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RES GESTAE

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JAN 27 1971

"Exhaust All Legal Remedies"

January 26, 1971

nonofficial

UNIV. OF MICH.

A NEW DEAN ?

The name of the new Law School Dean will be announced this week according to a reliable source present at last week's meeting of the Board of Regents. Two names were submitted to the Regents, those of Law School Professors Terrance Sandalow and Theodore St. Antoine. A number of sources, including those present at last week's Regent's meeting, predict that St. Antoine will be named Dean.

St. Antoine and Sandalow have both been active in the current controversy over the proposed University judicial system. Professor St. Antoine was a member of the committee that drafted and submitted the plan to the Board of Regents. Professor Sandalow is reported to have been one of the leaders of a movement to get the faculty of the Law School to reject the plan as submitted. The Law School faculty is one of a small number of campus faculties to have totally rejected the plan. The Regents have not yet taken final action on the plan.

calendar year, an accounting for things just past, a period of reflection to think about the future--and then the routine starts again.

Although the entire school benefits from the tangible results of this activity, too few students know about it until after graduation, and learn of its existence and scope only when asked to participate with dollars to help future generations of students. Why this should be such a well kept (even unintentionally kept) secret is not known. With the end of the tenth successful campaign near at hand (the year for the Fund runs from February 1 through the following January 31) Res Gestae asked Professor Roy Proffitt, who has general administrative responsibility for the Fund to tell all, (or at least something) about it. He did, and what he said is approximately as follows, or, approximately what he said follows.

The office located in Room 161 Legal Research is under the direct supervision of Mrs. Sandra McFarland. Her two
(Continued on Page 9)

law school fund report

Each year this important operation of the Law School moves quietly, but efficiently, through a total life span--inception, organization, planning, preparation and distribution of materials, an increasing tempo of activity reaching a climax near the end of the

MOVEMENT LAWYERS HERE

Two young movement lawyers spoke to a large crowd in room 100 on Wednesday. Buck Davis, a 1968 graduate of Harvard Law School and ex-vista worker, discussed the Detroit White Panther trial. Ken Cockrel, a 1967 graduate of Wayne Law School, is a Lawyer's Guild Member and a leading criminal lawyer in Detroit. He discussed the significance of the

letters

ABOUT STUDENTS

To the Editor:

The exhibition of silver-throated oratory put on by my highly educated fellow students Friday during Jane Fonda's presentation was truly overwhelming. From the first patronizing "Jane" to the last cat-call, that enlightened group demonstrated all the compassion of a hunger-crazed weasel, all the understanding of a dead gnat, and all the flexibility and sensitivity of an ice cube.

It is interesting to note that many of those who were so vociferous in their derision of Miss Fonda were content to forego criticism and argumentation when Kunstler and Tigar articulated similar views. Miss Fonda herself stated repeatedly that she had not formulated her own ideas completely as yet, and thus her lack of coherence may be excused, especially given the totally hostile atmosphere in which she found herself. Perhaps she does lack the analytical ability of Michael Tigar or Roger Cramton, but then everyone in that room knew that before she came; ~~aa~~ why the reaction? She is a beautiful woman and was not playing slave as she was supposed to; this clearly intimidated some of the audience to the point of finding it imperative to put her in her place. Lacking three years of

law school, she did not demonstrate the argumentative ability of a lawyer, thus providing an opportunity for some of the insecure to "ego trip" at another's expense. Non-legal analysis and anti-legal solutions are dangerous things to brandish about in Room 100 at any time, but especially for someone who is not used to the lawyerly tactic of destroying a person on irrelevant slips and thus neatly avoiding the necessity of dealing with what the ~~poor~~ person is really trying to say.

The most frightening thing about the whole affair, however, is that most of the fools who were at the lecture are being given the tools necessary to become lawyers, and thus will be able to exert great influence on the legal institutions of this country.

Ed Kussy

ABOUT FACULTY

To the Editor:

It is my understanding that member of the law school faculty got quit a chuckle out of the charge that they were expropriating the work product of their secretaries which was included in the Lawyer's Guild open letter on women and the law school. It seems to me that it

LETTERS (cont.)

contains unacknowledged truth, behind the quaint and somewhat passe marxian jargon.

It is likely that the authors of the letter had in mind the large sense in which books and articles get done around here: the actual physical effort of getting those words out of the scribbled legal pads and off the dictaphones and into some usable form. The books and articles on which the faculty rely for fame and fortune would simply not get out if it were not for minor functionaries like secretaries.

