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1973

November 16, 1973

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**RES GESTAE**

UNIVERSITY OF MICHIGAN

UNIV. OF MICHIGAN

ANN ARBOR

SEP 16 1974

**MOVIE****CREPE PAPER CHASE**

A motion picture on life at the University of Michigan Law School.

**Cast**

The protagonist of our film is first year law student Moe Mentumm, who has been trained from birth in loquacity, mendacity, tenacity, audacity, and in a predatory capacity--in short, all the qualities necessary to be a successful law student. Moe Mentumm is played in the film by COIF-MAN.

Our antagonist is Professor T. Deious, who symbolizes the law school establishment. Professor T. Deious's last publication was: Riparian Rights in Death Valley. No one has yet been selected to play the role of Professor T. Deious. It will suffice for the moment if the student uses his imagination to provide an appropriate individual, gleaned from his law school experiences.

The third major character is, of course, the girl. She is the love of our hero's heart, but complications arise in that she is Professor T. Deious's niece. Her name is Strictly Layable--Ms. Strictly Layable to be exact. Our tentative choice for the role is Martha Cookie. However, in the event that no suitable actress for the part is found, again we ask students to draw from their own law school experiences in providing an appropriate figure. In the meantime, this writer will be holding auditions.

**Plot**

(see MOVIE page 6)

**LAW LIBRARY****JURY BIAS**

"Jurymen seldom convict a person they like, or acquit one they dislike."

This remark, made some 40 years ago by Clarence Darrow, the famous trial lawyer, may not be far from the truth, a University of Michigan study suggests. Based on simulated automobile negligence trials, U-M researchers found that physical attractiveness of plaintiffs and defendants "appears to have a significant impact on juror decisions," including the amount of damage compensation awarded in such cases. And these findings, the researchers conclude, "suggest that our complacent belief in the equity of the judicial process deserves some careful review."

The research was carried out by Richard A. Kulka, a U-M doctoral candidate and assistant study director at the U-M's Institute for Social Research, and Joan B. Kessler, formerly a U-M student and now an assistant professor of communications arts at Loyola University of Chicago. Mrs. Kessler announced the findings Saturday (Nov. 10) at a meeting of the Speech Communication Association in New York City.

The study took place at the U-M Law School, where a total of 91 U-M undergraduate students acted as jurors in listening to a mock automobile negligence trial that had been recorded on audiotape. As they listened, photographs of a defendant and plaintiff appeared on a screen. For some of the jurors, photos of an attractive plaintiff and unattractive defendant were shown, while the process was reversed for other jurors. As a "control" condition, some jurors saw no photos during the simulated trial.

Among the findings:

(1) In cases where the plaintiff was "unattractive" (and the defendant "attractive"),

(see JURY page 7)



# LETTERS

(The following letter is from the same prisoner at Jackson who wrote and had published in the RG another letter on Oct. 19 asking for criminal law tutoring from an interested student. RG then sent him a copy of the issue in which his letter appeared and asked for news of when he got a tutor.)

November 7, 1973

To the Editors:

Rest assured, if anything comes of my request for help, I'll let you know as quick as the mails can get to you. Regardless, I will always be grateful that you were so kind.

It may give you a chuckle to know that your letter w/enclosure, (because of the return address-and Merritt V. Johnson) was sent to the deputy's office, and I was called there to open it.

Each time "legal mail" of any kind comes in, my ticker goes into high gear. My case has been in M.S.C. for the last five months, and as you know, it usually takes from three to five months before they decide whether or not Leave is to be granted-and I keep looking for that important decision.

It's to the point now that its effecting what I do. I have another inmate's case to file on Appeal(delayed) and I just do not seem able to push my own far enough out of my mind.

Again, I do, very much thank you for your kindness, and if granted leave, and then Bond pending a decision, I will make it a point to stop by in person to extend my hand in thanks-meanwhile, I hope you'll except, the personal pen as a poor but sincere sub.

