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Res Gestae

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The Res Gestae

SUMMER
EDITION
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OCT 31 1972 ADMISSIONS DEAN NAMED

SUMMER RES GESTAE FIRST EDITION

JAN 1972 **UNIV. OF MICH.** 1972 graduate of the Law School, has been named the new Dean of Admissions of the Law School.

Matthew P. McCauley, who in the course of the past three years made the decision to admit almost all of the present members of the student body, is going into private law practice in Ann Arbor with the firm of DeVine and DeVine.

BLUMROSEN HERE FRIDAY

Alfred Blumrosen, law professor at Rutgers Law School and former Chief Conciliator with EEOC, will be in Ann Arbor Friday. He will meet informally with those interested at Dominick's Friday afternoon at 4 p.m.

Professor Blumrosen and his wife are both graduates of the Law School. He is in Michigan this week to teach a seminar on employment discrimination law to referees and staff of the Michigan State Civil Rights Commission.

RG STAFF MEETING

If you would like to work on the RG this summer come to a short meeting of staff in the office on Tuesday, June 13.

The Res Gestae is the almost weekly newspaper for the Law School during the regular school year. Each spring just when tempers are really getting warm and letters answering letters answering letters are really getting nasty, the Res Gestae has regrettably folded up its printing press and gone away for the summer.

This summer for the first time in recent history--recent history has a three-year span for the law school student body --the Res Gestae will be publishing during the summer term. Look for us every other Friday from now until the middle of August.

All members of the law school community -- any other interested observers, too -- are welcome to submit comments, questions, complaints, literary works, etc. for publication. Just reduce the work to writing and put it under the office door at 102A in the basement of the law library. You may note the proximity of the RG office to the men's restroom. Make whatever conclusions you wish from that fact.

Keep those cards and letters coming in.

FAN MAIL

The merits of ego-gratifying peace marches and other forms of "opposition" to the Vietnam experiment in genocide have been disproven by a number of studies showing that violence not only begets violence, but that peaceful actions are often perceived as "violent" by those persons protestors are nominally most interested in persuading. [see, for instance, a recent ISR report on "Male Attitudes to Violence" by Monica Blumenthal]

While I sympathize with the goals of anti-war petitions and moratoriums, such devices as the recent cratering of Ann Arbor remind me strongly of the much-applauded speaker during the Black Action Movement strike who denounced many of its supporters as preoccupied with "political masturbation." As Scotty Reston observed several weeks ago in the Times, only the young protestors can re-elect Nixon now--by frightening their parents into voting for another "law-and-order" administration. Put another way, if you want to help the Democrats...stay away from both Miami superbowl.

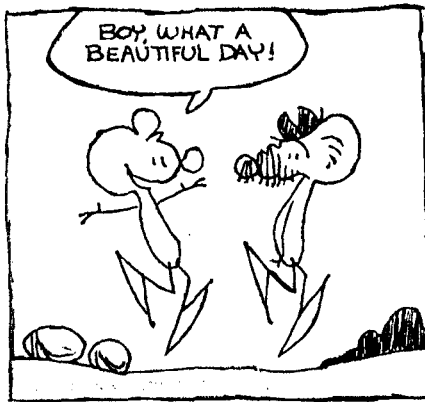
Each of us must follow the grail as he sees it, but there seems to be a disturbing knee-jerk reaction in the corridors of HH, expressed in the conviction that work within the system is unlikely to produce some worthwhile reform.

I submit that despite Fulbright's eroding support in his own committee [The Week in Review, 6/4] and Ellsberg's possible fate, the nation has never needed infiltrators more than it does now. Administrative law types are probably familiar with the damning disclosures that keep surfacing at hearings involving quasi-regulated industries. [recent issues of Nuclear Industry report AEC testimony on those suspect reactor cooling systems]

Some of us, notably the RG staff [of which I am not a member, thereby forestalling the obvious speculation] feel I.F. Stone has an answer. For the rest, particularly those uncritically thinking of a career in law communes, etc., I remind you that Stone's lifeblood is the repeated leaking of documents by those government types who sold out.

Looking back from 1990, who will have done more to redeem American ideals--Daniel Ellsberg or Abbie Hoffman?

R. Baker Publius, '75 (?)



I'm an Ivory-Tower Academic, and what's worse, an environmentalist I.T.A. I just spent the whole day attending an I.C.L.E. course in smoke-filled Room 100 with over a hundred of the most practical, down-to-earth, money-grubbing bastards I have ever seen in one place. (I have attended Continuing Legal Education federal-tax courses, and they can't compare.) The subject was "Site Selection and Land Use," which sounds sort of neutral, like we might talk about zoning and land-use planning, cluster and planned-unit development, open space and greenbelts, design review, minimizing adverse effects, harmonious development, etc.

