February 6, 1976

University of Michigan Law School

Follow this and additional works at: http://repository.law.umich.edu/res_gestae

Part of the Legal Education Commons

Recommended Citation
http://repository.law.umich.edu/res_gestae/659

This Article is brought to you for free and open access by the Law School History and Publications at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Res Gestae by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlawrepository@umich.edu.
SAT

FACULTY-STUDENT PROGRESSIVE DINNER

The Law Spouses Association cordially invites all law students and their guests to attend the annual Faculty-Student Progressive Dinner to be held on Saturday, Feb. 7.

The Progressive Dinner will consist of four courses: cocktails/hors d'oeuvres, salad, main course, and dessert. For the initial three courses the group will be divided into a number of smaller groups, with each small group being hosted by one of its members. For each course the makeup of the small groups and the persons hosting the course will be different. Thus, during the course of the evening one will eat at three different individuals' homes and will have an opportunity to be with many different members of the faculty and student body.

As a finale to the evening the entire group will meet at the Lawyer's Club for dessert. (Individuals not hosting a course will be asked to bring a dessert.)

Reservations should be made by January 28. To make a reservation or to obtain more information, please call:

Deb Bruemmer 763-6221
Karen Cooper 761-0238

PARTY

PARTY this Saturday night.....9 pm at the Phi Delta Phi (legal) fraternity house....502 E. Madison (just a block away).....Free Beer and Good Tunes....C'mon by and bring your friends. .

TUES

ENVIRONMENTAL LAW SOCIETY

Important Organizational Meeting Lawyer's Club Lounge
MONDAY, February 9, 1976 NOON

FIRST AND SECOND YEAR STUDENTS PLEASE ATTEND

TENTATIVE SCHEDULE FOR SUMMER-FALL CLASS SELECTION

February 9th: Summer Schedule available
March 17th: Materials available for Seminars and Clinic Sign-Ups
March 31st: Sign-up deadline for Seminars (Fall) and Clinic (Summer & Fall)
April 8th: Summer materials available
April 22nd & 23rd: Summer Preclassification
June 1-2nd: Summer Classification
July 1st: Fall materials available
August 9th: Fall preclassification deadline

Hear about the study and practice of law in foreign countries from the experts:

The International Law Society is holding an informal luncheon meeting in the Faculty Dining Room on Tuesday, Feb. 13 at 12:10, featuring foreign law students discussing the experiences of legal study and practice in their native countries.

-All are welcome-

Of special interest to anyone considering a foreign study fellowship.

DOCKET CONT.
**WED**

**SLIDE SHOW**

The L.S.S.S. Building Committee has arranged a slide showing of the preliminary plans for the proposed new building on Wednesday, Feb. 11, 1976 at 3:15 p.m. in Room 100. This building is to replace the present stack building, which is considered inadequate in facilities and construction. The new building will include additional space for faculty and administration offices, library and study facilities, and student organizations. The building has generated great controversy among students, faculty and alumni concerning its location, the plan of space allocation and its modernistic appearance. In an effort to generate more student input, the LSSS Building Committee present these slides to the students, appraise us or the status of the fund-raising, and answer any questions. This is a unique opportunity for students to have input into a project for which, as alumni, we will be requested to fund. It is urged that all students attend and make their prungs known.

---

**SUN**

**ARS MUSICA**

**KULLTCHA TIME LEGAL EAGLES!!**

All Baroque freaks who are able to tear themselves away from the joys of law study should not miss the ARS MUSICA concert on Sunday the 8th, 8:30 PM, at St. Clair's Episcopal, located somewhere in A2. Their Wed. concert thrilled, aroused, inspired, incited, etc., this esteemed reviewer, as well as a few hundred other fans, most of whom did not walk, but floated from the room after a program of Vivaldi, Handel, Bach, and other names from 1600-1800. This group must be one of the best, albeit unheard of, chamber ensembles on this continent. I could go on about their directness, precision, intimacy, sensitivity, and such; but I think it should suffice to say that I was so titillated by these folks, that I feel compelled to share it, even if with RG. Enough said. Go.

---

**NOTICES**

**WOMEN LAW STUDENTS ASSOCIATION**

"It was we, the people, not we, the white male citizens, nor we, the male citizens; but we, the whole people, who formed this union. We formed it not to give the blessings of liberty but to secure them; not to the half of ourselves and the half of our posterity, but to the whole people--women as well as men."

Susan B. Anthony spoke those words in 1872 after being arrested for the "crime" of voting. She was a leader in the struggle to enfranchise women and devoted most of her life to working for women's rights. Her dream and her work have had a profound effect on our lives.

We have come a long way, but we have not yet fulfilled the dream of women's equality. After two hundred years, it is time for "We, the People finally to include all of us. As Susan B. said, "Failure is impossible." In order to affirm our gratitude to the early pioneers for women's rights, to honor their spirit, and to reaffirm our own commitment to the cause of equality, the Michigan Women's Law Students Association annually commemorates Susan B. Anthony's birthday. (We do it all because we have a good time!)

Last year, over two hundred students and faculty members attended the pot luck dinner. We made a "patchwork" birthday cake of many small cakes. A drama student enacted excerpts from Ms. Anthony's speeches, and congratulatory telegrams from members of Congress, the Governor and others were read. It was an enjoyable evening, and we hope to repeat that success this year.

We invite you to participate in this year's celebration. The Second Annual Susan B. Anthony Potluck Supper will be held Sunday, February 15, in the Lawyer's Club Dining Room at 7:00 p.m. Please call Ann Petersen 668-6820, or Christie Peterson, 663-9589, if you plan to attend. Table service will be provided. Please bring your own beverage. We hope to see you there!

