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# RES GESTAE

April 6, 1967  
Vol. 21, No. 11  
Ann Arbor, Michigan

CREASE BALL, SATURDAY

The Weekly Newspaper of the U-M Lawyers Club

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PROF. RICHARD FALK HERE TODAY TO DISCUSS S.W. AFRICA CASES

The International Law Society is presenting a forum on the South West Africa cases that went before the International Court of Justice, at 6:30 pm today in the Law Club Lounge. Richard Falk, Professor of Law at the Center for International Studies in Princeton, will present a criticism of the Court's decision in favor of South Africa. Having worked on the plaintiff's brief, Professor Falk is well qualified to speak on this subject. Professor William Bishop will give initial remarks on the history of the case and a statement of the Court's ruling. Professor Eric Stein will moderate. Following the formal remarks, the forum will be opened for questions and comments from the audience. All law students and faculty are invited to attend. The forum should be of particular interest since the status of South West Africa has not been definitely settled, and future proceedings on the question are imminent.

--Mark Sandstrom

CHINESE COMMUNIST, YUGOSLAV LAW DISCUSSED TODAY AND TOMORROW

Two special programs on communist law are scheduled for today and tomorrow. Today at 7 pm in 250 Hutchins, Victor Li from Harvard Law School will discuss civil law developments in Communist China. Li recently returned from extensive interviewing of refugees in Hong Kong and will be previewing the course on Communist Chinese Law he will give here next year as a visiting professor.

Tomorrow at 1:15 in 250 Hutchins, Mirjan Damaska from Yugoslavia will discuss recent developments in Yugoslav criminal procedure. He will be joined in this look at Miranda behind the Iron Curtain by Li, who will comment on criminal procedure in Communist China.

BARRISTERS PRESENT CREASE BALL SATURDAY

The annual Crease Ball, the high point of the Law School social season, will take place in the Law Club this Saturday from 9-1 pm. Three bands will be playing at all times, one for every taste. Set-ups will be furnished, professors will be in attendance, the Psurfs will sing, the Raw Review will be distributed, and last but not least, Arthur Miller will show films of the last faculty costume party. Tickets are \$3.50 if bought today or tomorrow in front of room 100 or \$4.50 if bought at the door.

REPORT FROM THE BOARD

A wide variety of subjects was considered at this week's Board of Directors meeting. Professor Julin, faculty advisor to the Board, discussed various matters being considered by the Board of Governors. The item of greatest interest was the question of room rates for next year. The Board of Directors indicated their opposition to another hike in room costs and expressed the hope that all possible pressure would be brought to bear on the Board of Governors to prevent any increase. Professor Julin also outlined plans for the renovation of two to four more entry-ways over the summer.

The Library Committee reported that steps had been taken to repel what had become a large-scale undergraduate invasion of the Law Library. Warning signs have been posted to remind undergrads that, unless they are utilizing law materials, they are to seek other habitats for study. To drive home the point, the library staff will carry out enforcement of the rule.

Chuck Barnhill reported that the Faculty Liaison Committee is submitting its report on the creation of a joint judiciary committee to the faculty for approval. This report is available at the regular Res Gestae distribution spots today. There will be an open hearing on the proposals this Monday at 3:15 pm. All students and faculty members are invited to attend but those interested are first requested to make an appointment with Mrs. Jane Barker in room 311 HH.

Bill Conner, a member of the recently retired Board, advised the present members of the success--or lack of it--of last year's course evaluation program. He reported that the forms filled out by students to evaluate their professors at the end of last year were met with less than an enthusiastic response by the teachers who used them--mainly because they felt that filling in blanks and circling appropriate nouns and adjectives to describe teaching quality and study techniques provided little in the way of meaningful criticism. Conner expressed his hope that a more satisfactory form can be evolved this year.

Jim Rodgers, this year's Law School representative to the American Law Student Association, and John Farrell, who hopes to hold the same post next year, informed the Board of some of the activities carried on by this student bar organization and detailed some of the benefits that our Law School could receive if there were more active student participation.

Bill Bavinger, the senior member of the Law School's delegation to what was the Graduate Student Council, reported that as of this week's meeting, the council's new constitution had been approved, changing, among other things, the body's title to the Graduate Assembly. It is hoped that in its newly revamped form, this organization can become a more effective organ for furthering graduate interests. An attempt is currently being made to secure higher preferences on football tickets for grad students.

