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THE LAW SCHOOL WEEKLY

DECEMBER 7, 1973

# RES GESTAE

UNIVERSITY OF MICHIGAN

UNIV. OF MICH.

ANN ARBOR

SEP 16 1974

## BOOK REVIEW

MAXIMUM SECURITY - Letters from Prison. Edited by Eve Pell. Bantam paper back, 1973. 238 pp. \$1.50.

There are two kinds of prison books, as indeed there are really only two kinds of reform books in general: the expository volume designed to make a case, heavily laced with statistics and cosmic opinions by whomever happen to be the current National Authorities, with a few selected Heart Rending Tales by victims of the reformee institution; and the emotional volume which stimulates the conscience, a pasta consisting almost entirely of the aforesaid Heart Rending Tales garnished with a few statistics and a foreword and/or introduction by the most nationally authoritative (and undoubtedly blue denim clad) reformer(s). Maximum Security is in the latter category, and is frankly quite successful in fulfilling its role.

Now since I already think the world is completely rotten, the contents of the letters to Fay Stender, a California attorney, from inmates of California's "Adjustment Centers" - the Golden State euphemism for its hardcore prisons within prisons at Folsom, San Quentin, Soledad and Chino - neither surprised me nor revealed especially shocking descriptions of the deliberate degradation built into prison life. It doesn't appear to be that much different in nature from law school, where you're surrounded by liars and fakes, except that the company is a heckuva lot rougher inside and outside the bars. But since I haven't quite reached the point yet of kicking stray dogs, I was deeply moved by the depth of human despair and incredible frustration expressed in the prisoner correspondence.

(see REVIEW page 3)

## LAW LIBRARY LATE NEWS

## BRIEFS

WASHINGTON (rg) - The Nixon appointee dominated U.S. Supreme Court today handed down a decision invalidating the first ten amendments to the Constitution. The majority of the Court, in an opinion written by Chief Justice Warren Burger, held that substantial coercion and undue influence fatally infected original proposal of the Amendments since massive pressure was brought by certain citizens in 1790 against their federal representatives to guarantee basic freedoms. "Coercion and undue influence of the voters have always been grounds for setting aside the results of the vote," stated the Chief Justice, "and the rule applies with no less force if the voters happen to be members of Congress." In the absence of a specific statute of limitations covering attacks on constitutional amendments themselves, the suit for nullification of the Bill of Rights was found to be timely. The intensity of the public outcry for proposal of the famous set of amendments has been extensively documented by scholars, continued Mr. Burger, "and that leads only to the conclusion that those responsible for the proposal were literally forced to act. If such popular pressure were permitted today, the President would be put in the intolerable position of being deterred from doing whatever he wanted. We hold that it likewise should not have been permitted with respect to Congress over 180 years ago." During conference on the case, Justice Douglas suffered a heart attack, Justice Marshall experienced a prolonged loss of breath, and Justice Brennan sustained a severe concussion as a result of falling from his chair, preventing those Court members from participating in presentation of the final decision. Justices White and Stewart concurred specially.

(see BRIEFS page 3)



# LETTERS

To the Editors:

Along with many in the Law School Community, the Women Law Students were shocked by the comparison of secretarial salaries that appeared in last week's Res Gestae. It seems obvious that the University has been exploiting the surplus of talented female labor in the Ann Arbor area.

The Law School has been losing many of its good secretaries to competitors in recent months. We think it is time that the University realized how important good secretarial skills are and try to make the University a place where people with these skills want to work. It has been relying on its "reputation" for too long.

The Women Law Students Association supports the secretaries' efforts to increase their salaries, and urge the University to respond positively to their eminently reasonable request.

s/ Women Law Students' Association

To the Editors:

I thought you might be interested in the enclosed article from our local paper. It just goes to show that them country folks are doing their duty to keep our nation free from all those hippie, pinko, fag freaks. The article also illustrates some of the problems of the legal draftsman.

s/ John Watts

## Ordinance Eyed

The Village of Saugatuck is considering writing an ordinance that would prohibit public expressions of affection between members of the same sex.

The law would be aimed at homosexuals who visit the village and its beach in the summertime.

President Julius Van Oss said the village's lawyer be-

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lieves it may be possible to enforce such an ordinance because of the Supreme Court's recent decision on pornography. That decision apparently left to individual communities the right to determine what constitutes contemporary community standards. Some communities have written laws that would ban such magazines as Playboy.

Van Oss said such an ordinance would show that the council is doing something about undesirable individuals. Councilman Bob Gardner asked "what about two sisters kissing goodbye in front of the bus station?" Van Oss said the ordinance would have to spell out the prohibited activities.

"If individual communities can throw out Playboy Magazine I would think they'd be able to throw out queers," he said.