---

Wanted: Bishop's International Law OUTLINE

Call: 971-9520
LETTERS

The Hundred Billion Dollar Misunderstanding: Ford's Energy Boondoggle
By Richard Conlin, PIRGIM Staff

If you are New York City, and need federal loan guarantees to help you survive until you've balanced your budget, Gerry Ford chastises you for being a wastrel and a spendthrift. But if you're Westinghouse Corporation, and want to take a chance on building a super nuclear-reactor which you're not sure is going to work, Gerry Ford wants to give you a slice out of the hundred billion dollar pie that he thinks big corporations deserve to stimulate them into action to solve energy problems.

Incidentally, the hundred billion dollars comes out of your tax money—it's about $2,000 from every family in the United States.

Now, perhaps some uncharitable soul would suggest that this isn't exactly free enterprise: it's more like a subsidy to some very rich corporations. But Gerry Ford points out that these are very risky investments—too risky for private capital markets to provide necessary financing.

On the other hand, Ford notes, while these investments are risky for the private market, they really don't cost the taxpayers anything, since they are loans which of course will probably be paid back by the companies who receive them.

However, if what the company tries doesn't work, and it can't pay the loan back, then the government will just write off as a bad debt. And the company can apologize and ask for another loan to try again.

An added advantage is that the company doesn't have to worry about the government acquirying any financial interest in these investments. Absolutely not. This money may come from the taxpayers, but if the company perfects a process that makes a mint, it can keep the profits. It's sort of a corporate utopia—the public takes the risks, and the companies get the benefits.

And there's another kicker in the bill. One of the conditions of receiving assistance is that the company be in sound financial condition. And if it's a utility company, the state's Public Service Commission has to sign a contract that it will assure "adequate earnings" to the company. So if Detroit Edison or Consumers Power blows a couple of billion, that's not too serious, since they can just pass the costs on to their customers.

Of course, that means us. But then if we didn't pay it in our utility bills, we'd pay it in our taxes, so maybe it doesn't make a lot of difference.

Oh, and all this is on top of a $4 billion annual subsidy to nuclear power through the federal energy budget, tens of billions for favored defense contractors, and billions more in tax loopholes for such struggling companies as Standard Oil.

As you can see, this is the boondoggle of all times, the pork barrel to end all pork barrels. And it won't even work to achieve its purpose—energy independence. The reason is that no exotic technology can sustain the energy growth that society has been experiencing. Every technology either has too many problems and hazards, too long a lead time, or too high a future cost to be economically rational.

Only serious conservation efforts and low-technology innovations can address and solve our problems in the foreseeable future. Unless we concentrate on those, we're going to stay on a treadmill. And Ford either doesn't believe or doesn't understand this.

Perhaps the ultimate irony is that Karl Marx predicted that capitalist society with its emphasis on constant growth, would collapse due to a shortage of capital. Gerry Ford seems to buy that analysis—and wants to desperately throw money into the system to sustain it.

A more rational conclusion might be to step back and take a close look at your system, and maybe tinker a little with its operation instead of pretending that every problem can be solved by tossing money at it. Funny, that's the same criticism Gerry Ford used to make about social welfare programs.

PIRGIM is organizing and working for energy programs that make sense, like tax exemptions for solar and wind home energy units, which are small-scale, technologically feasible, and offer numerous other advantages. We're also working for utility rate reform, to...
reward energy conservation efforts and penalize excessive consumption. We helped design and pass an appliance labeling act in Michigan, so consumers can compare energy efficiency before they buy appliances. And we testified in hearings on the federal energy research budget, asking for more money for solar and wind research, and an end to the costly and inefficient subsidy of nuclear power.

There are other actions that could be taken, such as spending some serious amounts of money on alternative energy source research, or mandating energy conservation standards in building construction codes.

These actions would be far preferable to the Ford $100 billion dollar rip-off of the taxpayer. Write your congressional representatives and let them know that you want a same energy policy for America.

"ENERGY" CONT. FROM P.4

American Bar Association
Law Student Division

ABA Survey Shows Personal Property Theft Most Common Legal Problem

The nation's most common legal problems arise from damage to or theft of personal property, traffic tickets and purchases of real property, an American Bar Association survey shows.

The study also shows that persons between the ages of 35 and 44 have more legal problems than any other age group.

The national survey of the legal needs of the public was arranged by the ABA's Special Committee on Survey Legal Needs and was conducted by the National Opinion Research Center of Chicago.

The committee recently released data from the survey that relate to the issue of lawyer advertising. It is anticipated that a full report on the survey, to be prepared by the committee in collaboration with the American Bar Foundation, will be available for the ABA's annual meeting in August.

Randolph W. Thrower, Atlanta, committee chairman, said data recently analyzed provide a factual background of legal problems and existing methods of solution for the masses of people who might be reached by lawyer advertising.

"People are most likely to find a lawyer through friends, neighbors, and relatives," Thrower said. "The telephone book and organized bar sources are the next most popular ways. About one-third of the population who have used lawyers went on an attorney who was a friend. Of the adult population, about 64 per cent have used lawyers at least once."

The data show wide disagreement on lawyers fees, with more than one-third of American adults believing that a lawyer would charge them between $21-30 for one-half hour of consultation, 25 percent believing the charge would be between $1 and $20, and nearly 40 percent estimating a fee of more than $31.

The recently released data analyzed thus far are detailed in a special January issue of "Alternatives: Legal Services and the Public," newsletter of the ABA Consortium on on Legal Services and the Public.

Copies of the special issue may be obtained by writing to: Editor, Alternatives, American Bar Association, 1155 E. 60th St., Chicago, Illinois 60637.

ABA Section on Family Law--Essay Contest

The 1976 Howard C. Schwab Memorial Award Essay Contest is open to all second and third-year students. First-year students may enter provided family law is a course in the first year curriculum. The deadline for applicants is April 19, 1976, and prizes are $500, $300 and $200. For additional information, please contact the Section of Family Law, American Bar Association, 1155 East 60th Street, Chicago, Illinois 60637.