No. We talked about tax gimmicks, mortgages, options (which are to be called "purchase submittals," so they don't sound so frightening), syndication, land contracts, leases, title insurance. We talked about tax-free exchanges, inflation clauses, ground leases, subordination, releases. We talked about buying land, and learned how to sneak language into the "purchase submittal" which keeps the seller locked up in every imaginable way while leaving us completely free; we learned how to resist a seller who wants more than the one dollar which Michigan law requires in return for giving up all his rights. We talked about leasing land, and learned how to let the tenant pay all the taxes, the mortgage, the insurance and everything else, while we keep his building when his lease runs out; or if he wants to stay, we can triple his rent. We learned about leverage: One speaker has a shopping-center development in which he has invested \$6000 of his own money. His leverage is costing about \$600 per month. His take in rent is about \$2000 per month, the tenants bear practically all costs and risks, and they have built on the land at their own expense. And he gets the buildings in 15 years.

One speaker showed slides of shopping centers. (He spends his vacations taking pictures of shopping centers.) I heard him say, "It's not very pretty, but it does a lot of business."

And once there was something about "ecology problems." The man said, "Today, when I look at a site with beautiful trees, the first thing I think is, 'Are they going to let me take 'em down?'"

The answer was even better. In your purchase-submittal form, see, you make the seller responsible for getting the necessary zoning, county supervisors' approval, sewer connections, and so forth. The local owner, see, will have some friends and connections, and he will be able to get these things where you, the outsider, might not. Anyway, about all you stand to lose is your dollar.

Thanks. I needed that.

Pete Schroth

GUEST COLUMN

(For what it's worth (and some questions have been raised about that) we pass on an excerpt from a recent New Yorker article by Senator Fulbright. It seems to say something about the Competitive Ethic in the Law School (as well as the New China Policy). The Editors.)

Now, in retrospect, one wonders: why were we so sure that Khrushchev didn't mean what he said about peace? The answer lies in part, I believe, in our anti-Communist obsession -- in the distortions it created in our perception of Soviet behavior, and in the extraordinary sense of threat we experienced when the Russians proclaimed their desire to catch up and overtake us economically. In our own national value system, competition has always been prized; why, then, should we have been so alarmed by a challenge to compete? Perhaps our national tendency to extoll competition rather than cooperation as a social virtue and our preoccupation with our own primacy -- with being the "biggest," the "greatest" nation -- suggest an underlying lack of confidence in ourselves, a supposition that unless we are "No. 1" we will be nothing: worthless and despised, and deservedly so. I am convinced that the real reason we squandered twenty billion dollars or more getting men to the moon in the decade of the sixties was our fear of something like horrible humiliation if the Russians got men there first. All this suggests that slogans about competition and our own primacy in that competition are largely hot air -- sincerely believed, no doubt, but nonetheless masking an exaggerated fear of failure, which, in turn, lends a quality of desperation to our competitive endeavors. One detects this cast of mind in President Johnson's determination that he would not be "the first American President to lose a war," and also in President Nixon's spectre of America as "a pitiful, helpless giant."

This kind of thinking robs a nation's policymakers of objectivity and drives them to irresponsible behavior. The distortion of priorities involved in going to the moon is a relatively benign example. The perpetuation of the Vietnam war is the most terrible and fateful manifestation of the determination to prove that we are "No. 1." Assistant Secretary of Defense for International Security Affairs John T. McNaughton, as quoted in the Pentagon Papers, measured the American interest in Vietnam and found that "to permit the people of South Vietnam to enjoy a better, freer way of life" accounted for a mere ten per cent and "to avoid a humiliating U.S. defeat" for up to seventy per cent. McNaughton's statistical metaphor suggests a nation in thrall to fear; it suggests a policy-making elite unable to distinguish between the national interest and their own personal pride.

Perhaps if we had been less proud and less fearful, we would have responded in a more positive way to the earthy, unorthodox Khrushchev. Whatever his faults and excesses, Khrushchev is recognized in retrospect as the Communist leader who repudiated the Marxist dogma of the "inevitability" of war between Socialist and capitalist states. Understanding the insanity of war with nuclear weapons, Khrushchev became the advocate of "goulash" Communism, of peaceful economic competition with the West. During his period in office, some amenities were restored in East-West relations; the Berlin issue was stirred up but finally defused; and, most important, the limited-nuclear-test-ban treaty was concluded. These were solid achievements, though meagre in proportion to mankind's need for peace, and meagre, too, it now appears, in proportion to the opportunity that may then have existed. One wonders how much more might have been accomplished -- particularly in the field of disarmament -- if Americans had not still been caught up in the prideful, fearful spirit of the Truman Doctrine.

therein the success) of the play relied upon the dramatic form.

