In the summer of 1973, Allan Bakke, a white 35-year-old engineer who had been denied admission to UC Davis Med School, informed the University that he was considering a lawsuit based on age or racial discrimination. On July 18, Peter Storandt’s letter denied discrimination on the basis of age while encouraging Bakke to research “admissions policies based on quota-oriented minority recruiting.” He wrote: “I don’t know whether you would consider our procedure to have the overtones of a quota or not, certainly its design has been to avoid any such designation, but the fact remains that most applicants to such a program are members of ethnic minority groups.” Storandt then referred Bakke to the DeFunis case, in which an unsuccessful white, male law-school applicant filed suit challenging the law school’s minority admissions program. “While the case is on appeal to the U.S. Supreme Court at this time, the immediate practical result two years ago was a lower court-ordered admission for the plaintiff.” The dean finally referred Bakke to two attorneys expert in medical jurisprudence.

Taking Storandt’s cue, Bakke promptly sued Storandt’s employer in the case of Bakke v. Regents of the University of California, 18 Cal. 3d 34, 132 Cal. Rptr. 680, 533 P. 2d 1152 (1976), and the California Supreme Court found the special admissions program at Davis unconstitutional. While the University “lost” the case, the real losers are minorities who may soon be excluded from professional schools. Representatives of those minorities have charged the University with institutional discrimination.

As president, Santos will recommend changes in the election procedure. I think the balloting should be extended over a couple of days to encourage large turnouts. A sufficient time before election day, candidates should be required to submit statements which include their qualifications. This would allow response in the media and perhaps a forum before the students and faculty.

What does Santos foresee for the immediate future? “I want to meet with the present Senate, evaluate all committees, and look at the budget—basically start working. For the long run there will be a lot of hard work without immediate results or satisfaction. I hope students won’t lose faith or interest.”

In conclusion Santos submitted: “Students should consider seriously the committees that presently exist and the possibility of volunteering, as well as the creation of new committees. What we want is the most responsible and capable people, and if that means finding them in April we won’t worry about the deadlines.

Students should start looking at themselves as professionals—accepting the fact and assuming the responsibility. When we get out of here we won’t want to accept less, there’s no reason to start accepting less now.”
CRUSADER RABBIT

Our Rabbit in Washington Interviews Jimmy Carter

CRUSADER RABBIT PRESENTS:
AN IMAGINARY INTERVIEW WITH JIMMY CARTER
(part one of two parts)

Q: Good morning Mr. Carter. Thank you for granting me this interview. I hope I won't be taking up too much of your time.
A: Not at all. Set rayht down. Heah, have some peanuts.
Q: Er, no thank you. I just had some in the waiting room. I'd like to start by asking you how it feels to be President.
A: Wayll, it shore beats workin' foah a livin'. No seriously, it's nice to have a job agin. Aftah mah term as Gover­nah of Jawja, Ah became unemployment foah two years, with only a small multimillion dollar a year peanut fahrm to support me an' mah family. Ah was lookin' aroun' foah the kind of work that an ex-Navy man, ex-nuclear engineer, ex-Governah, small town farmah, agri-business, populist politician could do. Bein' President seemed logical. So in answer to yoah question, it's nice to be drawin' a salary agin.
Q: During your campaign, you told the American people that you would keep your campaign promises. How do you intend to do that?
A: Wayll, thayre's two ways to keep mah campaign promises. One is to look at what Ah promised, an' then go out an' do it. The other way is to look at what Ah do and then go out an' say that's what Ah promised. As long as the promises end up bein' the same as what Ah do, it don't make too much difference to me.
Q: Could we turn up some specific pro­mises which you did make? You said that you regarded the B-1 bomber as unnecessary. But so far, you haven't done anything to stop it. Can you explain why not?

