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July 12, 1973

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### Recommended Citation

University of Michigan Law School, "July 12, 1973" (1973). *Res Gestae*. Paper 1085.  
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THE LAW SCHOOL  
WEEKLY  
**RES GESTAE**  
U of MICHIGAN ANN ARBOR  
JULY 12, 1973

**ORIENTATION**

UNIV. OF MICH.  
**Civil Rights** 16 1974

"CRÈME de la CRÈME"

JOB BIAS DECLINES LIBRARY

I was strolling across the courtyard one day last week enjoying the sun and trying to figure out just what the hell "promissory estoppel" really means when I met Dean St. Unwound.

"Good afternoon Dean", I said.

"Good afternoon young man. I see that half of your body is in the bottom half of your body."

"I beg your pardon?"

"Nothing young man, just a little joke that we, who have offices in the top half of the building, have among ourselves."

By now a bit bewildered, but thinking that this was a good chance to interview the Dean, I proceeded.

"Dean St. Unwound", I began, "I have a list of questions the editor of Res Gestae gave me. I was wondering if you wouldn't mind answering them?"

"Certainly young man, proceed. However, I will only answer the questions which are on the top half of your list."

"Uh-huh . . . Dean, some people have accused the University of Michigan Law School of being elitist. Could you comment on this?" I queried.

"These accusations are totally false," said the Dean. "We have more token Blacks, token Chicanos, and token women than anyone else! However (and at this point a sardonic smile appeared on his lips) our tokens are, of course, from the top halves of their respective classes!" (see ORIENTATION p. 4)

WASHINGTON, July 1—There has been "dramatic" improvement in the last decade in the economic situation of black Americans who are working, a study released by the Brookings Institution today concluded.

The study, by Richard B. Freeman, was one of several in the latest volume of Brookings Papers on Economic Activity. Mr. Freeman concluded:

"While black-white differences have not disappeared, a convergence in economic position in the fifties and sixties suggests a virtual collapse in traditional discriminatory patterns in the labor market."

**Older Men Little Changed**

The biggest improvement for blacks relative to whites, Mr. Freeman found, was enjoyed by women and the young, with educated young blacks making particularly large gains. Older

black men have made only modest progress, he found, and there has been an absolute "decline in the labor force participation of prime-age black men."

Mr. Freeman found that the general prosperity and growth of the economy in the nineteen-sixties had an important effect in the results to be found. But he concluded that most of the relative improvement of the economic position of blacks was "the result of Governmental and related anti-discriminatory activity associated with the 1964 Civil Rights Act."

As one example of income gains, Mr. Freeman stated that incomes of working black women are now almost equal to those of white women, whereas 25 years ago they were only about half those of white women. Relative incomes of black men improved much less, Mr. Freeman said.

**AFFIRMATIVE ACTION HIT IN NEW YORK**

The N.Y. Court of Appeals has ruled unconstitutional a Model Cities program aimed at getting jobs for blacks and Hispanic persons in the city's uniformed services by bypassing normal Civil Service procedures.

Corporation Counsel Norman Redlich said yesterday he was studying the decision handed down by the state's highest court late Monday, to see whether there was a basis for an appeal to the United States Supreme Court.

If the city does not appeal, of if the Federal Supreme Court upholds the decision of the state court, about 4,000 people who took qualifying examinations in October, 1971, would be deprived of chances to become firemen, policemen

or sanitationmen under the Model Cities program.

**Residency Rule at Issue**

The program required applicants for the uniformed jobs to live in one of the three Model Cities areas — Harlem-East Harlem, the South Bronx, or Central Brooklyn — and to serve in the uniformed services in their own neighborhoods.

This provision was ruled in violation of state law by Supreme Court Justice Samuel J. Silverman in March, 1972. He found that the residency requirement violated the fitness and merit provisions of Civil Service and also the public officers law.

