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University of Michigan Law School

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Shirley Burgoyne, candidate for a judgeship on the Washtenaw County Circuit Court, is a woman wedded to her convictions. This past week she filed a lawsuit against an anti-abortion advocate who had used the threat of religious sanction to persuade voters on this hotly contested issue. She has taken her side and stands by it.

For voters accustomed to vacillating candidates, Ms. Burgoyne may prove a refreshing change. In an interview with R.G. recently, the 1956 graduate of the University of Michigan Law School revealed that not only does she hold to her positions consistently but that she has thought imaginatively about them as well. (cont'd page 5)

In a few days the American people will go to the polls, in all probability to reelect our beloved President, Richard M. Nixon, to a second four-year term. It is often said, perhaps too often, that the citizens of a democracy usually get the kind of government that they deserve, but four years of Nixon should have been enough for even the most masochistic among us.

The American people have little to be proud of in the record of the present administration. The war in Southeast Asia...
LETTERS
October 30, 1972
Messrs. False and Ackerman
C/o Football Pole, etc.

Dear People:

While your Pole receives a large response every week, has it ever occurred to you that your game selection is at the very least slanted toward the northeast and at most an aggravation to a large number of football fans who would like to use methods other than random chance to pick the winners? To whit, [sic] how the hell are we supposed to know anything about Rose-Hullman, American International, Wabash, Gettysburg, Lehigh, Bucknell, etc.? It seems obvious to me that the Pole formulators must either be Ivy-Leaguers or else avid readers of the New York Times, and while I have nothing against these classes of people, I would suggest that major-college football is generally played (believe it or not) in a lot of places "west of the Hudson." In short, it's fine with me if you want to include a few Ivy-Yankee-northeastern games in your Pole, but I wish you would make a more conscientious effort to achieve a truly representational spread of national games. You can pick a lot of contests which may be kind of worthless but which hard-core fans can evaluate through local newspapers, SI, Sporting News, and other commonly available publications. There is simply no reason why Pole selections should depend on sheer random chance results, but if you must include one game between complete unknowns, you could at least occasionally pick a game from an area other than the northeast.

I can understand that you do not intend the Pole to be very serious, but why not make a concession to serious fans who enjoy comparing their own results on the Pole? If you're going to concentrate on one particular area, why not the Midwest? At the same time, remember that football is played in the SWC, SEC, Atlantic Coast, Pac 8, the Rocky Mountains, the WAG, etc., in addition to the Big 10, Big 8, and the Ivy League.

How about this as a possibility for this week's Pole:

[1] Nebraska at Colorado
[2] Oklahoma at Iowa State
[3] Missouri at Kansas State
[4] Illinois at Northwestern
[5] Iowa at Wisconsin
[6] Purdue at Michigan State
[8] Auburn at Florida
[9] Tennessee at Georgia
[10] Mississippi at LSU
[12] Oregon at California
[13] SMU at Texas
[14] Arizona at Utah
[15] North Carolina St. at Virginia
[16] Maryland at Penn State
[17] Penn at Harvard
[18] Dartmouth at Yale
[20] Delaware at Villanova

If you need a crummy game, why not choose from:

Wayne St. at Univ. Wisconsin Milwaukie [sic]
Richmond at Citadel
VMI at Furman
Idaho at Utah State
Xavier at Dayton

Finally, while your tie-breakers are generally interesting and fun, I suggest that you might consider this one for local interest:

In its game with Purdue, the sum of MSU's points scored and its number of turnovers (fumbles lost and interceptions).

I hope you will consider these suggestions with the same free spirit which you employ in writing your column. I am not really that hung up over the way the Pole is being run; I just think it would be more fun if the games were a bit more legit.

Thanks. (see LETTERS page 4)
Asia has dragged on for another four years. While it is true that casualties among American servicemen have been virtually eliminated, the slaughter of both Asian soldiers and civilians continues unabated. Equally disturbing if not more so, is what has happened within the borders of our own country. I refer, of course, to the increasing concentration of power within the executive branch.

Once upon a time, in fact only a few years ago, the office of Secretary of State was an important position. Not only did the Secretary of State play a major role in the creation of foreign policy, but he was also required to regularly appear before Congress and explain the administration's plans. Under the Nixon administration, foreign policy is made by a group of special advisors who, through the newly created doctrine of executive privilege, are immune from legislative scrutiny.

