1972

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University of Michigan Law School

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Shipment Arrives

This past Friday afternoon, in broad daylight and apparently with the blessings of the Ann Arbor Police Department, the Law School received a large shipment of grass.

The weed was delivered to selected drop points around the Law quadrangle, where "workers" in this clearly major operation began immediately to divide up the shipment into smaller quantities. The scale of the operation could be indicated by the fact that at one point a fork lift truck was required to transport the grass from its multi-axle flatbed trailer to the appointed receiving areas.

The shipment, which has been heralded by some as a beautiful addition to the Law quad scene, will be evenly distributed throughout the area for the pleasure of the maximum number of students.

An administration official who wishes to remain anonymous lauded the grass as, "some of the finest I've seen. This one load," he said, "should go a long way before it needs to be replaced." Awe-struck students who witnessed the delivery were inclined to agree. The official did specify, however, that students would be requested to keep off the grass at least until it is rooted.

-- Eds.

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FRESHMEN BEEFS AIRED
PORKBARREL PROPOSED

Four freshmen representatives will be elected in an "at large election" within the next two weeks, by virtue of the resolution passed this past Monday night in the Law School Student Senate.

The "at-large election" language revises a similar resolution passed two weeks ago which allowed upper-classmen to participate in the Senate.

Monday's revising resolution leaves intact the October to October term of office for freshmen representatives as well as the prohibition against pursuit of another office in the March during a Freshman rep's term.

The number of representatives was increased from two to four in the new resolution. "This will allow one representative to be elected in each section," said Harry Blackmon, sponsor of the resolution.

The Senate also affirmed the appointments of sixteen students to Senate or student-faculty committees. The appointees are:

Administrative: John Payne '73
Admission Policy: Keith Borman '72
Connie Harper '74
Jeff Small '75
Curriculum: Lee Goodwin '75
Bill Harris '74
Personnel: Alan Giles '74
Nick Kaper '75
Tom Lichten '73
Quinn Martin '73
Fred Sinder '75
Jim Wolhurst '75
Student Judiciary: Pat McFarland '73
Lena Wilson '74

FIRST-YEAR AT LARGE ELECTION

Petitions for running for one of the four seats to open up on the Law School Student Senate will be available Monday, October 23, at the Lawyer's Club Desk. Dates for turning in the petitions and for the election itself will be posted.
Letter

Dear Editors,

This is simply a note from a recent grad of U of M Law to tell you about a recent conversation I had with another "recent grad".

At last August's Bar exam we were discussing our future plans, or lack thereof. My friend said he was going to work in the Justice Department, Civil Rights Division. To that someone replied, "Gosh, what a cushy job, 4 more years with nothing to do."

Please urge everyone to vote this November.

Peace, maybe,

John A. Watts

Quizzer

[The malevolence that brings you the following, what is apparently an exam question, is not ours but solely that of the author's. While Steve Keller cannot assure you a place on the Law Review for answering his hypo, he will not, on the other hand, force you to eat at Dominick's. --Eds.]

By Steve Keller

Rider was arrested early Sunday morning in the city park. In a general way he answered the description of a man wanted for an assault and robbery two days earlier -- long hair, blue jeans, sandals, 5' 10", about 160 pounds. One person coming out of a bar down the street had seen the assault. Two other persons had seen a man of this general description come running around a corner and jump over a fence.

Rider was taken to the city jail and informed of his rights.

"You have a right to a counsel." Officer Curley told him. "If you cannot afford one, the court will appoint one for you in the morning."

"Lot of good it'll do me in this town." Rider scoffed. "I'd do better with a court appointed minister."

"That's about it." said Curley pointing at the row of X's on the wall. "The slashes to the left represent the number of hippies we've arrested, and the slashes to the right represent the number of convictions."

The next morning, Rider was arraigned before Judge Trench.

"I see you don't have an attorney," said the Judge.

"I don't see that it makes much difference," said Rider.

"The court will appoint one for you anyway." replied the Judge.

Rider was dismissed and the Judge, his clerk, and the prosecutor got together in the Judge's chamber's to select an attorney.

"How about Sam Sharp?" Trench suggested.

Sam was called.

