employment. "Where do you stop with something like that?" he said. "Does that mean you can search the dorms too?"

Kamisar added that sometimes it's best simply to cooperate with the palace guard. One night he was in his

office at 4 a.m. when a security guard came in with what seemed to be a drawn pistol or at least his hand at his side. "I started talking very quickly," Kamisar said.

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Res Gestae

Invisible Hand of Hiring Works Overtime

from page one

an unscientific sampling of their students reveals that both are regarded as excellent teachers. In the classroom, Krier is complimented for his rapier wit and attention to student remarks, White for his patience and analysis.

Despite these similarities, White and Krier are a contrast in styles. When I talked with him, White was coolly reticent, speaking in thoughtful and measured tones between puffs on his cigar. Krier speaks in great bursts of words, with the more comfortable candor of someone accustomed to speaking his mind. More than just personally, their intellectual styles of analysis contrast. Krier leavens his academic discussions with serious doses of economic perspectives. White, as mentioned before, is perhaps most interested in law as language, and the consequences of legal method of such a perspective.

Dean Sandalow remarked, "They don't fit into a single mode. Their personalities, their intellectual interests and styles are quite different. Yet each will enrich the school a great deal." It is interesting that they found their way to Ann Arbor in the same year.

The addition of Krier and White brings to seven the number of new faculty hired since Terrence Sandalow began his tenure as Dean of the Law School in 1978. Besides White and Krier, Wade McCree joined the faculty as a tenured member. In addition, four professors have begun their teaching careers during that time: Alex Aleinikoff, Michael Rosenzweig, Dennis Ross, and Carl Schneider. If anything, the appointment of these four indicates one thing: that the conventional wisdom on getting a teaching job (i.e., law review, judicial clerkship, job with government or a large law firm) is wise indeed.

Still, as brief looks at White and Krier should have intimated, the process is more than a contest of qualifications alone. My curiosity about the faculty hiring was enhanced by the necessarily personal nature of the process. As one faculty member remarked, "You're nearly marrying the person for life."

More generally, Sandalow commented, "I'm not sure that students have an adequate sense of how seriously these decisions are taken." This seriousness is corporate in character, expressing itself through procedure elaborate in scope and expenditure of time.

The procedures of the hiring process are bifurcated between those seeking entry to the teaching profession and those who are already academics, and are seeking to move laterally.

The initial investigation of a candidate is conducted by the personnel committee. At this time, the committee is composed of Professors Chambers, Green, Sax, St. Antoine, Waggoner and Weston. With candidates entering the profession, "We learn primarily through people in other law schools who say that a bright, young graduate is interested in teaching," says Professor Chambers. The investigation will proceed with conversations with former teachers, fellow workers at a job in government or those with whom the person has worked in private practice. The committee will also read the candidate's student law review note. Finally, a faculty member will interview the prospective teacher at his present situs before inviting him to Ann Arbor for interviews. While in

Washington, D.C. two weeks ago, Dean Sandalow spoke with four persons interested in entering teaching.

With regard to tenured moves, the process is a bit different. These people gain the notice of the personnel committee largely on the basis of what they've written. "It's the visible aspect of their work," says Professor Chambers. He added that occasionally they would hear of a superlative teacher, but that "there aren't any publications listing wonderful teachers." In Professor Krier's case, he let it be known that he was interested in a position elsewhere than UCLA. He described this preliminary stage as "an



Professor J.B. White

elaborate feeling-out ritual." In Professor White's words, "It is not a job for which one applies."

Beyond initial notice, however, professors on our own faculty who share the candidate's academic interests read and evaluate the written product of the prospective professor. Inquiries are made about their teaching. Colleagues at the candidate's home institution are consulted, or better yet, former colleagues are contacted ("less embarrassing," explains

of a special area of interest. These presentations are now held in the comfortable surroundings of the renovated faculty lounge on the third floor of Hutchins Hall. For half an hour or so, the candidate talks, the faculty ringed informally but politely round him. When he is finished speaking, the questions from the faculty begin. Professor Kamisar once remarked, "I'd never get hired by the faculty now. They ask you things like, 'What would the world be like without a tax code?' I don't know what the world would be like without a tax code." Intimidating as they may be singly in a classroom, there's nothing more horrific than a law professor

backed up by twenty-five. From economic to philosophical to conceptual modes of analysis and back again, it's not an easy audience. Dean Sandalow says that such a talk provides "both a sense of the candidate's teaching and how the person's mind works." One also gets "a feel for the person through oral presentation" that one couldn't get otherwise, noted the Dean.

After the candidate is sent packing, it is up to the personnel committee to make a decision on the recommen-



Professor James Krier

Dean Sandalow). Finally, the views of other experts in the field are sought, both to add variety to the evaluation of his work and to limit the effective veto power of any one professor on the candidacy of a professor within his field.

