Senate Clears Cassin, Sets Up Election

By Ted Lee

On the heels of its November 7 meeting in which the Senate leadership noted the constitution called for the ouster of Treasurer Peter Radin, and Board of Governor's Representatives Steve Cassin and Rex Sharp, the Senate met Monday night to clear up the record and consider reinstatement of the removed members. Motions flew from the Senate floor, frivolous amendments were added and withdrawn, and when the dust settled, Cassin was in, Radin and Sharp were out, and second-year Representative Tom Langan was out in.

At last week's Senate meeting, President Sheila Johnson, apparently relying on Senate records, informed Senate members that Radin, Sharp and Cassin had each missed three consecutive meetings. A constitutional provision mandates the removal of any Senator who is absent three times in a row, although the Senate may vote to reinstate the member by a two-thirds vote of the remaining senators.

Apparently, Board of Governor's Representative Steve Cassin took exception to the contention that he had missed three consecutive meetings, thereby assuming the position that the records were inaccurate. He discussed his contention last week with the Senate leadership at Monday's meeting. Secretary Chris Chambers said that, although Cassin had missed meetings, he (Chambers) had misread the minutes and that it was Langan, not Cassin, who had missed the three meetings. Chambers apologized to the remaining senators for the misinformation.

The Senate, however, did not reinstate Cassin or another second-year Senator. The Senate leadership at Monday's meeting, according to the minutes, noted that the constitution called for the reinstatement of both second-year Senators.

On November 16, the Senate Office reported that the election date for second-year Senate seats was set for November 6. The Senate Office announced that the election would be held on November 6 and that the results would be announced on November 8.

Calendar of Election Events

The Law School Senate Office has announced a Special Election for the position of Treasurer of the Student Senate and for Second-year Representative to the Board of Governors. The election will fill vacant positions for the remainder of the 1983-84 Senate year. Candidates for the Board of Governors slot currently must be second-year students. Since the position has a two-year term, the elected representative will also hold a position on the board of Governors during the 1984-85 school year. The Treasurer's position is open to all Michigan law students.

Petsions are available today through the Law School Senate Office and must be completed and returned by November 30, 1983, a week from today. Along with the petitions, the candidates may submit a 100-word statement to be published in The Res Gestae the day before the election. Campaigning for the positions begins after the petitions are returned to the Senate Office on Wednesday, November 2, 1983.

For further information, contact the Law School Senate Office, 217 Hutchins Hall (Ph. 763-2144).

### Election Dates

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<th>Wednesday November 23</th>
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<tr>
<td>- Petitions for Senate Treasurer and 2nd-year Board of Governors Available at 217 Hutchins Hall</td>
<td>- Completed Petitions Returned to Senate Office Accompanied by 100-word Candidate Statement</td>
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### Election Day

- Campaigning Begins

Julie Steiner the National ACLU Lobby Coordinator, met with Michigan law students last Thursday to discuss a range of current topics including the Reagan Administration's position on civil rights and other social policies. Steiner's visit was sponsored by WLSA.

Leak Measure Plugs Free Speech

Professor Lee C. Ballinger, Jr. of the Law School was in Washington recently to testify before the House Committee on Government Operations on the constitutional implications of Presidential National Security Directive 51. This Directive would require government clearance for an entire class of government employees before public speaking or publication; the requirement would apply to them for the rest of their lives, regardless of their relationship with the government. The Directive is aimed at concerns about disclosures of classified information.

A recent rash of publications revealing such information has hampered the effectiveness of government intelligence operations and endangered the lives of intelligence personnel. Andrea Lodal of the Res Gestae's asked Professor Ballinger to give us his perspective on the constitutionality of the measure.

RG: What is the current status of Directive 51?
LB: It's going into effect. However, the Senate attached a rider to its State Department Authorization Bill to impose a moratorium on it until April 15.

RG: Aside from the Administration, who is backing the Directive?
LB: Well, there are conservative Congressional people who think it's a good idea, but it appears to be less than the majority. It's the Senate that passed the rider to delay it.