LSD Rep Fund

Funds are also now available to reimburse LSD reps for expenses incurred in carrying out their responsibilities. The responsibilities include, but are not limited to membership drives, programs and projects, attendance at roundtables, circuit conferences and national conferences. The amounts available to each Rep will be $25 plus $.25 per LSD member at his or her school as of June 30, 1975. All anticipated expenditures...
must first be approved by the Rep's governor before cash outlays are made. After such time the Rep may be reimbursed provided he or she follows the requisite procedure of submitting a reimbursement form with all the receipts and has the form countersigned by the governor. Memo will be sent out to all Reps further explaining this program and notifying them as to the amount of money which is available for their school.

**HOW TO GET FILMS ABOUT THE LAW**

If you are interested in renting films dealing with legal matters, etc., contact Impact Films, 144 Bleeker Street, New York, New York 10012, and Pacifica Tape Library, Department LW75, 5316 Dennis Boulevard, Los Angeles, California 90019.

**PRISONERS' RIGHTS--IMPLEMENTATION OF STANDARDS PROJECT OPEN FOR PARTICIPATION**

The YLS now has a committee which has developed a project on prisoners' rights and implementation of standards. The two major areas presently being worked on are: (1) the prisoner grievance procedure and, (2) behavior modification or the right to treatment or to refuse treatment while in prison. Students are invited to become involved in several areas of this project. First, local organizations are contacting local correctional officials, state legislatures and other prison interest groups regarding these matters. The local affiliates are also working in the area of access to legal services. The YLS will then organize this information and present it to the ABA Joint Committee on Legal Status of Prisoners. If you are interested, please contact Keith E. Uhl, Esq., 113 U.S. Courthouse, Des Moines, Iowa 50309.

**SPRING LSSF GRANTS**

The Law School Services Fund is a program in which grants are given for projects on a matching fund basis to law schools with 20% membership in the LSD. In past years, the Law Student Division, through this program, was able to materially aid such projects as: minority recruitment projects, a national environmental conference, legal aid clinics, speakers' programs, legal services to federal inmates, and consumer education. The deadline for spring semester projects is February 2 and the deadline for one-day projects is March 12. If you desire further information regarding LSSF, please contact the Law Student Division of the American Bar Association.

**YLS ENVIRONMENTAL QUALITY COMMITTEE'S NATIONAL CLEARINGHOUSE PROJECT**

The YLS Environmental Quality Committee is interested in student assistance in its National Clearinghouse program. Participants are asked to examine the environmental laws of their state and projects of their state and local bar associations to determine if there are any innovative approaches to environmental problems which would be worthwhile to publish in materials published by the YLS. Volunteers are particularly needed in Alabama, Arkansas, Idaho, Kansas, Maine, Mississippi, North Dakota, South Dakota, West Virginia, and Wyoming. At this time, the YLS does not have committee members in those states, and students are invited to handle the study.

Contact: Michael J. Jacobs
12th Coast Guard District
630 Sansome Street
San Francisco, CA 94126

**THE FREDERICK DOUGLAS NATIONAL MOOT COURT COMPETITION**

Any two persons who are members of BALSA, La Raza, or AISLA, and attend school in the same BALSA region may form a team and participate in the Frederick Douglass Competition. Participants will argue on a question of concern to minority and humanistic lawyers: school desegregation. In both a careful critiquing of the briefs and evaluation of arguments, emphasis in Frederick Douglas will be on preparing the minority law student for a litigation-laden practice. Briefs are due on March 1, 1976, and the National Competition will take place on April 17, 1976 in Washington, D.C. For further information, please contact

Cynthia Stephens
National Vice Chairperson
BALSA
Emory University School of Law
Atlanta, Georgia.

WHERE THERE'S A

WHIT THERE'S A

GRAY
BISHOP
PROFESSOR WILLIAM W. BISHOP, JR.

Prof. Bishop, an authority on international law at the University of Michigan Law School, says a bill broadening United States' fishing jurisdiction to 200 miles off the coasts, which was passed Wednesday (Jan. 28) by the Senate, is likely to have repercussions at the international Law of the Sea negotiations which resume in March at the United Nations.

Prof. Bishop says the fishing rights issue has been a major bargaining tool used by U.S. representatives at the Law of the Sea negotiation. Passage of the 200 mile jurisdiction, he says, is likely "to encourage other countries to take similar unilateral action regarding issues they want. This will make it much more difficult for the negotiators."

In particular, Bishop fears that, in retaliation to the U.S. legislation, other nations will prevent an agreement permitting right of passage for aircraft and ships over and through straits.

Bishop says some 100 straits around the world could be affected. It could cut off civilian and military passage in such areas as the Straits of Gibraltor, the English Channel, the Straits of Malacca, straits entering the Red Sea, and others, according to Bishop.

In 1945, serving as assistant legal advisor in the U.S. State Department, Bishop took part in formulation of the so-called "Truman proclamation" asserting the nation's jurisdiction over seabed and subsoil resources of the continental shelf.

The U-M law professor recently has been one of several international law specialists from various universities who have been urging Congressmen not to broaden the U.S. fishing jurisdiction from 12 to 200 miles.

The Senate version of the bill contains an amendment postponing the effective date of the legislation to July 1977. A House of Representatives version sets the effective date in 1976. The bill now goes to a House-Senate conference which is expected to act on the measure in the spring.

Of the two versions of the bill, Prof. Bishop says he favors the Senate version because of its late effective date. This, he says, at least keeps alive some hope of gaining a Law of the Sea treaty more favorable to U.S. interests.

The agreement which U.S. negotiators have been working for would have the following general provisions, according to Bishop:

- Broadening of nations' "territorial waters" from 3 to 12 miles;
- Maintaining of rights of passage for vessels and aircraft through and over straits;
- Establishment of 200 mile "economic zones" in which coastal states would have control of all resources, including fish and minerals;
- Some form of arrangement for international regulation regarding mining of the deep sea bed.