(See CRUSADER, p. 5)

Blasi on ERA Revocation

STUDENT—FACULTY COLLOQUIUM

Last week's R.G. announced the es­tablishment of a column which will allow students to turn the tables and ask questions of professors. Pursuant to this program we sent out an initial round of questions to a few faculty members. Due to early press deadlines for this special issue, only one response was submitted on time to make this printing.

Professor Blasi's response is illustrative of the quality of discussion we hope to sponsor. Questions may be submitted at the R.G. office.

Q. PROFESSOR BLASI: Do you concur in Attorney General Bell's opinion that revocation of prior ratification of the ERA is invalid?

A. No. It seems to me that the reason the Constitution requires approval of amendments by the extraordinary major­ity of three-fourths of the states is to insure that our fundamental law em­
Krieger Terms Placement Successful

If you put stock in the collective voice of Placement Director Nancy Krieger, 68 percent of the May graduating class and 500 law firms from across the nation, 1976-77 has been a very successful year for the placement office.

The March 30 visit of recruiters for VISTA and ACTION programs marked the 500th on-campus interview for the academic year - an all-time high for the law school. Included in that total were 480 firms last fall, up 45 from the previous year's historic high.

"We've had a very good year," said Krieger. "As of the end of March, 68% of the graduating seniors had jobs which is quite a bit higher than the same time last year. And many of those who we're contacting now through the bulletin board notice are reporting that they have jobs.

Despite these figures, the placement office still expects to "just about match the usual 76% by graduation time." Many of those not yet committed to a job will be accepting jobs for which admittance to the bar is a prerequisite, according to Krieger.

To that 32% which might still be unconvinced of the success of this year's placement program, the placement office is still prepared to offer help.

"For us its a matter of finding out who is still looking for a job and finding out what they want. There is a flood of things coming into the office for the bulletin board. Its a matter of not getting discouraged," noted Krieger.

Krieger holds out little hope for an expansion into non-traditional areas of practice on the placement office's part.

"When the first alternative practices conference was set up three years ago, the students involved were adamant about wanting it to be a student function and didn't want the placement office involved. We do offer support such as clerical assistance and use of the telephone and we're pleased to do that. If the students in charge change their mind, we would be happy to take a more active role."

(For those without jobs) "It's a matter of not getting discouraged. There is a flood of things coming into the office for the bulletin board.

There are additional difficulties in bringing more non-traditional alternatives to campus. "Legal aids and other public interest practices aren't hooked into the same schedule, they don't make their job commitments nine months in advance like the traditional firms. Too, they don't have the resources to travel around the country to interview and to pay expenses for people to come visit them. And they often have more than enough applicants for openings."

While it may be difficult to encourage the non-traditional firms to come to Ann Arbor, that hasn't been the case with the traditional firms. While firms from Los Angeles, New York, Chicago and Detroit continue to recruit heavily from Michigan, there has been an "upswing in the number of firms from Texas, Arizona and Florida," said Krieger. "We've already had calls this year from other firms in that area who found out that other firms from their cities have been here, so they want to interview too."

As for next fall, there will be no changes to the mechanics of the sign up procedure, although an increase in the number of interviews permitted each student is being considered. This fall the placement office will also organize small group discussions for second and third year students, organized by city or region, to give those third year students returning from summer clerkships a chance to discuss their own firm and the city's practice in general.

And for those who want to get a head start on practicing a winning smile for his fall season, Krieger has a few tips.

"Even though everyone asks for 'upper quarter' students, most of them don't limit themselves that much. Those few who do restrict themselves to members of the law review can be spotted just by looking through Martindale-Hubbel," Krieger commented.

"One thing that law firms really seem to dislike, and I'm not sure how clearly this comes through from them or from upstairs, is the pass-fail option - it bothers them a lot."

As to the effect of the appearance of clinical courses on a transcript, "That's usually a matter of the preference of the individual interviewer, not firm policy. I think that the reasons that the student gives for taking clinic are important, but it does have a strong impact on a lot of recruiters to see that many hours of pass-fail credit."
St. Antoine Announces Appointments

If you liked this year’s crew of law professors, you’ll love next season’s stimulating group. According to Dean St. Antoine, the law school has been extremely fortunate this year with no losses of permanent faculty members.