At the stage where a prospective entering professor has been interviewed at his home, and a prospective lateral hire has declined an invitation to visit, the two strands of the hiring process converge and all such candidates are brought to Ann Arbor for several days of wining and dining, exposure to the law school itself, and intensive small-group interaction with the faculty. The central event of such a visit is "the talk." "The talk" is a discussion by the candidate of a project in the works, or

dation of an appointment. Absent such recommendation, the subject of the candidate's appointment will never be considered by the whole faculty. With such recommendation, the subject of appointment must come before the faculty at two separate meetings before it is finally voted upon. Yet appointment is not decided by a simple majority vote, nor is here a blackball. Instead, Michigan adheres to a rule of "substantial opposition," whereby the Dean is called upon to weigh the magnitude and intensity of opposition to the appointment in determining whether the appointment is in the school's best interests. The Dean admitted that this can be a tough decision. It is also easy to see why, conversely,

one faculty member described the hiring process as "a process of generating tremendous enthusiasm for someone."

With regard to the appointments of White and Krier, both sides seem to be quite happy with the outcome. White observed with approval that he had seen "almost no overt competition between students in the classroom," a byproduct of what he sees as "the extraordinary character of the intellectual life led here by the faculty and students. The quality I mean is the thoughtfulness or reflection with which people proceed." It would seem that Professor Krier agrees: "The level of collegiality here is extraordinarily high. At UCLA it was very good. Here it's better." With regard to the response of the faculty to White and Krier, Dean Sandalow says, "We already have the reaction of the faculty," meaning that it's a wholly favorable one.

A common thread running through the discussions I had with faculty members was that the current, ongoing work of the existing faculty stands the reputation of the law school in good stead. The work of somewhat lesser known members of the faculty figured prominently in these comments. In particular, books in the works by Professors Green (on the history of the Jury) and Vining (on authority) were cited as examples of the superior scholarship the law school continues to produce.

Coupled with this, the law school's ability to attract White and Krier bodes particularly well for the future of the school. Dean Sandalow says that the goal of the hiring process is no less than to find "interesting minds who are going to be the leading figures in the areas in which they choose to work over the next generation." Pretentious as that may sound, the law school appears to have done just that in hiring Professors Krier and White.

More fundamental than the reputation of the Michigan law school is that faculty hiring has a concrete impact upon the way law is taught here to the students. There is always a risk for a faculty of inbreeding of ideas. The infusion of new faculty is necessary for the vitality of the institution. In Dean Sandalow's words, new faculty members are useful "in bringing new ideas, and ways of expressing ideas, into our continuing discussion."

Given such varied perspectives, is there nevertheless a distinctive approach to legal education at Michigan, a view embodied in its faculty? Dean Sandalow didn't feel the concept of a "model" was appropriate at a school of this size. But he did say, "There's something building here, though it's never been articulated. Add up the number of faculty interested in legal history, literature, and philosophy, and bringing those disciplines to bear on legal studies. It's an approach to law through humanistic studies, and it gives a certain cast to what we do here."

When asked a question along these same lines, J.B. White briefly discussed the general crisis in legal education, the sense that the old model is no longer working. It was obviously something about which he had spent some time thinking. Not at all implying an insensitivity to such concerns White said that Michigan "communicates very little sense of crisis. It is its self-conception that marks this place, a self-confidence about the enterprise of legal education.

The Res Gestae

Editor-in-chief: Ted Lee
Managing editor: Ruth Milkman
News: Brad Heinz
Features: Dan Bronson and Mike Barnes
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Staff: Beth Doyle, Barry Hudgin, Carol Shepherd, Margaret Thompson, Bruce Vielmetti, Andrea Lodahl, Kevin Tottis, Greg Graessley, Katchen Kimmel, Karen Jewell

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Security Guards Must Cool Out

The Law School is not under martial law. At least it wasn't until the past few weeks when night security was tightened. Since that time, law students in Hutchins Hall and the Legal Research Building have been accosted, given the evil eye, and lectured for not knowing that the law requires showing identification. One law student was sent "kicking and screaming" to the Ann Arbor police station. The behavior at times borders on harrassment. It is wrong. It should stop.

The solution is simple. Stop treating the law students like hoodlums looking for trouble.

Granted, theft has become more abundant in the Law School. The R.G. has reported several thefts and attempted thefts in the law school this year. These crimes demand tighter security and warrant checks on students who roam the halls during the evening hours.

It is equally clear, however, that law students should not be treated as violating rules simply because they are in these corridors during the evening hours. Many students read about law firms during those hours in Room 200. Others find niches which make quiet, effective studying hide-outs. Some are active in organizations which require late-night work in these buildings.

Most of the students have been in these halls at night more than once. Of course they are surprised to be stopped on the territory they walk through daily and to be ordered to show identification. A simple explanation of the security check is more palatable than a threat to be hauled into the police department if any resistance be shown.

Law students, too, care about the theft in their buildings. Theft creates feelings of insecurity. It also raises tuition rates.

The law students are not the enemy. They are some of the ones to be protected. It's time for the security guards to "cool out." We are all here together and harrassment only makes the environment tougher for us all.

Forum

Letters

To the editor,

We condemn the repeated acts of vandalism committed against the lesbian and gay law students association bulletin board.