An intricate arrangement for allocating refrigerators for next year was hammered out after much discussion. As it emerged, the procedure will be as follows: Each entry-way will be entitled to one refrigerator with first preference going to prospective seniors. A lottery will be held among the seniors in each entry to determine the lucky winners. If no seniors are interested, prospective juniors will have a similar lottery. Since there are 20 refrigerators and only 15 entry-ways, a pool of 5 refrigerators will remain to be doled out in another lottery in which the preferences will be the same as those in the recent room allocation drawing. The rental rate on these Law Club-owned refrigerators will be \$10 a semester--the same as this year. Of course, as was also true this year, any student may bring in his own half-sized refrigerator, upon payment of a \$10 deposit fee.

Also: Joe Schulz was approved as head of next year's intramural sports program. A motion to appropriate \$100 for the Res Gestae received unanimous approval. It was ascertained that no digging or drilling operations at the site of the new Grad Library will begin until after May 11.

--Mike Cole, Board Secretary

#### LATEST FROM LAW SCHOOL FUND

The annual meeting of the Law School Fund was held last Saturday. Benjamin M. Quigg, Jr. (J.D. 1944) was selected new Chairman of the National Committee to succeed Emmett Eagan (J.D. 1934), who has served for the past two years.

Quigg is from Philadelphia where he is a partner in the firm of Morgan, Lewis & Bockius. Eagan, from Detroit, is a partner with Miller, Canfield, Paddock & Stone.

In connection with the 150th anniversary of the University, Vice-President Allan Smith presented Sesquicentennial Awards to the men who have chaired the National Committee in the past. Honored were Emmett Eagan;

Thomas V. Koykka (J.D. 1930, Arter, Hadden, Wykoff & Van Duzer of Cleveland); and Herbert E. Wilson (LL.B. 1923, Indianapolis).

In general the agenda of the meeting was taken up with a review of the successes of the past year and the making of plans for the coming year's campaign.

--Richard Sawdey

TO THE FRESHMEN: ESQUIRE'S LOOK AT LAWYERS

The county court house, the steno pool and the offices of a title insurance company are home territory for the practicing attorney. But for the typical freshman law student, slouched behind a desk in the Club, musing about what the real world will be like when he gets from behind the treatises, casebooks, outlines, and class notes, the haunts of the practicing attorney seem remote. Perhaps our typical freshman is also somewhat impatient--now that he has discovered the rewards and frustrations of academic law--to find out what it's like on the "outside."

Unless the Old Man or Uncle Harry is a lawyer, Typical Freshman may have to wait 'til next summer, when he's clerking for McDougal, Jones & Goldstein, to be initiated into many of the mysteries of the routine of the practicing lawyer. Even then, his view of the practicing arena may be obstructed by the natural limitations of the office into which he has gained temporary entrance. McDougal, et al., may specialize in some off-beat but lucrative corner of divorce proceedings. It may be located in Bismarck, North Dakota, or deal exclusively with left-handed Greeks.

Now, from an unexpected source, come some insights into the workaday existence of the practicing attorney that should help to satisfy the curiosity of Typical Freshman and even add a panoramic viewpoint to what might be the limited experiences of his erudite junior and senior brothers.

The article, unpretentiously entitled "A Few Words about Lawyers," is in the April Esquire. It is far more than a few words, less than exhaustive, but sympathetically written and spiced by comments from the greats, e.g., Oliver Wendell Holmes and Karl Llewellyn; the near greats (Harvard's Dean Erwin Griswold and Justice Michael Musmanno) and the almost anonymous (former acting dean of the University of New Mexico Law School, Robert Emmet Clark).

If you're going to read the article between your nine and ten o'clock classes, you can skip the first page, a general introduction which for the freshman probably summarizes about all he now knows about the legal profession ("A lawyer is a man carrying a briefcase, and in the briefcase there may even be a brief." From this unpromising start, the article's first page fails to get any more enlightening than Martindale-Hubbell's definition of a lawyer as a "person who has been admitted to the bar in one of the states or the District of Columbia.")