This type of insulation from outside investigation has become a trademark of the Nixon administration. Take the case of the Watergate bugging incident. It may be considered as intuitively obvious that the seven men who were arrested were not acting alone. Yet no full scale investigation, including men like Maurice Stans and John Mitchell, has yet been undertaken. The FBI investigation of the matter has allegedly turned up no connection between those arrested and people high up in the administration or the reelection committee. Believe that if you can.

Remember General Lavelle? He was the Air Force general who ordered a whole series of protective reaction air strikes even though there was nothing to react against. Instead of court-martialing him, he was simply relieved of his command and forced to retire with the loss of one rank. The decision not to hold a court-martial effectively cut-off public inquiry into the roles played by other high military officials during the affair. If Lavelle's defense was that he acted with the tacit consent of the Pentagon and the White House, might we call into question the fitness of General Abrams for his appointment recently as Chairman of the Joint Chiefs of Staff?

A new low, however, was reached by Attorney General Kliendienst a few days ago. In response to a reporter's question as to why an investigation of a purported Republican political sabotage committee had not begun, Kliendienst replied that when any citizen came to him with proof that such an organization existed he would conduct an investigation. Mighty big of you Dick. The Justice Department never required similar proof before investigating anti-war groups.

Kliendienst's comments are the closest thing I have ever heard to newspeak and doublethink from a major American political figure. You prove the defendant guilty and the police will conduct an investigation: 1984 is only 12 years away.
The writer of the following letter asked to be allowed to respond directly to Mr. Hardsell's lambasting of Messrs. False and Ackerman. -- Eds.

Dear Hard,

On the matter of Wabash College, I wish to reply to your libelous accusations that the home of the Little Giants is somewhere in the Northeast and that it has some connection with the snob ivy league schools. In fact Wabash is located 80 miles northeast of Rose-Hullman Institute, to wit, in Crawfordsville, Indiana, the "Athens of the Midwest."

Further, your suggestion that astute football fans are unaware of the gridiron glories of the Little Giants is unfounded. Just a few years ago, Wabash regularly played and trounced Notre Dame. Some of these victories even occurred after the turn of the century. It is true that Notre Dame has recently dropped us from their schedule, but this was only so that the Irish could play push-over teams in a successful effort to regain prominence in the football rankings.

Finally, it grieves me to see the honored name of Wabash within three lines of a reference to the New York Times. Wabash students read nothing that is more recent than or to the left of Adam Smith, with the possible exception of the Bible (certain passages of which it is now proven were not inspired by God but slipped in there later by the commies).

/s/ Donald P. Bennett
L'73

The Owl and Falsie could not resist the temptation to reply:

Dear Hard:

You raise a number of interesting points in addition to your ugly head. First, it is not at all clear to us that the only way to pick the winners of the games played "east of the Hudson" is by pure chance. Notwithstanding the fact that both Wabash and Rose-Hullman are midwestern teams, we have it on good authority that, contrary to your implication, the coin toss at the start of their game last week determined only who would kick off, not who would win.

Second, you suggest that the way we choose the games discriminates unfairly against the "hard core" fan. Take a look at our new prize and see if you don't think it's appropriate for you hard core fans.

Third, as to your lousy selection of games, we wouldn't touch them if we had to. If you want to, you can play with yourself.

Besides, Hard, if you're looking for a real Pole why not go to Hamtramck.

/s/ O.A.
J.F.

SINS OF OMISSION

You may be surprised to know that there was a coffee hour (with rolls and juice, too) for you that took place last Friday morning to give you a chance to meet informally with the group of visiting law school alumni, The Committee of Visitors.

The most notable features of this event were the absence of advertising beforehand and the absence of students at the event itself. The absence of students was probably chalked up to "student apathy" by the visitors. This is unfortunate.

Last year we had no social event planned to bring together the alumni and the students. That omission was corrected this year. This year's omission was the failure to advertise the event - although there were signs up about the mixer that night, which indicates that the poster makers were functioning.