RG: To whom would the restrictions apply?
LB: It applies to everybody who has authorized access to "Sensitive Conceptual Information" (SCI). That's a type of classification which covers all intelligence material relevant to the methods and procedures of getting intelligence. It's not the substance of the intelligence, it's information about how the intelligence is gathered.

RG: How many would it affect?
LB: The House Committee on Government Operations asked the General Accounting Office (GAO) to study how many people would be affected.
Ramsay's Big Chill Gets Deep Freeze

To the Editor:
I am writing in response to John Ramsay's article of 11/9/81 entitled "Big Chill Trivializes Loss of Youthful Ideals." A thoughtful though well-critiqued article, Ramsay's review is an unfortunate attempt to unfit an insightful and entertaining film into a Procrustean bed of failed social commentary. Ramsay betrays his confusing perspective, and the impoverished analytical results this perspective produces, in the very first paragraph of the article. He begins: "If you expected a penetrating, intellectual exploration of the difficulties of coping with middle age and the loss of youthful ideals, The Big Chill will leave you ice cold." This premise established, Ramsay's extended attack on the film artfully succeeds in decimating a straw-man of his own creation while failing to appreciate the movie's perhaps subtle intellectual texture. He goes on to describe the Big Chill as a "slick, lighthearted look at the awkwardness of attempting to reestablish old friendships..." He characterizes the dialogue, if not the film's superficial version of Eight is Enough.

That Ramsay's baldly stated diatribe offends my moral sensibilities is not in question. The notion that we are impulsive for this letter—reasonable people can disagree. Rather, it is the irritating consistency with which he misses the point of the film (an article that makes one wonder whether the author (authoritative review) which invites the following reply. What Ramsay cites as problems with The Big Chill are for many the source of the film's extraordinary appeal. Ramsay's major criticism is that writer-director Lawrence Kasdan raises "important social and personal issues" only to forsake them for a "slick, lighthearted" approach. He further complains that the movie's central question ("Where did Alex's hope go?") is "left abandoned" after the opening scene in a purposeless vacuum of jokes, gags, and one-liners. He deconstructs the serious questions raised in The Big Chill as not being the central issue of the film. His attack on the film's "symmetry," as one character suggests, yet is in a way which strangely escapes analytic understanding. The point is that things happen in The Big Chill for reasons that are never made clear; yet both despite and because of things, the movie is enriched. In grappling with the unknowable nature of Alex's suicide and mortality in general, these characters confront the more elusive mysteries of who they are, how they've changed, and why they treat one another as they do. The questions aren't abandoned—they haunt the viewer's experience with the film at every moment. The film is simply not resolved into the facile truths we seem only to find in art.

A few words about The Big Chill's humor. Ramsay's article repeatedly assails the film's comedy as not only unfunny but "cheap joke played on the audience" to substitute Kasdan's too-realistic intellectual bankruptcy. Pretty tough talk, Mr. Ramsay (and I must protest) to accuse the film's comic element not as something which intrudes upon the film's serious side, but rather as something which adds dimension to it. The movie, like the world I suppose, cannot be deconstructed into the funny and the serious in the manner of Ramsay's analysis. The two are strands of the same fabric (a synthetic, I fear) or, complementary parts of a total effect.

The Big Chill's comic moments serve not to disrupt the movie's more somber contemplations, but rather to inform them with a rich sense of irony. The jokes tickle us one way, yet strike exposed nerves on another. We may, indeed, laugh at the mock self-interview in which Nick reveals the course his life has taken. Yet, this character's despairs alienation registers with us in the process. Though the examples are too numerous to elaborate on, I simply mention them.

Notwithstanding its somewhat petitionist presentation, Mr. Ramsay's review has some merit. I mentioned at the outset of this letter that I found the critique thoughtless, and I do. On rare occasion, when Ramsay shows himself capable of real reflection and even insight. His discussion of Meg Tilley's character (Alex's love) is particularly well-done. However, the overall treatment he gives the film is regrettable off the mark. I recommend the movie highly to those who have yet to see it.