Grateful Always,  
s/ Joseph Charles Merritt

To the Editors:

I find it amazing that a simple cartoon, and not a particularly good one at that, could inspire anyone, and especially me, to take the time to comment upon its "offensive" content and/or right to be published. It is somehow strangely appropriate that a cartoon which was so memorable that I've already forgotten the punchline (as usual) should emerge from the often controversial and occasionally insipid pages of the RG to arouse me from my normal apathetic Friday morning routine of scanning and canning the sheets of our weekly commentary on the world and its cares and crises.

I am in complete agreement with Bill Hays' discussion of censorship, and the RG's attribution rule doesn't exactly make or break my day. But as L. Hart would say (and does, twice a day), I'm not arguing the merits. What I would like to do, however, is express my sadness that apparently so many people have become so wound up and sensitive over their narrow, private little battles that they are unable to avoid being offended by a feeble, innocuous, and largely unsuccessful attempt at humor. Such overreaction is both unnecessary and divisive. Different types of people, and different sexes, do exhibit characteristics which are fortunately at times funny -- and to label attention to such humorous qualities as degrading is to refuse to accept the fact that people are human, and often a bit ridiculous. Those who fail to accept or admit this seem to me to be denying their own humanity, which is fine but a little unrealistic for dealing with real live people.

Dagwood's bungling, Charlie Brown's failures, Sarge's fondness for food, and standard depictions of dumb jocks and 99-pound weaklings at the beach are all characterizations which are less than flattering to the male image, yet which fail utterly to insult my masculinity (and I imagine I have been likened to a number of them from time to time). I find them funny when well done, and dull and harmless when not. I do not consider them offensive, and would doubt that most people do. Perhaps I fail to  
(see LETTERS page 5)

(Susan Bloch drew up and circulated a petition protesting the "Saturday Massacre" the Monday after it occurred. She then sent the petition to Senators Griffin and Hart, and Representative Marvin Esch. The following letter was Senator Griffin's response; no response has yet been received from the other two Congressmembers. Ms. Bloch turned over a copy of the letter to the RG for publication in view of Senator Griffin's lengthy and personal response and because those who signed the petition would probably like to see the result of their effort.)

## United States Senate

OFFICE OF  
THE ASSISTANT MINORITY LEADER  
WASHINGTON, D.C. 20510

November 5, 1973

Ms. Susan Bloch  
1620 Baldwin  
Ann Arbor, Michigan 48104

Dear Susan:

Thank you for sending along the petition bearing the signatures of 378 students at the University of Michigan Law School. I have carefully noted the recitation that this group "would not lightly recommend instituting (impeachment) proceedings" but you believe that actions of President Nixon have left "no alternative."

You may be interested to know that, following the firing of Professor Cox and the resignations of Messrs. Richardson and Ruckelshaus, our office was literally flooded with letters, cards and telegrams bearing messages similar to the one set forth in your petition.

Of course, you realize that some important developments have occurred since your petition was delivered. For example, an independent, outspoken critic of the Administration, Senator Saxbe, has been nominated to be Attorney General. In addition, Mr. Leon Jaworski -- a life-long Democrat who served on the Warren Commission, as a former prosecutor of Nazi war criminals and as past president of the Trial Lawyers Association as well as the American Bar Association -- has been named special prosecutor.

Everyone here seems to agree that Mr. Jaworski is superbly qualified, and I suspect that there would be no complaints whatever if Judge Sirica -- instead of the Acting Attorney General -- had appointed him.

It is noteworthy, however, that Professor Cox, himself, has acknowledged that legislation which seeks to confer on Judge Sirica the power to appoint such a special prosecutor would, because of separation of powers considerations, be subject to serious Constitutional challenge.

