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October 6, 1972

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## Student Senate Meets

This week in lieu of our normal coverage of Law School Student Senate activities, we have allotted this space to some advocacy journalism on behalf of the first year class. The authors are both first year students with a self-evident bias in favor of their classmates.

-- Eds.]

Monday night, October 2, 1972, the Law School Student Senate discussed the possibility of Freshman representation. After a long and heated discussion (excerpts of which are reproduced below), the Senate's consensus was:

- 1.) To allow two freshman to be chosen at-large to serve as representatives;

Ann Arbor, MI

# University of Michigan Law School #

October 6, 1972

"We've got plenty of seats for Tuesday night's game."

-- Tiger Mgmt.

# The Res Gestae

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All bridges are out over troubled waters

## JOUBERT

OCT 9 1972

UNIV. OF MICH.

William Joubert is a professor of law from the Union of South Africa who visited the Law School on Tuesday, October 3. After dinner with a group of students and faculty, he addressed some remarks to an audience in the Lawyers Club lounge. The following report is based upon that address and the questions which followed on it.

--Eds.]

"I myself have often criticized this ...," "I'm just explaining...," "I'm not defending..."

No number of disclaimers will suffice to rid a South African law professor (by definition part of the system?) of the stigma his citizenship automatically implies to many students. It could be argued that it shouldn't. At any rate, when Prof. William Joubert, Director of the Institute of Foreign and Comparative Law at Praetoria, South Africa spoke to the International Law Society Tuesday the cultural differences and social realities which separated him from many in his audience prevented any real meeting of the minds.

Joubert's positions, which probably amount to well-intentioned, if not progressive liberalism in his own country, fall squarely into what cri-

con't on p. 5

## Inmate Ills

"When a man's in prison trying to appeal his case, he wants Lee Bailey if he can get him. He wants the best attorney he can get. Now you tell him, 'Hey, I know these law students at the university who'll help you out,' you know what he'll say? He'll say, 'Shit man, I don't want any law student, I'm fighting for MY LIFE!'"

This statement by an ex-inmate of Jackson Penitentiary emphasizes the central question raised by last weekend's conference on "The Problems of the Inmate" sponsored by the Michigan Inmate Assistance Program.

A few of the issues, questions and conclusions raised during the conference were:

1. Law students can help by counseling and assisting inmates and their families, lobbying for law reform, attempting to insure that rules and procedures are enforced.
2. Judges should be required to state the reasons for giving a particular sentence and corrections officials should be required to state specific

con't on p. 4

## LETTERS



support the proposition that the biases and predispositions which form the basis of sex/role stereotypes have become deeply rooted long before the individual achieves adulthood.

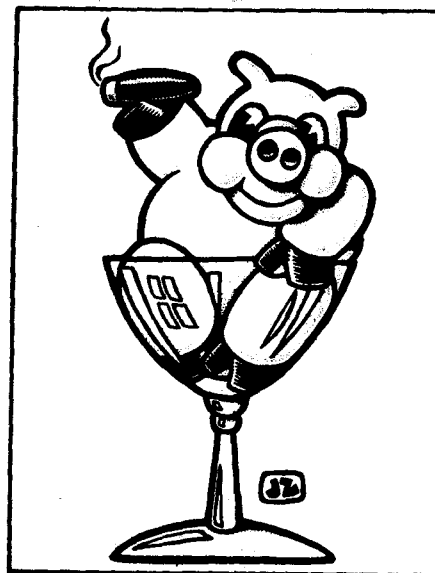
October 2, 1972

To the Editors:

At risk of incurring Ms. Harper's formidable wrath, if not logic, I am constrained to admit that "you really put me off this time." Intelligent, analytical and logical exposure of both the blatant and subtle sexism rampant in our society is instrumental in achieving the necessary elevation of consciousness. Bullshit will not. In my opinion your discussion of the "Playboy-style" Anatomical Basis of Medical Practice falls into the second category.

1. Your credibility would be considerably enhanced had you read the book in question. Whether or not in fact the nude women involved were lascivious, "seductive," and an "obscene denigration of women" it would seem a rather questionable practice to implicitly accept all of Dr. Ramey's observations sight unseen and then spring off into new insights based on your own reading of a newspaper column, rather than the book itself.

2. Your own contribution, above and beyond Dr. Ramey's, is that this anatomy text comes to medical students during their "vulnerable, formative professional years." By linking "vulnerable" and "formative" with "professional" you imply that there is some physio/psychological reason why adult males would be traumatically susceptible to this type of pernicious influence. Sheer pap. The vast weight of scientific research and virtuously all psycholalytic theories



3. I am fascinated by your ascribing "casual and puerile fantasies" to "many medical students and doctors." Is this something which "everyone" knows? Have you conducted a survey on this? If not, do you feel a little nervous about this type of sweeping generalization?