CALIFORNIA BAR EXAM

The tentative dates for the Summer 1976 California Bar Exam are Tuesday, Wednesday and Thursday, July 27, 28 and 29. The subjects covered are Torts, Contracts, Criminal Law and Procedure, Evidence, Real Property, Constitutional Law, Civil Procedure, Conflicts of Law, Corporations, Remedies, Community Property, Trusts, Wills and Succession and Legal Ethics. Answers should be based on general principles of law, unless the question specifically asks for California Law. In the past, California Law have been required only in questions concerning Community Property and Wills and Succession.

The first day, Tuesday, is composed of two sessions, morning and afternoon, lasting 3-1/2 hours each. During each such session, four out of five essay questions must be answered. All such questions are of equal weight and each answer should be completed in 52-1/2 minutes. (This is more time than any other state allocates to such essay questions, partially explaining why California has the reputation of having the most difficult bar exam).

Wednesday is the multi-state exam, given simultaneously across the country. This is composed of 200 multiple choice questions, wherein 4-5 paragraphs of facts are presented, followed by four questions on these facts. There are two sessions, morning and afternoon, of three hours each. The subjects...
covered, with the number of questions on each in parentheses, are Torts (40), Contracts (40), Criminal Law and Procedure (30), Evidence (30), Real Property (30) and Constitutional Law (30).

Thursday morning is the last essay session, again consisting of four out of five essay questions, for a period of 3-1/2 hours. Thursday afternoon is the Professional Responsibility of Legal Ethics section, lasting three hours. This consists of 40 multiple choice questions, these often being multiple-multiple choice. This section is independent of the remainder of the Bar Exam and must be passed prior to admission. It is given four times a year, in July, October, February and April, with results from each test available prior to the next subsequent test date.

The results of the California Bar Exam are generally available the weekend following Thanksgiving. The results of the Ethics sections are usually available in last September or early October. A passing grade is 70% correct, with the Multi-state counting approximately 30% and the essay counting 70%. The most recent Bar Exam resulted in 60.6% passing the general exam and 50% passing the Ethics section.

Bay Area Review Course (B.A.R.) is considered to be the finest California Bar Review Course. On the most recent Bar, 83% of B.A.R. students passed, as compared with 73% of non-B.A.R. students. 86% (6 of 7) of the Michigan students taking B.A.R. passed the exam. B.A.R. published outlines which allow a student to study each subject in whatever depth desired. Lectures are given by outstanding Law Professors from the major law schools in California. There are 12 simulated exam sessions which instruct students on how to write a Bar Exam answer. The classes run four nights a week, Monday through Thursday, with Saturdays devoted to simulated exams. For those who desire additional help in writing exams, an optional Writing Seminar is available.

It is urged that persons taking the B.A.R. Course read each subject outline prior to the lecture. For this purpose, B.A.R. makes outlines available to students immediately upon enrollment. Students are encouraged to review each outline.

For any questions concerning the California Bar Exam or the B.A.R. Course, please contact Jon Karp at 995-4228. I will be setting up an information table outside Room 100 in the near future and will be happy to answer any and all questions either then or at any other time.

LSSS
LAW SCHOOL STUDENT SENATE MINUTES
January 29, 1976

The meeting was called to order at 6:30 pm in the Faculty Dining Room. Members present were Pam Hyde, Jon Forman, George Vinyard, Otila Sawmz, Gwen Mosley, Jon Karp, Valorie Anderson, Dave Dawson, Paul Rutschmann, Barbara Harris, Bertie Butts, and Phyllis Rozof. The minutes of the last meeting was approved.

Library Addition

Jon Karp announced that the Building Committee would be holding a slide presentation to show plans for the proposed new building on Wednesday, Feb. 11, 1976 from 3:15 to 5:15 in Room 100.

BLSA

Kendall Williams from the Black Law Students Association asked that the LSSS approve a budget transfer: $270 budgeted for Special Projects and $25 budgeted for Newsletter to be used instead for Administrative Expenses and Supplies. There was no opposition to this request.

Makeup Exams

The following resolution was passed by the Senate:

Be it resolved that the LSSS recommends that the faculty amend Section I.2. of the Academic Regulations to read as follows:

A student may take the final examination in a course at other than the scheduled time upon establishing to the satisfaction of the Assistant Dean of incapacitating physical or mental illness, the death or serious illness of an immediate family member, two examinations scheduled at the same time, three examinations in consecutive time...
periods, or similar exigency. Such a student may take the next regularly scheduled final examination in that course. Alternatively, the student may elect as of right to take a special examination which has been written or approved by the faculty member whose examination the student originally missed. At the student's option, such an examination will be scheduled to be taken within any of the following time periods as arranged with that faculty member and the Assistant Dean:

(a) within one week of the removal of the disability which prevented the student from taking the original examination, while classes are in session;

(b) within two weeks of the beginning of the beginning of the next full semester academic term in which the student is enrolled;

(c) at any other time agreed upon by the student, the faculty member, and the Assistant Dean.

If the student elects to take a special examination, the instructor and the student may agree to have the examination graded on a pass/fail basis. Because the student may never be required to have his or her examination evaluated on a pass/fail basis, the usual rules for charging pass/fail hours will be followed.

A "special examination" refers to a final examination given at a time other than the regularly scheduled time for the examination in that course or to a final examination especially prepared for a particular student.

This resolution will be referred to the Faculty Administrative and Academic Standards Committees.

Scheduling of Classes

Jon Forman moved that the Senate appoint a committee consisting of three students, one of whom is a summer starter, to assist in future scheduling of classes and final exams. George Vinyard moved that the members of this committee be appointed by the Senate executive committee. Both motions were accepted.

President's Report

Pam Hyde reported that because the Senate had changed its meeting time from 6:00 pm to 6:30 pm. Frank Rhodes had been unable to attend. He had planned to be present from 6:00 to 6:30.