But I think that there is another area that needs to be examined in the relationships between professors and secretaries. It has less to do with marxian theory than with the area of how human beings deal with other human beings. Often things that employers do determine whether life will be pleasant or miserable for their employees.

In his writings, Benjamin DeMott often discusses the difficulties and misunderstandings which arise when people lack the imagination to understand the feelings and point of view of others

who they deal with in their daily activities.

Professors who felt that the expropriation charge was worth no more than a chuckle, I would like to put to you the following instances in which professors-- and all bosses--from time to time treat secretaries in

ways that indicate a lack of imagination. Perhaps some of these will hit home.

Do you:

Give work to be typed which is illegibly handwritten;

Add at the end of a dictaphone tape, "Oh yes, all of the above should be double spaced";

Assume that when your secretary misunderstands your instructions that the reason must be her stupidity and carelessness-- since it certainly could not be your own;

Often let your own procrastination at getting a project finished force your secretary to work like the devil to meet your deadline;

Let the fact that you are up tight and grouchy because you have gotten yourself into too many activities make life unpleasant for hapless underlings who cannot respond candidly to this treatment;

Let your own sense of self-importance lead you to judgements about the dress and demeanor of others-- especially secretaries. Perhaps your enlightenment in areas such as civil liberties and the rights of citizens should carry over to a stronger consciousness of the extent to which your behavior and attitudes limit the personal liberty of those who work for you.

-- anon.

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INMATE ASSISTANCE PROGRAM EXPLAINED

The Michigan Inmate Assistance Program, especially the division which works at the Detroit House of Corrections (Dehoco), will expand this term due to a \$9,000.00 grant of Federal Funds which has been received. Last term students were able to interview at the Women's Division, which is the only female penal institution in the state and houses felons from the entire state and misdemeanants from Detroit. This term the students will be able to go into the Men's Division as well as part of the expansion.

Michigan Court Rules permit law students with 28 semester hours of credit to interview inmates by themselves and to act in certain circumstances as legal counsel (including representation in court) for persons who cannot afford an attorney. First year students can gain valuable experience by interviewing with an upper-classman and by doing virtually all other types of legal work, except actual in-court representation. It is a good opportunity to work with people and to deal with their problems in all legal areas, not just the criminal field.

In the past, a major complaint of student participants was the lack of guidance; students were thus wasting a lot of time and making a lot of needless mistakes and false starts.

The inmates seemed to be there more for our educational purposes, like cadavers (but who cares about convicts anyway?)

So, most of the funds obtained through the grant will be used to remedy this problem. Ann Arbor attorney Robert Francis has been retained; he will be available here two

afternoons a week; students will make appointments and discuss their clients' cases and receive guidance. Francis and 3 young associates from Dykema, Gossett, Spencer, Goodnow, & Trigg of Detroit will also assist members in drawing pleadings, court appearances, etc., for the coming year.

The Milan Federal Prison also offers similar experience, with certain differences. Criminal Cases will involve federal law and crimes, of course, and since federal courts are involved, court appearances are less frequent; however, the help given is just as valuable to the inmate. And, since Mich. GCR 921 is irrelevant in Federal or out-state courts, freshmen have somewhat more independence and responsibility, if they want it.

Our backlogs are 30 cases at Milan and 20 at Dehoco (Women's side) and we are just starting to serve the Dehoco Men. If you took just one case this term, you might do a lot for someone and learn a lot yourself while doing it. If you'd like further information or wish to join, please leave your name, address, and phone in the secretary's "IN" basket in Rm. 217 Hutchins Hall (the Inmate Assistance - Legal Aid Office), or talk to one of the members whose name is posted across the hall on the bulletin board.

This letter is similar to many that have been received and was referred to us from the Law Review, whose members are pre-occupied with more important matters:

Dear Sir:

You will excuse I hope my temerity in writing to you without a proper introduction. I am an inmate incarcerated in the state penitentiary.

I am in need of some important information and would appreciate it very much if you would forward to me the same. Upon my arrest the police wanted to take a paraffin test of my hands, I refused to let them take the test. The police then taken me to a hospitle where they instructed a nurse to give me a sedative, in order for them to take the test, the test was later used as evidence in court against me. Second, I was never in a lineup, I was identified at

WOMEN & THE LAW

[The following contains excerpts from a December 9 New York Times Article on A Women and the Law panel held at Yale Law School.]

Women law students at Yale tend to minimize the issue of sex discrimination within the school itself. "Most of the pressure comes from the awareness of what you will face when you get out", said Mary Nichols, a third-year law student.

"It's not easy for women to succeed in the law because they feel themselves restricted", said Mrs. Ellen Peters, the only woman on the faculty of the Yale Law School. "It's less difficult going to school than finding jobs after you've been trained."