But beyond the first-page basics, there are intriguing facts (law partnership agreements are seldom committed to writing; more would-be litigants demand trials in the South and West than those in the Middle West and the East), characterizations of lawyer-types which are probably open to serious question, e.g., "If you try cases, you're used to having your mind made up for you," and irreverent--and sometimes embarrassing--looks at the mercenary aspects of a legal practice, for example the suggestions in A Lawyer's Practice Manual on how to prepare a suitably "dignified" fee schedule folder.

The author, Martin Mayer, organizes by categorizing areas of interest. First is a lengthy compilation of data on the lawyer's economic status--for the average lawyer a median income of \$13,000 is considered "unsatisfactory." Several paragraphs follow detailing the history of the law partnership and the justifications for such clan-like behavior (it's more lucrative, and it's more practical to specialize).

The heart of the article is buried in the back recesses of the magazine between the booze and clothes ads, and if you enjoy reading magazines backwards or just want to savor the meat of the article, you should start there. Author Mayer divides the responsibilities of the practicing lawyer into four categories: fighting (by which he means trial work), counseling, drafting security instruments for his clients (wills, deeds, etc.), and

negotiating. Within each category he manages to explore one problem area, for example divorce under counseling, that gives the lawyer his headaches --and his income.

The approach is for the layman, so Mayer avoids the stultified cliches of "legaleze," and by refusing to glorify the profession or repeat the invectives used ad nauseum by its critics, manages to portray the lawyer's responsibilities with little bias while sustaining interest with anecdotes and a journalistic style over which the eye can rapidly move.

If you're buried in the pretentious prose of the Restatement or the stentorian sermonizing of Prosser and want relief that can be rationalized with far less mental effort than an hour of CKLW or "The Beverly Hillbillies," I would suggest reading "A Few Words about Lawyers."

--Glenn Litton

#### CONSTITUTIONALITY A GO GO

(Reprinted from Miami (Fla.) School of Law Barrister)

The spotlight of national attention has come to be sharply focused on the female breast. The Miami City Commission has attempted to come to grips with the problem, banning the appearance of topless femmes in an "emergency" measure on January 23rd. Sponsoring Commissioner Irwin Christie admitted there might be "a legal problem," thus scoring the first major understatement of 1967.

Although the topic of the topless waitress has not yet directly reached the U.S. Supreme Court, that Court has often ruled with great glee that nudity in itself is not obscene. It is likely that the Court will in the near future be called upon to decide the question of what constitutes the bare minimum.

The genesis of the modern phenomenon of indulgent exposure appears to have developed, unsurprisingly, in California. The undraping began in earnest in 1964. Since then, entertainment spots have striven to keep abreast of competition by featuring such shows as a topless mother of eight, a mother-daughter duet, a topless band with a long-armed cymbal player, and even a topless shoe shine.

The topless rage has come to Florida, beginning of all places in staid St. Petersburg. There the titular leader of the topless corps is the Cock and Bull club, at the entrance of which is posted the caveat: "The female breast will be exposed here." Patrons are required to sign a statement that they will not be offended by the ladies Godiva inside.

Although arrests were made at the Cock and Bull, after full completion of the performance, no prosecutions have yet been attempted. Prosecuting authorities feel that state law does not make nudity a crime.

Probably the first test case under state law will be here in Dade County, following the January 11th arrest of topless go-go dancer Vanilla Williams. The Williams arrest has been ineffective as a deterrent, however, as the shows go on.

Whether Miami's ordinance will be upheld in court is uncertain. It may be that U.S. Supreme Court decisions dealing with obscenity are inapplicable, as such decisions have dealt with those bare assertions which are protected by the First Amendment freedoms of speech and press.

Cases dealing with the crime of indecent exposure offer little help as authority under which Miami's ordinance could be sustained because the factual situations with which such cases deal are easily distinguishable from the problem of topless waitresses and dancers. Of little avail also are cases dealing with the closing of establishments as public nuisances.

Lack of offensiveness to witnesses has been a factor in precluding some convictions for indecent exposure. For example, an Oklahoma conviction was reversed, the court stating that ". . . the exposure could hardly be said to be in the presence of people who might be offended, since they had taken turns at the window to observe the defendant." Davison v. State, 281 P.2d 196 (Okla. 1955). The legal justification for nudist camps has also generally been based on consent of the witnesses, with some courts holding that nudism is not indecent exposure where those seeing it, in a place screened from the general public, consent to it and are not offended by it. Florida law specifically provides that exposure is not prohibited

"in any place provided or set apart for that purpose," Fla. Stat., Sec. 800-03 (1965). If it were to be found that an establishment such as the Cock and Bull is so set apart, would it not appear that the Miami ordinance directly contravenes state policy?