"Despite may substantial offers to our faculty, they have been quite loyal to the school, says the Dean.

These offers included distinguished chairs and professorships. These attractive offers have been resisted by our professors, presumably because of the unique opportunities for stimulating work and colleagues available at Michigan.

The net result of the success in conserving the present faculty is that there will be few new faces in the fall. None of those faces will be those of permanent additions to the staff, although an effort was made to recruit two persons, both of whom showed the same sort of loyalty to their own institutions.

“We have had more success in recruiting visiting professors for next year,” said the Dean.

Among the professors accepting offers for visiting positions are two women. June Weisberger, from the University of Wisconsin, will be teaching Labor Law in the fall term. The other woman professor will be Pamela Luther from Duke Law School. She will be teaching Tax and Accounting.

In addition the Law School has attracted Professor Watson (no relation to the doctor) from Edinborough (Arizona) to teach comparative law and jurisprudence in the fall term. Also, St. Antoine indicated that Rinaldo Bianchi may continue to teach next year, despite many offers to return to private practice.

Consistent with the rule of comity, the faculty will be exporting some of our local talent for the year. Allen Smith, making a habit of teaching Property to students of other schools, will not be returning to campus in the fall. He will travel to President Carter’s home state and teach at the University of Georgia.

Professor Joseph Sax will be traveling west to do research for the entire year. He will be at the Center for Advanced Studies of Behavioral Sciences at Palo Alto.

Leaving Gothic halls behind for an oriental environment, Professor Whitmore Gray will be at the University of Tokyo. He will be researching the methods of contract dispute settlement for the full year.

SAX . . . to Palo Alto

SMITH . . . extended tour

GRAY . . . Gothic to Oriental

Course Poll

If Time Magazine can boldly send forth its staff writers to beat the hustings for the top ten law professors in the entire nation, it stands to reason that the students of this Law School can pick a top ten of their own. At least the law students here have sweated through a law class which gives them an existential edge over a Time writer any day.

Again this year the Law School Student Senate sponsored a student course evaluation, organized and compiled by Joe Medved.

Each student in each class for the fall term was asked to give his/her subjective evaluation of the professor in that class based on several categories. Suprisingly (or perhaps people thought that their instructors were looking over their shoulders) the average in each category, including the overall evaluation of the instructor, was in the upper range.

Yale Kamisar, the big winner in the “coaches” (Time) poll wasn’t even entered in the student poll. Tax may be where it’s at as professors Kahn and Wright finished first and third respectively, in overall evaluation of the performance of the instructor.

Dean St. Antoine expressed some reservations about the poll. “I am concerned that students are more swayed by style and not the substance of the course - showmanship rather than the insight that the faculty member has in his subject matter,” he said.

“But I do think that such evaluations do carry a message to the teacher. It emphasizes to them that the way their message is packaged is important to the student”.

The Fall Term Top Ten

1. Douglas Kahn
2. John Reed
3. L. Hart Wright
4. David Chambers
5. Thomas Green
6. Joseph Sax
7. Douglas Leslie (visiting prof.)
8. Edward Cooper
9. Frank Kennedy
10. Olin Browder

Note: many professors were not covered in the evaluation.
THURSDAY (TODAY)

GENERAL INFORMATION AND ANSWERS TO QUESTIONS Re: BAR EXAMS—esp. the MULTI-STATE

At 3:20 in Room 138 Hutchins, a National Representative of the Bar Review Institute will answer your questions.

