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# United Farmworkers

MC  
SF  
R4

MASS MEETING Monday, October 16, 7:30 p.m.

Michigan Union  
Ballroom

# RES GESTAE

UNIVERSITY OF MICHIGAN LAW SCHOOL ANN ARBOR, MICHIGAN OCTOBER 13, 1972

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## T & E

UNIVERSITY OF MICHIGAN  
BEYOND POLICY AND CANONS

by Bo Abrams

"Mark Green, a 35 year-old assistant chemistry professor, yesterday was relieved of his teaching duties for showing an anti-war slide show to his Chemistry 227 class last week."  
The Michigan Daily, Oct. 10, 1972 p. 1.

The apparent reason behind the suspension was that the show was "irrelevant" to the subject matter of Green's course in chemistry lab techniques.

"The slide show, according to Green, showed the manner in which the current air war is conducted. It also showed ads where large science-based corporations advertised with pride how they had turned their technological strengths to serve the military needs of our country in Vietnam.

He said he wanted his students to know that 'the material we teach, in part, is used by those corporations to produce the weapons shown on the slides.'"

It is inconceivable to me, that an action such as this can be taken in a university community. In stressing the value of education an implicit

con't on p. 4

Remember the huge new Cook devise that fell into the Law School's lap a couple years ago? Forget it.

According to Professor Richard Wellman, who chairs the Faculty Research Committee which has jurisdiction over income from the W.W. Cook trust to benefit legal research, a recent series of unfavorable developments has withered initial estimates of the windfall's dimensions reported last year in 10-15 Res Gestae 1 (1971).

The highly touted source of funds arose with the reversion of W.W. Cook's home estate in the unincorporated town of Rye, New York, from The Presbyterian Hospital of the City of New York, Inc., to whom Cook devised the 80 acre estate and buildings known as Harkness Pavilion, so long as it was used for hospital purposes. Extraordinary property taxes, imposed by Rye to finance a new school system in the well-to-do community separate from a nearby depressed city on Long Island Sound called Port Chester, forced the Presbyterian Hospital to cease its use of the property for convalescence of patients. With its determinable fee at an end, the Hospital deeded the Cook home estate July 1970 to First National City Bank of New York, Trustee of

con't on p. 7

Watch for L.S. CHESS TOURNEY notices around HH. Apply before 10/18 at L.C.

## LETTERS



I read the Law School Student Senate column in the October 6 Res Gestae with great interest. With due allowance for the fact that some of the Senators' comments may have been printed out of context, the debate regarding Freshman representation seems to have been conducted on a level that is typical to student government everywhere.

First of all, let me say that I am 24 years old (as old as many upper-classmen), have held responsible positions in business, and have seen plenty of the "real world". In these respects, I am not different from many members of this Freshman class, and we resent being treated like high school students.

During my five years at the University of Cincinnati, I held numerous offices and student government positions. When I completed my undergraduate career, I was totally "turned off" to student government, primarily due to the calibre of people that tend to participate in its workings.

The pompous and overbearing statements by the Senators tend to confirm my theory that Student Senators at Cincinnati, Michigan, and everywhere else are usually shallow, self-seeking ego-trippers. If "being a first-year student is just like joining the army", Mr. Carhart, it is only because we must submit to know-it-all top sergeants. If Freshmen "don't know what's going on", at least we are not so gullible as to believe your organization has anything to offer us.

I am not an "ambitious" Freshman, Mr. Pinckney. I came here to learn law, nothing more, nothing less. You could not pay me to accept a spot in your ego-tripping club. But next spring, when you wonder why people are apathetic toward your or-

ganization, ask yourself what you have done to merit our faith and confidence. For my part you can keep your debating society - I have better ways to spend my time.

-- Kenneth R. Faller '75

To the Editors:

Perhaps Dick Ginsberg should spend less time "reviewing" bars and more time studying torts. I could undoubtedly afford to retire from my part-time job as a waitress at the Golden Falcon once I finished suing him for defamation. The

waitresses at the Falcon are all either in school full-time or work 50-60 hours a week. We work 10 hours a day for less than the minimum wage (it doesn't apply to restaurant workers) and we get more hassles and less tips from customers than most people realize. None of us have the time or money to get sky-high on Gallion Stingers or anything else. In addition, the owner could get heavily fined for letting any of us stay on the job high, so by implication he has been defamed, too.

