

University of Michigan Law School
University of Michigan Law School Scholarship Repository

Res Gestae

Law School History and Publications

1962

Vol. 13, No. 12, November 30, 1962

University of Michigan Law School

Follow this and additional works at: http://repository.law.umich.edu/res_gestae



Part of the [Legal Education Commons](#)

Recommended Citation

University of Michigan Law School, "Vol. 13, No. 12, November 30, 1962" (1962). *Res Gestae*. Paper 944.
http://repository.law.umich.edu/res_gestae/944

This Article is brought to you for free and open access by the Law School History and Publications at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Res Gestae by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

U IV. OF L. CH
DEC 3 1962
LAW LIBRARY

RES GESTAE

PUBLISHED WEEKLY BY

THE LAWYERS CLUB OF THE UNIVERSITY OF MICHIGAN LAW SCHOOL

Vol. 13

November 30, 1962

No. 12

CIVIL RIGHTS IN THE LOUNGE. "The Constitution is Color Blind," said Arthur B. Caldwell, quoting Mr. Justice Frankfurter, in an address given in the Lawyers Club Lounge last Tuesday. Mr. Caldwell, who received his A.B. from Arkansas College and his LL.B. from George Washington, has held several positions in the Department of Justice including Head of the Civil Rights Section. He presently holds the position of assistant to the Assistant Attorney General.

Mr. Caldwell began by explaining that the Constitution was meant to apply to all citizens, but that the Bill of Rights was not intended to protect the individual's liberties against the conduct of other individuals. The Bill of Rights rather is an expression of distrust of the federal government and an assurance that no despotism will arise to take the place of that overthrown in the Revolution.

The problems facing the Justice Department, explained Mr. Caldwell, give real insight into why the judicial process of protecting civil rights is moving slowly. First, aside from anti-slavery statutes, there are only three criminal statutes (§241, 242, 243 of Title 18, United States Code) available to the Federal Government in the field of Civil Rights. §241 concerns conspiracies "to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution and the laws of the United States." Section 242 is a federal guarantee that the individual shall not be deprived by official action of certain basic rights. Section 243 makes it illegal to exclude persons from jury service by discrimination.

A second problem lies in the type of individuals who must be prosecuted under civil rights statutes, said Mr. Caldwell. They are often public officials whereas those who have suffered deprivation of rights usually have little community stature. A third problem arises when people whose rights are being usurped do not complain. Mr. Caldwell related two reasons for this. One is a fear of being involved in a "federal case." The other is that complainers do not know they have been discriminated against because they only know the "official" procedures used in their area. A fourth problem, said Mr. Caldwell, is that of federal grand juries that refuse to indict on facts which are not even disputed.

The fifth problem arises from county administration of election laws. Even though procedures must be uniform throughout the state, devices of discrimination vary from county to county. This means that suits are brought on a county-by-county basis. Enforcement of civil rights by injunction presents a sixth problem to the Department of Justice. These injunctions must be policed carefully and where infractions occur contempt proceedings must be brought.

NOTICES:

Those who were unable to order a Quad yearbook may do so at the office of the Lawyers Club.

Social party rules are posted in the Lawyers Club. Take heed. Also those who play a vociferous game of touch football on our serene quad are requested to respect the ears of those Republicans who study or quietly play golf.

AT THE FLICKS:

Campus - "Viridiana" (excellent flick)

State - "Chapman Report"

Michigan - "Constance of the Cross"