We urge others to join us in opposing bigotry and upholding the rights of all members of the law school to express their ideas.

Jewish Law Students' Union
 National Lawyers' Guild
 Environmental Law Society
 Women Law Students Association

Other endorsements of this resolution will follow.

To the Editor:

Once again, the bulletin board display of the Lesbian and Gay Law Students has been trashed. While we naturally find these repeated acts of vandalism against our bulletin board distressing, we find the response of our fellow law students to these childish acts exhilarating. For each slur scrawled on the board or display ripped down, members of LGLS hear numerous expressions of outrage at the act and support for the group.

In particular, LGLS appreciates the recent resolution passed by the Jewish Law Students' Union condemning the acts of vandalism against our board. It's great to know that we have such good neighbors.

We wonder whether the vandals are aware of the support their acts generate for our group?

Mike Kenyon
 for LGLS

Letters. Yup, you write it, we'll print it. Letters should be typed, double-spaced and delivered to your nearest R.G. staffer, or failing that, to the R.G. door, 408 Hutchins Hall. Our deadline is Sunday at 6 p.m. for the next Wednesday issue. Letters must be signed, although we will withhold names by request.

Questions??? Stop by, or call 763-0333. Sometimes our answering machine is even on.

Fall Break

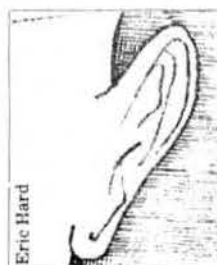
Sorry kids, but we just have to take a week off. So no RG next week, but we'll be back on November 9. Don't stuff beans up your nose.

Love, the editors.

NEWS ITEM: U.S. MARINES RESCUE
 800 MEDICAL STUDENTS TRAPPED
 IN GRENADA 10/25/83



Eric Hard



Eric Hard

by Ruth

Despite the gray drizzle outdoors, the scene was anything but dull at the annual Law Review banquet last Saturday night. Although the top editors dressed conservatively — Marie Deveney in a little black dress, and Bill Holmes in the ubiquitous Texas brown suit, Banquet Editor Jim Loots' red vest provided a splash of color.

Honored speaker G. Menn en Williams wore a lively green polka dotted bow tie, matched only by his wife's kelly green blouse. Blue blazers and

gray flannels were in abundance, although some of the senior editors chose to express their individuality in pastel shirts. Pat Quick's pink oxford complimented his complexion nicely.

Also present were Mr. and Mrs. Lynda Oswald, she in a stunning sea-green silk, he in conservative gray. The dinner consisted of broccoli soup, chicken, brussel sprouts, stuffed tomatoes and crepes with ice cream and hidden raisins. A good time was had by all.

Res Gestae

Computer Criminals Exploit Anonymity

by Andrea Lodahl

Second in a series on computer law issues

Computer crime as a phenomenon has been capturing a great deal of attention, especially since the release of *War Games*, the first feature film to expose the public to the potentials and dangers of computer crime. To the interested professional or layperson trying to make sense of the deluge of information on computer crime, a few fundamental questions need answering: What exactly is computer crime? How much crime exists? Who are the computer criminals? How adequate are existing legal and technological tools to address it?

Old Crime Dressed in New Clothing

The first question in examining computer crime is definitional: are they new crimes, or new technological tools applied in the performance of familiar crimes? For the most part, computer crimes are familiar substantively, if dressed in new clothing. Most fall under traditional conceptual notions of embezzlement, theft, fraud, and espionage. The law, however, is scrambling to expand and apply the legal definitions of those crimes to include their new and unfamiliar manifestations in electronic media.

Financial crimes finding new dimensions in electronic media range from theft of services to the outright theft of money or commodities through electronic transfer. Look, for example, to the local banks, with their automated teller machines, their coded checks and deposit slips read by machine, and their complex files of accounts with thousands of transactions per day. Bank account crimes have ranged from having deposit slips printed with a personal account number and slipping them into the bins of bank slips so that all deposits will be credited to a certain account, to connecting personal computers with bank computers through telephone hookups and entering or canceling transactions directly.

Theft of services is also largely accomplished through the linking of computers by telephone. In *War Games*, many companies (airlines are a good example) sort all purchases, orders and payments by computer. Accessing such a business' computer system allows a criminal to "purchase" a product and record it as being paid for in full. MCI and SPRINT, the long-distance telephone companies, have also been notable victims of this kind of theft.

Other thefts of services have victimized computer services companies themselves: These companies serve to link company branch computers with each other and also to provide access to vast data banks such as LEXIS and WESTLAW for connect-and-computing-time charges. However, access requires only a valid account number and password, and a certain amount of experimentation by criminals has apparently yielded a heavy loss in theft of services.

All these crimes could be performed from a criminal's own home with the use of readily available and inexpensive equipment, plus a little patience

and ingenuity. Company employees with access to computer files can also divert monies or products by entering the company computer system. The widespread reliance on computers for such filing and sorting tasks, however, and the ease and anonymity of accessing them, have rendered these crimes far easier to commit undetected or with a very low risk of apprehension.