(cont'd next page)

I am not completely satisfied but I am inclined to give Mr. Jaworski the chance to proceed under present circumstances for the following reasons:

1. He is eminently qualified;
2. He is an independent person, and he can be counted on to settle for nothing less than independence in his new role;
3. His charter is exactly the same as Prof. Cox's;
4. The President has made a public commitment that Mr. Jaworski will not be discharged without substantial majority approval of a Congressional group consisting of the leaders of both parties and the Chairman and ranking members of the Judiciary Committees of both Houses. (Furthermore, as a practical matter, pressures of public opinion would make it impossible for the President to fire another special prosecutor, even if he wanted to; indeed, many doubt that he can survive his firing of the first one.); and
5. Importantly, under the present arrangement, Mr. Jaworski can begin right now to get on with the job. If we were required to wait until a very controversial bill of doubtful Constitutionality could pass both Houses of Congress, then be vetoed, and finally be passed again by a two-thirds vote in each House over the President's veto (perhaps) -- it could be a very long time before a special prosecutor would be in operation.

Taking these considerations into account, I believe we should allow Mr. Jaworski to take office and to get to the bottom of this sordid Watergate mess and related matters -- allowing the chips to fall where they may.

As you may realize, I am a member of the Senate Rules Committee which is currently considering the nomination of Gerald R. Ford to be Vice President. In the course of the hearings I was interested in this exchange which took place between Representative Ford and Senator Hatfield:

REP. FORD: Well, resolutions (calling for impeachment) have been introduced in the House. They have been referred to the Judiciary Committee. I am told the Committee intends to carry on its assigned responsibilities.

The Committee, a group of 38 (after investigating and hearing witnesses) will have to sit down and make a determination whether, under the Constitution, there are sufficient grounds for a recommendation (of impeachment) to the House of Representatives.

(cont'd next page)

They (the Committee) will make only a recommendation, and then the House itself will have to vote on it. I think that is the way to clear the air.

SEN. HATFIELD: In other words, as I understand it then, you feel they (the Judiciary Committee) should proceed with diligence and due haste?

REP. FORD: I do, sir.

In order to respond directly to the substance of your petition, I wish to indicate that I share the view expressed in that exchange by Congressman Ford.

To say that I believe the House Judiciary Committee should proceed with investigation and consideration of a impeachment resolution should not be construed, however, as a determination on my part of guilt or innocence.

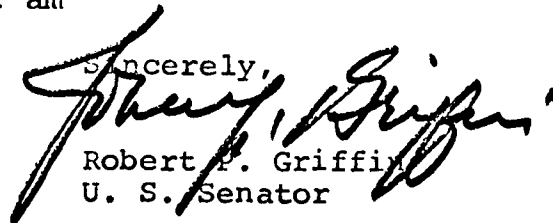
As you will realize, if the House should ultimately vote impeachment (in effect, an indictment), the charges alleged would then be referred for trial to the Senate, where a two-thirds vote would be necessary to convict.

I'm sure you would agree that Senators who may later be called upon to sit as a court and determine guilt or innocence should exercise a high degree of responsibility and restraint at this point -- if there is to be any hope of affording the accused a fair trial.

I want you and your classmates to know that I understand, and share, the deep concern reflected in the petition signed by so many of your fellow students. Like you, I am deeply troubled by the shocking events that have jolted the nation recently. I am also encouraged, however, that our system is working, and I am confident our Republic will survive this experience, stronger than ever.

With best wishes, I am

Sincerely,



Robert P. Griffin  
U. S. Senator

(LETTERS cont'd from page 2)

recognize a general mood afoot in which each person scrutinizes every outsider's action (and inaction) for undertones indicating a note of amusement toward some trait or quality which he or she possesses. I hope not.