"Not another hippy." Sam said. "I'm beginning to lose business representing these creeps."

"Well how about Bob Good?" the prosecutor ventured.

"Good'd be good." the clerk said. "But he's working night and day on the Magna company merger. He doesn't have a lot of time. The problem is that there just aren't a lot of decent lawyers around."

"Well how about Daffy Duffy?" the Judge asked.

"Didn't he retire about five years ago?" asked the prosecutor.

"Yea." said the Judge. "But at least he knows the law."

"Yea, he knows the law if you want to write a will. But who wouldn't cont'd p. 4
Coal Mine Surface Area Protection Act: approved by House, October 11, after suspending the rules by a vote of 265-75 to get bill past regular calender. Object of law is to regulate strip-mining nationally but allow states to enact more stringent legislation if desired. Provides for the following:

- Secretary of Interior will prescribe rules and regulations, may designate areas which are uneconomic for surface mining, and issue the one-year permits without which no strip-mining may be undertaken, effective six months after enactment of the measure;
- overburden (material above coal vein) cannot be removed from slopes of greater than 20 degrees unless erosion shown not to be possible, spoil banks (deposits of removed overburden and waste) cannot be created on slopes of greater than 14 degrees, and reclamation must be accomplished through backfilling (replacing overburden as coal removed) to approximately original contour and re-planting;
- applications for permit must describe land features, mining operation, and reclamation plan; bond must be posted for faithful execution of plan, the violation of which may result in a cease-and-desist order by Interior, injunction by Attorney General, and civil suits by individuals damaged by plan violations;
- Coal Mine Lands Reclamation Fund will be created to finance rehabilitation of unclaimed lands stripped prior to Act, supported by $100 million appropriation and transfer of fees and forfeited bonds to Fund.

In addition, advance payment of benefits will be made for the month or fraction thereof in which the school begins plus the succeeding month in a lump sum, in order to relieve the burden of heavier beginning of term expenses, and subsequent months benefits will be prepaid for each month. Effective date of the proposed law would be September 1, 1972 for those already receiving benefits and October 1, 1972 for all others.

SUNDRY MEASURES CONSIDERED

S.3995 - A bill to provide Federal loan guarantee assistance for certain common carriers. Excerpt from Senate debate:

Mr. DOMINICK. I merely wish to ask some questions about the bill. Frankly, I had never heard of it before I came into the Chamber. As I understand, it provides Federal loan guarantees for certain common carriers of express, according to the title.
"The probate department of Murphy's Bar you mean," smirked Gurley who had wandered in during the discussion.

"Daffy's our man," said Trench. "Curley, go over to Murphy's and talk to him."

"A whole case!" exclaimed Daffy.

"No, Daffy, a legal case. We want you to represent this kid."

"Some guy wants a will?" asked Daffy. "I guess I could dig out the old forms."

"No, it's a criminal case. He's charged with robbery and assault."

"Well, I don't know," said Daffy. "I haven't had much experience with that kind of stuff."

"It's just to make it legal," said Curley. "Besides, there's money in it. The city will pay you for it."

"This is my attorney," said Rider. He looked slowly up at the row of X's on the wall and the new left-handed slash at the end of the row. Then he looked back at Daffy. "You guys must want me bad."

"Got to keep the record up, creep," replied Curley. "Nothing personal."

"I suppose one's about as good as another," sighed Rider.

"Well lawyer, I didn't do it," said Rider. "I wasn't even in town that night. I went up to Ann Arbor to see what was happening. I met this guy named Slim and this gal named Prim and we went to this place called Bimbos. They go there all the time -- drink beer and sing along to old time music. Spent the whole evening with them. See what you can do for me, old man."

On his way back to Murphy's Daffy stopped to see Judge Trench.

"Can I get some money from the city to run up to Ann Arbor? My client says he spent the evening with some people up there and I want to see if I can find them."

"Come on Daffy," Trench said. "You know we don't waste money running down every alibi some guy thinks up."

"Yea, but you have plenty of money to pay the police." Daffy surprised himself -- and for a second, Trench. But only for a second.

"Run along, Daffy," Trench said. "I've got a lot to do."