Bobby Gordon, IL
and the GAO testified that there were 113,000 government employees who have authorized access to SCI, and another 50,000 who have contractual relationships with the government who would be affected, so approximately 160,000.

RG: And this prepublication review requirement would apply to them for the rest of their lives, whatever their future relationship with the government?

LB: That's right. The contract that people are asked to sign requires prepublication clearance for any proposed publication that would "contain or purport to contain any SCI, any description of activities relating to SCI, or any information derived from SCI... or any information concerning intelligence activities, sources, or methods." That last clause is in the cat-all... it could apply to news articles or speeches as well as publications.

RG: Given the concerns that prompted the Directive, do you think it will have an inordinate impact upon the freedom of speech of those employees?

LB: Yes. The other thing to keep in mind is that those SCI numbers can be downgraded to non-SCI, and the SCI estimate was no longer accurate for this year. But there's a very high rate of turnover, so in the course of ten years we're likely to be multiplying those numbers by the attrition rate factor. As a result, an extensive bureaucracy would have to be created just to handle that kind of volume. The argument against the directive that seems most persuasive to conservatives is the extent to which that would have to create a new and large bureaucracy.

RG: Do you think it would survive a constitutional test?

LB: My guess is that it would not. The problem is it's not even unconstitutional. The thing that makes it most complicated is that the type of people who become censors are often the least sensitive regarding the real needs for discretion and are likely to take the most conservative possible position about literature that they don't like.

RG: Are there alternative possibilities for some other measure to address the same concerns with less impact?

LB: People say the national security leaks are part of a very grave risk. I think the significant question is "What will a prepublication review system do to help solve that problem?" This is a question of means, and again the immediate facts were brought out in testimony by the General Accounting Office. They distributed a questionnaire to 30 agencies with authorized SCI personnel, and asked them about the number of SCI leaks in the past five years, and of that number how many they thought would have been prevented by prepublication clearance. The answer was 30 leaks of SCI and 2 leaks that they thought would have been prevented. It seems wildly out of proportion to have 130,000 people sign prepublication review contracts for the rest of their lives in order to stop two disclosures..."

LSSS Meeting

The Board of Governor's seat held by Sharp might be independent of his Senate membership and that Sharp would therefore still hold his seat on the Board of Governors. Vice-President E. D. Lancaster interpreted a constitutional provision to say that the two are intertwined and that his removal from the Senate would imply a removal from the Board of Governors. President Johnson added that she had asked Dean Cooper, who sits on the Board of Governors, for his interpretation. His response was that he also believed that he would guess Sharp's replacement on the Senate would also hold the seat on the Board of Governors.

RG: Is it the policy of the Board of Regents to provide assistance to Sharp's constituents to Mothers Against Drunk Drivers, on behalf of second-year law student Anne Gaughin, whose husband was recently killed by a drunk driver. A table will be set up outside Room 100 between 9:00 a.m. and 1:00 p.m.

Carl Horn, an official with the U.S. Department of State's Bureau of Human Rights, will speak on "Legitimating Morality: Pluralism and Public Policy" at the Agora Luncheon on Friday, November 12. Mr. Horn presently serves as Special Assistant to the Assistant Attorney General for Civil Rights. He will discuss the role of legal and religious values in the formulation of policies in such areas as education, the family, abortion, sexual ethics, and church-state relations. A question-and-answer period will follow the presentation.

The Agora Luncheon is sponsored by Agora International, an association of Christian business and professional men promoting leadership in service to the community. It will be held Friday, November 11, 12:00 noon at the Campus Inn, 3010 East St. Johns Ave. The cost is $6 per person. Reservations are required, and may be made by calling 594-1224.