Justice Silverman was re- (see RIGHTS p. 3)

# LETTERS



## STUDENTS BLAST LC DRAW

To the Editor:

We wish to protest the manner in which rooms in the Lawyers Club have been assigned to first-year students this fall. Specifically, we as summer-starters are protesting the fact that many first-year students who will start in the fall have already been assigned single rooms, while some of us will have to be in double rooms or suites if we want to remain in the Club. This situation exists in spite of a long-standing precedent giving summer-starters priority over fall-starters in room assignments and in spite of the repeated assurances made to us, both before and after starting school this summer, that summer-starters would be given such priority. We are now told that our priority will start in January, but was never promised for September. The logic of this reasoning escapes us.

Only seven single rooms were set aside for the twenty-five summer-starters who want to remain in the Club, while thirty-two singles were assigned in May to first-year students starting in the fall. Simple arithmetic thus shows that, although there were more than enough singles available for first-year students to give every summer-starter a single, many of us will instead have to accept double rooms or suites if we want to stay in the Club. Both the Director of the Lawyers Club and the Assistant Dean for Student Affairs say that what is done is done. We feel that the mistake should be corrected.

Since there are enough single rooms available this fall to give one to every summer-starter, we feel all summer-starters are entitled to singles. We also feel very strongly that the system (whatever it may be) of allocating rooms and assigning priorities should be made clear to entering students from the beginning in a written set of guide lines so that such misunderstandings can be avoided in the future.

*Susan McClay*  
Susan McClay

*Jim White*

Jim White

*Terrence G. Linderman*

Terrence G. Linderman

*Nelson Leavitt*

Nelson Leavitt

*Lu Anutta*

Lu Anutta

*B. Griffin Kennedy*

B. Griffin Kennedy

*Bruce Harris Hallett*

Bruce Harris Hallett

*Larry Saylor*

Larry Saylor

*L. Kennedy*

L. Kennedy

*Joyce Haysley*

Joyce Haysley



The foregoing comments, of course, are not the first critical analysis of the way things are around the Quad, and certainly not the last judging from the following late-breaking report.

## FUTURE STUDY OF LAW SCHOOL DISCOVERED

In what is perhaps the most bizarre find since the last one we made, RG has come into possession of a remarkable document purporting to be an archeological study done of the Ann Arbor area in the year 2640. According to Dr. Philippe (see STUDY p. 5)

versed in March, 1973, by a 3-to-2 decision of the Appellate Division for the First District. The appellate court said that the residency requirement was legal.

The Court of Appeals, in its decision on Monday, upheld Justice Silverman, 5 to 2, without a written opinion.

The Model Cities special program was opposed by unions representing the uniformed services. They had filed the legal actions challenging the project.

**Program Held Up**

In 1971 the Appellate Division said that the qualifying examinations should be given but that the results could not be published until the legality of the tests had been determined by the courts, including appeals.

Under the special program, residents of the three Model Cities areas, after passing the qualifying examinations, would

participate in six or 15 months of training and field work to prepare them for a second competitive test. During the training period they would be paid \$5,750 a year.

Those who passed the second test would be ruled to have met qualifications and standards equivalent to those currently required for entrance into the uniformed services under existing Civil Service procedures. They would receive the same pay as regular members of the services.

The city's uniformed service unions fought the plan on the ground that it gave preferential treatment and competitive advantage to blacks and Puerto Ricans and that it violated the Civil Service regulations under the State Constitution.

The Model Cities program was formed in 1966 as an effort to concentrate financing on social, economic and physical problems in limited slum neighborhoods and to involve the residents. It is sponsored by the city and financed by Federal funds.

**AFFIRMATIVE ACTION DEFENDED**

In the July 8, 1973 Detroit News, a number of letters reacted to an editorial of that paper several days before attacking the Law School's admissions policy, including the following one written by Dean St. Antoine.

To the Editor: The articles and editorial appearing in The News concerning minorities at the University of Michigan Law School were flatly untrue in vital particulars, grossly distorted overall and unfairly demeaning throughout to a group of fine young people who are entitled in every respect to be regarded as students or graduates of this school.