If RG thinks "bar reviews" are worth printing at all, the least it could do is print accurate ones. Mr. Ginsberg never mentions that the Falcon has a varied and reasonably priced menu, live music and a dance floor. Accurate criticism, of course, would also be appropriate. But the quality of this piece, by both literary and legal standards, makes me hope for Mr. Ginsberg's sake that he was plastered when he wrote it.

s/Barbara Betsey '73

∩ We have it on good authority (his roommate's) that Mr. Ginsberg was stoned when he wrote his bar review, not plastered. However, he insists that his judgment was

cont'd p. 8

NOTES FROM UNDERGROUND

I have told you about some of the daily events in my existence, but as with us all the element of the extraordinary reaches my cell. The electrical wonders of the world send me ringing bells and then voices through the black box on the desk.

"You're going to Detroit to make a TV show."

"Wonderful. What's TV?"

I quickly did my research - its an area governed by the FCC, one of those agencies that parcels out largess to the rich and issues reams of papers that get mailed to my office disguised as information published in the Federal Register.

That evening my horse with 4 round legs tooled off to Detroit, the big city. True to form the TV station had moved out to the northwest suburbs, leaving downtown to be an overgrown parking lot, a sometime haven of pushers and whores. I was met by the security guard who made me sign my name and address; I slipped away before the finger printing. Walking around the building I found the white halls and red carpets, a little hard on the eyes but easy on the feet.

After trying three locked doors, the fourth opened and before me was the modern version of Plato's cave. The walls were grey unfinished concrete, the ceiling was high, at least 30 feet. Suspended there were cuttings from Medusa's hair each ending in a large bulbous shape. Steel trap that it is, my mind immediately grasped the fact that these were not strange snakes but were instead famous sculptures bearing the signature General Electric, Cincinnati, Ohio. Following my logic to its logical extreme I surmised that TV was an artform of the new society and that the FCC was the Fount of Central Culture, a ministry designed to foster the Arts. Perhaps my earlier research had been inadequate.



In any case, this was the studio for "Town Meeting" featuring the country's most highly-placed eco-personality. William Rucklehaus, Director of the Environmental Protection Agency, "answered" the audience's questions for an hour.

His answers were at best partisan and at worst sophistic. The incredible record of the Nixon administration's flaying of the environment (SST, Alaska Pipeline, etc., ad infinitum) for the gain of the vested economic interests is indefensible. Yet Rucklehaus, who is, in the opinion of most, honest, forthright and environmentally concerned, attempted to praise the administration's performance. Off camera he seemed to offer the explanation that one could not politically and pragmatically pursue a more effective environmental program than Nixon's. That answer leaves the further question; why must one temper his actions in so vital an area with politics and pragmatism? Why must a regime always attempt to propogate itself at the expense of needed social change?

I returned to my cell in the Palace of Higher Learning and Sophistry badly dissappointed.

--Bo Abrams

The second half of the show, "Town Meeting", should be on this Saturday, October 14. Also there will be a workshop entitled "Nixon and the Environment; the Politics of Devastation", Sunday, October 15th from 4-6 P.M. in the Michigan Union.

cont'd from p.1

assumption is that society will be benefited by the exchange of information between individuals. In these exchanges each member of the society receives information which allows him to better "sift for truth."

It is that "sifting for truth" which prompts an allusion to B.F. Skinner's recent book, Beyond Freedom. Regardless of whether you believe deterministically, as Skinner, or otherwise, the freedom of access to information is an essential condition of the achievement of either freedom or dignity. In this light, the act of suspending Green is offensive to the purposes of the University.

It was said in defense of the action that the slide show was "irrelevant" to the purposes of the course. But by what standards does one judge such relevance? Initially, if we are to respect the freedom and dignity of Green we must assume that he truly believes the slide show to be relevant to the teaching he provides for his students. The University should place great weight in the validity of Green's belief, for in hiring him the University has expressed its confidence in his ability. It is certainly plausible that what application is made of chemistry principles is relevant to the learning of that discipline. The burden of showing irrelevance is on the University.