Quick and sloppy justice, you might call the trial. The prosecutor first presented the victim.

"I didn't see him so clearly," he said. "It was dark and he came up from behind. But I recognized him from the pictures the police showed me several days later. Long hair, blue jeans, boots. That's him. After he slugge me and took my wallet, he ran off."

Daffy didn't cross-examine him.

The prosecutor then called one of the witnesses, the one who had seen the accident. The witness described the events generally.

"For all I know," he concluded, "It could have been the defendant."

Daffy examined this witness generally on the events. He concluded by asking him if he was sure that it could have been the defendant.

"Yup" said the witness.

Daffy did not ask the witness what he was doing on the street at that hour. Nor did he mention the fact that the witness had been released from jail several months earlier after
serving a term for armed robbery.

The prosecutor called no other witnesses.

Then Daffy presented his defence. He called Rider who explained his side of the story. Daffy then called Rider's mother. She explained that he had had polio as a child and couldn't play the normal children's games. She had always wanted him to play the violin like his namesake, Efram Zimbelist. Somehow, that hadn't worked out. In any case, she said that she thought that he was basically a good boy who wouldn't beat anyone up.

The jury did its duty and returned a guilty verdict. Curley marked up the score on the wall and Daffy returned to Murphy's.

You, my friends, have been appointed to represent Rider on appeal. Write a short (three pages max.) typed essay explaining what Constitutional arguments you would use to get the court to reverse the verdict. Cite the precedents you would use. Submit your essay to Steve Keller for his reaction.

Consumer Pap

Progress in consumer protection legislation has been halting at best. One large area of consumer contact with manufacturers is through the medium of advertising. It is here that some not so subtle issues of product misrepresentation have been confronted. For example, the portrayal in ads of television reception must specify if the picture is simulated.

But, no approach has yet been made to banality in advertising. While it is not clear that any formal regulation is required, really stupid ads deserve to be noted. If nothing else, they suggest the complete contempt which some manufacturers must have for their customer's tastes.

An object example is the following copy for Fing-R-Cheese which appeared in an ad in last Sunday's Free Press. We have not doctored it at all; this is the entire ad:

Most any cheese you pick up these days makes your fingers feel a little sticky.

Except new Fing-R-Cheese. It's nice and neat to the touch because it's made a special way. That's why Fing-R-Cheese is so great for snacks, at parties, between meals, or any time at all.

Fing-R-Cheese, a pasteurized process cheese food, comes in thirty bite-size pieces and three delicious flavors: Smoky Cheddar, Sharp Cheddar and American Blue. Plus a variety pack.

Pick up some Fing-R-Cheese some day soon.

By the way, this product is advertised on television by a group of animated mice at a hip party, presumably keeping their paws "nice and neat to the touch." If you used a piece of Fing-R-Cheese (which looks like a

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Pick up some Fing-R-Cheese some day soon.
First of all, the title reads:
To provide Federal loan guarantee assistance for certain common carriers of express.

As I read the bill hurriedly, it seems to me that the bill is almost specifically designed to apply to the REA Express alone. Is that correct?

Mr. GRIFFIN. That is correct. It is my understanding that despite the broader title of the bill, the proposed legislation would in purpose and in practical effect apply to only one company—REA Express.

Mr. DOMINICK. The REA Express, as I understand, is a private company engaged in a profit-making commercial venture. Is that correct?

Mr. GRIFFIN. Yes, that is correct.

Mr. DOMINICK. So here we go again on a Lockheed type of bill. Is that correct?

Mr. GRIFFIN. The Senator is absolutely correct. It is Lockheed loan legislation on a somewhat smaller scale. The

minor Senator from Michigan objected to and voted against the Lockheed loan proposal, so I cannot see how in good conscience I can support this bill, because the same principle applies.

Mr. DOMINICK. The Senator from Michigan informed me that he was right about the Lockheed deal, and I joined him in opposing it. I will join him again on this bill. I think it is a terrible proposal.

MINORITY VIEWS: SENATOR GRIFFIN

Although this bill purports to authorize Federal loan guarantees for national express companies "engaged in rendering air and surface express service," its purpose and practical effect is to bail out only one company, REA Express, Inc. Last year I opposed a similar loan guarantee for a single company, Lockheed Aircraft, and I believe there is even less justification in this case.