To the Senate and Dean Pierce, we have a request for next year. Don't drop the idea that students and alumni should have a chance to rub elbows and clink coffee cups together. Above all don't rationalize poor student participation as evidence (see SINS page 12)
For example, she complained that the Huron Valley Advisor had misrepresented her candidacy by accusing her of "using the advantage of being a woman." Ms. Burgoyne called this branding of her entry into the race, "another effort to discredit the drive for equality" and emphasized that she is running because she feels best qualified personally to enhance the office.

The lawyer in practice, she observed, acts in the capacity of advocate and soon loses the ability to judge and weigh competing interests. "The decisionmaking duty seems alien to many attorneys, and, as a result, she believes they too often make poor judicial officers.

A critical factor in a judge's effectiveness, Ms. Burgoyne has seen, is his or her manner of communicating, particularly to criminal defendants. "There are ways of talking to a defendant," she said, "which imply respect and can create the feeling that he can cope with life, that he is on the road to rehabilitation." On the other hand, "the feeling of unfair treatment is likely to leave a bitter defendant" and not much hope for subsequent rehabilitation.

Burgoyne pointed up the little-exercised power which judges have over the inmates in our penal institutions. In conceiving of a new shape for court-prison relations, she suggested the analogy of the jails to treatment centers such as hospitals. There, the judges would fill the same role as doctors do at the hospitals, retaining ongoing and close supervision of the persons they send to these institutions. While the sheriff is formally custodian of the convict, the judge is final overseer of the prisoner's wellbeing, and in Burgoyne's opinion, should make himself available to the convict regularly. Ms. Burgoyne suggested as one means to this end that judges require periodic reports be made on the progress of prisoners.

The problem of divorce settlements is another focus of Ms. Burgoyne's concern. She attributes the rapid increase in the number of divorces in this country to the fact that, "we are undergoing a major revolution in family structure." At the root of this revolution, she said, is the breakdown of the "authoritarian/slave concept" of marriage and the move toward inter-sexual equality. Ms. Burgoyne agreed that as women become more aware of their individual identities, human rights and personal self-interest, the decline of institutionalized marriage will increase. But, she believes that the growing instability of American marriages is a transitional phase. Equality between man and wife, she believes, will ultimately act to preserve marriages, not discourage them.

An important force in advancing this possibility, she thinks, is the court. Burgoyne envisions a much closer working relationship among judge, friend of the court, lawyers, and marriage counselors. "We must use the power of the court to back-up marriage counseling," she indicated. This requires, what Burgoyne calls, a "concept of the conciliatory court," i.e. a court which seeks affirmatively, through the influence and prestige of the judicial office, "to bring families together," not to adjudicate their dissolution.

(see BURGOYNE p.7)
MIAP II

Last week, RG looked at the Michigan Inmate Assistance Program at Milan Federal Correctional Institution. MIAP’s other major effort is directed at the women’s section of the Detroit House of Corrections.

The women's division of DeHoCo houses all of the women prisoners of Michigan. Although it is run by the City of Detroit, the state sends female felons there, so the crimes for which women are sent to DeHoCo range from prostitution and child neglect to murder. According to Suzanne Bickford, MIAP director in charge of the DeHoCo program, the women's division employs a cottage arrangement—there are 40 women to a cottage and each woman has her own room, in which she is locked at night. "The medical facilities there are very inadequate and educational opportunities are minimal," Bickford said.

Law student volunteers are needed to help inmates with a variety of problems, and Bickford stresses that even taking time to work on only one case is greatly appreciated.

The men's side of DeHoCo houses all Detroiters convicted of serious misdemeanors and some trustees from other institutions around the state. "Lately we haven't been going to the men's side," Bickford said. "We've been trying to concentrate our resources on the women's side and get rid of our backlog there—we don't want to spread ourselves too thin. We have plenty of cases to do on both sides. What we need is people—even those who will spend time on only one case can help one inmate."

Bickford outlined some of the problems you might expect to confront as a MIAP volunteer at DeHoCo:

* Custody: The women generally want to retain custody of their children, and sometimes those who are given formal control when the mother enters DeHoCo petition for permanent custody. Also, it is sometimes necessary to get a court order permitting a child to visit or write his mother.