The possibility of such an ordinance will be further explored.

### STUDY ABROAD REVISITED

Last week's RG reported an opportunity to attend the Brussels Free University for a graduate degree program in International Legal Cooperation. Guy Rozenberg, a student at the Law School, is quite familiar with the program and has friends who participated last year. He has offered to discuss the course of study with anyone who's interested, and may be reached in D-12 Lawyers Club, 764-8911.

### EXTRA STUDY ROOMS AVAILABLE

Rooms 200 and 220 are now open during the same hours as the library. This is effective until December 21st. Coffee and tea are available for students in the Lawyers Club lounge during this time.

### WHO'S WHO

The Law Student Directory will be available within a few days at the Lawyers Club Desk. One copy per student, please.

### JUDIVISION

The closed circuit TV cameras connected to the Washtenaw County Circuit Court are now in operation and monitors may be viewed in room 209 HH Monday through Friday. Weekly dockets will be posted outside room 209, and if the room is not open when you wish to view a proceeding, contact Dean Borgsdorf.

December 7, 1973

(BRIEFS cont'd from page 1)

WASHINGTON (rg) - Prominent Democratic members of the U.S. Senate held a news conference this afternoon on the measures required to meet the energy crisis, apparently in response to proposals in the field by the President. On the question whether he disagreed with specific actions of Mr. Nixon and whether he had any concrete suggestions of his own, William Proxmire, reiterating the theme of his recent television address to the nation, replied, "yes and no." Asked if he could further particularize his objections and proposals, the Senator from Wisconsin paused in thought and answered, "well, yes and no." Senator Humphrey received the next inquiry, relating to what his views on the matter might be. Later that evening when the former presidential contender had finished, South Dakota's George McGovern commented that he supported the President 1000%. Some delay ensued thereafter when Majority Whip Robert Byrd had to request that a number of questions be repeated several times so he could understand them. The news conference concluded on an educational note, though most reporters had started to drift away, when in response to a question Maine's Senator Muskie traced the American energy crisis from the Pilgrim's trouble with locating enough kindling through to the present.

- Mike Slaughter

(REVIEW cont'd from page 1)

A preface to the collection of letters points out how the California Corrections System works. "A man convicted of a felony enters the system through one of two reception and guidance centers - the California Medical Facility at Vacaville or the California Institution for Men at Chino - where doctors, counselors and other staff members examine, test and observe him for six weeks." After processing, a man might be sent to one of twelve institutions depending upon his record. "Conservation centers at Susanville, Jamestown and Chino train prisoners who are low escape risks for work in one of approximately thirty conservation camps scattered throughout the state." Other facilities are specially geared for juveniles, psychotics, old men or those who otherwise constitute insubstantial escape risks. For the

rest, there is the Adjustment Center - the "hole" - for felons who break prison regulations ranging from "disrespect" or "agitation" to serious offenses involving possession of a weapon or assault.

The book's prisoner correspondence dates from the period 1970-71 during which inmates were allowed to write sealed, uncensored letters to attorneys, a privilege subsequently denied and then re-extended following a California Supreme Court ruling in November, 1972. Overall, two basic themes are articulated by the incarcerated writers. First, those sent to the state penitentiaries are systematically drugged, beaten, brainwashed and abused into becoming part of the "prisoner class." Under California's "indeterminate sentencing" law, an inmate does not serve a fixed sentence, but stays locked up until the various supervisory personnel, principally the Adult Authority or parole board, determine that a prisoner has been "rehabilitated." Studies have shown, the editor notes, that for the same offense less time is served under a fixed sentence on the average than under an indeterminate sentence. What that purportedly "advanced" procedure translates into is the conditioning of release upon complete subservience of a man's will to the authorities - becoming a member of the prisoner class. One correspondent described the process as follows: "when you first come to prison, other convicts call you a "fish" until you get the hang of things. During this period of being a fish, you are always under observation not only from the prison officials, but from fellow convicts. And during this period, depending on how you carry yourself, you're going to be labeled one of two categories (sic) - either a 'regular' or 'weak.' The latter is what the prison authorities are constantly looking for because it's these weak inmates who will be their spies and who will get up on the stand in court and tell any kind of lie that the authorities tell them to say."

The natural product of this environment represents the second theme of prisoner letters - an omnipresent and profound para-  
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noia. "I ate with my back to the wall," wrote one inmate. "I showered with my back to the wall - and never dropped by soap, and just left it if I did. When I went to the movie, I made sure a friend was sitting beside me, and noticed everyone in the vicinity. If I went to the yard, which was seldom, I kept a gun-tower in sight. At night all my cellmate had to do was so much as move a muscle - or even think about it - and I would be wide awake." Some weren't as careful and were killed, the letters indicate; some couldn't stand a life of such care and killed themselves.