There is no overriding public interest, as existed in the Penn Central bankruptcy, to be served by making the full faith and credit of the United States available for the benefit of future creditors of this corporation. In a letter to the Committee dated June 26, 1972, George M. Stafford, Chairman of the Interstate Commerce Commission, stated that "the relative importance of REA to national transportation in terms of volume of traffic handled has declined greatly since World War II, and the downward traffic trends continue."

Chairman Stafford further added that "apparently REA's loss in traffic is being absorbed by major regulated competitors (motor carriers, bus express, United Parcel Service, and numerous small package carriers) and to some extent by private shipper associations." No evidence has been provided to show that REA provides an irreplaceable transportation service to the public.

Regardless of this Corporation's significance to national transportation, the company does not appear to be facing imminent bankruptcy. A recent Department of Transportation staff analysis supplied to the Committee indicates that REA management predicts a positive cash flow over the second half of 1972 which appears sufficient to cover current needs.

The DOT staff analysis also revealed that the working capital decrease of the past few years has been stabilised and the level of accounts payable has been reduced by nearly 50% during the past year. Furthermore, although the company incurred a net loss in fiscal year 1972 of $2.5 million, this is a dramatic improvement over the $14 million loss recorded in fiscal year 1971.

This turnaround, in large measure attributable to new management, has led the Secretary of Transportation, John A. Volpe, in an August 7, 1973 letter to the Committee, to conclude that "REA is not faced with the prospect of bankruptcy during 1972."

The Secretary also concluded that "we have not been able to determine that a Federal loan guarantee is necessary for the firm to obtain" capital funds.

Aside from bankruptcy, REA makes the claim that large amounts of capital funds are needed to assure the company's long-term viability. It is by no means clear, however, that REA must rely on the Government to provide these funds. In fact, in May 1972, REA was able to obtain an $8 million line of credit from a new banking source, hardly a sign that the financial community's doors are closed to the company.

It should also be pointed out that most of REA's financing needs are for terminals and rolling stock (trucks, tractors, and trailers). Yet all of these are the type of assets which are inherently self-liquidating, since they usually serve as their own collateral.

In this connection, it is significant that REA, according to a June 2, 1973 ICC letter to the Committee, has been able to obtain, by means of leasing, 500 trailers and 200 road tractors since April 1971, and at the time of the writing of the ICC letter was arranging to lease pickup trucks at the rate of approximately 100 per month. Additionally, according to the DOT staff analysis, REA has not yet exhausted all possible means of alternate financing for its two major terminal needs, in Chicago and Northern New Jersey.

These developments indicate that REA is not without source of financing in the private sector, and refute the contention that Government assisted financing is necessary to the company's long-term viability.

The bill was returned to the calender.

118 Cong. Rec. S 17165-168

Constitution on International Liability for Damage Caused by Space Objects: provides in general according to Art. II that, "launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight." Approved by Senate October 6, by vote of 67-0.

118 Cong. Rec. S 17097-100,165

CHEESE BITS cont'd from p. 5

smoothly molded suppository) as bait in a mousetrap, it would rot before any self-respecting rat would look at it. Pick some up today.

--Eds.
THE WINNER

Part 7: THE NEW CAMPAIGN

Following a hair's-breadth margin over his opponent, Attorney General Arnold Wells, in the primary for Governor, Benjamin Arden and his organization have found it difficult to begin work on another up-hill election effort. Wells had refused to endorse or make any comment on Arden's candidacy out of justifiable bitterness against the way Arden's media manager, Louis Berman, and eventually Arden himself had ruthlessly used charges of conflict-of-interest to eventually achieve a narrow win on a low turnout of voters generally disgusted with the whole affair. A more positive tactic employed by Arden's campaign manager, Katherine Stein, that of sending bands of canvassers county-to-county where local organizations were not strong, seemed also to have contributed much to catching up to and beating Wells, and there remained a question of what set of tactics to use in the general election against Robert Kellerman, an uninspiring but honest incumbent.

Around a table in the rear-most office at campaign headquarters in the city of Arden, silence presided more often than any one officer in the election organization.