* Credit: MIAP volunteers attempt to insure that proper credit is received for all time served in other institutions, especially, e.g., Wayne County Jail—sometimes the bookkeeping system leaks.

* References are solicited for inclusion in inmates' parole files.

* Detainers: When a convict has a detainer from another jurisdiction in Michigan, MIAP encourages prosecutors to either drop the additional charges or, since it is the policy of the Michigan legislature to have concurrent sentences, to press charges immediately so she can start serving concurrent terms. Michigan also has a 180 day rule, so when charges have not been pressed within that time, MIAP petitions for their dismissal.

Although MIAP's work does not generally involve going to court, Bickford cited two instances in which a student's efforts led to court action:

--an inmate was given an illegal sentence (beyond the statutory maximum) and the student obtained a writ of habeus corpus.

--an inmate convicted of second degree murder wanted to appeal after the 60 day automatic appeal period had expired. The student interviewing her thought she had a good case and the matter is now before the Michigan Supreme Court.

Bickford noted that although there is a great need for prison reform, MIAP hasn't been involved much in reform-oriented work, since it has only limited resources and "there aren't many other programs that deal with the individual inmate's problems."

In addition to the formal programs at DeHoCo and Milan, Bickford said that MIAP gets some correspondence from inmates at Jackson and also from inmates at other institutions around the country asking for help with questions of Michigan law.

"They're far away from anyone with a working knowledge of Michigan law," Bickford said, "and I think we have some kind of moral obligation to help them. If we had more people we might be able to take care of them."

--John McKay
SIS looked NASA's way last week and found her most high-flying recipient of the Big Sister Is Watching You Award:

JAMES LOVELL - On a week-long tour of Brazil, the American astronaut was repeatedly asked why the U.S. didn't have any women in the space program. Lovell's reply: "We haven't had a good reason to. We fully envision, however, that in the near future we will fly women into space and use them the same way we use them on earth - for the same purpose."

WOMAN IN THE LAW COURSE

A Women & the Law Course has been approved by the Curriculum Committee and will be taught next semester. It is a 2-credit course and will meet Thursday and Friday at 2:15.

The instructor will be Ms. Virginia B. Nordby, a Stanford Law School Graduate and a member of that school's Board of Visitors' Committee on the Status of Women in the Law. In addition to legal practice, Ms. Nordby has done research into the career patterns of women graduates of Stanford Law School and hopes to do further research here.

Women and the Law will be a course, not a seminar, so there will be no size limitation or paper requirement. Ms. Nordby suggests that those who wish to do in-depth research might consider the possibility of independent research in conjunction with the course.

The course will include brief consideration of the legal history in the area, analysis of the causal relationship between the law and the status of women and discussion of constitutional provisions which affect women including the proposed ERA. Ms. Nordby also plans a brief survey of areas of the law which have had special impact on women such as family law, property law, criminal law and labor law as well as a discussion of advocacy techniques women can use such as class action suits.

Ms. Nordby wishes to emphasize that the course is open to all interested people, both men and women. If you have questions about the course or suggestions about what should be covered, please feel free to contact her. Her office is 933 Legal Research; office hours MTF 9-11 a.m. or by appointment.

-- Joan Swartz
Women Law Students

SEE page eight for the announcement and schedule of events at the Midwest Law Women's Conference coming November 10-12.

(BURGOYNE cont'd from p.5)

Ms. Burgoyne sees the judge as ministering to the full range of emotional, social, and financial, as well as legal, problems presented by the parties who appear before the court. Lawyers must come to grips, "like doctors," she said, with the congeries of problems which are rapped up within a "case." And, to the extent that the lawyers do not untangle their clients' problems, it falls upon the judges to do so. Ms. Burgoyne would like to try her hand at treating the "whole party" on the County Circuit Court.

-- J.J.S.

STUDENT LEGAL AID

ATTENTION! FIRST YEAR STUDENTS
MEETING MONDAY, NOV. 6 IN ROOM 118
AT 3:30 P.M. FOR ALL FIRST YEAR STUDENTS INTERESTED IN WORKING ON "FILE PROJECT".
All members of the law school community are invited to attend the Midwest Law Women's Conference, to be held at the law school the weekend of November 10-12. The $3 registration fee will cover dinner Saturday night, as well as all other conference activities.