Pam asked that she be given an extension of one week for appointing an ad hoc committee to represent the LSSS in the search for a new assistant dean. The Senate concurred.

Pam also reported that the new MSA would be meeting for the first time on Feb. 10. George Vinyard moved that the LSSS appoint Pam Hyde to serve as its interim representative to MSA until elections were held in April. This motion passed unanimously.

PIRGIM

Pam Hyde presented a request from Alan Barak that the Senate pass a resolution favoring the present method of funding PIRGIM. Apparently the Regents of the University are considering halting all collection of fees for PIRGIM by the U of M. The following resolution was passed by a vote of 7-3 with 1 abstention:

We support the work of PIRGIM, Public Interest Research Group in Michigan.

We believe that PIRGIM should be adequately and securely funded.

We believe that the negative check-off by mail refund procedure, adopted by PIRGIM by the University this term, is a fair method of funding PIRGIM.

We strongly urge the Regents to adopt the negative check-off by mail funding procedure for PIRGIM.

Agenda for February 4, 1976

1. LSSS Constitution
2. Women Law Students Association
3. Summer Legal Aid
4. La Raza - Transfer of Funds

Respectfully submitted,

Phyllis Rozof
The American Bar Association's policy-making House of Delegates is expected to deliberate next month.

The Association's Standing Committee on Ethics and Professional Responsibility is expected to submit a report and recommendations culminating its extended review of the profession's traditional rules, including public meetings last fall at which the views of representatives of the profession and of consumer groups were presented.

In the fair trial-free press area, the House will be asked to adopt a "Recommended Court Procedure to accommodate Rights of Fair Trial and Free Press." The procedure would provide full consideration for both First and Sixth Amendment rights during criminal justice proceedings and would help avoid conflicts between these two constitutional guarantees.

The ABA Standing Committee on Association Communications' Legal Advisory Committee on Fair Trial and Free Press said the essential purpose of the procedure is to assist a judge who is confronted with a fair trial-free press situation in two ways:

1. Permit the judge to explore the various measures that may be taken to assure a fair trial.

2. Provide a full amplification of First Amendment ramifications of any action which effectively restricts the flow of information to the public.

For the third time, the House is being asked to seek repeal of state laws which prohibit commercial sexual conduct between consenting adults in private. The House rejected the proposal in 1974 and deferred action on it in August.

In re-submitting the resolution, the ABA Section of Individual Rights and Responsibilities pointed out that the House has taken a position urging decriminalization of any form of noncommercial sexual conduct between consenting adults in private.

Enactment of legislation and promulgation of regulations delineating the scope of FBI activities and its jurisdiction is suggested in a recommendation submitted by the Special Committee to Study Federal Law Enforcement Agencies.

The special committee's recommendation resulted from a two and one-half-year study of federal law enforcement agencies to determine ways they might be insulated from improper political influences.

The committee covered 19 areas dealing with the Justice Department, FBI, Internal Revenue Service and role of a special prosecutor.

The Section of Individual Rights and Responsibilities recommends establishment of a "President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research."

Such a commission would be established under terms of a Senate bill which would, in effect, renew the National Research Act adopted in 1973.

"It is ironic," the section said "that the development of life-supporting technology has in the past, and may in the future, pose threats to individual rights. But the development of legal guidelines can reasonably assure the sanctity of these rights."

Urging that the ABA support the principles enunciated in the Senate bill, the section said testimony before Congress has indicated that serious abuses of the rights of subjects of biomedical and behavioral experimentation have occurred in the past.
Exciting Moments

In Constitutional Law

...which leads to State Action.

Blasi did it again. Those little loops that he makes with his hands every time he makes a point are starting to get to me.

But I came prepared today.

You missed that loop by a yard. Here, give me that thing.

Dave, you've got to make these spit-balls a little smaller.
So watch the ref, and play to

- the penalty box -

There can be no doubt. There is joy in Mudville! Ah, but the thrill of victory is so much sweeter than all that the combined forces and burdens of defeat can bring to bear upon the soul of an enheartened Underdog. Albeit, last week's stunning upset victory was but a single game in a very long season, and we may have only served to incur the wrath of the Mighty in our League, but such a victory, against all odds, can only strengthen the tiny glows of hope which are borne into and nurtured in the very hearts of most all Student Redwings.

I am speaking, of course, about the week culminating with last week's Res Gestate. The surprise return of many veteran Student stars (including of course, the indomitable Argie Ant [my idol] as well as some talented young rookies.

The rather perceptive discussion of the various insights into the intricacies of technique of Tarry Sandalow [also known as "Tarryin' Terry" and "Sandman" Sandalow] went down in the record books as an unassisted goal... one of the first scored by a Redwing in a very long time.

However, first star of the game honors must go to one particular Student who proved himself especially worthy of merit and recognition.

The scene ... One Fifty
The Man ... Sudden Sam
The Sport ... N H L HOCKEY !!!!!

Sudden Sam is calling on people in a random fashion, his sparkling orbs flitting around the room, alighting wherever they may. Settling down on the class is that deadly, but all too familiar 'bleak fog of confusion and incomprehension which frequents this particular locale, serving to blur vision and doom relevant questions to a fate of everlasting obfuscation, when...

SUDDENLY! (and hence, the name), Sudden Sam espies a seemingly average soul... And he strikes with the accuracy of a viper and the confidence of a lioness.

The individual begins to compose an obviously competent reply, but has failed to take into account the pervading influence of the searing eye of Sudden Sam.

The pressure mounts, the tension increases as the silence deafens the student caught unawares of this almost mystical effect of "the glare." Sudden Sam seems to grow. His presence seems to fill the room and close in upon this apparently doomed life. As Sam glances quickly over his little half glasses, his neat appearance and stern expression bring to mind ancient images of a New England schoolmaster with a hickory...
"Switch brandished, but now hidden, behind his back. The student falters... "Well, uh..."... all seems lost and Sudden Sam looms larger still.