That Green should be vindicated, however, is not the only aim of this article. Another question remains. Do the notions of freedom and dignity compel acts such as Green's which seek to focus students' attention on the moral aspects of their discipline.

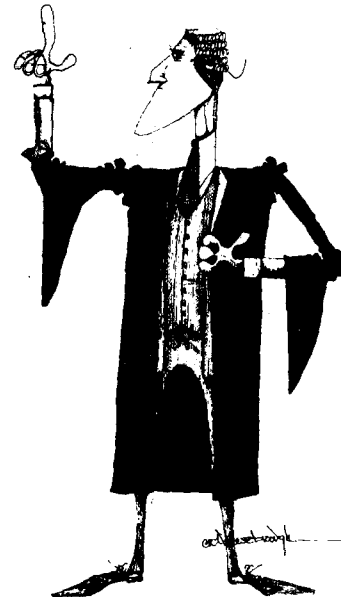
This question is particularly vital in the context of law school teaching. Law, be it criminal or civil, is one obvious example of a discipline which attempts to circumscribe the individual's sphere of action and experience. If law is abusively applied, it threatens, and indeed often violates, the freedom and dignity of victims of its misapplica-

tion.

Our professors seem to say that their inclusion of policy analysis coupled with the canons of legal ethics fully discharges their responsibility to treat normative issues. I am loathe to accept that suggestion. To discuss the relationship between a specific legal rule and the policy choice it represents, from the point of view of an attorney who can suspend moral judgment and advocate either side of the issue, is to discuss only half the issue. To be thoroughly versed in the application of his discipline, an attorney must understand precisely what moral implications attach to each policy choice.

Only equipped with the ability to perform that amoral analysis can an attorney make a responsible decision to act in pursuit of one policy or another. Too often the impression comes across in class that attorneys are not morally responsible as individuals for the results they attempt to achieve. That position demeans the worth of all of us who are subject to the regime of law. Law without morality treats people as objects.

It has been four years and two law schools for me so far, and I have only twice had professors who drove beyond the thin facade of policy-cum-legal-canons toward true questions of freedom and dignity. Reinstating Green is not enough.



# THE WINNER

## Part 6: THE VICTORY

After speaking with Katherine Stein, his campaign manager, gubernatorial nominee Benjamin Arden found the evidence all too compelling that his media director, Louis Berman, had succeeded only in presenting his candidacy as a slick contrivance repugnant to the state's voters. Arden authorized an immediate switch of funding from television spots to transportation of groups of young canvassers from county to county meeting voters personally, as long advocated by his campaign manager, but he brooded about the consequences of his mistakenly approved past tactics.

Slamming the door to his spacious apartment near midnight on a trip back to the city of Arden for a campaign rest, Arden stumbled about trying to grab a lamp switch.

"Ben, is that you?" came a voice from the rear bedroom. Joan Arden stepped into the hallway but heard no answer. "Ben? I waited up until eleven after you said you might be in around eight-thirty. But I'm glad you finally got in."

Arden greeted her with a grunt as she appeared in the living room, commentary not terribly appealing to Joan who had crammed as much campaign touring back home as she could between the intermittent demands of her Washington law practice, and now had reserved a free day for her husband's political respite. Her face tightened when he didn't even look at her waiting form before slumping on a couch with his head in his hands.

"Get me a towel soaked in the coldest water you can find." Ben growled from inside the triangle formed by his two arms running from each knee to his haggard face.

Joan hesitated, then slipped back to the bathroom and emerged momentarily with a towel. She sloshed it about under the kitchen tap, and brought

it out to Ben saying, "You're almost asking me to throw it at you with your behavior. I know you're tired, but so am I." She relaxed after getting the remarks off her mind and prepared to sit down beside her husband.

"Yeah, well, I'd like to talk about your behavior, too," Ben drawled as he drew his face, dripping with moisture, from the towel. Joan straightened up and stood stolid with arms at her hips.

"Ben, there's no reason to be this way with me. I came all the way from --"

"Wait a minute, let me finish. People have told me things are all shot to hell in this campaign because I've been put across as too slick and ambitious, and I'll bet not a little bit of that has come from the interviews you've had with reporters. I got together a bunch of them. Here." He reached into a side-pocket of his suit coat, pulled out a handful of newspaper clippings, and spread them on the coffee table in front of where he sat. "Look at all those. Talking about how I was ambitious and wanted to get ahead. They must have had plenty to do with this image business. I don't want you to talk to anyone without my permission."