The conference schedule is as follows:

Friday, 6-11p.m.: registration, Lawyer's Club Lounge
9p.m.: business meeting

Saturday, 8-9a.m.: late registration, coffee and rolls--Lawyer's Club Lounge
9-10:30a.m., workshops:
Women in Prison and Criminal Justice--B. Betsey
Law Communes--S. Hartt
Recruitment of Women Law Students--H. Forsyth
The Two-Career Family--M. Rinne
Welfare Mothers' Rights--S. Mason
Tax Laws--T. Carrigan

11-12:30p.m., workshops:
Elitism--J. Swartz
Divorce Laws--U. of Wisconsin women's caucus
Job Placement--J. Heller
Black Women in Law--J. Goodwin
The Equal Rights Amendment and Women's Rights Legislation--C. Rhodes

2-3:30p.m., workshops:
The All-Woman Law Firm--Koenig, Lebost & Jobes
Family Violence--S. Rutzky
Courses and Clinical Programs for/about Women--R. Seeligson
Social Security Laws--S. Atkinson
Class Action Suits in Employment Discrimination Cases--Z. Zumeta

4-5p.m., Regional Meetings

6-7:30p.m., dinner--Lawyers' Club Lounge

8 p.m., Performance by Street Corner Society Theater Group

Sunday, 8:30-10a.m., coffee and rolls, Lawyers' Club Lounge

10-12, panel discussion, "Women in Politics" conference evaluation

If you want further information about a particular workshop, contact the workshop coordinator listed above. If you have bed/floor space available for Friday or Saturday night, contact Renate Klass (769-4044). For general information, call Betty Schwartz (761-6485) or Melissa Lee (663-3047).

--M. Lee
Part 9: THE PHOENIX

Through a good part of the campaign, gubernatorial candidate Benjamin Arden had stumbled about in a state of depression following serious reverses from his usually winning ways, so that campaign manager Katherine Stein had been required to conduct most of the electioneering herself supported by political operative George Field.

From George's position by the sink in his apartment's kitchen, he could see Kathy, slouched in a living room chair, through the serving window cut out from the walls separating them. With competent people handling the activities of that general election day downtown, Kathy could accept George's invitation for dinner before returning to the campaign headquarters to handle the evening's returns. Unspoken was the understanding that their candidate had no chance to win anyway, and relaxation for Arden's stand-in campaigner across the state was no loss.

Smashing the bottom of the lettuce head he held against the double-sink's divider to take out the stem, George proceeded to unfold his wits to come up with a handful of endearing phrases to murmur to his exhausted friend in the other room, just like he was pulling back and rinsing lettuce leaves for the salad he would set before her. He wanted to say something right away, but before doing so, concluded that talking too soon would ruin the impact of the affection he wanted to give - as tired as Kathy was, he'd have to be good all at once for her to take any notice of what he was saying.

So George bit his tongue, worked on his lines and choreography for the several hours to come, and tried to be as quiet as possible while scampering back and forth between oven, shelves, and burners. Near the end of his chores he realized there were no candles or flowers around, but found relief in the memory of a wooden sculpture somewhere in the apartment that would make do on the table. Relief passed back into tension when he noticed the sculpture in question was sitting on top of a magazine stand just 5 feet from Kathy. Feeling she wouldn't mind such an inconsequential mix-up but cursing the flaw in his perfect evening, George watched Kathy's closed eyes for a moment, and when assured his face-saving enterprise would not be detected he tip-toed around to the stand. Kathy stirred a bit as he snatched the sculpture and headed back to the dinner table, but in his dedicated desire to please, George convinced himself she didn't notice.

When everything was in place on the table, George walked back Kathy's way, deliberately making some noise this time, and crouched by her chair.

"Kath," he began in nearly a whisper, "how about some dinner?" He placed a cupped hand on her forearm and gently stroked it until she opened her eyes. Taking in a deep breath she raised both arms and stretched, emitting a few soft squeaks in the process, then clasping George's hand, let him pull her out of the chair and toward the dinner table.