According to a spokesman for the Association of American Law Schools, approximately one-half of the 150 law schools in the country have no women on their faculty. Of the remaining law schools, the majority have one woman faculty member and a handful have more than one.

Yale and several other law schools have established new courses in women and the law.

"People think that women's rights law is a narrow field limited to abortion and marriage cases, but women have a separate legal status that is reflected in all legal disciplines--employment law, education law, criminal law, media law, family law, constitutional law, tax law, etc," said Anne Freedman a third year law student at Yale who is one of the organizers of the course on women and the law.

specific issues covered in the course include sex discrimination in high schools, college admissions and curriculums, women's rights to control their own bodies, women's relation to Government programs such as welfare and public housing and the processes involved in challenging the licenses of radio stations.

From the latest Sierra Club Bulletin:

In Seattle
The power company
Promotes air conditioning,
Building brownouts
for the future;
Latter day hucksters,
Selling ice boxes
to Eskimos;
Creating their own rationale
for flooding
Big Beaver Valley
in the North Cascades.
Across the continent
Con Ed doggedly pursues
Its goal of destroying
Storm King
In the face of
Massive opposition,
Citing "demand" developed
by its ad department
a few years earlier.
The game continues,
Players and spectators
for the most part
Unaware that real
Park Places
are being traded
For electric toothbrushes.

MOVEMENT LAWYERS

(Continued from Page 11)
"political trial" in regard to the struggle of all oppressed people against capitalism.

Davis is defending three White Panthers accused of bombing the CIA office in San Arbor. He said there are important differences between the White Panther Trial and the Chicago 7 Trial at least on the surface. The main difference is the judge. Judge Keith in Detroit is a "nice, non-aggressive" Black judge, who listens politely to motions. So the trial does not have the appearance of a political railroad as Judge Hoffman's trial of the Chicago 7 did.

But although Judge Keith listens to motions, he denies them as predictably as Judge Hoffman, Davis said. He said that despite surface differences, the same kind of political persecution is in fact being conducted by the judicial system in Detroit as was in Chicago; only in Detroit the system's methods are more subtle and the injustice more obscured.

Davis discussed a number of "serious, well-considered, well-researched" pre-trial motions which the defense had made. Most have been denied. He feels they all will be.

They included a motion to have the prosecution's star witness, who some have accused of being somewhat of a mad-bomber himself, subjected to sanity tests. Another motion called for the jury of peers to include young people who are presently excluded because juries are selected from 3-year old voting lists. Statistical evidence was produced to show that the chance of anyone under 25 getting on the jury was very slim. Yet new voting laws suggest 18-year olds are eligible for federal juries.

Another motion challenged wiretap evidence obtained without judicial authorization. Attorney General Mitchell justified the wiretap as necessary for national security. But the defense argues that such unauthorized wiretapping has never before been permitted against a domestic group.

Davis said the backbone of the judicial system makes it very unlikely that the defense will win the key issues raised by these motions. He said the system makes all of today's political trials essentially alike, regardless of the judge.

Ken Cockrel distinguishes between radical and revolutionary lawyers. Everybody has hair and bells these days, he said, and a lot of young lawyers talk a revolutionary line. But only action counts, and few people are willing to make a lasting commitment to the revolution. Instead they would rather get high or get lost in the mountains. The only true revolutionary is one who recognizes the "protracted nature of the revolutionary struggle".

Cockrel is a revolutionary lawyer.

He said that the focus of the radical's attention on today's notorious political trials is wrong because it forgets that every American trial is an illegitimate act. It is illegitimate because it is imposed by a minority class for the own good and for the oppression of the people. He said that this ruling minority has developed a highly stylized form to disguise the oppression which is practiced in the name of justice.

Cockrel said that notorious political trials are distinguishable from everyday trials only because the disguise has failed and oppressive injustice has been exposed.

Cockrel believes an elaborate military organization is the real power behind the courts. Armed guards in the courtroom and gunpoint enforcement of contempt sentences are examples.

Oppression, not repression, is the real enemy today, Cockrel said. Oppressive capitalism is the disease--the "fundamental contradiction". Racism and sexism are only "symptoms".

Cockrel said because the Black worker is most oppressed by capitalism, he will have to be the "objective vanguard" of the revolution against capitalism. Any serious white revolutionary will have to commit himself to be a faithful follower of the Black vanguard, he concluded.

-- Mike Hall

E.L.S.