A peculiar aspect of all letters was the absence or evasion of any reference to the writers' crimes. And as savage as American sentencing remains, the fellows whose letters are featured in Maximum Security still didn't get up to twenty or thirty years for nothing. But despite these self-serving omissions and occasional exaggeration - the result of justifiably inflamed minds - there's one intense realization repeatedly brought home to the reader by this well-written correspondence. It's that real, pulsing human beings are crying out - not the stylized creeps television police detectives hunt and gun down by the legion to the nation's amusement and great relief.

The obvious brutality of the prison experience, carried out through guard and inmate violence, paranoia and creation of the submissive prisoner class is made even more sickening by the fact that it is essentially irrational with respect to its expressed aim. Why, if it is given that people are best motivated by self-respect to conform to societal norms, is self-respect systematically rooted out and destroyed throughout the corrections systems?

It is apparent from these reporters covering maximum security from the inside full-time that a terrorized prisoner class serves only custodial purposes and that claims for "rehabilitation" there are utter hypocrisy. Perhaps effective custody, though certainly conducted much less outrageously than at present, should be the only goal at institutions for our most dangerous offenders. But at least we should admit it.

--Mike Slaughter

## CHIEF JUSTICE DROPS BOMB

On November 26th in delivering the John F. Sonnett Memorial Lecture at Fordham University, U.S. Supreme Court Chief Justice Warren Burger proposed drastic changes in this country's system of legal education and practice. Charging that a third to one half of all American lawyers are inadequately experienced or trained in proper trial procedure, Mr. Burger called for a two-pronged reform. First, the period of law school study should be reduced from three to two years, and second, those graduates who wish to engage in trial work should thereafter receive specialized training in order to be certified to argue in court.

This new system of specialized standards, Mr. Burger continued, would best be patterned after the British model in which only 3,000 of that nation's 30,000 attorneys are admitted to actual trial practice. "No other profession is as casual or heedless of reality as ours" with regard to the idea that any law graduate is qualified to appear in court, he said, further asserting that all too often we have "Piper Cub advocates handling Boeing 747 cases."

Upon adoption of his plan, Burger argued, new attorneys could learn trial techniques from experts instead of "by trial and error at clients' expense." The Chief Justice also said he believed that trial specialization certification was so important that recent agitation for general use of specialty certificates for most fields should be postponed in favor of concentrating on courtroom practice alone. Overall, Mr. Burger stressed the "ethics, manners and deportment" in court issue in presenting his proposal, noting that in the U.K. only three disciplinary proceedings per year occur among barristers.

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## PLAIN TALK

The following two paragraphs are an excerpt from a letter Mike Reed received from a Texas chum, which he thought might be informative:

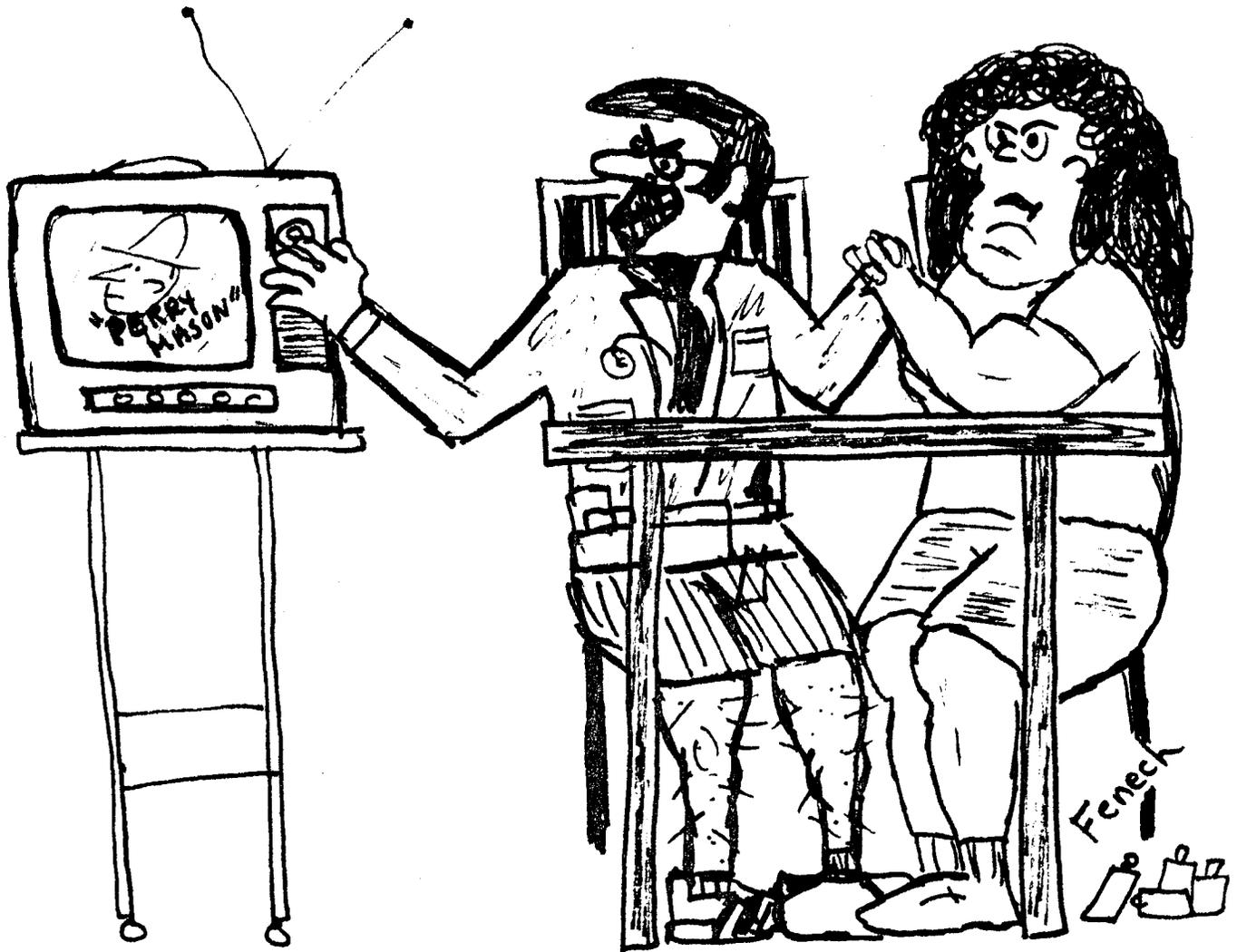
So you're in law school, huh? Hope you're going to be a defense attorney or otherwise function on the side of the victims of "justice" rather than be one of its perpe-

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trators. I have long since decided, and everything I've seen in Texas lately confirms it, that American law is the most irrational, oppressive and just plain vicious system of law in the non-Communist, modernized part of the world. Under no circumstances will I have anything to do with its support or enforcement, and I find it extremely difficult to ascribe honest motives to any man who would. So don't turn into a prosecutor, ole buddy. Maybe my views seem harsh, but when you watch cops harassing prostitutes with sodomy charges, or shooting innocent folks in drug raids, and see the courts send a woman to prison for 5 years for selling tickets to

a dirty movie while a murder-with-malice convict gets 2 years -- and that's the kind of thing that goes on in this state, and I know Texas has no monopoly on it -- it's pretty damn hard to view the law as your friend. What the law is, is a monster that crushes people's lives the way steam-rollers crush bugs. I'm just glad we've got criminals to keep the law busy, so the law can't spend all its time ruining the lives of innocent people.

But if you're gonna be protecting folks against all that, or if you're just in it for the money and are going to be concentrating on business law or something, that's OK.



**COMING SOON: ERA Fight of the Week**

**First Bout: COIF-MAN v. Ms. LIBBER**



Someone took Jimmy the Greek's picks out of the Free Press last week, applied his spreads to the Turk's sheet and chose accordingly. The Greek came up with 5 correct out of 16 for the week's lowest score.

On the other end of the spectrum, the Turk once again took the honors with 12 correct on his personal sheet. And once again, the Editors deny me my just deserts. The sub goes to Mac Davis, who over Tom Nowinski on the tie-breaker. They each had 11 correct; George Kresovich was third with 10 right.

This week's picks, although providing a stiff challenge to your ability to delay reinforcement, should be a lot of fun. The almost omniscient Turk had to confer with several of the Law School's resident experts before making this week's picks. After all, how can you predict Houston-Tulane or N. Carolina State-Kansas? Well, here they are and let's at least hope I have the match-ups right. Two bonus points for anyone who corrects me.

Arizona State vs Pitt (12)	Ohio State vs USC (5)
Alabama vs Notre Dame (even)	Houston vs Tulane (3)
N. Carolina State (9) vs Kansas	Maryland vs Georgia (even)
Auburn (3) vs Missouri	Florida vs Miami(Ohio) (9)
Texas (1) vs Nebraska	Texas Tech vs Tennessee (even)
Penn State (4) vs LSU	

AFC Champion \_\_\_\_\_

NFC Champion \_\_\_\_\_

Super Bowl Champion \_\_\_\_\_ (2 points)

· ULTIMATE TIE BREAKER: what college team will be Number One?

(UPI determines) \_\_\_\_\_