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1972

June 23, 1972

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### Recommended Citation

University of Michigan Law School, "June 23, 1972" (1972). *Res Gestae*. Paper 1079.  
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OCT 31 1972

UNIVERSITY OF MICHIGAN  
Law School

Ann Arbor, Michigan

June 23, 1972

## **Board recommends back pay on file review case**

The Institute for Continuing Legal Education of the law school is putting on a seminar on the legal problems of employing women in a university. The following story from the University Record indicates that the Institute has some first hand knowledge of the problem. Take note that one of our own, Prof. Siegel, was in on the review board decision. The women's representative who first investigated the case is now a law student, Zena Zumeta. So you see, we try to keep these things in the family.

The first case to be processed entirely through the University's file review procedure has resulted in a recommendation of back pay for a woman employed by the Institute for Continuing Legal Education (ICLE).

The recommendation was made by an ad hoc review board appointed by President Fleming to review the case of Ann Hassett, a principal editorial assistant in ICLE, who left the Institute last December.

One of the important precedent-setting aspects to the board's opinion was their rejection of unintentional discrimination not being discrimination within the terms of the file review procedure. The board stated that it did not find intentional discrimination with respect to sex either affirmatively (to men) or negatively (to women) but that 'intention' should not be equated with the question of discrimination.

The case grew out of the University's file review procedure

which began last year headed by a team consisting of a women's representative and a personnel representative. They were to review personnel files to determine possible cases of discrimination. When a possible case is found, it is investigated and then, as the Ann Hassett case, can be sent to an ad hoc review board for final recommendation to the executive officers. The procedure is separate from the University's "complaint appeal process" in which the employe initiates the case such as the pending "Cheryl Clark case."

According to Zena Zumeta, women's representative, about nine or ten other file review cases are pending.

### **Board's other recommendations**

In addition to the recommendation of back pay, the ad hoc board also made other more generalized recommendations:

- that all current ICLE appointments and all ICLE appointments in the next year be reviewed and monitored by an impartial ad hoc committee, paying "particular attention to salary differentials between comparably qualified male and female, minority and non-minority applicants for similar jobs;"

- that an impartial board study sex discrimination in the C3 through SG16 editorial ranks;

- that "arrangements be made to ensure that the Personnel Office becomes more conscious of its responsibilities to examine not only the justifications and requests submitted by a given unit but also the broader picture in the job classifications."

Well, wadda  
ya know!



Sally Rutzky: WHAT IS A LAW

## STUDENT ACTIVIST?

Sally Rutzky wanted to learn what alternatives to corporate law firm practice exist. Consequently, she became involved in "student activities." Currently, she is a member of the Student Senate, and co-chairperson of that body's Speakers Committee, a member of the Board of Directors of the Legal Aid Society, and a member of the Michigan Women Law Students Association.

Sally was elected to the Senate this spring, as are all members, for a year's term of office. The lack of representation for fresh people due to spring elections concerns Sally. She is eager to have help in changing this situation. She or Senate President Frank Jackson should be contacted (the easiest way is via Senate mailboxes at the Lawyers Club main desk).

Her work on the Speakers Committee entails participation in choosing speakers who will come to speak at the law school during the upcoming academic year. The Committee has \$5,000 with which to pay for speakers' travel expenses and honorariums. Established politicians and judges have dominated the law school's speakers menu. Sally seeks anyone's (yours, your friend's, etc.) suggestions on this matter. She is considering having women who work for women law firms. What people or interests would you like represented? Again, use the Senate mailboxes!

Though the Senate budget has already been planned by the new members, reserve funds are available for new projects which law students or organizations seek to pursue. The Senate, which meets weekly during the Fall and Winter terms, is available for requests. In addition, Sally encourages all to attend the open sessions since that leads to "decent decision-making."

Sally's main professional energy seems directed towards IMPROVEMENT of Legal Aid in Ann Arbor. She encourages ALL law students to volunteer their services. Those without 30

law school hours are needed to interview clients, file complaints, figure out how to serve process (a.k.a. Civil Procedure learning process), determine whether restraining orders are needed to try to abate violence in Domestic Relations cases (this means field work). To volunteer contact Fr. Ira Meyer at the Legal Aid office, 209 E. Washington, between 4th and 5th Avenues, or dial 665-6181.