Your editorial of June 27 was simply wrong in charging that "poorly-qualified, minority students" were getting a "second-class degree." Every applicant we accept, minority or nonminority, meets the same basic standard; we must be satisfied that he or she has the potential to be a success at this law school.

No minority percentage is "assured" admission without regard to qualifications.

Once the basic admission criterion of likely academic success is met, law schools have always relied in their selection process

on other factors besides mathematical evidence like scores on standardized tests.

First, these tests are far from foolproof; they are not good, for example, in measuring motivation, drive, conscientiousness.

Second, we consider it highly desirable for the total educational experience of everyone to have a student body with diverse interests and diverse geographical and socioeconomic backgrounds.

At this moment in history, when society desperately needs minority lawyers and when many minority applicants are still suffering the handicaps of inadequate early schooling, we think it is entirely appropriate to take minority status into account in assessing applications. The great majority of our faculty has consistently supported this program to increase the number of minority students in the law school.

It can also be misleading to

refer to a separate "pool" for minority applicants. You may leave your readers with the quite erroneous impression that none of our minority students would have been admitted if they had not been minorities. That is not so. Some would have been admitted regardless of their status.

Most important of all, you have ignored my insistence that some unnamed informant, alleg-

edly a member of this faculty, had no grounds for saying that minority students "receive preferential handling by most professors." To the best of my knowledge, that is not true.

Once admitted, minority students pursue the same courses, take the same examinations (usually graded anonymously) and pass or fail like other students.

Minority students have performed ably against powerful competition here, with some of them doing work at truly superior levels. Upon graduation, they have gone on to successful careers as associates in some of the most prestigious law firms and legal departments in the country; as law teachers; as university trustees; and as business and foundation executives.

Our faculty, our alumni and the Bar can be proud of the well-qualified, highly motivated young minority lawyers we are producing today at this law school.

THEODORE J. ST. ANTOINE  
Dean  
University of Michigan  
Law School



**DEAN St. ANTOINE**

In addition to St. Antoine's letter, the News also carried responses from Law School Professors Joseph Sax, Robert Harris and Harry Edwards charging the paper with "egregious misrepresentations" about minority students and defamation of minority graduates, and calling for a retraction of the editorial if no evidence supporting the News' assertion of special treatment for minorities is published.

Francis A. Kornegay, Executive Director of the Detroit Urban League, said he "welcomed" the editorial because the UM Law School "dual admissions policy" was "an insult to minorities" and served to "substantiate a major feeling in America that minorities are inherently inferior to whites" by use of a "quota system" misinterpreted by people in business, government and education.

Felipe Ponce, President of La Raza Law Students at the Law School, dismissed the idea of special treatment from his own and other minority students' experiences, and noted that the News' assertion that Michigan's reputation has suffered from use of affirmative action was rebutted by the Law School's continued receipt of the largest number of applications for admission of any other like institution.

(ORIENTATION cont'd from p.1)

"Sir, doesn't administrative emphasis on grades, class standing and so forth, create an undue amount of pressure on students and perhaps lead to the wrong type of motivation?"

"No, emphatically not. We can point to the results of this type of atmosphere with pride! For example, in polling the graduating class, we found library skills of the students to be excellent--a full twenty percent can find a book hidden by an overzealous colleague, among the half million in our collection, within three days of exhaustive search. In answer to charges that academic pressure does not build character, I point out that we found only ten percent of the students said that they would resort to bribery, threats, trickery, or blackmail in order to improve a course grade!"

"But sir," said I, "if the atmosphere was not such there wouldn't be any cases of book hiding, or excessive scrambling for grades."

"Yes, but then how would we distinguish the top half of the class?" asked the Dean.

At this point I decided to pursue philosophical and ethical considerations. "Sir, many critics of contemporary legal education claim that law schools are unresponsive to needs of society. They claim that there is no true justice in the legal system, that emerging law students have no compassion or incentive to aid certain socio-economic strata."



"Nonsense," said the Dean, "For example, we encourage our students in criminal law to defend anyone in need of help--no matter how rich he is!"