TONIGHT

HOUSING LAW
(including Landlord & Tenant)

AN ALTERNATIVE PRACTICES SEMINAR

The last in the series of four Alternative Practices Seminars will take place tonight (April 7) at 7:00 pm in Room 150 H.H. The Seminar is on Housing Law, and will feature Jonathan Rose, of Washtenaw County Legal Aid, and Dr. Charles Ipcar of the Tenants Resource Center and Michigan Tenants Rights Coalition. All are invited and free refreshments will be provided.

Second year law student Amanda Bailey, a part-time Country/Folk singer, will be appearing at the ARK, Thur. April 7, at 9:00 pm.

SUNDAY

MUSIC AND POLITICS

Semi-retired Law review Flea and renascent singer-songwriter Fred Small will perform topical and folk music at Mr. Flood's Party (120 W. Liberty) this Sunday night, April 10. Last appearance till next fall! 9:30 pm - 1:00 am, no cover charge.

MONDAY

DETROIT TIGER BASEBALL TRIP

Sign-up begins 9:00 am Monday April 10 in front of Room 100 HH. See NOTICES for details of the trip.

TUESDAY

CAMPBELL Moot Court Competition Finals!

Tuesday, April 12 at 2:30 pm in Room 100

CAMPBELL AWARDS BANQUET

Tuesday, April 12 at 6:30 in the Michigan League. Tickets are available for $3.00 from the Law Club desk or in front of Room 100 HH.

NOTE: Campbell Quarerfinalists, semi-finalists and Case Club Senior Judges may pick up their tickets in front of Room 100 or by contacting Ralph Hall.

THURSDAY

WOMEN LAW STUDENTS ASSOC. GENERAL MEETING

Thurs., April 14 at Noon. Hutchins Courtyard, if weather permits, otherwise, in the Law Club Lounge.

Everyone is invited to attend to hear about proposed WLSA and FLS activities for next year. Watch posters for complete details—many speakers! REFRESHMENTS.
NOTICES

HONORS CONVOCATION

Law School Honors Convocation Friday, April 15, at 3:30 pm in Room 100 Hutchins. The Convocation is to recognize both academic and extracurricular achievement. Professor Peter Steiner will make a short speech on "Legal Success and Legal Failure". Special guests will be the honored students. Everyone is invited to share in this recognition.

SENIOR DAY

Senior Day, 1977, will be held on Saturday May 14, at 10:00 am in the Rackham Lecture Hall. The ceremony will be followed by a reception in the Lawyers Club Lounge.

It is important that we know whether each graduating senior is or is not planning to attend, since seating arrangements are made so as to facilitate the awarding of the certificates. We would greatly appreciate hearing from you on this matter as soon as possible. Stop by my office, Room 320 HH and give the information to Mrs. Howe. We will give you the number of invitations you wish to send to your guests for the occasion.

Dean Pierce

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cordially invites you and your guest to its

ANNUAL INITIATION BANQUET

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Friday, April 15, 1977

SPEAKER - PHILIP W. BUCHEN

FORMERLY COUNSEL TO PRESIDENT GERALD FORD

Hospitality Hour 7:00 p.m.  Dinner 8:00 p.m.
Donation: $12.00 per person

R.S.V.P. by April 9, 1977
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Ann Arbor, Michigan 48104
(313) 971-3363

DETROIT TIGERS BASEBALL TRIP

The Social Committee is chartering a bus to go to Tiger Stadium so that you can see the Tigers crush the Baltimore Orioles on Friday, April 22. The bus will leave the Library parking lot at 12:15 and will be back there at 5:30 (hopefully with you on it). Cost is $1, which must be paid in advance. The tickets to the game range from $1.50 (bleachers) up.

TO SIGN UP, put your name and phone number on the list outside of Room 100 at 9:00 am Monday, April 11. Pay $1 to a social committee member outside Room 100 between 11:30 - 12:20, Wed.-Fri., April 13 - 15.

CREASE BALL

SOCIAL EVENT OF THE YEAR. Champagne, dance, and a swell time. See real faculty members. See real Barristers. Tickets now on sale outside Room 100. Tickets good for one bottle of champagne, set-ups provided so BYO.