"Ummm, this was really nice of you, George. I'll have to do more 14-hour-a-day campaigning if you'll feed me like this every time," she said in a higher voice than normal which accompanies just arising from a rest. The pitch and timbre of her voice kicked George's pulse up a few notches, as he remembered the same light breathy tones close to his ear the times they lay together.

"Just doing what the Creator enabled my sex to do." Kathy smiled at George' turning of an old phrase on its head, and reached up to kiss him. They pulled themselves to the table and ate slowly, George finding all his endearing little witticisms singularly feeble before the power of the intense gaze Kathy and he shared in silence, much as they had experienced many months before.

(continues on next page)
The evening of election day, candidate Arden was driving in from his mother's home on a large lake north of the city of Arden to campaign headquarters about the same time George and Kathy were finishing their meal. While generally on the way up from his depression over the preceding two weeks, and sticking to his pledge to make a handful of more important appearances, Arden nevertheless continued to drift back to stay with his mother and leave the entire campaign to Kathy, George and their colleagues. Kathy's travels around the state to speak, greet voters and attempt to rouse local campaign offices had made her almost as well known as Arden, at least among members of her party. And her awakened ambition developed the energy and political intuition to create a mystique that her listeners remembered.

When Kathy and George arrived at the headquarters a while after the polls had closed, the local workers who had gathered to watch the election results surged around to greet her while George slipped away to get near the long-distance telephones. For several hours, Kathy watched television returns with the workers and George wandered back and forth between the TV sets and the telephones, as Arden's vote for governor stood from the beginning at 8% behind the incumbent. Trailling consistently everywhere, even in the northern part of the state where failing development projects should have made his opponent unpopular, Benjamin Arden finally found his official losses catching up with the private ones that had accrued for months without being writ so large.

Arden arrived at eleven o'clock and well before midnight he telephoned his concession to the re-elected Governor Kellerman. Election workers started straggling home around that time even as Arden reached the stage of the headquarters' largest room, and began to speak before the group as cameras whirred.

"This has not been an easy campaign; there was hard work all around," he started loudly, but with his voice dropping off at the end. "I can't tell you how much I appreciate your loyalty when things looked the bleakest, and..." Arden closed his mouth and stood for a moment quite stiffly. "Thank you very much," he concluded, waving briefly and putting forth a forced smile while he hurried from the camera lights before anyone could catch him. Polite applause scattered back from an audience filled with incredulous faces turning from one side to another.

Before only the departing backs of campaign workers filled the room from where Kathy stood glancing hurriedly about, she mounted the stage for her own say about the election.

"All right, out there. You can't go away without giving yourselves a big hand. You sure as hell deserve it!" Kathy shouted, as the audience turned back around to smile. "C'mon, let's hear it!" she screamed again and began slapping her hands together nodding her head toward the audience. Here and there, the self-applause was picked up and grew as George and others near Kathy started applauding as well. As the noise subsided, Kathy continued.

"Let me tell you where we were when we started after the primary; and I'll tell you — we didn't talk about it even to you." Some laughter filled Kathy's pause. "We were 22 points behind. Can you believe that? 22 points. And while we were all sitting around with long faces behind desks, you were refusing to stand still for that kind of a mess. Right?" Louder than the previous laughter, the words "right!" shot back at the gesticulating Kathy. "That's right. And you brought us right back to less than 8 points." She hurried on before the notion gelled that 8 points was a big loss. "That's fantastic work. Nobody is going to beat you next time. When we all get ourselves together in a while we're gonna be able to build again and the people of this state (see WINNER p.12)
The litter of politics piles up
in November --
Come! settle up your petty dreams, citizens.

I am broken
I am voting

These leaves will dry and break down to dust
or rot in the soggy water,
but the ballots remain
fixed with names and
hopes hollowed out by choices.

The election
is infection

And the country is in quarantine,
peopled, sick, making speeches about it,
coaxing the patience of the democrat,
the byzantine
who stumbles to the booth and vomits.

Relieved, we shall be relieved.

Malingering, the franchise
still masquerades as paradise

I endorse the oaks. They've certainly
outdone the maples.

sterling speirn
My background generally, and undergraduate in particular, is substantially different from the great majority of students. Hence, my views and ideas will be different and quite possibly enlightening.