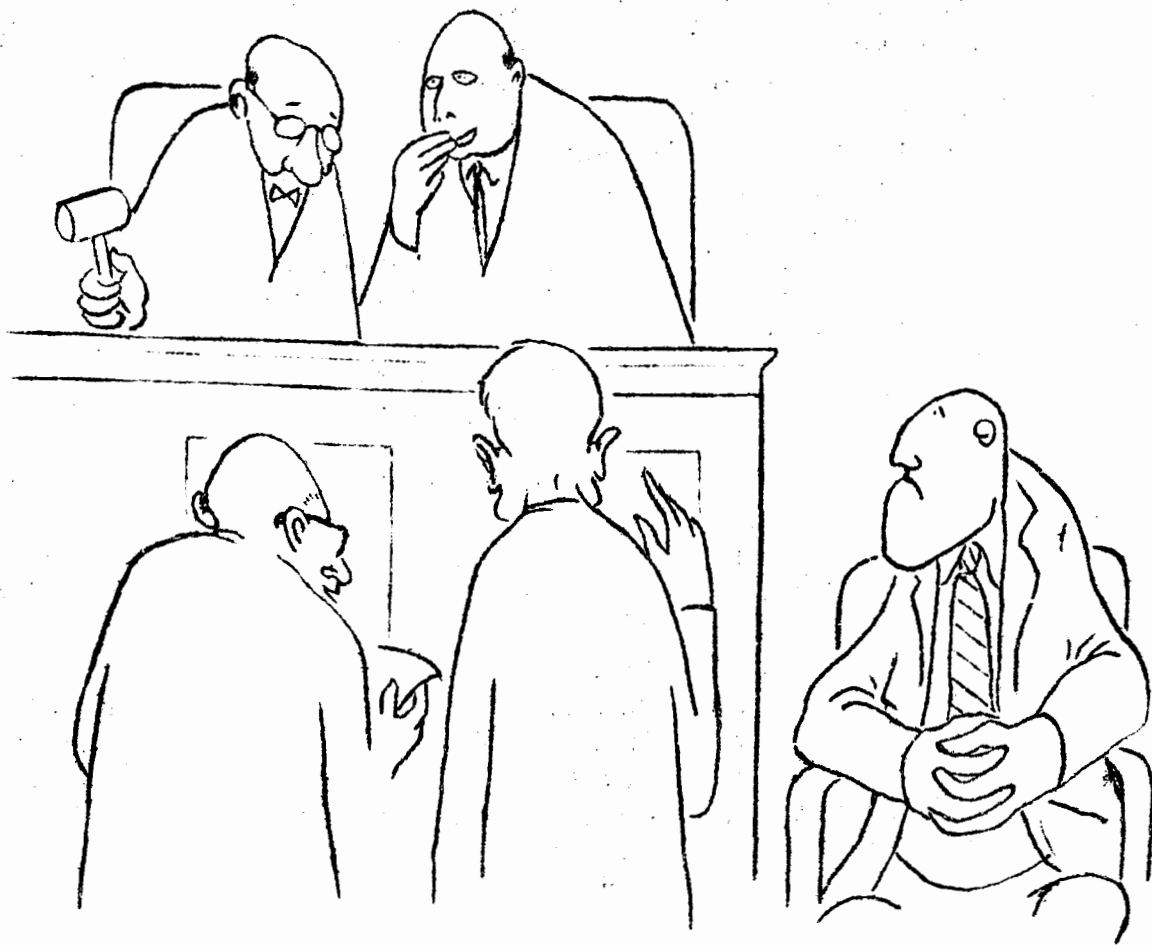
Cinema Guild - "Death of a Salesman;" Mack Sennett stuff

KEARSE, NICHOLAS AND VAN TILBURG WIN AWARDS. The Honigman award of \$500 to the senior student editor(s), other than the Editor-in-Chief, who in the opinion of the faculty contributed the most to the Michigan Law Review last year, goes to William Nicholas and Amalya Kearsse. The two are working for law firms in Los Angeles and New York, respectively.

The U. S. Law Week Award for the graduating student making the most satisfactory scholastic progress in his senior year was awarded by a faculty committee to William D. Van Tilburg, now clerking for the Northern District of Ohio court.

YNTEMA ELECTED TO INTERNATIONAL POST. Professor Emeritus of the Law School H. E. Yntema has been elected vice-president of the International Association of Legal Science. The Association is under the auspices of UNESCO and was organized to encourage comparative legal studies. Prof. Yntema, who served on the faculty of the Law School for 29 years, is also editor of the American Journal of Comparative Law.

Officers of the U.N. organization are elected for two-year terms. Prof. Yntema is expected to be elevated to the presidency at the organization's 1964 convention to be held in New York.



"What does the Overbeck Can say?"

QUADSVILLE QUOTES by Meyer Sniffen

No man needs a vacation so much as the person who has just had one.

— E. Hubbard

Everybody who is incapable of learning has taken to teaching.

— Oscar Wilde