But wait!! A ray of hope kindles and catches fire in the Student's eye!! A ray so bright that it clears the fog and everyone turns to look.

A pregnant pause as the class waits. ...

At last he speaks. "I am sorry, but Mr. Indells is constructively absent for the purposes of recitation, today."

The crowd goes wild!! What a shot! What a goal! Even Sudden Sam cracks a guarded smile. A spark of hope is struck into the bosum of every Student present to witness the event!

Even though Indells is only a (thinly) veiled false name to protect the individual from unwarranted harassment and retribution, we are all indebted now, to the valor and originality of thought, as well as the obvious peace of mind which Mr. Indells has displayed, setting an example for every Student present to be proud of.

Ah, but lest we forget, in our outburst of enthusiasm and hope, the world around us, the staff of the Weekly Penalty Box journeys out, once again, into the world around us.

Turn your minds eye aloft as we circle the earth, ... pausing as we approach the Pacific Ocean, and dropping to the vast expanse of coastline of Southern California. As we drop further down, I would like to lead you to a tiny figure of a man far below. Behind him, a modest villa of white concrete with a large fence surrounding the compound. The man is standing on the beach facing the relentlessly oncoming waves. He raises his hands each time a wave breaks on the shore, and raises two fingers on each hand. As his jowls stop their quivering, we can hear a small, low voice proclaim,

"the comeback trail"

Yes Dear Friends, your friend and mine, our own only living ex-President. We greet him now with a somewhat new question in mind. Something which I believe you may not have heard before. ...

"Tricky Dick, why did you tape record your conversations, and when you found out what they could do to you, why didn't you just destroy them and claim National Security or something like that? I mean, without them, you might very well have never been forced to resign?"

"Well, son. First of all, I was not forced to resign (sound of shaking jowls). I resigned, ladies and gentlemen,..."

A good question, you might say (as we now leave our Glorious Ex to his ramblings) but the answer is obvious, isn't it? The answer we've all heard is that Mr. N. was an immense egotist (which is easy enough to believe) and had an obsession with his being remembered in history (which is also easy enough to believe, although he has achieved that end well enough already).

These answers seem accurate enough and what reason have we to disbelieve them? I mean, those are the answers the administration themselves handed out. (That in itself should put you on some kind of notice.)

Consider the following facts. Not conjectures or conclusions, but facts.

In 1970, Mr. Noxin tried, but failed luckily, to receive a $570,000.00 income tax deduction for a small part of his vice-presidential papers while under Eisenhower. Now that's a fairly substantial deduction, but was not allowed because Congress had stepped in earlier and said "no" to deductions for donations of such papers.

In 1970, Mr. Noxin's attorney sent to Noxin a memo which pointed out that Congress had only disallowed deductions for "papers" and had failed to make any disallowance for such things as plaques, objects, ... and tape recordings. In fact, Congress specifically had made provisions to allow this sort of deduction.

Coincidently enough, it was also in 1970 that Mr. Noxin first began to have White House conversations all taped.

Consider, if you will, of your own personal opinion and judgement, that if the IRS was preparing to allow Mr. Noxin a deduction in return for donating a
box" cont. from p. 13

small part of his vice-presidential papers while under Eisenhower in the amount of over $570,000.00, what then, amount do you personally think that the IRS would allow Mr. Noxin to deduct in return for a donation of an entire set of live tape-recordings of his entire Presidency??!!

Consider, if you will, of your own personal opinion and judgement, whether you believe Mr. Noxin is very concerned with income tax debts and deductions. Consider whether he presently has a sizeable debt presently due and owing, and which he is rather hard pressed to pay. Consider also whether he has recently been making any significant efforts to have those tapes returned to him ... so, as he claims, he can finish writing his memoirs. Consider again the source of your own original opinion as to why he made the tapes in the first place.

Make your own judgement; decide for yourself. This author does not presume to draw conclusions for you.

Good luck, you may turn your exams over now. Please put your pencils down when the proctor calls time. Thank you.

- G. Burgess Allison

Read-only memories

by

The Malevolent Memo Maker

Here we go again, campers. Thrilling, right? Well, it's worth what you paid for it (which is exactly as much as the Editor pays, too).

Let's start this week off with some personal messages. To Ms. Pam Hyde--OK, you win, mea culpa (actually, mea MRR--what the heck kind of a name is "culpa"?). I won't hassle you anymore about the $30,000 you don't get. The rest remains fair game. To our Saintly Dean--So who got the thirty grand? As I understand it, our tuition already pays more of a fair share than that of any other students, grad or undergrad. Do you really have to bleed us more? Or is this just to teach us how the IRS operates? To the RG Editor--Come off it!! I bitched about being listed as Dumbo in the masthead two weeks ago, and then you go and list me as Spiro Agnew in the last issue! If you insist on being nasty, don't I at least rate a better billing? How about Tricky Dick "I'm not a crook" Nixon? Torquemada? Attila? Let's get some class in this rag!

Did everyone see Greg Hill's letter in the Daily last week? Using this great knowledge (?) of the Scriptures, he supported the Pope's latest ban on premarital sex, citing case after Biblical case (including the celebrated case of Sodom v. Gamorrah, 17 Wipeout 824 (3d Tribe, 1027 B.C.)). Mr. Hill asserted that sex was the Devil's handiwork, and had indeed been a danger to his mortal soul. (One person said, "I didn't know he had one. Or a soul, either"). In reply to his pious comments, let us remember the holy works of Rejects 11:42: "Disregard the babbling of a turkey, for it knoweth not its posterior from a pit."

Don't get me wrong, I don't have anything personal against Greg Hill (which puts me in a small minority, it seems). There's just something obscene about one person trying to force his moral code on another. Have you noticed that they usually say "It's for your own good!" Why isn't it ever for their own good, to stop them from doing something? I guess they get their kicks by hassling others.