April 29 Saturday, 8:30 pm Lawyers Club Lge.

NEED A SUMMER JOB?

Phi Alpha Delta will once again be sponsoring Judicial Clerkships with local District and Circuit Court Judges. All clerkships will be for a one year period, commencing after May finals and continuing through the 77-78 School year. All are part-time in nature varying between 10-30 hours per week during summer and 10-15 hours per week during the school year. Salaries range from $3.00 - $3.25 per hour.

Interviews for the 6 positions available will be held on April 21. all interested persons should submit PAD membership applications, resumes, and writing samples (case club example) to PAD prior to April 15. For more information contact Rick Rufner at 995-2738.

FREE BIBLIOGRAPHY OF TREATISES, HORNBOOKS

Copies of a detailed subject bibliography of Secondary Legal Sources on current U.S. and international law are available FREE to law students in the Reference Office, Rm 362 (weekdays from 8:00 am to 5:00 pm).
(Continued from p. 2)

Q: Franklin Delano Roosevelt. He was a Democratic President from 1933 to 1945. He gave a lot of fireside chats over the radio.
A: Oh yeah, that Yankee. We don’t study too much of yoah nawthern history down South. Wayll, in the fust place, since those chats came over the radio, we don’t even know foah shore that there even was a fayrplace anywhere aroun’ when he gave those chats. Second, Ah don’t like to call ‘em chats, cause that ain’t what they ahr. Ah prefer to call ‘em electronic revival meetin’s.

Q: Along those same lines, you said that you wanted to restore Americans with a fresh faith in an old dream. Could you elaborate on that?
A: Shore. ‘mericans know we used to be the undisputed numbah one country in the world. Nowadays, we’re not so shore. Ah aim to convince the ‘merican people to believe that we ahr still numbah one, an’ Ah think Ah can do it. Aftah all, if the ‘merican people will believe in a politician who says “Ah’ll nevah lie to you,” they’ll believe anything.

Q: I’d like to ask you about some of the events which have marked your first month in office. On the second day of your term, you sent Vice-President Mondale on a trip abroad. Why did you do that, and why haven’t we heard anything about Mondale since then?
A: Wayll, as you know, it’s usually awful cold in Minnesota this tayme of year, an’ Walter liked bein’ A Senator so’s he could live in D.C. But when the weather got rayht cold up hea, he begged me to send him someplace warm. Ah figgered Ah owed him that much foah carryin’ Minnesota and Wisconsin foah me. Rayht now, Walter’s on a very impo’tant job foah me down in Plains.

Q: Dismantling the transition team?
A: No suh. Hitchin’ up the mule team. Ah got a lot of peanuts to harvest, an’ Ah’ve been so busy this past year, Ah ain’t had tayme to pick ‘em all.

Q: During your first two weeks in office, you held meetings with the leaders of Canada and Mexico. What were the contents of those conversations?
A: As you know, Canada has a lot of military deserters that neither they noah we want. Mexico has a lot of marrywana that neither they noah we want. Ah thought Ah’d arrange a deal wherah the deserters would get free passage through the U.S. from Canada to Mexico, wherah they could smoke pot to their hearts’ content. That way, Canada gets rid of the deserters, Mexico gets rid of the marrywana, an’ we don’t get either. But it didn’t work out.

PART TWO NEXT ISSUE
Looking Back

George Reviews the Vinyard Year

by Stewart Olson
(Answers edited due to available space)

Q. In general, what do you think the LSSS has accomplished this year?
A. I think in general things are better organized than they were in the past. We now have a constitution, which serves as a guide to procedures when questions arise. The procedure for selecting the members of the various student committees has been much improved. There is a defined group of people interested so that a staff can be assembled, and planning for next year, such as the budget, can begin.