If you are interested in independent study (for credit!), Mr. Meyer needs people to work on a study of the institutions that handle Domestic Relations. The idea is to develop alternative means for solving problems that come under the rubric Domestic Relations.

Sally also wants to encourage people to help her convince the law school to develop a program other than the present clinical law program whereby students working for Legal Aid can receive academic credit.

There are two other areas of Sally's concern for which she needs allies in spirit and work. They are counseling undergraduates and women who have been out of school on how to get admitted to law school, and representing University employees before the U of M Employees Complaint Board on charges of sex discrimination (NO Legal Experience needed). The latter provides great experience for working with bureaucratic hierarchies.

To be further motivated by the work and thoughts of Sally Rutzky tune in on radio WUOH at 12:30, the afternoon of Wednesday, 28 June to hear her talk about Women and Law School.

- J.S.

# DEAN

*Dean of the*  
BENTON HARBOR, Mich.---The University of Michigan Law School contends that continued U.S. involvement in the Vietnam war and prohibitions against private marijuana use violate a basic American constitutional principle--- government by the consent of the governed.

In a speech at the Law Day meeting of the Benton Harbor-St. Joseph Rotary Club, Dean Theodore J. St. Antoine asserted:

"No person should be inhibited from any act unless the state can make a reasonable demonstration that the act in question is harmful to other individuals, or hurtful to society as a whole ."

Also, Dean St. Antoine added, "the state should not embark on major undertakings, domestic or foreign, which do not have the support of the great mass of interested persons in the community."

In the case of the Vietnam war, the U-M law dean asserted that "this major involvement now lacks the backing of the great mass of people; it is most strongly opposed by those most affected by it---the young and the poor.

"Continuing the war under these circumstances cuts against some of the most deeply ingrained principles of the American polity."

Commenting on marijuana use, Dean St. Antoine noted that the latest evidence has failed to show that marijuana is harmful. "In the absence of such a demonstration," said the law dean, "the use of marijuana---at least the private use of it by persons other than minors---should not be legally impeded."

Dean St. Antoine also emphasized that "one of the great challenges for the legal system in the future will be the devising of meaningful ways to enfranchise dispossessed groups"--- particularly students and minorities.

Suggesting that our government is not based on a "simple-minded notion of majoritarian democracy" but

rather "a government by consensus," Dean St. Antoine went on to urge that the government should make an effort to assess the "intensity, or quality, of citizens' views on controversial issues, and not rely merely on a headcount.

"A majority," he said, "should be prepared to accommodate its views to a substantial minority, if the latter has much stronger and more direct interests in a matter."

The U-M law dean said his views were derived from the U.S. Declaration of Independence and other sources of our legal system.

"Governments are instituted among Men, deriving their just powers from the consent of the governed," said Dean St. Antoine, quoting from the opening line of the Declaration of Independence.

This is a "revolutionary sentiment. It marks the turning of the tide away from the authority of the prince to the will of the people as the foundation of government," he said.

- U. of M. News

## DEMs

Sharing Detroit's convention facilities with maroon-clad and gold-encrusted members of the Imperial Order of Imam, otherwise known as the Shriners, and tight-lipped Senior AAU Championship weight-lifters, the Michigan Democratic Party held its Spring Convention in Cobo Hall and the Detroit Hilton the weekend of June 10-11. Despite predictions of long and bitter floor fights involving dissatisfied Wallace delegates, the state gathering of the country's largest unorganized political party turned out to be comparatively tame due to understandings worked out between the dominant McGovern faction and supporters of the Alabama Governor, and the adoption of a Rule fixing an early afternoon adjournment time for the Convention.