Q. Did the dramatic form embody revolutionary theatrical concepts?

A. No. The form was based on two time-tried Elizabethan notions: 1) the play within a play
2) the world is a stage.

Different reality levels were present. Microcosm mimed macrocosm in three successive acts.

Essentially, the play was the dramatization of a private screening: a dress rehearsal for the author of a summer stock production which depicted a director rehearsing two players in a shipwreck story which was a rather free adaptation of Crane's "The Open Boat".

By compounding play within play the author hoped to elucidate the non-existence of unreality...that a play was not a play but real life. Or VIXE VERBA.

The stage was a replica of a small town theatre barn. Props were deliberately crude. Professional actors played amateurs.

The part of the ocean went to a heretofore unknown. The actors Guild filed a protest.

The Play

The play began unpretentionally:

Act I

and ended not unsurprisingly:

Curtain.

A dramatic personae was not provided. To have done so would have spoiled the play's impact.

A director was hired and tryouts were held. Gawkers gathered. A cast was assembled.

The director directed, the actors acted, the stage manager managed, and the band played on. Catharsis was achieved.

The play was not loaded with hard-hitting dialogue, sarcastic innuendo, or notable repartee. The content was neither of social, political, intellectual, nor theological import. Metaphor and allegory absented themselves PAR agreement. The "message" (and

RES GESTAE LITERARY SUPPLEMENT

Act I, scene 1 portrayed a man and a woman cast adrift in a leaky rowboat. The woman was resigned; the man was stoic despite the woman's refusal to allow her petticoats to be rigged as a sail. In her own words, "Death was eminent." Once she pretended to walk on the water.

Act I, scene 11 was a flashback: a clever plagiarism of Tennessee Williams' illuminated screen. A spotlight on the man's head complemented by a movie projector behind the boat gave the illusion of his thoughts. On a screen appeared films of the Titanic, Lustiana, Andreea Doris, and S.S. Thresher.

Act I scene 111 called for a simulated rape. The boat tipped on stage.

*

The purpose of the second act was to reveal that the first act was merely a rehearsal of things to come. To implement this concept the director, who played the female lead's real life husband, appeared on the set. He righted the boat and admonished the actor for suspected hanky-panky.

Places were then reassumed and the play progressed.

In the second and final scene of the all too short second act the director appeared again, engaged the male lead in a vulgar debate, and in a fit of spite blackened the actor's left eye.

A cigarette commercial was shot.

Stage paint mottled the floor.

*

To consummate confusion the playwright appeared stage left

at the inception of the third act. He accused the director of overacting. A minor skirmish was joined, and rewrite pencils were drawn. Contracts were brandished and houselights were dimmed.

*

To the consternation of the Pisgah Women's Auxiliary (seated center row five) unstimulated penetration occurred during the third rehearsal of the rape scene. A later police investigation indicated collusion between the couple in the boat.

*

The finale included, as a matter of course, audience participation. The cast were free to improvise. Sons killed lovers. Mothers breast fed children. People engaged in unnatural acts.

A riot ensued.

It was all part of the play.

*

The play did not enjoy a long first run. Backers withdrew their backing, and the city police refused to be bought off.

The author tore his hair and rubbed dirt on his face.

*

Critical reaction was mixed:

"Never in my life..."

"To subject an audience to such..."

"It seems impossible that..."

"Breath-taking...eclectic...garbage..."

The Times and Mr. Barnes chose not to dignify the play with a review.

The director opted for Greener scenery. A 40s' type musical.

In a quiet off-Broadway ceremony the male and female leads were married. A reception followed immediately. The couple dressed in the style of the time.

A major movie company contacted the playwright. An owner's wife had enjoyed the play. The property was sold for an undisclosed sum.

To promote the success of the motion picture the playwright allowed himself to be interviewed on a late night television talk show.

An humble peacock and a juggling bear preceded his appearance. A clip of the film adaptation was shown: a supposedly live performance. The playwright watched the video tape on the monitor with a calculated disinterest which critics later marked.

The host was purposeful in his attempt at intimidation. Upon being pressed on financial matters the playwright became evasive. The author rolled his necktie and mumbled, "Art is not served by capitalism." A remark about the play being "the thing" followed.

The studio audience became rude in the extremity. Home viewers telephoned the network.

The playwright was asked if the closure of the play would endanger his artist-in-residence status.

He shook his head at the monitor and smiling replied, "On the contrary..."

M.G.