"My god, I know nobody wants to fight with each other after what's happened," Kathy confessed while breaking another wordless period at the meeting, "but we've got to come up with a decision on strategy that everyone can - or at least will - live with from now on."

No one stirred following this latest entreaty until George Field spoke up. "All right, let's look at it from the point of view of the voters we have the best chance with. Now, the most recent poll gives us 34%, Kellerman 42% with 26% undecided. That is the lowest undecided figure yet, and not in our favor at all since it would take an incredible two-to-one split for us just to make the election a toss-up. However, that undecided figure has been bouncing all around from week to week hinting at softness in those preferences."

Arden, Kathy, Michael Dillard, a speech-writer, and several other staff members making up the group who were slouched around the meeting room sat up and showed some interest, noticeably brightening George's presentation of his views as he felt the confidence of his past leadership returning.

"So what does that mean? To me it means we still have the burden of slickness attached to Ben that hurt us so badly in the primary, and I think it was reinforced by the Wells conflict-of-interest business rather than a separate issue as some others here believe." Dillard opened his mouth to come back at this oblique reference to himself but George continued more forcefully. "We are not going to crush the slickness that drives voters away from everything we say through anything negative in our pitch. Sure Kellerman made a mess of the northern development projects, but it was from stupidity not corruption; and we can do a lot better contrasting the growth in Ben's district with Kellerman's fiasco rather than carping about this or that poor judgment which makes people throw up their hands and walk away muttering 'politics'."

Kathy fidgeted as George went on infatuated with the way his colleagues were listening to him again, then she stopped him. "So the point you say is ---"

"The point is, that there are really more undecideds than the last poll shows, and they can be reached if we absolutely smother the negative, carping aspects to our campaign and be positive. Kellerman is ahead right now because, to change an old saying, people will slip into the raggedy old slipper they're used to instead of the slick new shoe whose comfort they know not of. Give the soft-preference voters a less polarized choice than that between old
and new shoes, and they'll go for Ben."

Arden came in with a low voice. "It's hard to argue with George; we've got to change our approach from the primary, that's for sure. Unless Michael over here can provide some rebuttal on behalf of Herman's, I must say, discredited strategy," Arden said turning toward Dillard who started moving his head and eyes all about, "we'll have to accept George's suggestion for a basic theme and Kathy's canvassing operation to make it work."

Dillard rose to the challenge, emphasizing Herman's and his media contacts as something you couldn't throw out altogether. George broke in to mention nobody was throwing out media contacts, only the previous way in which they were used. Without tangible affirmative arguments, Dillard switched to complaints of uncertainty about using appeals to voters' judgment rather than direct attacks just as a phone rang one office down the hall. The answering staff member returned to report the news.

"Louis Herman died about 15 minutes ago. Kidney failure. The doctor said they must have been barely functioning even without alcohol in his system, and he collapsed in a bar early this evening."

Dillard failed to finish the sentence he had started before the interruption, sat stiffly a moment, then walked out into the front office and stared out the window.

"Perhaps me, but I think that settles several things," George stated to a ring of lowered heads around the table. All agreed but no one wished to speak.

"OK," Arden finally said, rising from his chair, "we'll put everything in order tomorrow. The others got up as well and went off in different directions to gather up their coats. Already mellowed from an agitated state that had brought a series of fights with his wife just before and a while after the day of the primary election, Arden was becoming more resigned to the fates now than at any time in his life. The Winner had nearly lost and was feeling more human every day. All day he had been trying to reach his wife at various numbers, following her subdued and nearly secret return to the city of Arden, in order to arrange some settlement of their affairs — mostly for the election but no small part because his attitudes were changing. He felt the stinking breath of defeat on his neck at last and was beginning to realize how much he had missed in merely existing for public purposes rather than living with a very talented woman.

Dialing his home number, Arden heard the line connect and his wife's voice answer.

"Joan, I'd like to see you tonight for as long as you're willing; I've been wrong for a long time."