Turning to campus matters, I said: "Dean why is it that law students are generally considered to be pompous and officious by non-law students and colleagues here at the University of Michigan?"

"This can be attributed to the immature, jealous attitudes of non-law people."

"Jealous attitudes?"

"Yes.", said the Dean, "We live and work in a magnificent, Jacobean style-gothic, quadrangle designed to achieve the maximum of convenience, adaptation to purpose, and beauty. All THEY HAVE are modern, well-lighted, air conditioned buildings, adequate parking, and a supply of single rooms."

Glancing at his watch, the Dean said: "Well, young man it is getting late. I must go. I expect this interview to be printed in the top half of the page in the newspaper. Of course, I do understand that half of the newspaper must be in the bottom half of the newspaper! Good day."

"Thank you Dean St. Unwound.", I said.

Thinking over my conversation with the Dean and still a little bewildered, I found myself strolling down State Street when a loud crash startled me. I looked up, and to my horror saw an automobile accident. I asked a bystander what had happened.

"That crazy fool in the red sedan ran through the estoppel sign!", he said.

-Joe Fenech

(STUDY cont'd from p.5)

Dérangé, visiting professor of physics, an apparent infraction of the 1972-2640 time-sequence warp layers occurred right where the manuscript was being prepared at the excavation site. The report, actually within a hologram, was processed and deciphered just last week after its discovery in a Lawyers Club eave trough along with a little note deciphered as well to read, "Honey, don't forget to feed the clones." Excerpts of the portion describing the Law School diggings follow:

"One of the more interesting sections [grid coordinates omitted throughout] consisted of a quadrangular arrangement of intricately carved limestone caves, in which the inhabitants carried out their duties, perhaps to the exclusion of all outside forces judging from evidence of migratory patterns...

"Two groups of caves in the quadrangle were divided into many smaller rooms, and calculating from the Nurnd Minimum Survival Living Space equation, it was estimated the inhabitants could not have been more than two feet tall... However [with respect to the sub-divided cave groups] two anomalies appear: (1) the room walls seemed never to have received more than one layer of a brittle, colored coating usually applied liberally in other similar dwellings of the period; (2) the rudimentary wooden structures inside the rooms, after numerous spectrofrilic tests, were shown to have pre-dated everything else in the area by about

200 years. In explanation of the conflicting data, it has been suggested by Arndthurnd and others that the cave system housed a religious sect forced to live, work and think as its ancient ancestors did.

"The religious sect theory receives support from the presence of a great sacred cave across from the dwelling units in which the residents apparently worshipped many hours a day. Inside the sacred cavern were endless rows of primitive information files, probably containing the holy writ venerated during the lengthy worship rituals. The materials are thought to have been exceedingly dry in their day so as to be preserved so well now, though a number of materials when brought into the light of day away from their more protected environment, were seen to disintegrate almost immediately...

"Although a start has been made toward understanding this extinct culture, much more research will be needed before it is known why these people adopted such a strange way of life."

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(FILMS cont'd from p. 5)

flagrant travesty of the judicial system More seeks to protect, his enemies bring about his execution for treason on trumped-up evidence. The film links this confrontation with the persistent drama of individuals who resist the authority of those in power and risk persecution in order to act according to their beliefs.

**Witches of Salem, The: The Horror and the Hope**

35 min. color s-c-a LCA

A dramatization based on authentic records of the 1692 witchcraft trials in Salem, Massachusetts. Individuals, regimented by the rigid, self-righteous Puritan code of behavior were living under pressures and fears which they barely understood. In 1692, the contentious townspeople of Salem let the psychological rebellion of a group of young girls turn their village into a witch-hunting ground. Highlights the trials from many angles—historical, political, psychological and legal—while preserving factual accuracy. Gives an impression of how it felt to live in this specific time and place and a general feeling for the atmosphere of repression and fear. Award-winning.