A second major form of computer crime involves unauthorized entry into



computer systems for vandalism or espionage purposes, or simple curiosity. With the same ease that airline reservation files can be accessed by telephone and home computer, many large-scale company, university and other private systems can be penetrated. In some cases, the potential losses are incalculable in dollars: consider the loss, deliberately or through inadvertent sabotage, of a university professor's data from a large-scale research project. Proprietary information from a company? Privileged medical and personal records? Sensitive government documents? Credit information? While specific privacy concerns comprise a distinct subfield of computer law, the criminal side of file destruction is mushrooming.

Leaps in Magnitude and Frequency

All experts recognize that definitional and data collection problems hamper estimation of crime frequencies. Some estimate that only 15% of cases of computer crime are even reported. No one, however, disputes that there are increasing losses, and that the magnitude of each loss is much larger than that of traditional crimes.

One study revealed that in 1965, there was approximately 1 case per 10,000 computers of reported computer crime. By 1975, the number had risen to 5 cases per 10,000 computers. The proliferation of home computers since 1975 suggests the likelihood of far greater incidences now. (Parker: *Crime by Computer* (1976). Equally important, the average loss per incident is larger than those of traditional methods of theft and embezzlement: the average armed robbery yields \$9,000; the average "conventional" embezzlement \$20,000; the average computer crime averages a \$450,000 loss.

Perpetrators

Perpetrators can be divided into two groups: those who penetrate systems from the "inside" and those who inter-

fere with systems from a "remote" access point. The former includes those traditionally associated with embezzlement and fraud: high-level managers and technicians, for example. The widespread computerization of organizational files, moreover, has democratized access to information and resources. Clerical employees trained to enter non-sensitive portions of the computer system may more easily penetrate other areas. Frequently the only barrier between any em-

ployee and sensitive material is the name of a file or a certain password. And there is typically no indication of the location from which a given access was made, so the risks of apprehension are very small.

A new class of criminals are the system "hackers." This term, (originally meaning enthusiasm coupled with limited competence) was first used to describe people who penetrated long-distance telephone networks. As remote access to computers became increasingly common, it came to denote more specifically those who access computers by telephone.

Of late, and as portrayed by *War Games*, a new group of hackers has emerged: adolescents who have become lay computer enthusiasts, usually through the purchase of a home computer and telephone hookup, and who find it challenging to attempt to "break into" computers. They sometimes use random number generation, as seen in *War Games*, to break in. Some even inform underground groups and trade the access methods each has discovered.

Interviews with hackers reveal very little remorse or compunction: most of them seem to feel that if weaknesses in the system render access so easy, the victims deserve to be robbed or defrauded. There is an element of playfulness: the exercise of ingenuity through the electronic media. Many of these individuals, perhaps because their victims are organizations rather than individuals, do not relate their actions to lockpicking or using a false account number, though the differences are slight. The remote and depersonalized nature of committing the crime facilitates cavalier attitudes. They seldom see their victims, or confront the harmful effects of their actions. Hackers are considered largely responsible for the theft of services from companies.

Prosecution and Punishment

In order to charge and convict computer criminals (in the absence of computer crime legislation) the old definitions of fraud, forgery and the like must be applied in ways that often threaten to distort old statutes beyond recognition. Many cases are lost because prosecutors bring charges under the wrong statute.

For example, in *United States v. Jones* (1976), the defendant had created a false account and attributed \$133,681.77 to that account. The case turned on whether the crime committed should be defined as fraud or forgery. The appellate court reversed a forgery conviction on the grounds that the action did not constitute the making of false writing, but the creation of a genuine writing which was substantively deceptive—in other words, a fraud. Other instances of computer crime have been chargeable only under obscene telephone call statutes, or under the Federal Wire Fraud Statute when telephone lines used by the individual have crossed state lines.

In hasty attempts to redress these legal deficiencies, seventeen states, including Michigan, have passed computer crime statutes. Unfortunately, many of these legislative efforts show severe definitional deficiencies which permit many crimes to fall between the cracks. There is also a notable lack of uniformity among them. Considering the frequency with which these crimes cross interstate boundaries, and that no Federal legislation has yet been enacted, major jurisdictional problems are to be anticipated.

Federal legislation has been proposed several times. Senator Abraham Ribicoff introduced the first bill in 1977. Ribicoff's bill suffered from numerous deficiencies, was redrafted several times, and was reintroduced by Representative Bill Nelson. Its fate is uncertain.

Technical Measures

Given the legal limitations in preventing and redressing computer crime, a variety of technical solutions are now appearing on the market for rendering access to computers more difficult and to trace intrusions. Various cryptographic devices are expected to be in place soon for most large-scale victims of computer abuse.

For many of the hackers, the party will soon be over. The FBI is gaining increasing skill in locating the source of intrusions, and prosecuting the offenders under a variety of laws. The number and quality of available security devices is steadily increasing, with the costs being passed on to the consumer of goods and services produced by the companies whose systems have been found to be vulnerable.

