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# RES GESTAE

NOVEMBER 3, 1966  
Vol 20, No. 10  
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The Weekly Newspaper of the U-M Lawyers Club

## CAMPBELL COMPETITION

Court A oral arguments of the quarter-final round of Campbell Competition will be heard tomorrow and Saturday in the Moot Court Room at 3:30 and 7:30 p.m. tomorrow and at 10:00 a.m. and 1:30 p.m. on Saturday.

In addition to Professor Paul Carrington, two Detroit attorneys, Marshall M. Massey of Dykema, Wheat, Spencer, Goodnow and Trigg and Phillip Van Zile of Butzel, Eaman, Long, Gust and Kennedy, will sit on the bench.

This year's Campbell problem, involving price discrimination as a violation of the Robinson-Patman Act, should be of special interest to Unfair Trade and Anti-trust students.

## MOCK ELECTION RESULTS

Last Monday, 365 law students cast their ballots in the Law School Mock Election. Voting on most of the statewide Michigan races, the law students elected an equal number of Democrats and Republicans (with one tie). Two out of three of the big races, however, went to the Republicans.

While Governor Romney swept the gubernatorial race with 76% of the vote (273-83) to beat his Democratic opponent (Zolton what?), Romney's teammate, Senator Griffin, also won handily with 65% of the vote (233-121). Democrat Congressional incumbent Wes Vivian, however, collected 70% of the vote to defeat Marvin Esch 200-139.

An analysis of the voting on the two referendum issues presented--whether to reduce the minimum voting age to 18 and whether to allow liquor to be sold in Ann Arbor outside of Drug Stores--shows some interesting differences between the local Republicans and Democrats.

Although both issues were approved (lowering the voting age by 189-166; extending the sale of liquor by 195-41), it was observed that Republicans have become so used to voting "no" that they found it hard to change even to vote for a dear cause like making liquor more readily available. While those voting straight Democratic ballots voted 99.9% for the proposition, the Republicans could only muster 77% for the proposal. Republicans also showed reluctance to lower the minimum voting age. Could they be afraid of Bobby in '72?

Detailed results of the election are posted on the bulletin boards in Hutchins Hall and in the Lawyers Club.

--Tom O'Hare

## LAW PROFS TACKLE REVISION OF MICHIGAN CRIMINAL CODE

The opportunity to rewrite a whole branch of the law is one which must excite many law professors in their idle moments. Professors B. J. George and Jerold Israel, however, have that opportunity right now for they are working on a project that could result in complete revision of the criminal code for the State of Michigan.

At the suggestion of the Michigan Supreme Court, the State Bar appointed a Committee To Revise The Criminal Code in late 1964. The committee is composed of about 80 people from diverse backgrounds including judges, prosecutors, defense attorneys, clergymen, legislators, psychiatrists and representatives from each of the state's law schools.

U-M is represented by Dean Allen; Dean Joiner; Dean Proffitt; Dr. Andrew Watson; ICLE Director Donald Shapiro; and V.P. for Academic Affairs Allan Smith, former dean of the Law School. Dean Proffitt is secretary of the committee and Profs. George and Israel are its reporters, i.e., they have the job of actually drafting the new code's provisions.

The last codification of the criminal law in Michigan occurred in 1857. Legislation since that time has resulted in overlapping and inconsistencies because new laws were passed without proper regard for previously existing ones.

As the most extreme example of overlapping provisions, Prof. George cites the laws dealing with business licensing. Presently there are 700 penal sections dealing with this topic. In the suggested revision the same ground may be covered by as few as two sections.

But business licensing is not an isolated example and one of the committee's main tasks is simply reducing the code's size. In this regard, Prof. George notes that "legislators are concerned about the sheer volume of statutory law and reduction in the volume would be viewed as a gain."

The State Bar charged the committee with three tasks: revision of the substantive criminal provisions, preparation of rules of criminal procedure and revision of laws for the mentally abnormal and sexually deviate.

The committee decided to tackle the task of revising the substantive law first. An index of the present statutes was compiled so that all of its provisions would be brought together in one place. This being completed the reporters were ready to begin the actual work of drafting.

As they complete the draft of a section, it goes to a drafting committee, a subcommittee of about 22 members, for criticism and suggestions. Then the draft, together with the drafting committee suggestions, is presented to the general committee for further analysis. More often than not, the section will go back to the reporters and they will write a second draft, which will follow the same route as the first one.

In drawing comparisons between this project and other similar ones, Prof. George believes that the Michigan committee is among the very best. He says that the finished product should be "superior to the A.L.I. Model Penal Code because they did not get enough criticism of their work." He feels that the committee is very strong in that regard. For example, the section dealing with theft has been drafted 6 times so far and is not yet finalized.