"For crying out loud, Ben, I only had two interviews! You've just got a bunch of different reprints. And I said every one of those things in the context of doing things for people. I said your work in retail sales at the store had been very aggressive toward pleasing customers and you'd carry the same ambition in working for the people of the state. And I said ... oh, dammit Ben, you don't want to hear anything reasonable, you just want to throw off the blame!"

Joan stalked down the hallway to the bathroom, slamming the door behind her, and Ben flopped the cold towel back over his face. After a minute, he let the towel slip onto his

con't on p. 6

chest, then slung it over an armrest and walked to the bathroom door.

"Joan, let me in," he asked in a low voice, and received no answer. In a louder voice, he insisted, "I've got to go to the bathroom!" Joan turned the water on stronger to offset his entreaties. He made a couple loud knocks, and heard the sound of the shower in return.

Taking a deep breath and letting it out slowly, Ben came out into the living room again and crossed over to where two sliding glass doors closed off the apartment's balcony. He unhooked the latch and went to lean over the railing after pushing back one door. Street lights brightened the view for whomever might see him, but likewise revealed to his own eyes that no other person was out of doors. Standing between two struts in the railing, the Winner relieved himself into a low hedge two stories below and then shuffled back to curl up on the couch.

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The night of the primary election dragged on in a miniature version of the interminable duel fought to a draw over the preceding weeks by Arden and Wells. Following Arden's charge of conflict of interest, unilaterally released by Louis Berman, Wells denied everything in the generally unsubstantiated story suggesting wrong-doing in the Attorney General's decision not to appeal certain judgments against the state, won by various law firms, in one of which was a nephew and in others personal acquaintances of Wells. Too strained and technical for anybody to care about, political operatives nevertheless continued trading needless blows and acted eventually to drive away disgusted voters of the candidates' party in droves. Only with Kathy Stein's county-hopping canvassing teams did Arden make the primary a toss-up on election day.

By one o'clock in the morning most workers had left the campaign head-

quarters with little expectation of learning who had won until well into daylight hours. Kathy and George Field, however, stayed on two telephones whose numbers were given to the heads of most county organizations for calls on balloting returns. The television stations went off the air at three in the morning without attempting to call a winner; George and Kathy stretched out on their chairs between occasional rings from their phones. Michael Dillard and Louis Berman had stayed on as well in another part of the office but weren't noticed until they started yelling at each other.

Kathy and George started in the direction of the disturbance and at the other end of the hall saw the two men pointing fingers at one another, Berman with a bottle of liquor in his hand. Dillard kept reaching for it but Berman kept it away. Listening closely, the two in the main office could make out the arguing pair's words.

"Look, I said all along I was going to make that man governor, and I'm entitled to treat myself a little for doing it," Berman asserted, waving the clear glass bottle.

"For one thing, your man isn't governor - he hasn't even got the nomination yet and may not ever. For another thing, even if he does get the nomination, putting that stuff away like you have been won't leave you in a condition to see anybody governor. Lou, the doctor said no alcohol under any circumstances and I said I'd keep you to it." Dillard finally grabbed the bottle away and threw it in a waste basket. Turning his head down the hall he noticed the two others watching, then grabbed his raincoat and hustled Berman out the back door. Kathy and George looked at each other as a dull thunk came back from the other end of the hall. "That man's more dangerous than I thought," George said, nodding his head in the direction of the back door. "He ruined everything in the primary by his single-mindedness, and we certainly can't keep him if we manage to win."

cont'd p. 8

the trust to benefit legal research at Michigan Law School created in the residuary clause of W.W. Cook's will.