Perhaps, though, increases in security will benefit the public in another area — that of computers and their impact on privacy, the topic of the next article in this series.

Crossword

By Carol Shepherd

ACROSS

- 1. part of a publication
- 4. daily market statistics, of a kind
- 7. state
- 10. federal counterpart to Frank Kelley
- 12. Presidential co-star
- 13. more than one of a particular national medical org.
- 14. --- Sanctum
- 16. a products-liability Pandora
- 17. rusty ---
- 18. unreasonable
- 19. liberal ---
- 20. make the grade
- 21. financial institution
- 24. four random letters in a meaningless order
- 26. a typical contract provision
- 29. Miami's co.
- 30. ripe
- 32. regret
- 33. pain
- 34. not together
- 35. opposite of 6 down
- 36. a winning blow
- 37. some Torts case from first year, I think...
- 38. NGRI
- 39. a type of acct.
- 40. dieter's "candy"?
- 41. probability
- 42. bullring call
- 43. some Civ. Pro. case...
- 45. the predominant type of Room 200 lawyer
- 52. heart and ---
- 53. suffix meaning "mass"
- 54. what you have if you have a remedy
- 55. cause a future estoppel, in part
- 56. an organic "code"
- 57. I thought this was a word, but it's not...
- 58. a poem
- 59. courts lift it all the time
- 60. usually a good football team

1	2	3			4	5	6			7	8	9	
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14				15		16				17			
18									19				
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	43	44				45	46	47		48	49	50	51
52						53				54			
55						56				57			
58					59					60			

DOWN

- 1. bankruptcy?
- 2. servant
- 3. made music
- 4. ready for shipping
- 5. not fixed
- 6. greedy publishing co.
- 7. improvise vocally
- 8. abbrev. for former 1L designation
- 9. someone else's monogram on your shirt?
- 11. come together cohesively
- 13. begins some cases
- 15. what you allocate
- 19. a property quantity
- 20. a big artery
- 21. provides funds
- 22. for the purposes at hand
- 23. born
- 24. up in the sky, at night
- 25. dueling irons or iron sides
- 26. misrepresentation
- 27. dispossesses
- 28. places money
- 29. law students don't have time for this any more.
- 30. a safe opinion
- 31. a law frat member
- 35. terminate
- 41. aroma
- 42. greasy
- 43. how you feel after Bollinger at 12:00
- 44. what you apply to the facts
- 45. "...a Gestalt." — C. Gillette
- 46. a popular States file
- 47. not personal, at least
- 48. a torts concept
- 49. gets older
- 50. a good grade-B horror flick
- 51. parting words
- 52. filled past capacity

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ANN ARBOR

Calendar

W
10/26

dance-

Caracas New World Ballet
contemporary dance works by Ailey and others.
8 pm, Power Center, \$10-\$14 at Burton Tower or door.

music-

House Concert: Ann Arbor Council for Traditional Music and Dance
original Celtic instrumental music by Thistle down.
8 pm, 543 S. 4th Ave., donation

theater-

"Henry IV, Part I"
EMU Players
Sir John Falstaff, honorary Barrister.
Have a car?
8 pm, Quirk Audi, EMU, \$4.50.
(also Th, F, Sa, Su)

T
10/27

music-

Music at Mid Day
Stephen Caplan, oboist. FREE.
12:15 pm, Union, Pendleton Room.

Third World/Hiroshima
Office of Major Events
hot reggae and cool Japanese fusion jazz.

8 pm, Power Center, \$10.50-\$11.50 at M.U.T.O. or Warehouse Records.

theater-

"Dangerous Times"
Performance Network/Michigan Labor Theater
2 one-acts depicting the lighter side of civil defense.
8 pm, 408 W. Washington, \$4.
(also F, Sa, Su)

"Mrs. Warren's Profession"
Black Sheep Theater
guess what Mom did for a living.
Have a car?
8:15 pm, 138 E. Main, Manchester
(also F, Sa, Su)

Arts

Byrd, Davis, Monk & Coltrane: Hiring?

By Bruce Vielmetti

On a cold, wet Sunday evening, when most of his classmates are probably hunkered down with the weekend's reading for Tax or Antitrust, Louis Johnson steps out, lights up, and puts down some jazz to ease the coming Monday.

The second year saxophonist from Spring Lake, Michigan plays Sunday nights at the Comfort Inn, on Jackson Road near I-94. "Louis Johnson and Friends" also includes Scott Warner on piano, Ted Harley on bass and Yeshwua

Ben-Israel on conga drums. They all take jazz very seriously.

The attitude becomes manifest every time Johnson puts his instrument to his mouth, closes his eyes and moves into another imaginative solo. It shows again when he steps aside to watch his sidemen weave some of the song; he smiles and nods to an unusual bass line or expressive conga rhythm.

"I really love music," Johnson said. "It's very spiritual, or whatever you want to call it." He called his playing very physical too, and said that's why it is essential for him to always keep at it.