Of course, whatever is suggested by the committee needs legislative approval before becoming law. To this end, the committee is aiming for introduction of a bill containing the fruits of their work next February. The bill's sheer size will probably preclude quick legislative action and Prof. George believes the legislature could require a special session in order to devote proper attention to it.

When the substantive material is completed, the committee will turn to the preparation of rules for criminal procedure. Unlike the substantive law, much of the procedural can be accomplished through the rule-making power of the Michigan Supreme Court rather than by legislation. Furthermore, not all of this work has been put off--Prof. Israel has already drafted two rules which are now in effect; one dealing with discovery of confessions and the other with post-conviction remedies. Prof. George is hopeful that a full draft of the rules will be ready by the spring of 1968.

--Richard Sawdey

#### REP. VIVIAN EFFECTIVE IN CLUB SPEECH

Monday evening U.S. Representative Weston E. Vivian began his talk in the Law Club lounge by noting that at one time or another most law students harbor notions of running for President. After shaking off a bit of road dust, and relating his day's tiring schedule which began at 5:30 a.m. shaking hands at plant gates and continued through several meetings, speeches, and more hand-shaking at shopping centers in various parts of the four and a half counties which he represents, he suggested that these lawyers begin their upward climb with a course at the YMCA. The following are short paraphrases of Rep. Vivian's comments.

The 1966 Civil Rights Bill failed in the Senate after we passed it in the House and because of this my opponent (Marvin Esch) says the President

didn't push it. That isn't true, because I was there to watch. He did push and hard. The problems were that the Senate is a body where 1/3 of the members can defeat the will of the majority. In addition, previous civil rights acts had principally affected the South only while the housing provisions of this bill affected the rest of the country.

If he had to give only one reason for support of his reelection, Vivian claimed that defeat of the freshman Democrats would jeopardize the "21-day rule" by which the Civil Rights, Fair Employment Practices Commission, Arts and Humanities, and other long-delayed bills can now get around Rules Committee obstructionism after staying there for 21 days.

On 2-S deferments for those in school, Vivian commented that this is not discriminatory against the poor because the men who go to college increase their chances of being drafted since then they can pass the selective service test.

#### STEIN SPEAKS AT NOTRE DAME

Prof. Eric Stein traveled to the University of Notre Dame last Thursday where he spoke on the subject of international organizations. "Transnational institutions such as the United Nations and European Common Market that have emerged to reflect the new reality of interdependence in the international system remain brittle and unstable," he said.

Citing as an example the recent crisis which developed in the U.N. in 1964 when the U.S. insisted that the Soviet Union and France pay their assessed contributions for peace-keeping operations in the Congo or lose their vote, Prof. Stein said "on the face of it this looked like a financial crisis where national governments refused to appropriate adequate funds for international organization activities. In effect, however, this was only the latest episode in the power struggle relating to the basic question of the power of the U.N."

"The episode illustrates how much careful judgment, appreciation of reality and political power are all involved in making decisions that affect so directly the working of the international system and its future."

#### LEGAL AID BRIEFS

The Board of Directors of the Legal Aid Society realizes that one of the most difficult problems in any organization is the communication of suggestions and complaints. In an effort to solve this problem the Board wishes to remind every member that he is encouraged to communicate such suggestions and complaints to his supervisor. If the student does not feel that his suggestion is receiving proper attention, he is further encouraged to appear at the supervisors' meetings held every Thursday in Room 218 at 12:30 to personally present his suggestion or complaint. In addition members are reminded that the meetings of the Board of Directors are open to every member and held each Tuesday at 10:00 p.m. in the Cook Room on the 9th floor of L.R.

#### SENIORS SEEKING PERMANENT EMPLOYMENT

The American Bar Association has instituted a placement service for members of the American Law Student Assn. who are seeking permanent employment. For \$10 the ABA photocopies a 4-page resume and distributes this to several hundred firms and employers across the country. Students may indicate a preference for a geographical location or for the type of office desired. No summer job applications will be processed. For further information on this program see the placement bulletin board on the second floor of H.H. Those interested in joining the A.L.S.A. and taking part in this new program should write to American Law Student Assn., 1155 East 60th Street, Chicago, Illinois 60637.

#### ANNOUNCEMENTS

Deadline for organization information and material to be submitted for the 1967 Quad is Nov. 12, 1966. Any revisions to copy appearing in the 1966

Quad should be submitted to Ron Gilbert at Mrs. Betts' office on the third floor of Hutchins Hall. Copy from last year's Quad will be used for any group not submitting its revisions by the Nov. 12 deadline.