There would seem to be enough problems in the world requiring constructive, unified attention as to eliminate the need to take offense at something so trivial and insig-

nificant as an RG cartoon. A goofy-looking guy with glasses in the next installment is OK with me. Hopefully our cartoons need not be unisex in order to avoid offending tender sensibilities, and hopefully those who do take offense at the sight of a fat lady will not be as nearsighted when they attack the real world armed with their legal knowledge. A sense of humor might even come in handy.

s/ David Patterson

(MOVIE cont'd from page 1)

Scene One:

The film opens with Moe Mentumm striding down the corridor on his very first day of law school, going to his very first class. He had pinned his LSAT score of 850 on his chest and his undergrad G.P.A on Strictly's chests earlier that morning.

Moe Mentumm's curiosity was suddenly aroused by a loud rumbling noise spilling out into the hall. He went over to investigate. On the door was a sign: "Ethics in the Legal Profession". He stuck his head inside, and there in neat rows were other first year law students rhythmically chanting at a 100 decibel level, under the guidance of a law professor.

Students: "Kill, kill, kill!"

Professor: "Kill who?"

Students: "Kill Mother, Kill Mother, Kill, Kill, Kill!"

"So that's where the marines got it.", thought Moe Mentumm to himself as he hurried to class.

Scene Two

(Moe Mentumm's first class, into which he had walked in late . . . Unfortunately, it is also Professor T. Deious's class.)

Professor T. Deious: "Mr. Menthalatum, why is it that you are late on the first day of class?"

Moe Mentumm: "I beg your pardon sir, my name is Mentumm not Menthalatum."

Professor T. Deious: "Don't beg the question Mr. Meetham, your conduct hardly befits an aspiring first year law student."

Moe Mentumm: "Mentumm, not Meetham"

Professor T. Deious (in an outraged voice): "Here's a dime, Mr. Motham (tossing a dime). Call your mother to pick you up, you don't belong in law school!"

Moe Mentumm: "The name is still Mentumm,

and a call to my mother is long distance. Toss me another quarter."

Obviously then, our hero has gotten off to a bad start with Strictly's uncle.

Scene Three

Our hero is by now a bit disillusioned with law school, and a bit apprehensive about his next class.

According to the schedule, the class was taught by the esteemed Professor Hipot Hetical. As fate would have it, Professor Hipot Hetical addressed his first question to our hero.

Professor: "Mr. Moe Mentumm, listen to the following fact situation: Loveland lets her dog, Iago, run loose--a violation of various city ordinances. In the meantime, Schwartz negligently leaves out a bucket of nitroglycerin, dog Iago drinks this nitroglycerin. Pagano comes along, kicks the dog, and both are blown to smithereens. Who is liable to whom and for what?"

Moe Mentumm: "ah . . . ah . . . ah".

Professor Hipot Hetical: "Well?"

Moe Mentumm: "I don't know the answer Sir. Is anyone liable for anything?"

Professor Hipot Hetical: "I'll give you a succinct answer that you can use on the bar exam. . . One may be unless, of course, one is not, presuming that one is and the other isn't. Maybe the other is not unless, of course, he is, and consequently perhaps neither is providing that the other may be, of course. . . . Do you understand now?"

(see MORE MOVIE page 7)



(MORE MOVIE cont'd from page 6)  
Moe Mentumm: "Why, of course, Sir!  
After such a lucid explanation who could fail to understand, unless, of course, he did, whereupon he wouldn't, therefore not knowing what it is, he would, unless he didn't."

#### Scene Four

The screen is now filled with a close up of a part of our hero's first law school exam:

Instructions: Match the key phrase with the letter below which is most correct.

- 1) "Incorporeal Hereditament"
  - a Negligent Rape
  - b Murder in the First Degree
  - c Res Ipsa Loquitur
  - d Order of the Coif
  - e Law Review Staff Member
- 2) "Mens Rea"
  - a Type of diarrhea
  - b Men's john, written in Spanish
  - c Riparian Rights
  - d Judicial Notice
  - e Opposite of Women's Rea

#### Scene Five

This is a close up of our hero scanning the placement bureau bulletin boards:

"The following Wall Street Firms will be interviewing next week:  
Dewey, Cheetum & Howe.  
Bee, Fuddle, Obb, Skure & Cloud  
Emm, Bezzle & Robb . . . ."