**Guilty by Reason of Race**

51 min. color j-s-c-a NBC

In the time of national crisis brought by World War II, fear and prejudice led the United States government to take over 100,000 American citizens of Japanese ancestry away from their homes and businesses. They were detained by Executive Order 9066 signed by President Roosevelt in what were euphemistically called relocation centers. Only after the war and after many Japanese Americans had served with distinction in the U. S. Army, were they released. Executive Order 9066 has never been repealed and could be put into effect today against any minority group.



# 1973

## SUMMER

### FILM SHOWCASE

Until August 10, the University of Michigan Audio-visual Education Center will be showing the latest additions to the UM Film Library every week-night at 7 p.m. in Auditorium 3 of the Modern Languages Building. A copy of the Showcase's full program may be obtained at the return desk of the Undergraduate Library. The coming week's selections are described below.

#### THURSDAY – JULY 12

##### China

##### Misunderstanding China

52 min. color j-s-c-a CBS News

Exploration of a century of myths, stereotypes and other misconceptions Americans have had about the Chinese. Traces Sino-American relationships back 100 years, beginning with the arrival of the first Americans in China. Uses Hollywood feature films, official government film, newsreels, old pulp magazines and cartoons, to show how Americans have stereotyped and characterized the Chinese. Examines America's view of China during past 20 years as influenced by both old and new stereotypes.

##### China '72—A Hole in the Bamboo Curtain

28 min. color s-c-a WLW-TV

Life styles of the agrarian, industrial and artistic workers of mainland China today; travel highlights including the Great Wall, the Forbidden City and Red Square, the role of women, indoctrination of children and the country's ancient history. A surgical operation which used acupuncture anesthesia in the painless removal of a woman's tumor on her thyroid. Another example of acupuncture used in the treatment of deaf children.

##### Forbidden City, The

43 min. color s-c-a NBC News

Tour of the imperial citadel, called Ku Kung or the Forbidden City, in the center of Peking, China. From 1421 to 1911 Ku Kung was the home of the emperors of China. Today it is a museum of Chinese history and culture. The Forbidden City's priceless treasures were once only for the eyes of the emperors, their families and court retinues. The emperors lived lives of opulence surrounded by magnificent architecture, artifacts, costumes and painting—protected from outsiders by the Great Wall and from their own people by walls and moats. This visit to the Forbidden City recalls a part of Chinese history when the Mings and Manchus ruled in isolated splendor while the majority of the people lived in poverty.

#### FRIDAY – JULY 13

##### Hospital

84 min. s-c-a F. Wiseman

Frederick Wiseman's documentary showing the day-to-day activities of a large urban hospital revealing the social problems of the city as seen in the context of the emergency ward and other wards and clinics of a hospital. Winner of two Emmy Awards for Best News Documentary and Best Director.

##### I Am Also A You

13 min. color s-c-a Bruce Kerner

"Today is the first day of the rest of your life." This and other statements of truth are interpreted through the eyes of today to show where we are, where we may be headed and where we could go. The similarity between people of all generations and points of view is dramatized by relating timely images and quotations from the Bible, Buddha, the Talmud, Disraeli and other sources. An attempt to bridge the people gap.

#### MONDAY – JULY 16

##### Education

My Art is Me (21 min.)

What's New At School (45 min.)

Higher Education: Who Needs It? (51 min.)

#### TUESDAY – JULY 17

##### Death and Dying

What Man Shall Live and Not See Death (57 min.)

Death of a Peasant (10 min.)

How Could I Not Be Among You? (28 min.)

#### WEDNESDAY – JULY 18

##### Persecution

##### A Matter of Conscience: Henry VIII and Thomas More

31 min. color s-c-a Columbia Pict.

Edited from the motion picture, *A Man For All Seasons*. The historic clash between Sir Thomas More and Henry VIII is dramatically recreated as More adamantly refuses to sanction Henry's manipulation of the law to make himself head of the Church of England. Despite every pressure Henry can exert, including imprisonment in the Tower of London, More will not break. Ironically, in a

(see FILMS p. 5)