4. The same questions apply to your alarm over "the urge to consider women as sex objects first and humans with serious medical problems secondarily." Is this a current medical phenomena of widespread and dangerous implications? Even logically, does it follow that women who are "sex objects" cannot receive adequate care for their serious medical problems? Would you share your data with us?

5. Your conclusion is the topper; that it will be the "exceptional" doctor who can treat women patients in a "strictly clinical manner after

cont'd next page

being exposed to this type of reading." Come Ms. Harper . . . are you really contending that this textbook will turn the majority of our nation's medical students into frothing sex fiends, lasciviously pawing (or worse!) over those "sex objects" once released into the community? Methinks the lady doth protest over-much.

/s/ Jim Harrington

Ms. Harper replies:



My observations and comments regarding the book review of Becker's book are based on the sum total of my experiences as a black woman, and those of many of my friends, with sexually perverted medical students and doctors.

I did not cite the source of my "data" because I did not feel that it was necessary in an article that was clearly my subjective reaction to a newspaper's book review.

still more LETTERS

Dear R.G.:

My final contribution to the Law Review selection dialogue with Ms. Harper --

I was amused two weeks ago when Ms. Harper sought the support of Ron Gould, the present L.R. editor-in-chief, to rebut my statement that "the testing procedure used to determine grades places a high premium on skills unnecessary to successful Law Review work." She quoted Ron as saying that legal analysis and writing ability, as measured by exams, are essential to a successful L.R. staff. But I never denied that legal analysis and writing ability are essential to a successful L.R. staff. To spell out the obvious for Ms. Harper once again, the in-class exam system places a high premium on instant analysis, quick organization, and speedwriting, in a high pressure situation. Those skills are definitely not essential to L.R. work, which is grounded in precise research, lengthy reasoning processes, discussions, composition talents, and editing ability.

As for your cartoon depicting me as bitter toward L.R. because I am not a member, nothing, except the R.G., could be farther from the truth. In reality, I am pleased that L.R. has helped de-emphasize grades by establishing the writing competition, and by making any student who has an article accepted for L.R. publication a member of the staff. Both of those alternative selection methods are more rationally related to the function of L.R. work than the exam-based grading system. With regard to myself, I have never desired, nor have I ever attempted, to become an L.R. staff member.

I have enjoyed the past weeks' discussions. With friends like you arguing for their causes, the students of this law school need no more enemies.

/s/ Neil Mullally



To the Editors:

The article on the thief-baiter provokes an interesting question -- why not legalize certain forms of extortion as a means of providing private Attorney Generals for the enforcement by traditional means?

I am not suggesting that all forms of extortion be legalized. For example, threatening to reveal either a public figure's former membership in the Communist party or an individual's conviction record would remain improper. I merely propose that the extortionist be allowed to threaten to call the police unless he receive a sum of money in cases in which the extortee has committed a crime.

In order to prevent abuses, the extortee should be immune from prosecution if he has paid off his extortionist. Also, in order to guard against the "unscrupulous" extortionist who would charge so little for his services so as to undermine the public's interest in deterrence of crimes, blackmailers should be licensed and required to charge a certain minimum fee.

There is no danger of extortionists charging too much because the extortee would simply refuse to pay and take the consequence of being arrested.

The extortee, however, who would have been incompetent to stand trial had he been arrested, should be entitled to post-extortion relief. Therefore, a receipt should be required of the extortionist.

Of course, the extortionist who does not follow these restrictions placed upon him would be subject to extortion by the extortee.

Tax exemption could be afforded the extortionist, as in the good old days before Rutkin v. United States, to promote deterrence of crime. The White House could host a banquet for the Extortionist of the Year.

No doubt there are cynics who would claim that such a proposal would tend to disturb the peace and safety of the community. But by limiting legalized extortion to the area in which the public peace has already been broken, the advantages of wide spread deterrence outweigh the possibilities of more crime. Certainly, if the extortee resorts to assault, he risks further prosecution or extortion.

In short, the U-M thief-baiter, who was motivated by private gain rather than the public good, had the right answer for the wrong reason.

/s/ S. Friedell

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cont'd from pg 1 MIAP

reasons for denying parole. Inmates should be granted due process at parole board hearings, i.e. the right to counsel.

3. More programs permitting convicts to work and live in their communities while under sentence should be started.

4. There should be better screening and classification of prisoners so that hardened criminals would be separated from their potential students and/or lovers.