ALL STUDENTS are invited to the Environmental Law Society's weekly series of "Earthwatch" programs on current environmental issues. Project leaders Joan Snyder and Bob LaBelle will discuss "Dow Chemical: Toxic Dumping and the Clean Water Act in Michigan" on Tuesday, November 12 at noon in room 123 H.H. On Tuesday, November 29, Prof. Mark Van Putten, Director of the National Wildlife Federation's Great Lakes Natural Resources Center, will discuss "The EPA and Regulation of Dioxin, and Other Toxics."

BRING YOUR STUDY AIDS (outlines, nutshells, hornbooks, etc.) to the P.A.D. book sale. Books will be collected on Thursday and Friday from 11:00 a.m. to 1:00 p.m. in room 242 H.H. Sale hours are from 11:00 a.m. - 1:00 p.m. on Monday in room 212 H.H. and Tuesday in room 242 H.H. P.A.D. will collect text books after exams for its sale at the beginning of the spring term. THE COMPUTER LAW SOCIETY is meeting Friday at noon in the old faculty lounge (behind the Reading Room). We will be designing programs for next semester. Everybody is invited. A detailed data flow is posted on the CIS.

Joint Program in Russian & East European Studies - Navigating the G-7. Program may be eligible to apply for a FLAS fellowship (tuition plus $4,000 stipend). Interested students should see Mickey Slayton (307 H.H.) for additional information.

Due to the lack of student attentiveness expressed in recent years on the Wednesday before Thanksgiving Day, The Res Gestae will not be published next week. Oh yeah, and our last issue of the 1983 calendar year will be published on November 30, 1983. Exams, ya know.
Features
Zen and the Art of Highlighting
By Dan Bronson

Dispelling the myths:
1) It is never too late to learn.
2) Highlighting is not as dangerous as it is cracked up to be.
3) Depending on what you highlight, most likely you will not go blind.

Picking the Right Highlighter:
Highlighters (pronounced: Jai-alai-ters) come in many shapes, sizes, scents, and colors. Picking the highlighter best for your needs is by no means an easy decision. The market is filled with choices. There is the refillable highlighter for the serious student, the pocket size Accent pen for the occasional user and the hamburger flavored highlighter for the student on the go. The emergence of many reliable well-researched Highlighting Trade Magazines hopefully can make this important decision an easier one.

Highlights which until recently has only been available in your pediatrician's office, and High Times both have recently picked the Sanford Major. According to overall performance out of a tough field of domestic and foreign competitors. Picked especially for its easy handling around tricky footnotes and its ability to hold the page on long straightaways, it would be hard to go wrong with this sexy little highlighter from Sanford. (The same people that brought you the Pocket Accent.) The only drawback - the price! But remember, you are also paying for the name.

If you would still like to do some shopping around, a wide variety of highlighters are available at the local bookstores. Be sure your highlighter is transparent. If you do not use a highlighter with see-thru colors it will be difficult to re-read the portions of the book that you have marked, and your casebook will have little resale value. Lastly, if you go directly through the wholesaler and buy in bulk, it is possible to save. (Caution: Stay away from your local Hardware Market - Just recently a prolific lawn professor with two casebooks on the market was arrested by the Ann Arbor Police for selling highlighters filled with paint. A large ring of thieves is still believed to be operating out of the "faculty lounge.""

Getting Started:
I find loose fitting clothes best to highlight. In your father's bathrobe, your mother's old army fatigues, anything comfortable will do. It is also always a good idea to bring a change of clothes with you if you are going to the library.

Next spread some old newspaper around under your book. Naughty Mr. Highlighter can be had, and Mean Old Professor Poolely would not be pleased.

The Cap:
Pick up your highlighter and locate the break in its form. By grasping the highlighter at each end and pulling, you will be able to separate the cap (the hollow part) from the working mechanism. Be very careful. If you are going to get hurt, most likely it will be at this stage.

The cap itself is of no practical use during the highlighting process, and it can be stored away at this point. Put it somewhere safe. If you lose your cap, you either have to discard your highlighter or continue highlighting until all of the ink is used up. This might take a while. Hopefully you remembered your change of clothes.