Originally valued at well over \$4 million from expectations of sale to the developers of a large housing-shopping center complex, the property is now expected to net a good deal less than half that figure at an uncertain time in the future because a portion of the estate was condemned for public use at a low price and because zoning problems acted to reduce the remaining estate's value to the developers. The first indications of trouble occurred during the latter part of 1970 when the Rye School Board announced its intention to condemn 30-40 acres in the middle of the estate for a new high school at \$20,000 per acre. After negotiations with the School Board by the Trustee, a settlement of the condemnation suit was obtained granting 20 acres along one side of the estate for \$30,000 per acre. The balance of 60 acres was then to be sold March, 1972 to developers, who had answered an advertisement for the land placed by the Trustee, for \$3,25 million, contingent on approval of zoning changes in the area to accommodate the development plan. However, in January, 1972, the housing density sought for the development was rejected by the local zoning commission and a re-negotiation of the deal yielded a new price for the property of only \$1.9 million contingent at this moment on resolution of other zoning problems involving traffic patterns, drainage, and where the mandatory dedication of 10% of the plat for public purposes should be.

All these matters were explained by the Trustee in a visit to Ann Arbor by its representatives in March, 1972, which visit was followed with a trip by Mr. Wellman and Professor Wm. Pierce to New York in July, 1972 for assessment of the situation.

While disposal of the Cook estate

has dragged on, a \$100,000 annual charge to the trust fund for real estate taxes, insurance, and security on the property has been required. In the end, the gross amount realized from sale of the Cook devise will be no more than \$2.7 million, consisting of \$600,000 from the Rye School Board, \$200,000 from a maintenance fund and other miscellaneous sources, and \$1.9 million from the land developers. From this gross amount must be subtracted the carrying costs advanced from the trust fund, about \$300,000, a broker's fee on the \$1.9 million, and attorney's fees for the Trustee's services, which will bring a net realization of under \$2 million for the trust fund. Hence, instead of obtaining a large chunk of new money for legal research, the fund should experience only a gradual increase in income, eventually reaching about \$100,000 a year.

And a final, somewhat bizarre problem could yet arise to haunt the Law School. W.W. Cook's last remains are interred on the Rye property and one of his descendants has insisted that Cook's massive sepulchre should be dismantled, shipped to Michigan and re-assembled on the law quadrangle.

mgs





unimpaired by his condition since the actual research was done "cold turkey," so to speak.

Reviewing bars is like the fable of the elephant and the blind men: your interpretation depends upon where you're looking. Ms. Betsey offers a perspective distinctly different, Mr. Ginsberg's hardly definitive. It is the patron's point of view that most bar review readers will be taking and it is this view we represented in the column.

Thereafter, the "accuracy" if you will, of the review is a subjective matter to be settled between Mr. Ginsberg and the relative ambiances of the chosen bars. Ms. Betsey's doubtlessly accurate observations about the thankless job of waiting on tables cannot detract from Mr. Ginsberg's belief that he waited too long to be served. And, who he thinks is high is surely a question which rests in the eye of the beholder.

Consumer Reports we are not, but inaccurate? Mr. Ginsberg promises to return to the Golden Falcon (incognito of course) with an unjaudiced eye for an in-depth report. Eds.]



**INTERNATIONAL LAW SOCIETY**

Presents Justice D.D. Basu - "India: Recent Constitutional Trends" on Monday, October 16, 6:45 p.m. in the Lawyers Club Lounge. Dinner 5:45 in the Lawyers Club Faculty Dining Room.

NOTICE TO ALL JUNIORS AND SENIORS

Much attention has been given to the Law Review selection process in the R.G letters column, but one feature has received inadequate publicity:

MEMBERSHIP ON THE LAW REVIEW CAN BE ATTAINED BY ANY STUDENT WHO SUBMITS AN ARTICLE THAT IS ACCEPTED FOR PUBLICATION.

The standards for publication are quite demanding. Please call or drop by if you have any questions regarding this method of attaining Review membership.

Oct. 1972 /s/ Ronald M. Gould  
Editor-in-Chief  
Michigan Law Review

ANYONE interested in a review of Michigan pesticide laws toward a possible new one, please call Al Miller, 663-8825, or stop in at the ENVIRONMENTAL LAW SOCIETY office.

cont'd from p. 6

"Yeah, I don't think that'll be any problem. Look, it's almost five o'clock. Let's see if we can get anything out of the Secretary of State's office".