While the conference did not solve all of society's problems, it was a significant attempt to deal with some of the hardest issues confronting the legal profession.

It is probably true true that most inmates would like to have F. Lee Bailey handle their appeals, or at least the best attorney that they can get. But law students may well be the only legal counsel most inmates can get.

# NOTICES

Any May graduates interested in clerking for the Hon. J. Edward Lumbard should fill out a form available in 1033 Legal Research by 5:00 p.m. Friday, TODAY. Judge Lumbard is a senior judge on the Second Circuit who has expressed a preference for clerks from Michigan. Thus far his Michigan clerks have had extremely high academic credentials, so a bit of realism might save wasted effort. The job lasts one year.

A senior district judge from the Eastern District of Michigan needs a December graduate as a clerk. He will be sitting by designation on several Circuit benches and the clerkship job will therefore entail a good deal of traveling. If interested, fill out a form available in 1033 Legal Research by 5:00 p.m. Friday, TODAY.

-- Jim Martin

## FOREIGN STUDY/RESEARCH FELLOWSHIPS:

The Michigan Student International Law Society is sponsoring a talk on study and research abroad and fellowship possibilities, including information on employment abroad. All interested students are invited to attend. Because it is necessary to apply for fellowships between 12-18 months before such study/research is undertaken, and language refurbished and relevant project investigated prior to that the time of application, Second-year and Freshmen law students are urged to attend the meeting. If interested, but unable to attend the meeting, please see speaker within the next few weeks.

PLACE: Hutchins Hall, Room 138  
Thursday, October 12, 1972  
(4:15-5:00pm)

SPEAKER: Mary Broadley Gomes,  
Assistant to Professor Wm. W. Bishop, Co-Director: International Legal Studies (Office: Legal Research 973)

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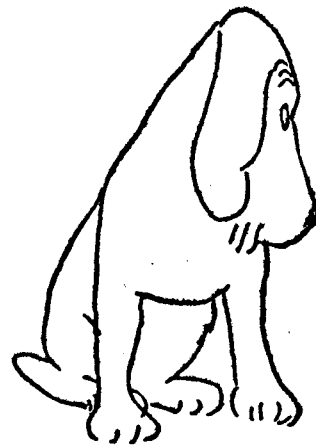
cont'd from pg.1 Joubert

tics would call racism here. His speech is full of the key phrases which enlightened citizens of this country have quit using except for purposes of categorizing those who still do:

--"We can't let these people (the native black South Africans) go on living in their natural state. We've got to develop them -- train them to be barristers, teachers, etc."

--"The main task of the government is to develop (them) economically culturally and otherwise." (said in the context of justifying some aspects of apartheid while acknowledging the system's many faults.)

--"The indigenous customary African tribal law is applied only insofar as it does not conflict with natural justice by European law standards."



Actually, Joubert didn't come to talk about apartheid. His speech topic was "The Coexistence of Civil and Common Law in South Africa." But at a time when even sports is highly politicized, an inherently political field like law cannot escape scrutiny, and a responsible citizen like Joubert cannot be perceived totally out of the context of his country's policies, especially when he is representing South Africa on a U.S. State Department sponsored tour.

cont'd p. 8

# THE WINNER

## Part 5: THE PRIMARY

The media emphasis of the primary has disturbed campaign manager Katherine Stein because the extra resources appropriated by media director Louis Berman have shifted effective control away from her and the activities which she feels would be more productive. She has, however, taken steps to keep a few strings tied to her rival.

Late afternoon sun played about the interior of Michael Dillard's car and occasionally squinted the eyes of both Dillard and Kathy Stein riding beside him.

"Michael, I can't thank you enough for driving me all around like this; especially when Lou Berman must be missing your advice and writing."

"Aw, I have a free hand in this thing, even if he doesn't like it some times. Besides, I get my best ideas when I'm with you," Dillard said, turning with a broad smile toward his companion. Kathy smiled back, then rolled her eyes to the passing shops outside when her gesture was out of view.

"Well, you certainly should have been getting a lot of good ideas lately...and I'm so glad it works out for you," Kathy added quickly at the end of her sentence. They pulled up to a small office building with Arden for Governor posters standing in the second-floor window beside a small sign scotch-taped to the window reading "Media Center".

Dillard parked in a near-by side street, popped from the car and around to where Kathy had her door open a crack in preparation to get out. He yanked the door open, almost spilling her to the curb. Another gentleman, Kathy thought, contemplating the untold pleasures of their company as she moved her shoulder around to find it still firm in its socket.

Once inside, Dillard managed to drag Berman from the telephone and over to where Kathy was examining some T.V. spot scripts that had been left on the front desk. Berman negotiated his bulk through the office clutter and uttered a perfunctory greeting.