"It's not like writing," he said, "where you can kind of quit for a while, and start again when your mind's ready. With music, you can actually get out of shape to play."

On recent Sundays, only a few patrons have driven out to the west side to hear Johnson's music, but though the business is slow and the crowd meagre, the performances deliver generously. One night, two couples came to a forward table, doubling the audience. Johnson welcomed them with a smile as he let his trio shape Duke Ellington's "Caravan", then returned to the microphone to top off the tune with a bright, bouncing solo.

The first thing a law student-jazz aficionado wonders when Johnson plays is "Why is he in law school?" He plays that well. He continued to offer his very impressive musical skills as he took the quartet through awake renditions of such jazz standards as "Georgia," "Cherokee," and tunes by Miles Davis and Thelonius Monk, as well as some original material.

"This is a new tune I wrote," he told the listeners, "tentatively entitled 'Thank You Randy,'" Johnson explained the song was named after a friend who had recently escaped a paternity suit. "That was my first bit of professional advice — I told him to call the other side and try to work the thing out!"

Harley, the capped and bearded bassist, quipped, "Maybe in a couple of years you can charge him \$1,000 for that kind of stuff."

Johnson is hardly sure of that. He would like to combine music and the law somehow as a career, but has been struggling with the question of how to go about such a task. "I don't love the law," he said, "But I do love this music, and if it came down to doing just one thing, it would be music."

Under that latter career heading, Johnson said he might like to record some of many tunes he has composed, but that making records can be even more difficult than finding the perfect law job.

"To make a record, you've got to have money, and I don't have that kind of money now. But that's another way the law could come in handy."

Johnson has done some recording before, about six years ago when he was living in Brazil, "mostly working on my music and my Portuguese." He has added some other international

flavoring to his musical development by studying under saxophonist Daniel Deffayet in Paris, and by playing with musicians from around the world this summer in Japan, where he was working for the legal department of Sumitomo Metals, a steel company.

Formerly a classical musician, Johnson said he's only become seriously devoted to playing jazz in the last three or four years. "Classical is great to study because it gives you technique and facility," he said. "It teaches you to negotiate your instrument."

"But in classical music, you work under a narrower framework; you're limited by the text. Jazz gives you much more freedom, a much wider context. Every time you play a tune, you're composing."

"The ears are more important in jazz," Johnson explained. "You're always listening to what the other people in the group are doing; you communicate with your ears and the other music, instead of your eyes and the text."

Johnson cited Claude Black as his main jazz influence, along with Byrd, Coltrane and Johnny Hodges. Johnson said he once met Black in Muskegon, Michigan, and later worked with him for several weeks in Kalamazoo.

Gigging as a hired musician has been a nearly life-long occupation for Johnson; he recalls playing professionally for the first time in sixth grade, at a New Year's Eve party with his father. It's that veteran's experience that allows him to view the lowly Sunday night turnouts without too much despondence.

For at least some undetermined while, his jazz will continue to perk up Sunday evenings at the Comfort Inn, though Johnson admits "It's not looking too good, actually." However, he will be playing Fridays and Saturdays at the Comfort Inn in December, and he promised "a Thursday night thing will be happening pretty soon downtown," though he couldn't offer details until the deal was finalized.

Meanwhile, he continues to jam two and a half hours of practice into the full daily work load of a second year law student, in the hope that the ultimate jazzlaw career will appear.

One evening, after a particularly hot performance of Thelonius Monk's "I Mean You," a request came from one table for "Law School Blues." Johnson cast a big smile and laughed understandingly.



Louis Johnson feels his jazz at the Comfort Inn.

F
10/28

theater-
"Henry IV, Part I" — see 10/26
"Dangerous Times" — see 10/27
"Mrs. Warren's Profession" — see 10/27

film clips-
AAFC-
The Horror of Dracula
(Fischer 1985). Best-ending Dracula ever.
Nat. Sci. Aud., 7.
Night of the living Dead
(Romero 1968). Classic picnic scene.
Nat. Sci. Aud., 10:15.

S
10/29

music-
The Moody Blues
Office of Major Events

8 pm, Crisler, \$10.50-\$12.50 at M.U.T.O. or Warehouse Records.

theater-
"Henry IV, Part I" — see 10/26
"Dangerous Times" — see 10/27
"Mrs. Warren's Profession" — see 10/27

film clips-
AAFC-
The Man Who Fell to Earth
(Roeg 1976). Grade-A Bowie.
MLB 4, 7 and 9:30.
CFT-
Young Frankenstein
(Brooks 1973). Abbie who?
Mich. Theater, 7:05 and 10:40.

Hill-
Singin' in the Rain
(Kelley and Donen 1952). Splashdancing.
Hillel, 7:45 and 9:45.

S
10/30

music-
Jaco Pastorius and Word of Mouth
Eclipse Jazz
the electric jazz bassist.