Q. Would you do anything differently if you had the year to do over?
A. I’d try to delegate more to other members of the senate. I’d try to get more done during the summer so that everything doesn’t hit at once in the fall. I’d try to get law students active in more areas outside of the law school, such as University committees, and especially the ABA law students division so that more input from Michigan would get to the division.

Q. What advice to you have for the new president?
A. I’d like to make a check list of all the things the LSSS does during the year and when to start working on them to do an effective job. The committees should be chosen this year, especially the speakers committee, student directory, student class evaluation etc., who really need to get started now to be ready for next year. I’ve prepared and circulated a couple of memos (one on the copy center and one on placement) suggesting ways to improve. These seem to be effective.

Q. Do you have anything else that you’d like to mention?
A. I want to encourage people to become involved with the LSSS committees, etc. It’s interesting and rewarding, primarily because of the chance to meet people, both inside and outside of the law school, that you wouldn’t otherwise have. I hope that the improved organization of the student government will mean more continuity and consistency in the quality of the LSSS’s performance. It’s not necessary to make the same mistakes every year.

The main way that students can influence the administration is through student membership on those faculty committees that have student members. It’s important that qualified, involved people be appointed. The influence isn’t just the direct one of being there, but also keeping the LSSS informed of what the administration is doing, and when an issue that should have student input in the decision is being considered. That could avoid confusion and anger such as was caused by last years sudden change in applying for financial aid.

The administration should carry more of the burden in what are essentially student services such as the Alternative Practices Conference, and possibly the yearbook.

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6 I do think it’s now understood that the R.G. will print anything that the LSSS submits in the way of announcements, etc. I also think that the selection process for the editor needs to be settled now. The time to select the editor is in the spring, when there is a well defined group of people interested so that a staff can be assembled, and planning for next year, such as the budget, can begin.

Q. Would you do anything differently if you had the year to do over?
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(Continued from p. 1)

sessions, particularly those of law and medicine, and for them to serve as models for other members of their race.”

St Antoine said that if the Supreme Court ruling strikes down race-based special admissions programs, while upholding the legality of special programs for “disadvantaged” students of all races, the lack of minority students would still be a critical problem at the nation’s professional schools.

“If special programs for ‘disadvantaged’ students were instituted without regard for race, the chances are that black students would constitute no more than a quarter of such students. In effect, the blacks and Chicanos would likely be squeezed out by larger numbers of ‘disadvantaged’ whites and Orientals.

“Another theoretical alternative for professional schools would be to open their doors to a much greater number—perhaps a majority—of disadvantaged students. But this is not a practical solution—politically, financially, or in terms of the future of the professions.”

From a legal standpoint, St. Antoine said he hopes the U.S. Supreme Court does not view the Constitution in “absolutist” terms in deciding whether the California admissions policies are a form of reverse discrimination.

“The thrust of the Court’s previous decisions, particularly in the 1950’s, has been a color-blind interpretation of the Constitution,” said St. Antoine. “This is an appealing precedent to follow, and I can understand why many thoughtful persons feel government should never base its actions on racial grounds. Nonetheless, I believe the Constitution should be read in a different light today.

Petty Poetry (from the Pen of Per Stirpes)

Listen law students and you shall hear,
The tales of my twisted three years here. Older and wiser I seem to be?
It’s only vitality that’s been squeezed
Out of me,
(Not even to mention spontaneity.)
Now surely, you say, this is much too
cynical . . .
Bitterness does not seem apropos?
Wait until it’s your final semester
Before protesting that it just isn’t so.

It seems like a lifetime has passed me by,
Since first year’s smiling and friendly faces,
Most of those people are gone and now.
Only their shadows remain in their places,
These “robots” I avoid with a studious air,
And stay ever longer alone in my lair,
Wondering whether there ever will be
Some useful results from the changes I see.

Places are more than mortar and brick,
And gauging their influence isn’t easy,
Ann Arbor’s air is becoming too thick,
For breathing it freely and feeling breezy.
Or maybe it’s only a portent?
An omen that hastens toward changes?
The future’s an ominous dragon,
But to cling to the past is plain sick.