"I was just telling Michael what a help he's been to me and the staff at the headquarters over the past weeks."

Berman flicked his head back and noted, "Yes I know," glancing at Kathy and then staring hard at Dillard who looked away immediately.

"In fact, we'll always remember the excellent work he did for me analyzing the cost effectiveness of that series of spots during the late TV movies you wanted to do, Lou. Imagine that the people who would be watching have the lowest voter registration rate of any audience."

Dillard beamed at Kathy, who was watching Berman back away slowly. Then Berman held out his arms, palms up, and asked, "now what was this paper you wanted to talk about?"

Kathy unzipped her briefcase and pulled out a newspaper clipping of a recent primary poll showing Wells with 35%, Arden with 29%, and 36% undecided among members of Ben Arden's party.

"Have you seen this poll, Lou. We've been pouring money into commercials for television and radio, plus people haranguing station managers around the state to get our man on the evening news for a month and a half, and the results are not good by any means. I think Ben is ready to be told there has to be a cheaper, better way to close that margin.

"No, no, not yet. That poll I heard is over two weeks old - it just hasn't caught up with our success. Ben isn't quite well enough known yet

but the next poll will reflect the recognition we've been building up.

"The next poll will leave only two weeks before the primary election - we can't wait that long."

"Katherine, my dear, we've got the key to the primary in that other office right now - it will really open things up when it's published."

Kathy grimaced with Berman's choice of words in saying her name and her voice got louder. "No, Lou, kill that story. It's no good even if part of it is true - it'll wreck the party. You'll have plenty of money to work with for the usual ads, but I think Ben will agree with me that there can be no more experimental stuff. It doesn't work, and I need the money for person-to-person operations. All right!?"

Berman said nothing and went back to work in another office while Kathy and Dillard stood and watched. Dillard took a few steps to follow behind his boss, stopped short and jingled some change in his pocket. Then he turned and came back to Kathy who had replaced her newspaper clipping in the briefcase and was heading for the stairs through the open front door. "Uh, can I drive you back to the headquarters?" he offered in a low voice.

"Yes!" Kathy answered sharply, taking the first stair steps quickly as Dillard edged out the door. He frowned but jogged in pursuit anyway.

\* \* \*

George Field was stretched out on the bedroom floor with a pile of newspapers from cities all around the state, scanning the first sections of each for a while, then tossing them aside for the next paper. Occasionally he would reach for a razor blade and cut around an article, placing it in one of several manila folders. He was embarrassed to work

in the headquarters office since staff members had tendency to ask him for instructions on projects over which he had little or no authority -- the contrast from his palmier leadership days seemed too pointed anywhere but in his own room alone. The ringing of his telephone interrupted his reading of Arden's treatment in the state's press.

"George, why don't you make it down to the office more often; you're needed down here," Kathy's voice inquired over a melange of clacking and muffled shouts in the background.

"Well, Kath, I work better over here - and you've got Michael Dillard to take care of all your needs."

"Oh, for heaven's sake. I know Ben hasn't been talking with you much lately, but sometimes I think you're taking things like a child." Her words became softer. "Look. Let me put it to you this way. I need your help. Whether the others know how much you know or not, I don't care."

George shucked off his hurt tone. "OK, what's up?"

"That's better. Our Mr. Dillard, by the way, has been fulfilling different needs than you have filled - I couldn't handle Berman without that big guy's foot in the door - so try and sweep your blinding passion away for a while and listen." Her kidding voice made George smile and the sound of his snicker signaled Kathy to continue.

"I'm sure you've seen the latest Journal-Record poll. I think we're throwing money down a hole with these fancy television productions if they don't get us more than 29% with a month to go."

"Yeah. I happen to know somebody on the staff of the firm that did the poll, and when I phoned, she was willing to tell me they had to throw out a section on name recognition because



cont'd from p. 7

of some interviewers mistakes. But in the sample, Arden was over 80% known, just a fraction less than Wells who's had a state-wide office for several years."

"Well that's just great," she noted facetiously. "Berman told me yesterday our boy wasn't well enough known yet, but it appears most people know him and don't like what they believe they know."

"Right, right. And I think it's this same slick approach that the newspapers I've been reading react to. Ben's coming across like a plastic man, no trustworthiness, just bright spanking image."

"So most of the 36% undecided are simply turned off; they might not even vote and that leaves us way behind." Kathy paused a moment. "Ben's just going to have to come out of the studios, into the streets and lose some sleep for the next few weeks. No more super-slick TV ads, quieter news coverage, less hounding of the newspaper people with splashy hollow releases. What you've told me should clinch my way of doing things with Ben."