8 and 10 pm, U Club, Mich. Union,
\$12.50 at M.U.T.O. and CTC.

theater-
"Henry IV, Part I" — see 10/26
"Dangerous Times" — see 10/27
"Mrs. Warren's Profession" — see 10/27

film clips-
HILL-
That's Entertainment
(Haley 1974). OD-musical. Hillel, 7 and 9:30.
MED-

Outland
(Hyams 1981). Sean Connery space Western?
MLB 4, 7 and 9.

M
10/31

music-
University Symphony Orchestra Hallow
een Concert
ooh, that's scary.
9 pm, Hill Aud., FREE.

readings-
Guild House Poetry Series
Raymond Stocke, Stephen Dunning.
8 pm Guild House, FREE.

all film society tickets are \$2, \$3 for double
feature, except CFT, whose tickets are \$2.50.

Features

Pros, (Ex) Cons of Law School

By Michael Barnes

I haven't enjoyed school much since kindergarten. My favorite classes were Recess and Napping and although I still enjoy those activities, it is without the endorsement of my teachers. Steve Pepe (for the edification of the first years that's pronounced "Pape" and not "Peepee") obviously enjoyed kindergarten as much as I did because he likes to go on field trips with his students. Last week a group of us visited Jackson Prison—except for Pepe, who forgot to get a permission slip from his mom.

According to the *Jackson Spectator* ("serving the entire prison community"), the complex is the largest walled prison in the nation. The recruiting coordinator said they hope to add eighty prisoners for the summer and another eighty for permanent positions. The *Spectator* is about what you'd expect, given how exciting prison life is: news (Ed's girlfriend brought him new socks Sunday), sports (Fat Louie TKO'd Billy-the-Rat behind the dishwasher), weather (sixty-eight degrees in the cells until spring), announcements (extra beets in the stew tonight), and a legal advice column entitled "Ask Mister Kamisar." This last section is sort of like Dear Abby, except when you have written the first sentence of the letter, Mr. Kamisar tears it up and tells everyone that it's bullshit and you don't know what you're talking about. In its favor, I should mention that the paper has some good editorials, some by such noted figures as #11307, #26681, and #8 (he is a midget and only one digit would fit on the back of his shirt.)

I was given a tour of the prison area B one of the Value Prioritization Readjustment Coordinators (guards) named E.T. After passing through the Mechanical Inhibitory Restraint Department (machine gun station) and viewing the Anaerobic Behavioral Modification Room (gas chamber). E.T. explained that most of the VPRC's had spent time in prison—this way they

had a better rapport with the Societally Inconsistent Individuals (guess who). E.T. told us that just the other day, one SII showed him how to make plastique from rice pudding and Kleenex. In return, E.T. told the SII how to smuggle cocaine into prison in a Hubbard squash. Then I realized who I was with: E.T. was the famous "Embarcadero Terror" who beheaded eighty-eight law students in San Diego and lined the seats of his Lincoln with the scalps! While in San Quentin, he had bludgeoned a guard to death with a cafeteria biscuit; Governor Jerry Brown pardoned him on humanitarian grounds because other prisoners interfered with his space and the salad bar didn't have sprouts.

Since it was early in the afternoon, E.T. suggested we grab a bite at the Nutritional Apportionment Station (cafeteria). The first course was Primavera Surprise—wet cement, with peas. There was also blue styrofoam Cool Whip, purple water, and soup. Actually, the soup was tasty and I asked E.T., "What kind is it?" "Two," he replied. "No—what kind is it, not what time is it," I piped up. "I heard you," replied my host. "It's made from number two, the other midget. He was exercising in the Anaerobic Behavior Modification Room and someone locked the door. At least he was young and tender... the last batch was made from Willie "Too Strong" Eubanks, the Rams linebacker with a Ny-Quil addiction. Willie caught AIDS from a used Political Science textbook in the library and died four days later."

We arrived at cellblock "D" during breaktime (so-called because that's when coffee breaks, jail breaks, and jaw breaks occur) and the men were milling around, playing cards, smoking, and shooting each other. The atmosphere reminded me of the Stadium Tavern, although it smelled like the boy's locker room at Pioneer

High School (not sweat: Peppermint Schnapps and pot).

E.T. introduced me to Osborne Tuluze, a cold-blooded killer from Tulsa. When he was born, his parents dressed him up as an opossum and left him in the passing lane of westbound I-44. He was such a loser that trucks wouldn't hit him. When he was four, the Ku Klux Klan and the D.A.R. tied him to a tree and wrote "WIMP" on his ear lobes with a pink highlighter. He tried to hunt down his parents but they had undergone plastic surgery and joined a tribe of wildebeest-herders in Malawi to get away from him. When Hinckley shot the President, Osborne travelled to Yale to shoot Jodi Foster. Unfortunately he is dyslexic and misread the student directory, gunning down Joe D. Foster, a sophomore pre-med from Paterson, New Jersey. The day after I met him, he tried to commit suicide by swallowing a bottle of sleeping pills. He got the bottle down all right, but there were no pills in it.