The Environmental Law Society needs your help. During this semester, among other things, the E.L.S. will be working on drafting and passing legislation on the banning of non-returnable bottles and phosphates. Through these and similar activities, law students are gaining much practical experience in legislative work and the politics involved in such work.

An Environmental Law Handbook designed for lawyers and laymen and covering the areas of water, air, pesticide, visual, solid waste, noise and people pollution is nearing completion. Information or research in the above areas will be greatly appreciated.

Another area of activity for the organization has been work in the Atomic Energy Commission's hearings on the Palisades Atomic Power Plant. This plant, completely built, is not operating as the AEC continues hearings on possible environmental damage due to thermal pollution by the plant. Several ELS members have attended these hearings and have assisted with research.

Work is also beginning on research for pending environmental litigation on the issue of phosphates in detergents.

Anyone interested in these areas or in developing any personal interest of your own in an environmental area please visit the Environmental Law Office, 234 HH, or contact anyone on the ELS executive board. The newly elected executive board consists of John Watts, Chairman, (769-3939), Roger Conner, (665-9616), Jay McKirahan, (665-2592), Bob Rosenberg (665-3226) and Sterling Speirn (769-1598).

The Legislative Aid Bureau (LAB) is pleased to announce its tentative schedule of projects for this term. While the list is by no means exhaustive it does represent a fair picture of the types of activities in which LAB will be participating.

1. Scenic easement ordinance (Ann Arbor)
2. Gasoline station regulation--Jackson
3. Population control through the State Tax System (Michigan legislature)
4. Mobile home zoning regulations
5. Noise pollution control
6. Agricultural zoning
7. Conservation of Natural areas
8. Snowmobile safety regulations
9. Solid waste pollution control
10. Michigan Indian hunting rights
11. Charter and ordinance revision of several Michigan villages

All members of the student body are invited to contribute their services. Contrary to popular belief, our program requires neither prior legislative experience nor thousands of hours per week. The choice of time spent in working on any one program is up to the student.

So--if you are looking for a way to exhaust some of your great "social energy" and you find the coffee klatch and rest-room wall approach unsatisfying-- come and see us in Room 1027 Legal Research. There is no entrance fee or monthly dues. Our phone number is 763-2300

BOOKS — CHEAP!

Due to the needs of the copy center for additional space, the lawyers club Book Exchange will soon be evicted from 162 Legal Research and will be terminated at that point. Since we intended to go out of business once the University Cellar began handling law books anyway, this only speeds the departure by a term.

However, we still have a large stock of used books, primarily casebooks, that we must get rid of since we have no place to store them. About half are old editions of casebooks which might be good reference for the bases of subjects in which one doesn't take a formal course. For these we'd like to get between a dime and a quarter

About a quarter of the books are current editions of books no longer used at the U (though it is always possible that they might be again). We'd like to get a buck or two for these. The remainder of our stock are current editions of books currently used in the law school which could be readily re-salable even if you decided not to keep them. We hope to get our cost (about half list price) for these.

We don't have much time to deplete this stock. If you're interested in picking up some law books cheap, stop by 162 LR, Monday 9-11, Wednesday 12-3, and Friday 9-11.

-- Terry Adams and Pete Kelly

NADER RECRUITS LAWYERS FOR PUBLIC INTEREST FIRM

The Public Interest Research Group (PIRG) is an Action organization founded by Ralph Nader. Its 14 attorneys constitute the largest public interest law firm in the country. They use all of the tools of advocacy available to accomplish their goals: litigation, publication, organizing, and legislative drafting.

During the first six months of its existence attorneys from PIRG instituted suits against corporate advertising fraud, appeared in numerous federal regulatory hearings, published articles in several national magazines and undertook to organize college students to increase their activity fees to finance public interest lawyers. In addition cooperative law projects were begun with law

reviews and clinical programs in several law schools.

Applications for 10 new positions for June 1971 law graduates are now being accepted. The starting salary is \$4500 per year.

Resumes should be sent to:

Donald K. Ross
Public Interest Research Group
1025 15th St., N.W. Suite 601
Washington, D.C. 20005

PRISON PROGRAM

(Continued from Page 4)
my preliminary hearing. I was held in jail some thirteen (13) days before taken to court for my preliminary hearing. Held five (5) days before allowed to consult with an attorney. Six (6) days before advised of my constitutional rights.

Sir, I would appreciate it very much if you would send me any information concerning these violations. Any help in my behalf concerning this matter will be highly appreciated. Thanking you in advance, I remain.

Sincerely Yours,

(This is a legitimate letter from a prisoner and really was not written by Professor Kamisar.)