"What about that so-called exposure of Wells, Berman's been working on for so long."

"I told him to kill it; he knows there's nothing in the closet."

"Then, good luck...and thanks for calling, Kath."

Kathy put down the handset quickly and began riffling through her book of telephone numbers to arrange for new work on canvassing even though she hadn't talked with Arden. Before she could make her calls, a staff member brought in the afternoon newspaper, shouting, "Wow, we're really going after Wells now, huh!"

She took up the front section and looked at the second headline. "Damn that man!" she hissed, slamming the

paper down on her desk and sending half a dozen letters fluttering to the floor. "Conflict of interest charged by Arden organization - Wells said to aid associates suing state," read the headline.

mgs

Next: THE VICTORY

cont'd from p. 5

Even when Joubert and his fellow barristers take exception to repressive legislation passed by the South African parliament, the objections are tepid by our standards. For example, he says: "There has been a large volume of legislation restricting individual rights. Very few lawyers are enamoured of these laws, which are basically emergency measures. We lawyers would rather see states of emergency declared instead of making these enactments part of the permanent body of our law."

Joubert readily admits that social change is necessary and desirable. "we are working at an evolutionary change," he said. "We cannot afford a revolution emphasis added. To my mind it should go a little faster than it is now, but I believe progressive thinking will bring about changes. Economic development alone is making this sort of change inevitable."

The basic question thrust upon an audience by a speaker like Joubert is: How far should we go in tolerating other people's values? Most people today who say they don't believe in passing moral judgement on the values and actions of others confine their tolerance within some parameters. It may help to change undesirable laws currently based on others' values to say that value-judgements have no place in the legal system. But it is important to realize that this is false in order to bring about meaningful change.

cont'd p. 11



# LETTUCE BAN

The United Farm Workers AFL-CIO(UFW) has announced that it's lettuce boycott campaign has gained the support of some forty members of the Michigan state legislature.

In announcing the new support Bill Masterson, Michigan Coordinator of the UFW, said, "It's really great. This will give a tremendous boost to our statewide campaign. This is definitely a sign that support for the lettuce boycott is growing here in Michigan."

Asked about the significance of having the legislators support the boycott Masterson said, "Because these legislators have gone on record supporting the boycott we feel more people will now take a look at this issue and a great many more will now support the boycott."

The lettuce boycott in Michigan is part of a nationwide boycott campaign launched by the United Farm Workers AFL-CIO in May of this year in an effort to force west coast lettuce growers into collective bargaining talks with the farm workers union.

List of Michigan state legislators who are supporting the lettuce boycott:

- Rep. Lucille McCollough
- Rep. Casmer Ogonowski
- Rep. Matthew McNeely
- Rep. Marvin Stampien
- Rep. William Copeland
- Rep. Lenard Walton

- Rep. Robert Traxler
- Rep. Joseph Snyder
- Rep. Nelis Saunders
- Rep. Warren Goemaere
- Rep. Edward Suski
- Rep. Thomas Guastello
- Rep. James O'Neill Jr.
- Rep. Ted Mrozowski
- Rep. Alma Stallworth
- Rep. Jelt Sletsema
- Rep. James Holmes, Jr.
- Rep. William Ryan
- Rep. Richard Young
- Rep. James Bradley
- Rep. Rosetta Ferguson
- Rep. Raymond Hood
- Rep. Josephine Hunsinger
- Rep. Robert Mahoney
- Rep. Jackie Vaughn III
- Rep. George Montgomery
- Rep. Daisy Elliot
- Rep. John Kelsey
- Rep. Edward Mahalak
- Rep. John Bennett
- Rep. Alfred Sheridan
- Rep. Morris Hood
- Rep. Joseph Forbes
- Rep. James Del Rio
- Rep. William Fitzgerald
- Rep. Phillip Mastin
- Rep. Dale Kildee
- Rep. Raymond Keheres
- Sen. Micheal O'Brien
- Sen. Jerome Hart

## UNIVERSITY OF MICHIGAN LAW SCHOOL STUDENT SENATE

### LETTUCE BOYCOTT ENDORSEMENT

1) Whereas Farm Workers are excluded specifically from the safeguards and protection provided by legislation for workers in other industries, and, therefore, suffer exceptional hardships, economic exploitation, and physical damage from poisonous insecticide and other occupational hazards.