"Yes. I had already planned for you to see me tonight for as long as I was willing."
NOTICES

COMMITTEE OF VISITORS

Each year alumni of the Law School return to campus to look over the place and recommend changes or new approaches in various aspects of its operations. This year, students other than heads of organizations will have the opportunity to mingle with these alums institutionalized as the Committee of Visitors.

Friday, October 27 - Continental breakfast will be served gratis in the Lawyer's Club Lounge for students and the Committee.

Saturday, October 28 - Committee will go through the Lawyer's Club lunch line and meet students in dining room.

cont'd from p. 8

building. The night was chill but Arden found warmth in the strength of his powers, feeling they would carry him through the difficulties with Joan as they had so many times before with politicians.

Braking the car as he approached his apartment, he noticed only one light shining dimly from the front window. Surrounded by silence outside and in the apartment, the crack of the door molding breaking from its rubber insulation seemed almost deafening.

A single light bulb burnt from inside a small lamp on top of the desk in the corner of the living room. At the center of the cleared desk lay a small note with corners upturned, and Arden stepped over to examine it. He gripped the back of the chair after reading the short writing - all it contained was a Washington, D.C. phone number and the words, "it won't work...I have taken my things...have your attorney call when you're ready."

mgs

Next: THE ELECTION

opportunity

The Placement Office reports that the number of students interviewing New York firms has decreased markedly in the last two years...

**New York Law Firm Lifts Starting Salary to $20,000**

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—A prominent New York law firm will raise salaries for starting lawyers to $20,000 from $16,000 beginning Jan. 1.

A spokesman for Rosenman Colin Kaye Petschek Freund & Emil said the firm was making the move "to continue to attract lawyers of high quality." Samuel Rosenman, a former counselor to President Franklin Roosevelt and past president of the Association of the Bar of the City of New York, is affiliated with the firm, which numbers 60 lawyers.

Last year, a smaller Manhattan firm—Wachtel Lipton Rosen & Katz—started paying its starting lawyers $20,000. It has 25 lawyers.

None of the larger Wall Street firms indicated they would increase salaries. A spokesman for Cravath Swaine & Moore—the 170-member firm that began the last major round of salary escalations in 1968 when it raised salaries from $10,500 to $15,000—said: "We're holding the line now."

Spokesmen for other large firms said they were considering salary revisions but had made no decision.

Money can't buy me love.

(with due credit to Dow Jones & Co.)

--B.J.H.
After weeks of drought, last week's poll brought the first entry by a member of our illustrious faculty. We must withhold his name, however, pending the outcome of a Faculty Committee disciplinary proceeding which charged the faculty member with showing unwarranted interest in student affairs.

What the Committee doesn't realize is that, if you play this game, you can WIN A FREE SUB FROM DOMINICK,* which is only slightly more difficult than finding the teeth on a hen.

Here are this week's games. Just pick up your pencil, close your eyes and **circle, jerks!**

Bagmen will be stationed outside Room 100 HH and at the L.C. Front Desk to scrutinize your entries.

1. Army vs. Rutgers  
2. Air Force vs. Navy  
3. Alabama vs. Tennessee  
4. Arkansas vs. Texas  
5. Michigan vs. Illinois  
6. Cornell vs. Harvard  
7. Yale vs. Columbia  
8. Wisconsin vs. MSU  
9. Wabash vs. Ohio Wesleyan  
10. Weber St. vs. No. Arizona  
11. Georgia vs. Vanderbilt  
12. Florida St. vs. Colo. St.  
13. Princeton vs. Colgate  
14. UCLA vs. California  
15. Washington vs. USC  
16. Wake Forest vs. N.C.  
19. Grambling vs. Jackson St.  
20. Cal. Poly, San Luis Obispo vs. San Fernando

**TIE BREAKER:**

Who is the head football coach at Tufts University? A. ____________________________

Last week's WINNER was KEN SINGER. Nice going, Ken, you kid. See Dominick for a sample of his sub that made the oil slick (in)famous.

-- Owl Ackerman  
Joe False

---

* Law students, their families, faculty, staff, and all those with any connection to the Law School whatsoever, in any way, shape, manner, or form are ineligible. All Dominick's sandwiches, by any description, are inedible. Void except where prohibited or subject to confiscatory taxes. And, universally repugnant to any system of ordered liberty.