#### Scene Six

CLIMAX, FINALE, CLOSING. . . . .

Some three and one half months later . . .

Our hero Moe Mentumm and his beloved, Strictly Layable, are sitting on the banks of the Huron River. He is in a pensive mood.

Moe Mentumm: "Strictly, here in my hands I hold the envelope which contains my grades. They would have me believe that these grades are the sum total of my existence, the key to my future."

At this point our hero puts the unopened

envelope on a tiny makeshift raft and floats it out into the middle of the river. He and Strictly turn to each other and smile. They begin a tender kiss, when suddenly they are trampled by the feet of three hundred of Moe Mentumm's classmates, the chamber of commerce from his home town, and various law firm recruiters.

As we fade out, all of those people are in the middle of the river fighting over Moe Mentumm's grade envelope.

THE END

--Joe Fenech

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(JURY cont'd from page 1)

only 17 per cent of the jurors issued a verdict favoring the plaintiff. By contrast, 49 per cent of juror verdicts favored an "attractive" plaintiff, and 41 per cent of the "control" group favored the plaintiff whose photograph was not shown.

(2) The average damage award for an "attractive" plaintiff (who appeared with an "unattractive" defendant) was \$10,000, while the figure was \$5,600 for an "unattractive" plaintiff. When no photos were shown, the jurors awarded damage compensation averaging \$8,600.

(3) Jurors were also asked to rate the defendant's negligence on a seven-point scale. When the defendant was "unattractive" (and the plaintiff "attractive"), the mean score for negligence was 4.36. By contrast, the mean score was 3.49 for an "attractive" defendant and 3.59 for the defendant whose photo was not shown.

Kulka and Mrs. Kessler stress that their findings are "tentative" in light of further experiments that are under way to determine juror response when plaintiff and defendant are equally attractive. But they add: "The results obtained to date were interpreted as offering strong preliminary support for our main hypothesis. Physical attractiveness does appear to have a significant impact on juror decisions, even when use of audiotape permits the introduction of several additional cues (that could affect jury verdicts.)"

-UM News

November 16, 1973





In honor of Turkey Day, the Turk today gives you quite a fare of college games to pick. Winners will be determined after the big weekend, but that should present no problem to all you delayed-reinforcement law school idiots.

I was amazed at the number of jocks who knew that Richmond teams are called the "Spiders." Apparently one doesn't forget a name like that. Anyone guessing the "Arachnids" would have been given five bonus points.

Last week's winner, picking 16 of 18 (best score of the year) was Bill Abbot. Scores of 15 correct were achieved by Jeff Bracken, Jim Dinerstein, Steve Silverman, Barry White and Joel Winston. Bill gets this week's sub sandwich; you other guys get your names in print.

By the way, in response to numerous inquiries about my sanity after I picked Detroit and Minnesota "even," I must remind my faithful readers that the unpredictability of our Lions several weeks ago caused me to vow never to put a spread on them again. Were they playing the Pittsburgh Steelers or Ball State University, the Turk would pick the game even.

- Tommy the Turk

Minnesota(8) at Illinois

Alabama at LSU(5)

Indiana(10) at Michigan St.

Oklahoma at Nebraska(7)

Michigan at Purdue(20)

Ohio St. at Michigan(2)

Iowa(40) at Ohio St.

UCLA vs. Southern Cal(even)

Miami(Fla.)(17) at Alabama

Penn State at Pittsburgh(6)

Air Force(15) at Arizona

Yale at Harvard(9)

Southern Cal at Washington(17)

Indians(10) at Purdue

Auburn at Georgia(6)

Kansas at Missouri(even)

Oklahoma at Kansas(14)

Kentucky(9) at Tennessee

TIE-BREAKER - What premier college football head coach had a Heisman trophy winner at each of two schools in the 1960's?

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