We’ve all grown too monstrous!
Tensions and egos fed hugely, it seems,
And so I bid thee all a final farewell,
I love you and hate you and miss you already,
And for years yet to come you will people
My dreams.

“The Fourteenth Amendment, for example, says nothing about a ‘color-blind’ approach. It simply assures equal protection of the laws,” said the Dean. “Equal protection assumes that the persons protected enjoy equal status or equal circumstances.

“But in terms of equality of circumstances minorities have been deprived for generations; and, in this sense, they have not received equal treatment. They are entitled to a remedy—in this case a group remedy, such as special admissions programs in higher education.”

St. Antoine argued that, in actuality, few white students are adversely affected by special admissions programs here.

“At Michigan Law School we have close to 5000 applicants for admission each year. Out of this number about 800 are admitted, and some 360-370 actually wind up enrolling each year, including about 40 minority students admitted under special criteria. This means that out of close to 5000 applicants only 40 can claim that our minority program has affected their admission.”

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better
acquainted.

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Supreme Court to Review Bakke Plan for Minorities

(Continued from p. 1)

adequate representation of their interests. The NAACP, in an amicus brief filed when the University’s petition for a rehearing of Bakke was pending before the California Supreme Court, asked the Court to open the case for intervenors representing minority groups by remanding the case to trial court. That petition was refused. The Mexican-American Legal Defense Fund, along with other civil rights groups and the Lawyers Guild, has filed a brief with the U.S. Supreme Court asking that the court refuse to give certiorari, on the grounds that there is no real “case or controversy” as required by Article III of the Constitution, and that the trial record is wholly inadequate to adjudicate such an important issue.

Due to its own conflict of interest, the University failed to defend the lawsuit on a ground which was sure to win: justifying the special admissions program on the basis of the University’s prior discrimination. As Law Professor Charles Lawrence wrote, in the Winter 1976 edition of the Guild Practitioner, “Such a defense would have constituted an admission that would have subjected the defendant to legal attack by minority students who had been denied admission.

Even the court noted this conflict of interest, in footnote 29 of the opinion: “Admittedly neither the University nor Bakke would have had an interest in raising such a claim of previous discrimination by the University). But this fact alone would not justify us in making a finding on a factual matter not presented below.”

Moreover, the court’s decision was explicitly based on the University’s failure to meet its burden of proof. It did not attempt to prove that there were no alternative means which would achieve the same goals without an overt racial classification. It failed to demonstrate that the MCAT was discriminatory, despite available evidence of cultural bias in the test, a bias which even the testing service has now admitted. Despite the University’s heavy burden under the strict scrutiny test, it failed to put on even one word of oral testimony: no testimony at all was taken from expert witnesses, students, or members of minority communities. The University based its entire case on the pleadings, interrogatories, and the deposition of the chairman of the admissions committee at Davis medical school. The resulting record made it easy for the California Supreme Court to sustain the trial court’s decision. They simply pointed out what the defendant had failed to show.

CHEERS TO

OUR VICTORS

—

LAW GREEN

LAW PASSERS

UC’s record on racism has not been exemplary. It has recently resisted federal orders to institute affirmative action employment programs. It has been unwilling to sell its shares of corporations investing in apartheid South Africa, and has refused to exercise its proxy vote against such racist ties. To this day, administrative leadership at all levels of UC remains almost entirely white. And it was not until the late 1960s that the University, under intense political pressure, agreed to adopt affirmative action programs for minority students.

The University Corporation has lost nothing in losing Bakke. The minority admissions programs are far more difficult to administer than quantitative admissions criteria, and these programs undoubtedly reduce endowments by producing less wealthy alumni. Furthermore, there has been opposition to the program from professional school faculty who believe that minority admissions lower the “quality” of the school.