Have you noticed that most divorces for incompatibility come when either he's lost his income, or she her patability?
Attention, malpractice lawyers! Two cases in the news may open new and profitable areas. First, some vet is being sued for killing a kid's kitten. A cat-astrophe. Second, a woman is trying to collect child support from her surgeon. It seems that a year or so before the birth of her kid, the doctor supposedly performed a sterilization operation on her. And I always thought that alimony was the ultimate in having to pay without having any fun!

Why so many law groupies in the library lately? The place is starting to look like a freshman dorm.

This week's Richard M. Nixon Memorial Doubletalk Award goes to our friendly local utility companies. When a rate increase is announced, they say something like "The average monthly bill will increase only 37¢." What the heck is average? Without knowing, the rate figure is meaningless and deceptive. Why can't they announce all new rates in terms of the percentage increase for each class of users?

The next time you're in the library with nothing to do (other than chase law groupies) try this little experiment: Go thru a volume of your home state's statutes, and pick out all the ones that aren't or can't be enforced, that no longer apply, or that just plain stupid. Of the ones I've looked at, almost 10% fit the above categories. Among others, I've found laws prohibiting walking on fences, selling booze on a passenger train, and selling shoelaces or notebook paper on Sunday. Is a state really threatened by violations of such laws?

Reports from the Law Club indicate that some of the meals last week tasted a bit odd. However, there is absolutely no truth to the rumor that the infamous brown bat was part of the reason. The fact that the hamburgers now hang from the ceiling is pure coincidence.

I've gotten some static for announcing, in a sexist manner, that I'm not a sexist. What more do they want from me? (Submit a list, please in triplicate).

Mr. secretary, Ginny, just signed a long-term lease on a new house. To be safe, she had me check the lease for legality. She didn't think she could be held to the terms of one section, making the whole rent due if she should go crazy. I was forced to tell her that "Yes, Virginia, there is a sanity clause.

Petty Poetry

ODE TO DONAHUE

By Shelley Case

Forget all about case club, contracts, and civil pro.
If you have Donahue for property everything else must go,
And be salvaged at some later (much later) date,
After you've solved ninety-nine problems on estates.

He bounds into the classroom, full of good cheer,
Slicking back his hair and chuckling in his beard,
With all the power of a feudal lord.
Determined not to give us serfs time to get bored.

Of Latin everyone is deemed to have knowledge.
It's no defense that you never learned it in college.
In Donahue's class it's conclusively presumed
That without it you are hopeless doomed.

"To A for life if he should live so long."
Oh no - I got another one wrong.
My life won't be much more than twenty-one years.
In a minute I'm going to burst into tears.

He's calling on my row; I fear I'm in danger
Of being destroyed right along with my contingent remainder.
I know that when on me he calls
I'm going to cry to the four walls.

So what if this has been obsolete since the twelfth century?
So what if I'll never practice law among the landed gentry?
So what if this bear no relation to my future interests?
So what is my client's title fails to vest?

The law abhors a gap in seisin.
And Donahue abhors a gap in reason.
But I fear that all this is beyond my reach.
I wish we were still chasing foxes on the beach.

And on that note (a B-flat below Middle-C),
I'll crawl back into my hovel for another week. This is living?
The only reason he can give for learning Shelley's case
Is so that in the men's room I won't lose face.
But, meanwhile, I might lose my sanity
Over all this archaic inanity.

I would give all my right, title, and interest
To get out of having to take his test.
Of all my law school nightmares this is the worst.
So, Donahue, I grant you Shelley's curse:

May you fail for perpetuities, your estate escheat to the crown.
May your dragons devour you if you in your moat drown.
May you forget the rule in Shelley's case.
A plague upon your castle, and a death intestate.

PETTY POETRY

From the Pen of "Per" Stirpes
(The following is dedicated with sympathy to all first year law students everywhere.)

There was a case club judge preverse,
Whose directions to students were terse,
For each issue, though small,
Please find three cites in all,
Then see Shepard's to assure no reverse.

One assignment took a notebook (plus borders)
Quoted journals, C.J.S., and reporters.
Forgot to work in my classes,
Who cares about passes?
Just hope to survive these two quarters.

As a non-joiner I'll admit no proclivity
For a club with no social activity,
I'll bet if the dean
Were not stodgy (or mean?)
For judges there'd be more selectivity.

LAW GOOF
DIVORCES
MEN FROM PROPERTY

OKLAHOMA CITY, OKLA.—The state legislature here has accidentally passed a divorce law entitling a wife to all of her ex-husband's property.

According to State Senator Gene Stipe, co-author of the bill, "it was supposed to start a husband and wife off equal in divorce court. It was supposed to give the woman the right to regain her maiden name."

As it is worded, however, the statute gives divorced women far more than that. "When a divorce shall be granted, the wife shall be restored to her maiden or former name if she so desires, and also to all the property, lands, tenements, hereditaments owned by either party before marriage or acquired by either party in their own right after such marriage and not previously disposed of," the bill says.

Although the measure was signed into law on June 12, nobody realized what it actually said until several months later, when Mrs. Johnita Sue Caywood of Norman, Okla. sued for all the property of her ex-husband, Robert—and got it.

Senator Stipe is now calling for a special session of the legislature to repeal the law. Chagrined, he admits, "I didn't read the bill. As a matter of fact, there were about 50 of us senators plus 100 house members that should have read it. It was supposed to treat husband and wife alike."

COMPAGNE NEWS SERVICES

"Nowadays, Mr. Lambert, we practice preventive medicine.
In laymen's terms, this means I don't do a damn thing
until I talk to my lawyer."

"I ask you to have mercy on my client... He'll suffer enough when he gets my bill."

"We find the defendant not guilty of extortion and murder, but guilty of being messy about it."

"JURY NULIFICATION"

FROM: Res Jester

"Your Honor, the State would like to challenge some of the prospective jurors."