Caucuses of the state's 19 Congressional districts convened at 1:00 P.M. on Saturday, the 10th, in various Cobo meeting rooms, in order to choose delegates to the National Democratic Convention in Miami Beach, Florida scheduled for July 10-13. If the 3rd District caucus, in which this writer was a delegate, characterized other proceedings of the same kind up and down Cobo's light green third-floor halls, political writers in the state completely misjudged the reasonableness of the state's most active Democrats. Without much fuss, the 3rd District McGovern and Wallace factions put up their own candidates for election by the entire group, each side carefully deferring to the other side's representatives in order to make sure only bona fide McGovern and Wallace candidates were selected. The only show of protest over delegate selection to surface anywhere was in the 15th District in suburban Detroit comprising Inkster and Dearborn Heights among other cities, where the popular vote proportion of Wallace alternate delegates to the National Convention was not achieved. During the Sunday main convention proceedings, Wallace supporters milled about and shouted "We Want Wallace" during the reading of the Credentials Committee Report, which headed the agenda, following a ruling of the chair that seating of national delegates was a matter for the National Convention. Four times the 15th requested action on the challenge and four times the chair repeated inability to deal with the matter, in admirably restrained fashion.

Although the Convention headquarters was in the Detroit Hilton adjoining Grand Circus Park about eight blocks from Cobo, this writer doesn't get paid that much over the summer, requiring \$7.00 accommodations at the Hotel Tuller - that's that dingy red brick building across the street from the Hilton. In the event of conflagration I was as near as I could be to the fire escape, in room 681.

But forsaking my plush Tuller suite, I strolled over Saturday evening to the Hilton to attend a meeting designed as a forum for those seeking nomination to educational

posts at the August State Convention. State Board of Education candidates included Comesilia Salas, a professor at Wayne State, director of Latino Studies at the University as well as a recent USIS administrator in Columbia and former Detroit public school teacher, who spoke convincingly of the need for Latino representation on the Board. In a similar plea for special representation, Pat Miklo of Marquette pointed out that only one present board member comes from outside Detroit, and that member is from Flint. Ms. Miklo found this situation undesirable at a time when rural schools need greater attention and strengthening, in addition to more individualized teaching methods everywhere in the state. George Youngerman, a Detroit school teacher for 18 years and Michigan Education Association operative is also seeking SBE nomination, but appears to be too closely tied to state-wide teacher organization interests to gain much support at a time when a local control huzza is developing in many districts. Dr. Eldon Morton, an Oakland University professor and SBE member looking for another 8-year term, chose to emphasize a series of progressive new programs for the state educational system including more attention to basic education for the 700,000 Michigan adults who have less than 6th grade reading ability, joint programs tying penal institutions to near-by community colleges for inmate instruction, and an end to what Morton termed "the aristocracy in medical services" by maximum effort toward a 5-year M.D. program following high school like that now operating on a small scale at the University of Michigan.

Two persons after nomination for Michigan State University Board of Trustees are Donna O'Donnohue, and Nancy Waters, a recent black grad active in student government activities. Waters speaking with a flair that may bring her into even more important state campaigns, called for re-directing MSU's highly developed extension program toward migrants and inner-city residents in addition to farmers and middle class consumers, and from the start maintain the new MSU law school's enrollment at 50% women and 20% minority students and faculty.

Mike Einhauser, about whom one can only say he is a present undergraduate, is seeking a Wayne State University Board of Governors post, along with Joan Petitpren, whose name you may stumble across in the Michigan House Education Committee chaired by Rep. George Petitpren. Judy Owens, a thoroughly experienced candidate for nomination, is a recent WSU grad concerned with involving the University practically with the community such as in coordinating the engineering school and the urban affairs department to develop a useful housing plan for the city. The candidates for nomination to the University of Michigan Board of Regents could not be more different. Dr. James McCormick, a long-time professor and administrator at WSU, now at Detroit Edison, is looking for a UM seat, so help me, because he feels that a person who doesn't know very much about the university he or she is governing does the best job. Quite opposite this incredible position is Tom Koza, a UM graduate student and member of SGC who assailed the closed dinner meetings of the present UM Board who then assemble in public to pass numbered motions. Koza compared UM to a city, given its \$250,000 budget, 10,000 person civil service, and 2500 person faculty, for which secret planning and administration would be unheard of if UM were indeed a municipal government.