2) Whereas, Cesar Chavez and other organizers of the United Farm Workers have chosen to work non-violently and to accept the lifestyle of poverty and sacrifice in order to bring about social change in rural America, and,

3) Whereas, the efforts of the United Farm Workers have borne fruit, bringing about contracts for 5% of America's Farm Workers,

4) Whereas, the United Farm Workers are currently boycotting California & Arizona iceberg (head) lettuce in order to bring about justice and dignity for over 20,000 lettuce workers, and,

5) Whereas, the lettuce growers have refused either to grant secret elections or to enter into good faith negotiations with their workers,

THEREFORE, BE IT RESOLVED:

That, Law School Student Senate, affirms its support of the boycott of California or Arizona iceberg lettuce as a legitimate non-violent tactic to bring justice for the lettuce workers,

That, the membership of this organization pledges not to buy or eat California or Arizona iceberg lettuce and urges every University of Michigan law student, faculty member and administrator not to buy or eat said lettuce for the duration of the boycott,

That, the membership of this organization pledges not to buy or eat California or Arizona iceberg lettuce and urges every University of Michigan law student, faculty member and administrator not to buy or eat said lettuce for the duration of the boycott,

That, the membership of the Law School Student Senate urge that every law student, faculty member and administrator work to raise the issue of the lettuce boycott wherever we see lettuce, (conventions, church dinners, fund-raisers, airplanes, restaurants, college cafeterias, hospitals, supermarkets, hotels, etc.),

That, the membership of the Law School Student Senate urge that every law student, faculty member and administrator, work to provide legislation to safeguard and protect Farm Workers from the exceptional hardships, economic exploitation, and physical damage from poisonous insecticides and other occupational hazards.



- 2.) Not to allow these two freshman reps to run for another office at the next elections [emphasis added];
- 3.) To set the term of office from October to October (the normal term is from March to March).

In the way of background material, it should be noted that there are presently thirteen members of the Law School Student Senate, all of whom are Juniors or Seniors. Giving the Freshmen two reps would mean two votes out of fifteen (or about 13% of the total vote). Allowing Freshmen four reps (one per section) would give the first year class four votes out of seventeen (or slightly less than 25% of the vote). In deciding the equity of two (or four) reps, it should be remembered that the Freshman class constitutes one-third of the law student population and supplies one-third of the student fees that support the Senate.

The following are verbatim quotes from the discussion on Monday night:

Dennis Cotter (Phone 764-7904)

"Let's have four representatives -- one from each section."

Harry Blackmond (Phone 769-4363)

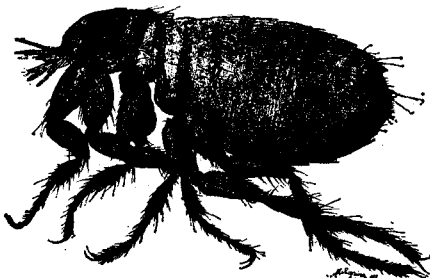
"I'm ambivalent [about the matter of Freshman representation].... A lot of people don't run [for

The law-making process is a competition between value systems -- we cannot separate values from the law. In legalese, should we judge Joubert by a subjective standard -- what are his intentions, what is the socio-cultural setting of which he is a part -- or an objective "reasonable man" standard -- what would the reasonable American do in Joubert's position. The reasonable white American or the reasonable black American? (Should Americans judge Joubert at all, in light of conditions which still exist in this country?) Is there a difference between asserting that the ruling white minority is wrong in repressing the non-white majority of South Africa and that the rest of the world would be wrong in attempting to force South Africa to abandon its governmental policy?

South African whites are afraid. "In the U.S. there are 10-20 per cent blacks," Joubert said. "In South Africa there are 15-20 million blacks and four million whites. We can't destroy the whole society by enacting one-man-one vote overnight. The more pressure is applied from the outside, the more people on the inside group together and resist change."

The problems of South Africa should be both familiar and apparent to us, but the problems of America may not be. When you look at a situation as far away as South Africa, it's easier to see that a "do your own thing -- accept everyone else's values" philosophy has its drawbacks.

-- John McKay



office/ until they realize that things aren't the way they want .... /in support of his argument for waiting/.... I want more Freshmen and different Freshmen /not the same ones/ involved...."

Tom Carhart (Phone 662-9843)

"Freshmen have no business on the Senate /because they don't know each other and they don't know what's going on/.... Being a first-year student is just like joining the army, you give up some of your Constitutional rights.... /By letting Freshmen serve/ we hurt them in the long run /by allowing them to divert time from their studies to Senate matters/"

Lynne Adams (Phone N.A.)

"Why four? Four is too many."

Shirley Moscow (Phone 763-6306)

"I think Freshman representation is a good idea.... /In regard to Freshmen being dumb/, Freshmen learn fast."

Fred Pinckney (Phone N.A.)