LAW SCHOOL FUND
(Continued from Page 1)

assistants are Mrs. Celia Macfarland and Mrs. Geraldine Pease. A national committee which meets at least annually in Ann Arbor, composed of alumni, faculty and students, is charged with the responsibility for making the basic plans for each annual giving program. The alumni members come from as far as Juneau, Alaska, Los Angeles and San Francisco, several cities on the East Coast, as well as several closer spots. Student members are the incumbent and the newly elected presidents of the Lawyers Club.

In the ten years since the origin of the fund, the Law School will receive contributions through it totalling more than \$1,769,425.76. Since the 1970 drive has not yet ended, the last complete report is for the 1969 campaign. Professor Proffitt will place copies of the printed report for this campaign, as well as

some of the literature distributed for 1970, on the table in front of Room 100. Help yourself. From these you will see that annual totals have increased steadily, with 1969 being the current record year. In that year 3,965 donors contributed \$283,683.29. The proceeds for the 1970 campaign are expected to exceed these totals.

To the extent possible all alumni are contacted personally by a local solicitor early in the fall. Sometime later agents for each of the various classes use the mails to contact those who have not yet contributed. Of course, some of the local solicitors also follow-up on some of their prospects. The "team" of volunteers required to conduct each campaign exceeds 600 alumni. The regional, state and local chairmen have the final responsibility for organizing their own areas. Service on this "team", as well as making their own contributions is something that students can look forward to.

There is scarcely an aspect of the life of the Law School that has not been enhanced by the presence of the Law School Fund during the years of its existence. About 30 per cent of the gifts are earmarked one way or another by the donor. The balance is unrestricted.

Financial assistance for needy students has drawn heavily on the Fund, and the various student aid accounts have received substantially more than one-half of all receipts. Other direct benefits for the students have included prizes for outstanding scholastic achievement, improved placement and admissions operations, support of the student organizations such as legal aid, case clubs, Legislative Aid Bureau, the National Moot Court team, and the senior day ceremonies. Visitations of distinguished leaders and lawyers have been supported through the Fund. The money has been used to assist faculty research, purchase equipment useful in the instructional

programs such as closed-circuit television from the Washtenaw County Court House, and recording equipment in the practice court room, and to augment the law library. Some necessary additions and alterations have also been made to the buildings, such as new carrels on the second level of the third floor library in Hutchins Hall, the interview rooms along the edge of Room 200, the remodeling of the library to make levels one and two open stacks, air conditioning and new lights in some of the second floor classrooms. The fund has helped with the rehabilitation work in the Lawyers Club. This list is not exhaustive, but it illustrates the validity of a frequently quoted statement by Dean Allen, "It would be difficult to overestimate the importance of private giving to the life of the University of Michigan Law School ...it is literally true that the distinction of the school depends on such support and that its future development will require increasing levels of giving from our alumni and friends".

STAFF: Mike McGuire, Mike Hall, John Powell, Joel Newman, Helen Forsyth, Richard Bertkau, Bob Spielman

peace today

... from the underground

Minimizing Racism in Jury Trials -- the voir dire conducted by Charles R. Garry in People v. Huey P. Newton. Published by the National Lawyers Guild Publications, Box 673, Berkeley, California, 94701. \$10 for lawyers; \$6 for law students and lawyers less than 3 years in practice; \$5 for orders of 20 or more.

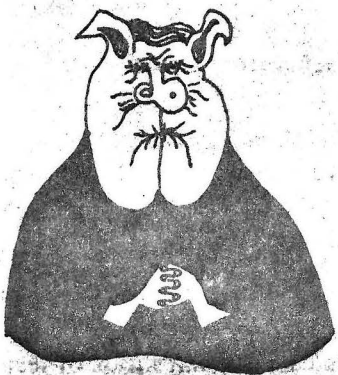
DENVER JUDGE DISQUALIFIES JURORS AS BEING TOO OLD

(From the New York Times,
January 9, 1971)

Juvenile Court Judge Ted Rubin disqualified 360 persons picked as jurors over the last six months because they were too old to be representative of the community.

The judge, who earlier turned down a jury panel for the same reason, said those called to jury duty did not represent the community because of the systematic exclusion of people 21-to-30 years old.

Although 24 percent of the eligible jurors in Denver are between the ages of 20 and 30, only 6 per cent of those picked for jury duty were in that age group.



The streets of our country are in turmoil. The Universities are full of students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the Republic is in danger.

Yes, danger from within and from without. We need law and order. Without law and order our nation cannot survive.

Elect us and we shall restore law and order. We will be respected by the nations of the world for law and order. Without law and order, our Republic will fall.

by Adolph Hitler, 1932