The sponsor of the Miami ordinance contends that a mature attitude is necessary to lure business to Miami. It is suggested that whether the breasts be bare or barely covered is not decisive of such an attitude. Many indeed may question whether the ordinance reflects a mature attitude at all. Commissioner Christie additionally notes that Miami cannot grow in a "honky-tonk atmosphere." He should be apprised that Miami's past and present atmosphere, in which the honkies tonk incessantly, has not diminished the growth of the city. Both on legal and policy grounds, the ordinance is a bust.

#### ANNOUNCEMENTS

Res Gestae needs an editor next year. Those interested in the position are requested to leave their names and phone numbers in the RG mailbox on the third floor of HH. Those interested in being editor of the 1968 Quad yearbook should contact Doug Jones in D-32 at 764-9025.

Selection of next year's supply store manager will take place before the end of this term. The supply store manager works under an incentive contract and usually receives \$500 a school year. Those applying for the job should contact Jim Schwab, 764-8968 or Mike Mason at 663-3006, sometime during the next week.

#### WEEKENDER

In addition to the Crease Ball, the following assortment of movies will be available for the upcoming weekend:

The best bet of the lot will be "North by Northwest" at Cinema II Friday and Saturday. In this 1962 movie, Cary Grant, as a sedate middle-aged businessman, gets to tangle with both Eva Marie Saint and all sorts of undesirables in one of Alfred Hitchcock's genuinely suspenseful and enjoyable pictures. Leo G. Carroll is featured.

The Michigan will have James Coburn, Lee J. Cobb and a host of deadly girls from the Virgin Islands in "In Like Flint," the sequel to "Our Man Flint." As you may remember, in the original "Flint" every gimmick from the whole barrelful of spy flicks showed up somewhere. But alas, say the critics, in this followup what was once a good if unoriginal movie has become a crashing bore.

The State will bring in "Hotel Paradiso" on Saturday, a comic farce starring Sir Alec Guinness and Gina Lollobrigida. According to the critics, however, the laughs are few and far between.

Cinema Guild on Thursday and Friday will have a Russian silent entitled "Mother," which was made in 1926 by Vsevolod Pudovkin. This one is a story of the 1905 Russian Revolution based on the Gorky novel. On Saturday and Sunday, the Guild will run "Intruder in the Dust" (1949), a drama based on Faulkner's novel of bigotry and mob violence in the South. Directed by Clarence Brown, the picture was actually shot on location in Biloxi, Miss.

The Fifth Forum will have "To Be a Crook," the newest film by Claude Lelouch ("A Man and a Woman"). This one tells the story of four young Frenchmen who, inspired by American gangster movies, embark on a life of crime. However, according to the critics, this is not one of Lelouch's best efforts.

Finally, the Campus will continue with "Fahrenheit 451," which stars Julie Christie and Oskar Werner.

--Jay Witkin

#### SPORTS

Basketball--Big Lew Alcindor was finally exposed to the nation a few weeks ago and I was more than slightly disappointed in his performance. True, the play of the Dayton team hardly forced him to work up a sweat, yet he

was not aggressive and didn't appear strong physically in rebounding or in going for the basket. Apparently what sets him apart from other seven-footers around the country is his extreme quickness in blocking shots coming from any angle on the floor. I was left with the distinct impression that a good, big and mobile center such as Westley Unseld would give him a real rough time.

It is hard to see how he could ever build himself up to the size and strength of a Wilt Chamberlain. He may become just as devastating, however, because of his quick reactions. As of now, Darrell Imhoff would easily outperform him.

Football--It seems that the Fighting Illini are not the only advocates of slush-fund type activities in collegiate football. The latest offender apparently is Pennsylvania, a member of the Ivy League. The money in this instance was allegedly used for extra football equipment and illegal tutorial services for slower-thinking football players. And I thought that Ivy Leaguers were scholars first and athletes second. Shame, shame.

--Saul Schultz

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