"Four is too many.... It is too much power for four neophytes.... /Giving Freshmen representation is like/ giving Freshmen privileges /as opposed to rights/.... We don't want them /ambitious Freshmen/ to piggyback their ambition /by securing another office the following March/ .... We're not losing that much talent by making them wait until March."

Frank Jackson (Phone 567-6235)

/Frank was present at the meeting but did not express his views because he had just had his wisdom teeth removed earlier in the day./

FRESHMEN SHOULD FEEL FREE TO SHARE THEIR VIEWS WITH ANY OR ALL OF THE ABOVE SENATORS.

A Legal Landmark  
REGINA  
V.  
OJIBWAY

(IN THE SUPREME COURT)  
 REGINA v. OJIBWAY

BLUE, J. AUGUST, 1965

BLUE, J.: This is an appeal by the Crown by way of a stated case from a decision of the magistrate acquitting the accused of a charge under the Small Birds Act, R.S.O., 1960, c.724, s.2. The facts are not in dispute. Fred Ojibway, an Indian, was riding his pony through Queen's Park on January 2, 1965. Being impoverished, and having been forced to pledge his saddle, he substituted a downy pillow in lieu of the said saddle. On this particular day the accused's misfortune was further heightened by the circumstance of his pony breaking its right foreleg. In accord with current Indian custom, the accused then shot the pony to relieve it of its awkwardness.

The accused was then charged with having breached the Small Birds Act, s. 2 of which states:

2. Anyone maiming, injuring or killing small birds is guilty of an offence and subject to a fine not in excess of two hundred dollars.

The learned magistrate acquitted the accused, holding, in fact, that he had killed his horse and not a small bird. With respect, I cannot agree.

In light of the definition section my course is quite clear. Section 1 defines "bird" as "a two-legged animal covered with feathers." There can be no doubt that this case is covered by this section.

Counsel for the accused made several ingenious arguments to which, in fairness, I must address myself. He submitted that the evidence of the expert clearly concluded that the animal in question was a pony and not a bird, but this is not the issue. We are not interested in whether the animal in question is a bird or not in fact, but whether it is one in law. Statutory interpretation has forced many a horse to eat birdseed for the rest of its life.

Counsel also contended that the neighing noise emitted by the animal could not possibly be produced by a bird. With respect,

Small Birds Act, R.S.O.,  
 1960, 724, s.2

Exhibit C  
HORSESHOE

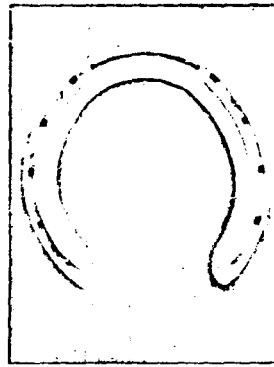
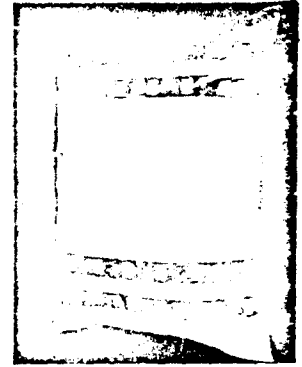


Exhibit D  
PILLOW



the sounds emitted by an animal are irrelevant to its nature, for a bird is no less a bird because it is silent.

Counsel for the accused also argued that since there was evidence to show accused had ridden the animal, this pointed to the fact that it could not be a bird but was actually a pony. Obviously this avoids the issue. The issue is not whether the animal was ridden or not, but whether it was shot or not, for to ride a pony or a bird is of no offense at all. I believe that counsel now see his mistake.

Counsel contends that the iron shoes found on the animal decisively disqualify it from being a bird. I must inform counsel however, that how an animal dresses is of no concern to this court.

Counsel relied on the decision in *Re Chicadee*, where he contends that in similar circumstances the accused was acquitted. However, this is a horse of a different color. A close reading of that case indicates that the animal in question there was not a small bird, but, in fact, a midget of a much larger species. Therefore, that case is inapplicable to our facts.

Counsel finally submits that the word "small" in the title Small Birds Act refers not to "Birds" but to "Act," making it The Small Act relating to Birds. With respect, counsel did not do his homework very well, for the Large Birds Act, R.S.O., 1960, c.725, is just as small. If pressed, I need only refer to the Small Loans Act, R.S.O., 1960, c.727, which is twice as large as the Large Birds Act.

It remains then to state my reason for judgment which, simply is as follows: Different things may take on the same meaning for different purposes. For the purpose of the Small Birds Act, all two-legged, feather-covered animals are birds. This, of course does not imply that only two-legged animals qualify, for the legislative intent is to make two legs merely the minimum requirement. The statute therefore contemplated multilegged animals with feathers as well. Counsel submits that having regard to the purpose of the statute only small animals "naturally covered" with feathers could have been contemplated. However, had this been the intention of the legislature, I am certain that the phrase "naturally covered" would have been expressly inserted just as "Long" was inserted in the Longshoreman's Act.