The Sunday 10:00 main Convention started promptly at 10 minutes to eleven, with brief introductory remarks from Senator Phillip Hart. Following the unanimous election of Ken Hylton of Detroit as permanent chairperson, the Credentials and Rules Committee reports were read and adopted with no major opposition save occasional Wallace placard-carrying down the center aisle, and the shouting mentioned earlier. The 3rd District attempted to amend and then substitute several Rules in order to make it easier to raise resolutions from the floor and eliminate the fixed adjournment time, but failed on close votes which apparently were not considered worth appealing in the limited time available. Former State

Senator Sander Levin next presented the Democrats so-called "BEST" plan - Better Education, Sound Taxation - for property tax relief. If the petition drive to put BEST on the November ballot succeeds, and the Michigan Education Association alternate plan drive does not, voters would have the opportunity to change the Constitution to allow a graduated income tax and abolish property taxes as a basis for school financing with the same lever. The MEA plan would separate the questions of a graduated tax and property tax abolition on the ballot, while the Milliken administration favors retention of a flat-ratio income tax with property tax abolition.

A bulging sack of resolutions for Convention approval was next on the agenda, although the fast approaching deadline for adjournment cut short debate and passage of a number of the 45 proposals. Among those actually passed before the 3:30 adjournment were several calling for greater Congressional participation in governing domestic and foreign affairs to replace present abdication of such responsibilities; related matters specifically on Vietnam mistakes and follies; demands for educational reform and strengthening; economic reform measures such as pension reinsurance and tax loophole closing. However, the amnesty question took up most of the available time at the Convention for debate and rated the only roll-call vote of the estimated 3500 delegates. Busing resolutions were never reached because of the fixed adjournment, and a special resolution from the 3rd District for preventing assumption by the Party of candidates' primary debts, which was originally rejected by the Resolutions Committee, also never received a hearing.

The amnesty resolution passed was the more liberal of the two that were presented. A majority resolution praised those who fought bravely and died, incorporating a minute of silent prayer in memory of them, then commended those whose conscience did not allow their own participation in an unjust war while proposing an amnesty commission to review the cases of persons moved by war resistance. A minority

resolution assumed the majority's preamble, but flatly stated that the President should grant amnesty to all war resisters. The minority position won out by about 100 votes amid cheering by anti-war delegates who dominated the Convention, following over 20 minutes of bitter debate punctuated by boos and applause from various partisans.

Some people spend their money on movies, and others spend their money preparing for, being at and patching up after political conventions. It's just how you like your entertainment. And as the latest Michigan State Democratic Convention indicated, party reform may pretty well crush the bosses but it can only give even more classically boisterous political gatherings.

- Mike Slaughter

#### NEED MONEY?

Are you avoiding your landlord? Is your babysitter demanding cash in advance? Has Ma Bell "discontinued" her service? (Or are you just plain broke?

If so, the man to see is John Mason.

The new Financial Aid Officer is dedicated to the proposition that no Law Student should have to leave school for want of money, and has the means at his disposal to insure that no one does.

Most second and third year students can become eligible for a loan or a grant from the Law School Fund by simply completing an application.

In addition the College Work Study Program has recently been expanded to accommodate law students. This Federal program gives qualifying students a cash award for which they must work 15 hours a week for a non-profit, non-partisan organization. Details about the Work Study Program are available in the Student Activities Building (S.A.B.).

By far the most popular financial aid program is the Federally guaranteed Student Loan. During the

past year there was a 141% increase in student participation in this program. This loan, for amounts up to \$1500, are administered to eligible applicants by participating "hometown" banks, who usually require applicants to have been customers of the bank's for at least one year. Any student who is denied a loan from this program is automatically eligible for help from one of the special "back up" programs, administered by the Law School's financial aid office, especially designed for such emergencies.

Although, to the casual observer these programs have fairly rigid requirements, John Mason describes them as "flexible". After several years of administering federal funds according to strict federal guidelines while one of many financial aid counselors in the S.A.B., Mason is now an independent agent. Ironically, Mason's autonomy in the Law School places him in the unenviable position of balancing his altruistic goals against limited resources.

"Spiraling costs make it hard to adhere to principles about who is entitled to aid," he said. "I find myself reserving funds for the "most needy" students while, at the same time expanding my definition of "needy" to fit individual situations."

C. Harper

cont'd from p. 1

■ that future ad hoc review boards be instructed to conclude their deliberations within 30 days of appointment or, announce a decision date.