"The Jury has decided to give the Defendant credit for the bombings."

"Uh, Your Honor, the Jury has found you guilty."
"Not another change of venue, Counsellor!"
"I NEED A DUMP TRUCK, BABY, TO UNLOAD MY HEAD"—B. Dylan

by Larry Halperin

I think I've established my credentials as one with a slightly skeptical eye on the law school and all its inhabitants (I mean I ain't no Greg Hill Brown-nose), but on the other hand, do not descend with savage fury upon the week and defenseless (as S.B.A. does in mercilessly attacking the faculty each week). With that groundwork, I'd like to make an addendum to my last column in which in "passim" (so to speak) I made a comment about my disappointment first year with the lack of any visible social concern on the part of faculty and students.

I think that I was in the wrong place (Section 2, as I recall) at the wrong time (72-73). My Property and Contracts professors both seemed to be totally mechanical and devoid of any normal human feelings. (If you can imagine this, the contracts professor got called upon by his majesty Dick Nixon to come to Washington the second semester. So, did we get a new teacher? No, the prof nobly "Jetted" back and gave us the class Saturday morning 9:30 to noon. Students' loud protests were totally ignored.)

Anyway, I'm not nearly as down on the school today as I was then, and I want to go on the record giving praise where praise is due. There are teachers here who definitely care about their material, their society, and even their students. There are profs who don't proceed on the "three cases and a cloud of dust method." I am taking 6 classes this semester, (Masochnism to atone for my past sins... whatever they may be) and each one is excellent. To begin with:

After all the brouhaha over Kamisar's grades and his persona, I didn't know what to expect—but the guy is fantastic. I mean every time he gets excited about a point and actually raises his voice to express shock, dismay, joy or outrage about a particular decision, he makes it clear to me that he regards the law as more than a mere intellectual exercise. Here is a guy who stresses what the Supreme Court "forgets" when it feels like it: that

the Bill of Rights was designed to ensure that this country had a kind of free society where individual rights are not to be subordinated to the needs of administrative efficiency. It might be because I am usually in agreement with his editorial viewpoint, but I think it's actually a treat to have somebody up at the front of the class who will spend more time castigating the Court for its holding and suggesting alternatives than on discussing the holding itself...

Peter Westen in Crim Pro also is a man with a good head. (Maybe I identify with what's on his head—if you know us, you'll get that.) He's not exactly a wild-eyed radical, but in talking about the subject of the Prosecutor's discretion to prosecute a case he'll criticize the Justice Department's decision to not go after Richard Helms and their decision to go after the Attica prisoners. He is aware of realistic ethical responsibilities to the court system even while making us aware of the deficiencies in that system. The classroom attitude he presents is certainly not that the defendant is always right, but he also doesn't just say, "Here are the Rules of Criminal Procedure, learn them."

Joe Sax is a man who is actively concerned with his subject. He's doing what he's talking about, and that makes "Selected Problems in Environmental Law" very fascinating. He has definite opinions on what's good, bad, feasible and infeasible; and after his class I really think I'll know why and how to proceed in any environmental case that may come my way.

Fast Eddie Stein is going to make trial lawyers out of us all, and I'm thankful for that. He gives detailed instructions on how to get what you want in court—even while adhering to the "rules."... and that seems to me to be a lot more valuable learning than Shelly's case. He's a nice guy besides; and because of his age and the fact the whole class is on pass fail,
I really get the feeling that everybody in there is working in a cooperative way—which is a good feeling. Donald Rothschild is a visiting professor but he seems sincerely interested in establishing normal human relations with his class of 100 "strangers" in Labor Law. He's not just talking to a bunch of ciphers who will be out of his life and of no consequence in a few months (the way I think so many of our faculty feel), but rather he's really desirous of communicating what he knows to us. It's a challenging class, sometimes confusing—but I like a Professor who will say "Hi" (like he means it) FIRST when you pass on the street.

Dr. Watson has to talk about people as people, because that's what "Law and Psychiatry" is about, but nevertheless I get the impression that I'll have a much better understanding of the different motivations and drives of clients, friends and associates when I get out of his class. This is an opportunity to remind those who need reminding that the person who walks into the office is not a "case" but a real live individual with real live fears, hopes and thoughts. I had a great deal of this "stuff" in college, but I'm happy to get one last crack at it before hitting the non-academic world.

Anyway, there are some professors who give me some hope for Michigan Law School. These people are an encouraging sign that not all of the law has to be taught the way my first year profs taught it.

Maybe as a further sign of change—as compared to the total ignoring of our complaints concerning contracts class—we should look to the Administration's apparently real offer to consider student input on the new building for the Law School. Dean Pearce is going to be doing a presentation on the proposals for the students this Wednesday at 3:15, and I really think that we should take advantage of this opportunity to express whatever views we have. Even though the building won't be up "til we're long gone, this is a good chance to indicate that students can and will participate in the decision making process.

P.S. Totally disconnected note: Remember how I told you to see Bruce Springsteen last fall. Remember how I put Keith Jarret's "Koln Concert" as the 4th best album of last year? Well Jarret is coming to Hill on Saturday, February 14th. I hope a word to the wise is sufficient.

Argie Ant is sick this week, but he will be back next week with the final thrill-packed episode of "The Trilogy of the Whistle."

STAPH

Ulers................Ken Frantz
Hiccups.............Carol Sulkes
Bubonic Plague.....Tony Kolenic
Nagging Back Ache..Res Jester
Priapism............MMM
Halitosis...........G. Burgess Allison
Nausea..............Larry Halperin
Common Cold.......Howie Bernstein
Dyspepsia..........John Guillean
Beri Beri..........Sandra Gross
Malaria............Dot Blair
Mumps..............Ed Marod
Psoriasis (heartbreak of) ......Ned Othman
Leprosy............Mary Coombs
Jaundice...........Dave Hager