Therefore, a horse with feathers on its back must be deemed for the purposes of this Act to be a bird, and *a fortiori*, a pony with feathers on its back is a small bird.

Counsel posed the following rhetorical question: If the pillow had been removed prior to the shooting, would the animal still be a bird? To this let me answer rhetorically: Is a bird any less of a bird without its feathers?

*Appeal allowed.*

Reported by: H. Pomerantz  
S. Breslin

*Re Chicadee*

Large Birds Act,  
 R.S.O. 1960, c.725  
 Small Loans Act,  
 R.S.O. 1960, c.727

Exhibit A  
PONY, WITH FOUR LEGS



Exhibit B  
BIRD, WITH FEATHERS



# books

Review of George Jackson's  
Blood in My Eye

by Henry B. Clay III

Mr. George Jackson died in a California prison during what prison officials describe as an attempted armed jail break. To Jackson his death was not particularly important, to the Blackpoor, the Black masses his life and death are symbolic of what all Black people have faced and are facing here in "Amerika". Jackson said of himself and of his destiny that he was:

"...Born to a premature death, a menial subsistence wage worker, odd job man, the cleaner, the caught, the man under hatches, without bail - that's me, the colonial victim. Anyone who can pass the civil service examination yesterday can kill me today with complete immunity. I've lived with repression every moment of my life, a repression so formidable, that any movement on my part can only bring relief, the respite of a small victory, or the release of death."

Mr. George Jackson was a prisoner all of his life; his youth, as is true of nearly all the Blackpoor, was one of being restricted and limited by poverty and racism. By the social, economic, political, and legal institutions of this country which have traditionally completely controlled and governed George Jackson's station in life. There was for him and for the Blackpoor generally there is no hope. Powerlessness stemming from constitutionally being 3/5 of a person later a second class citizen has relegated them to welfare and denied them opportunity for advancement. George Jackson realized this and realized that this imprisonment was as substantial and tangible as the jail bars and cell doors of all the prisons that Jackson knew most of his adult life.



Mr. George Jackson understood all this because he had felt all this and he had come to one conclusion:

"We must accept the eventuality of bringing the U.S.A. to its knees; accept the closing off of critical sections of the city with barbed wire, armored pig carriers crisscrossing the streets, soldiers everywhere, tommy guns pointed at stomach level, smoke curling black against the daylight sky, the smell of cordite, house-to-house searches, doors being kicked in, the commonness of death."

because

"FASCISM its most advanced form is here in AMERIKA"

A brilliant man speaks to us from the grave, knowing the conclusions he reached over and over again yesterday, today and tomorrow. He wrote to communicate with those who would understand and not to sell books. George Jackson was/is no different from others, all colonial people in Amerika are/will be forced to reach the same conclusion. Blood in My Eye is for them, a view from their eye and experience.

## DOMINICK'S FOOTBALL POLE

For those of you who haven't played AND for those of you who have but couldn't follow directions, the rules are simple.

CIRCLE the winners and put the sheet in the box in front of Room 100 HH or at the Lawyers Club front desk by NOON on SATURDAY.

Include your name only if you want to run the risk of winning and having a sandwich from Nick's on your hands (and face and clothes and shoes and books and...).

Don't bother with your phone number because neither NICK nor the SAINT will call to congratulate you.

P.S. For the second consecutive week no faculty members have played the pool. Odd, isn't it?

1. Navy at Michigan
2. Ohio St. at California
3. Notre Dame at Michigan
4. Lehigh at Army
5. Auburn at Mississippi
6. Curry Coll. at New Engl. Coll.
7. Florida at Florida St.
8. John Carroll at Wooster
9. Missouri at Okla. St.
10. VMI at Citadel
11. Alabama at Georgia
12. Amherst at American Internat'l
13. Indiana at Syracuse
14. Boston U. at Harvard
15. Tennessee St. at Grambling
16. E. Cent. St. (Ok.) at S.E. St. (Ok.)
17. Arizona at UCLA
18. Tulsa at Texas Tech
19. Pitt at Tulane
20. Purdue at Iowa



TIE BREAKER: Michigan's first downs against Navy \_\_\_\_\_

Last week's WINNER on the tie breaker was TOM SOBEL. Tommy, stop by the RG office and pick up a coupon for your free GREASY GREEK GUTBUSTER!

-- Owl Ackerman &  
Joe False