Seniors who purchased proofs and a Quad should pay their \$4.50 to Jim Walter, J-13, or leave it at the Law Club Book Store before the Thanksgiving recess. Others who wish to buy a Quad subscription this fall can do so by contacting Walter.

#### LAW CLUB DINNER DANCE NOV. 19

Get your dates now for the biggest and best Lawyers Club party of the semester: the annual dinner dance, Saturday, Nov. 19. Hospitality hour in the Lawyers Club lounge begins at 6:30 p.m. A roast beef buffet will be served from 7:00 to 9:00. After the buffet a dance band will play in the lounge while rock and roll fans will find their kind of music downstairs. Dress is formal or semi-formal.

The dance is free but tickets for the beef buffet must be secured from the Lawyers Club main office between Nov. 10-17. Absolutely no tickets will be sold after Nov. 17 and no one will be admitted to the dinner without a ticket.

Each Lawyers Club boarder will be given a free ticket for his dinner but this pass must be picked up by Thursday, Nov. 17. There will be a \$2.50 charge for each guest ticket. Non-boarding lawyers will be charged \$2.50 for their ticket and \$2.50 per guest. Lawyers Club boarders not desiring to attend the dinner dance will eat earlier and do not need tickets.

Lawyers Club office hours: 9-12 and 1:30-4:30.

#### I-LAW CONFERENCE PROGRAM SET

The program of the International Law Society's conference on "Economic and Legal Developments in the Changing Environment of the Atlantic Area," to be presented Nov. 19 in Hutchins Hall in cooperation with the ICLE and the American Society of International Law, reads:

MORNING SESSION: 9:15-12:15

The Role of the International Corporation in Atlantic Relations

Moderator: Professor Alfred F. Conard, U. of M Law School

1. John Andrews, Vice President, Ford Motor Company in charge of the European Automotive Group. The problems and opportunities of American business in Europe: relationship between an American parent and its subsidiaries in Europe--regional blocks, new corporation laws, anti-cartel legislation, and the lack of a "European" corporate form. The role of advanced technology operating in a period of significant internal European growth.
2. Professor Raymond Vernon, Harvard University, Graduate School of Business Administration. The American corporation as a conveyor of advanced technology in the face of the European technological gap. The conflict and compatibility of objectives within an international corporation and its affiliates.
3. Professor Detlev F. Vagts, Harvard Law School. An examination of the legal problems generated by the tension between the multi-national corporation and the nation state. The legal difficulties arising from the procedural inadequacies existing in the commercial and financial policies of the nations of the Atlantic area.

AFTERNOON SESSION: 1:30-4:30

Moderator: Professor Eric Stein, U. of M. Law School, Co-Director of International Legal Studies

1. Ambassador William Matson Roth, Deputy Special Representative for Trade Negotiations, Executive Office of the President of the United States. The policy objectives of the United States in the current Kennedy Round Negotiations. The political and economic prospects beyond the Kennedy Round.
2. Professor John M. Letiche, Department of Economics, University of California (Berkeley). The impact of the current GATT negotiations on the United States economy and economic policy. Present status of negotiations on trade with communish countries and with underindustrialized nations. Prospects of the United Kingdom entering into the EEC.

3. Professor John H. Jackson, University of Michigan Law School. Legal implications of the Kennedy Round negotiations for the lawyer and the businessman. Legal implications of negotiations on U.S. agricultural and "American selling price" policies. Legal problems affecting U.S. imports and exports.

Students are reminded that they may pay the special reduced registration fee of \$5 at the table set up by the I-Law Society outside 100 Hutchins.

#### LETTER TO THE EDITOR:

Wherever there is a large body of people, there is a small proportion of petty thieves. To my dismay, lawyers as a group of individuals are not a cut above any other group in this regard. Library books disappear permanently, casebooks and hornbooks are stolen from students, and notebooks have a way of disappearing just prior to exams. This is unfortunate, but I have come to accept it as a fact of life.

What I cannot accept, however, is the effect this has on the mass of persons here. I am shocked to discover again and again that basically honest people whom I am otherwise inclined to count among my friends "borrow" library books of all sorts at will, for a few days, or a few weeks, or sometimes for a full semester or more. Apparently it has become an accepted practice to temporarily pilfer library books in order to compete with the minority who wouldn't hesitate to steal for keeps. I cannot accept this defense, because large quantities of books are taken out of circulation in this manner, and they are needed more often than they are available. I am tired of being told that a book is simply "missing."