I have found putting the cap in my locker to be the best precaution against loss or theft. However, if you want to keep the cap in a more convenient spot, writing hand a quarter to an eighth of an inch from the surface of the page. To mark the page either lower your hand and move it slowly across the line you are reading or place your highlighter in a set position on the page and have a friend pull your casebook slowly to the left.

The High Art:
Once you have mastered the basic highlighting technique and can go both from left to right and from right to left, you are ready to move on to the multi-colored approach. The concept is simple. By creatively accenting different parts of the case with different colors, you can easily pick out the important parts of the case later with a quick glance and feel artistic at the same time.

The key to successful multi-color highlighting is to follow the Uniform Color Code, and stick to it. The U.C.C., which has been adopted by all 53 states, is quite simple to master, and there is also a good hornbook on the subject. See J.J. Transparent.

For instance, section 8-1/2 of the Code provides: (A) Red = All mens' names except those covered by sub-provision (b). (B) Blue = All mens' names except those covered by sub-provision (c). (C) Green = All numbers, particles and gerunds. (D) Yellow = All United States Supreme Court Justices. (E) Brown = All interesting aspects of the case.

A color chart located in the appendix helps the student decode certain occurrences. For instance, the appendix notes that the color orange should be an instant sign that you are reading an opinion written by Sandra O'Connor. The frequent use of the color brown is a sure indication that you are not reading your casebook.

A personal flour of my own is to highlight all X's. This is by no far stretch of the imagination necessary, but it is one of those little touches that helps make highlighting even more meaningful as finals approach, and you start going back through those earlier cases. Of course X is not recommended for all highlighter enthusiasts. Some do not like the anticipation and the pressure of knowing whether X to the next; for these, a mellower letter, such as M, might be the wiser choice. Of course you would border on the ridiculous to choose a vowel as your "favorite letter" because almost one-half of all words have vowels in them if not more. This would soon turn into a mindless and silly chore.

Above all, have fun. Highlighting can lead to many great things. I have met some of my dearest and best friends at highlighting conventions and parties.

The author has syphilis and is slowly going insane. He can be found on the fifth floor in the stacks of the old library on the third shelf from the floor where 203 P 24 is supposed to be.

Law in the Raw
Hit the Deck, Sonny
MIAMI—A 78-year-old woman with a pacemaker captured would-be burglar at gunpoint and held him face-down on her living room floor until police arrived, officials say.

Later in the day, Clea Marshall reluctantly climbed onto the front of the market to perform an ambulance ride to a hospital for treatment of chest pains.

The Washington Post, November 2, 1983

Quote of the Week
U.S. District Court Judge David Belew ruling that a Texas company could legally require its helicopter pilots to convert their religion before starting work for the firm.

"The essence of Dynatelectron's business would be undermined by the beheading of all non-Muslim pilots based in Jidda."

A Picture is Worth . . .

All parties joined the bandwagon when it came to a quick turn of a phrase in the appeal of Gerald Gallant, Jr., who was convicted in L.A. County Superior Court of robbery and forcible oral copulation.

It seems the victim claimed Mr. Gallant had something tattooed on his penis, and the jury was shown a photograph of the defendant's sexual organ to see a black-and-white inscription on it.

Mr. Gallant, meanwhile, claimed he had been driving into town when he picked up a female hitchhiker, who suggested performing the sexual act on him for $30 but, upon seeing the tattoo, increased the price to $10. The jury did not buy Gallant's attorney argued on appeal that the photograph was more prejudicial than probative in corroborating the woman's story. The two Deputy State Attorneys General took the opposite view. Neither side, apparently, advocated application of the best evidence rule.

Not only did the photograph back up the woman's testimony, a unanimous Court of Appeals panel ruled, but it tended to rebut Mr. Gallant's claim that she was a prostitute whose alleged offer of oral sex was a disguise.

Writing for the appellate panel, Justice James Hastings added: "As to the prejudicial nature of the photograph, appellant infuses the potential implication which this photograph could have on a jury of 12 adults . . . . The photograph itself is rather anti-climactic." People v Gallant, 2-4886.