Members of the ad hoc board were Connie Dunlap, head librarian, University Library; Harriet Mills, associate professor of Chinese, and Stanley Siegel, professor of law.

The recommendations of the board currently are before the executive officers for action.

5 Plays

Questions

Characters:

a boy (seventeen)  
a teacher (middle age, female)  
assorted students

ACT I

(Morning. A green walled room. Desks and chairs. The teacher is reading from a notebook. Sonorous tones.)

The boy is daydreaming. Sleepy.)

Teacher--(trapping her desk) Boy!

(The boy looks up.)

The students stare. Opprobrium.

The boy lowers his head.)

ACT II

(Afternoon. Some place. Rain.)

The students are arguing among themselves.

The boy follows a raindrop's course on the window.)

Teacher--(smiling, insincere) Now class!

(silence)

Teacher--Boy, tell us.

(The boy closes his eyes.)

Curtain

Boys Meets Girl

Characters:

a boy (eighteen)  
a girl (seventeen; blonde and pretty)

ACT I

(Morning. A girl's bedroom. Satin bedspread.)

The girl is lying on the floor with her bare feet on the bed--talking on her Princess phone.)

Girl (dreamily) I'll see you tonight. Bye.

ACT II

(Summer night. A park bench. Moon and crickets.)

The girl is holding the boy's hand.)

Girl (into his eyes) I love you...I think.

(The boy smiles and picks a blade of grass.)

Curtain



Closets

Characters:

- a boy (nineteen)
- a doctor (forty-five)
- partygoers

ACT I

(A party. Punchbowl and bartenders.

Striped canopies and Green lawn.

The doctor is holding a drink, talking at the boy.

The boy is in a canvas chair. He rubs his eyes.)

Doctor (pointing) Just what is it you want?

(The boy shrugs.)

Doctor (exasperated) I'll get you a drink.

ACT II

(Same place. Summer orchestra playing Gershwin. Women

in haltered dresses and men in black ties.

The doctor is flushed.

The boy is holding a scotch and soda. Untouched.)

Doctor (surgery) And what are your intentions toward my daughter?

(The boy rises; hands the doctor the glass. Melted ice.

The boy exits through the gate.

Curtain

Boy Loses Girl

Characters:

- a boy (twenty)
- a girl (nineteen and beautiful)

ACT I

(A bedroom. Soft light and DOM FELIZON '59 on ice.

The boy and the girl are in the bed. Clothed.)

Girl (Fear and excitement) Yes, if you want to.

(The boy begins to unbutton his shirt.)

ACT II

(Later. The bedroom is dark. A blanket is on the floor.

Empty bottle.

The boy is sitting on the bed. The girl is stretched beside

him. Naked.

Girl--(touching her breast) Was it good?

(The boy picks up his shirt.)

Curtain

Child's Play

Characters:

a boy (twenty-one)  
a teacher (forty and bearded)  
followers

ACT I

(A meadow of grass. Daffodils. White board fence.)

Followers circle the teacher.

The boy is watching the sky.

Followers (in unison) Tell us!

Teacher (indicating the boy) I cannot.

ACT II

(Mud and puddles. Crushed flowers.)

Spatulings of blood on a linen shirt.

The boy is face down.

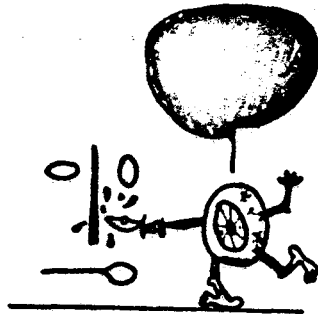
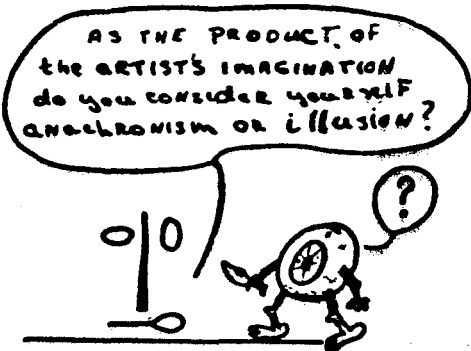
Followers (in unison) NOW!

Teacher (indicating the boy) I cannot.

Curtain

M.O.

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DILETTES