When the majority cease to voluntarily obey regulations, either those regulations should be altered or abandoned, or they should be enforced by a series of sanctions. Hence, I propose two things. First, I recommend that the official borrowing regulations be liberalized, to allow four-day or week-long book borrowing routinely, at least of most books. Secondly, I urge the establishment of a book-checking station at the main and seventh floor exits to the law library, and the closing of all other exits from the law library. I realize that this last suggestion involves inconvenience to everyone, but I can see no other adequate solution, and I feel a solution is badly needed.

Cushman D. Anthony

#### WEEKENDER

The Cinema II and the Cinema Guild undoubtedly have the best bets for the coming weekend:

The Cinema II will have one of the finest English films in recent years, the Academy Award winning "Tom Jones." This bawdy, lusty, very funny film is a loose screen adaptation of the Fielding novel, complete with the high-speed pacing techniques which have been so effectively used in later English comedies like "The Knack," "Morgan!" and the Beatle films. Director Tony Richardson deserves the credit for the film's success. It's his best comedy and possibly his best work with the exception of "Loneliness of the Long Distance Runner." The top-flight cast, including Albert Finney and Hugh Griffith, make his job easier. In short, this one is definitely worth standing in line for if you have not seen it before.

The Guild, on the other hand, will honor renowned Indian director Satyajit Ray with a special festival consisting of his famous "Apu Trilogy." Tonight, the CG will show "Pather Panchali," which was made between 1952 and 1955. Tomorrow night they will continue with "Aparajito," filmed in 1956, and on Saturday will complete the trilogy with "The World of Apu" (1958). Finally, all three components of the cinematic poem will be shown together on Sunday night, beginning at 7.

The Campus will bring in "The Agony and the Ecstasy" for what hopefully will be a short run. This so-called spectacle based on the Irving Stone novel stars Charlton Heston as Michelangelo and Rex Harrison as Pope Julius. But, say the critics, even Heston's experience at playing everyone from Moses to a Founding Father of the Constitution cannot save the movie. In spite of some magnificent teeth-clenching by Heston, the necessary creativity that went into sculpting those unique statues and painting the Sistine Chapel somehow just fails to come through.

Other films:

--The Michigan will have "Funny Side of Life," produced by silent film comic Harold Lloyd. Apparently it's a collection of his silents coupled with an up-to-date narration.

--The State will have some typical Walt Disney fare, "The Fighting Prince of Donegal." It stars Peter McEnery and Susan Hampshire.

Finally, in response to those who like to know what's on the tube, the best bets are:

--Tonight, on The Thursday Night Movie, CBS at 9 p.m. will have "Fail Safe," a 1964 drama based on the frightening novel about American planes accidentally sent streaking beyond the fail safe point to bomb the Soviet Union. Henry Fonda and Walter Matthau have featured roles.

Tomorrow night, ABC at 7:30 will present Samuel Goldwyn's delightful "Hans Christian Anderson," with Danny Kaye in the title role of this 1953 musical.

--Jay Witkin

## SPORTS

### I ACCUSE

Last Monday one of Detroit's sports writers while sympathizing with coach Harry Gilmer [either a) because of lack of talent on the team, b) lack of talent on the coaching staff or c) both] once again denied any responsibility for the poor showing of our dear Lions. (Detroit management has accused the papers of acting irresponsibly.)

I disagree. I accuse the papers of being unfair on many occasions. But I also accuse the coaching staff of failing to instill mental discipline within the team; the management of failing to take positive action (Gilmer has offered to quit twice); and some members of the team of acting like six-year-old children.

The solution to the problem? I propose that we get rid of any two of the four discontented groups (i.e., kick the sportswriters and management out of town and keep the coaching staff and football team). Personally, I would kick the coaches and team out (except for Sweetan to Studstill) and put Falls, Puscas, Waldmeir, and the boys out on the field with Ford, Anderson, and Thomas to see how they can do against the Packers.

### FOOTBALL PICKS

We hit on thirteen out of twenty last week to bring the season total to 91 out of 135 (673). This week:

Michigan over Illinois	Ohio State over Indiana
Dartmouth over Columbia	Purdue over Wisconsin
Harvard over Princeton	Arkansas over Rice
Alabama over LSU	Texas over Baylor
Florida over Georgia	Houston over Tulsa
Miami (Fla.) over Tulane	SMU over Texas A&M
Nebraska over Kansas	Oregon State over Arizona
MSU over Iowa	USC over California
Colorado over Missouri	UCLA over Washington
Northwestern over Minnesota	Simpson over Wartburg

--Saul Schultz

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