The next person I met was General Yuno Amin Bizniss, also known as "Sir." He's a big guy, and had broken through the concrete floor of his penthouse cell doing Jazzercise one morning. He now occupies what were three cells on the ground floor. Apart from his size, his menacing appearance is enhanced by his wardrobe, consisting "only of native dress" (since when do they wear loin clothes and elephant tusks in Ferndale?). The overall effect is like a cross between Mr. T and Skylab, all draped in springbok furs and ivory. I approached his cell(s), knelt down, and muttered, "I am Michael, the small and meek." He cleared his throat and several third-floor windows shattered. E.T. mentioned that "Mike wanted to know why you are here." I cowered in the big guy's sizable shadow.

"Robinson," he replied, clear as day. "You see, Rehnquist's majority opinion in *U.S. v. Robinson* represents an egregious misunderstanding of

the Fourth Amendment. *Chimel v. California*, decided just four years earlier, established the validity of a search incident to arrest predicated upon a legitimate fear of officer safety and preclusion of effective prosecution through destruction of contraband. Robinson reversed all that by essentially abandoning the "reasonableness" requirement. In any case, I was arrested in Alabama for having an expired meter. I was handcuffed and beaten senseless with a bass fiddle. While unconscious, the police searched me and found my good luck charm, a dik-dik molar. Everyone knows that the I.C.C. banned interstate transportation of dik-dik molars, not the evidence was clearly the 'fruit of a poisonous tree', as the Court put it." He shrugged and returned to his needlepoint.

The last person I met was Myron Schplattplotz, a Southfield native and editor-in-chief of the *NYU Law Review*. He had been arrested under an obscure federal statute making it a crime to erroneously cite a Tax Court decision in a student vote. Myron was typing the final draft of Comment: *Has the I.C.C. Dik-Dik Molar Ban Really Reached Its Objectives?* as I approached, and he stopped to talk with me.

"My sentence was up in December," he summed up, "but I have decided to stay here. Sure, I'm locked up all day, associate with scummy crooks, eat terrible food, never see women, and have nothing to look forward to. But I had all that at law school and had to pay for it to boot. Plus my mother can only visit me five times a week here."

After leaving the prison, I realized that Myron was right. I have applied for admission to several prisons, although I don't think I'll stay here in Michigan. I'd like to be locked up in Hawaii or the Virgin Islands... or maybe Interpol could put me somewhere on the Italian Riviera. Even solitary confinement would be a welcome relief from Tax I and E.O. Best of all, prisoners get Recess and Napping every day.

Law in the Raw

compiled by Mike Woronoff and Laura Kelsey Rhodes

To the Editor:

I noticed the following paragraph in the "topics" section of the Sept. 29 editorial page:

Is no Washington name exempt from shorthand? One, maybe. The Chief Magistrate responsible for executing the laws is sometimes called the POTUS. The nine men who interpret them are often the SCOTUS. The people who enact them are still, for better or worse, Congress.

According to the information available to me, and which I had assumed was generally available, for over two years now SCOTUS has not consisted of nine men. If you have any contradictory information, I would be grateful if you would forward it as I am sure the POTUS, the SCOTUS and the undersigned (the FWOTSC) would be most interested in seeing it.

SANDRA D. O'CONNOR

Justice of the Supreme Court of the United States
From *The Washington Post*, October 6, 1983

The Contest

Get your contributions ready folks, we've got a deadline: November 15, of course. Only entries that are exceptionally funny will be accepted past the deadline.

Entries should be turned in to the L.I.T.R. box outside the R.G. office, 408 Hutchins. They should be

accompanied, as noted before, by a 3 x 5 card on which the word, "ARISTOCRACY" is printed.

Applicants should also assign themselves an entry number. Do not let us know your number, however, for we want these entries to be "number-blind." Rather, type your name on the back of the aristocratic card.

The Compilers-at-Large

A Female V.P.—Why Not?

Upon being asked, Michigan Lt. Gov. Martha Griffiths responded, "I would love to be vice president. In fact, she added, "I can picture myself as being the president of the United States. You've had Nixon. You have had all kinds of people who were fully incompetent. Why can't a woman be president?"

USA Today, October 18, 1983

Quote of the Week

On the problem of getting testimony in the prolonged litigation of many EEOC cases, T.J. St. Antoine remarked, "Witnesses' memories may fade, people may die or move to Houston."

Emplo Disco class, October 20, 1983

Double Billing . . .

Double Teaming . . .

On the high price of lawyers today *The Washington Monthly* reports: The Rand Corporation Institute for Civil Justice has found that of every dollar paid because of asbestos litigation, 76 cents went to lawyers.

Of course, the main tactic in these situations is to keep the meter running as long as possible. "It used to be that settlement of a dispute was the first road a lawyer would take," said Gary Huckaby, former chairperson of the ABA committee on delivery of legal service. "Now settlement is the last road we take."

Closely related to this tactic is having several lawyers in a firm involved and billing the client for work that one lawyer can do. "They travel in packs," said Huckaby, and according to *The Washington Post's* Fred Barbash, added, "sometimes the sole function is for one to pat the other on the back after he sits down."

The Washington Monthly, October 1983