Kathy dialed the appropriate number and obtained the promise of a return call when the counting was about finished. Just past seven in the morning, the Secretary's office called to say that Arden had apparently won by less than 4400 votes out of about 1.2 million, and that Wells had refused to make any concession. No endorsement followed during the next week from Wells, although they admitted they had no money for a recount, and the Arden organization sat around wondering what to do with their glorious victory.

mgs

Next --

Part 7: THE NEW CAMPAIGN

## PLACEMENT OFFICE

Second year students are encouraged to begin their interviewing soon. Many firms prefer to hire their associates from the people who clerked for them the previous summer, so do start to interview soon if you are interested in a clerkship for the summer. Students who have not yet registered with the Placement Office may do so at any time.

Just a few reminders to those people who are **interviewing**:

- Initial sign-ups are at 3:15 p.m., one week before the recruiting date, in room 220 H.H.
- All cancellations must be made by noon of the day before the interview.
- Remember to check the 1st floor board for the stand-by lists and schedule changes - duplicates are posted in 200 for your convenience.
- If you have any questions or problems, please come in and let us help!

Nancy Krieger

### JAZZ MIXER KUDOS

These people gave of their time and themselves in helping to run the mixer. Their names are JAMES BRADLEY, JAMES HEISER, LARRY JOACHIM, GLEN PRICE, FRANS BAKLEER, T.L. HALL, ALBREHT STOCKMHYER, DAVID B. ANDERSON, JAMES TERCHA, SCOTT BARNES, WARD KUHN.

A special note of thanks goes to Peter Sturz, Chairman of Social Committee, for the great amount of work that he did. The whole school owes these people a word of thanks.

Frank W. Jackson



Big Sis is grateful to a reader for submitting the following candidate for the BSWYA this week.

Richard E. Erwin, in Defense of Drunk Driving Cases.

\$6.01 "Selecting a Jury" [2] Women

If you have a woman defendant, don't leave any women approximately her age on the jury, if possible. Almost all women are subconsciously jealous of other women their own age.

### PHOTO CLUB

Because of an over zealous janitor, the sign-up list for the Law School Photo Club was thrown out. Therefore I urge all interested in joining the Photo Club to leave their names, telephone numbers, and addresses, in my box in front of the Lawyers Club desk.

Frank W. Jackson

### MISS PEACH by Mell Lazarus



# College Football

## THE GRIDSTONES

In an attempt to make DOMINICK'S FOOTBALL POLL more challenging, your editors have risked life, limb and criminal prosecution to squeeze the point spreads you find below from Joey ("Bagman," "One-arm") Corvo. Joey says that the way it works is that ties lose, so CIRCLE the winners and drop your sheets in the moldy boxes outside of Room 100 HH or at the Lawyers Club Front Desk before noon on Saturday.

Entries pushed under the RG office door will not be considered for no good reason at all. But, a rule's a rule.

Some of you will never learn. Three stubborn entrants insisted on putting their phone numbers on their sheets. Don't be surprised if you start getting obscene phone calls. Whasamatta? Can't you follow simple directions?

Last week's winner -- BRUCE STANTON

### This week's games:

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| 1. Stanford vs. Washington - Even  | 11. N. C. vs. Kty + 10              |
| 2. Indiana vs. Wisconsin - Even    | 12. Cornell vs. Penn + 10           |
| 3. Oregon vs. Wash. St. + 1        | 13. Wyoming vs. Colo. St + 10       |
| 4. Kansas vs. Kansas St. + 3       | 14. LSU vs. Auburn + 10             |
| 5. Okla. St. vs. Va. Tech. + 4     | 15. Fla. St. vs. Miss St + 11       |
| 6. Columbia vs. Harvard + 4        | 16. Colo. vs. Iowa St. + 13         |
| 7. Mississippi vs. Ga. + 6         | 17. Purdue vs. Minn. + 13           |
| 8. Syracuse vs. Navy + 7           | 18. Dartmouth vs.<br>Princeton + 13 |
| 9. Colgate vs. Holy Cross + 7      | 19. UCLA vs. Oreg. St. + 14         |
| 10. Air Force vs. Bost. Coll. + 10 | 20. Arkansas vs. Baylor + 14        |

TIE BREAKER: Total Base hits in first World Series game \_\_\_\_\_.

-- Owl Ackerman  
Joe False

P.S. You're welcome, Lord Jeff.