There is a mandate that all segments of society, as well as within this law school, be heard from and represented. If I'm elected I shall work diligently toward that end.

The present Senate has become pompous, insensitive to freshman needs, and capricious in attitude. If I'm elected I promise to work for a policy that is flexible and one which evolves along with the needs of the law school community. I shall demand that lines of communication be opened in order to vent and realize the true expressions of the student body. Other issues which are pressing concern accountability, responsiveness, the selection of future guest speakers, entertainment, and food.

Working collectively with my brethren we shall strive for and ascertain all the ideals expected, and more importantly all those demanded.

of that ever-popular (and extremely threadbare) notion of "student apathy" which is so often used to explain the unsatisfactory results of inadequate planning in the law school.

Please, next year, plan another such event and make a reasonable effort to advertise it.

-- Helen Forsyth

Kathy stepped down from the stage and laughed and shouted and shook hands with the boisterous audience clustered around. She turned her head George's way, and in one of those sensations of having a tunnel running from one's own face to another's blocking out all others in a crowd, he saw her give him a smile he had seen many times before. One that could only be described as the smirk of ambition - lips lightly pressed together, with the corners of the mouth not wide apart but slightly upturned, flanked by the hint of any dimple that might exist. Her piercing glance completed the pattern in George's mind and he returned his own smirk.

Kathy turned back to the crowd, bounced around in the middle of them for several more minutes, then made her way to George on the way out to the rear corridor.

"There's a Senate seat in my hand, and I need you," Kathy paused to say in George's ear as she brushed against him, with a gaze at right angles to his own that seemed to shoot past the building walls and far out into the night. Stepping slowly away toward the corridor she looked directly at him and asked in a whisper that the intensity of the moment brought distinctly to his ear: "Will you come?"

Her look lingered a second as she walked farther away, and then she turned her attention completely ahead. George stared as Kathy drew away, her heels clicking and resounding in the empty hallway. Muttering, "and from out of the ashes..." he stepped quickly down the corridor to catch up.

END
1st yr. vote

[The following information concerns the Student Senate supplementary election which will add four at-large members to the board. Contrary to the report in last week's R.G., representatives are not limited one to each section. Candidates will run against one another in a single race, regardless of section affiliation.

--Eds.]

FALL LAW SCHOOL MEMBER-AT-LARGE ELECTION

1. The election will be held on November 6, 1972.

2. Polling places will be located in front of Room 100 in Hutchins Hall between the hours of 9:00 a.m. - 4:00 p.m. and in front of the Lawyers Club Desk between 5:00 p.m. - 6:00 p.m.

3. Counting of the ballots will begin at 7:00 p.m. and will continue until finished.

4. No one will be allowed inside the counting room once the counting has started.

5. Each candidate will be allowed to send one representative to the counting room.

6. The results will be posted the following day.

7. Nominating petitions may be picked up and turned in at the Lawyers Club Desk.

8. Each candidate must have twenty law student signatures to be placed upon the ballot.

9. Nominating petitions must be turned in by 12:00 Noon, November 1, 1972.

10. Only freshmen are allowed to run in this election.

11. All current University of Michigan Law Students are eligible to vote.

12. The term of office will be from Fall to Fall.

13. Four member-at-large positions are open.

14. The top four vote getters will be elected.

15. Upon election, the new member-at-large is not eligible to run for office the following March.

THE CANDIDATES' NAMES

-- Jim Hill
-- Ed Hall
-- Liz Davenport
-- Henry B. Clay
-- Lamont Buffington
-- Juan Maldonado

THEIR STATEMENTS (where submitted before this issue's deadline):

Why I want to run for Freshman rep.

by Ed Hall

I have established and chaired a community college student government. I have established a community college newspaper. I have established and chaired a college chapter of a civil rights organization and have always been active in school politics. I have been involved from the level of general member of political organizations through the constitution writing and leadership levels.

Policy and Qualifications Statement

by Lamont Eugene Buffington
Freshman Candidate for Student Senate

To the Student Senate I bring not only my varied and long experience in student government affairs, but an ardent and driving desire to see honesty, forthrightness, and courage exemplified in this assembly and ultimately throughout the law school.

(see REP p. 12)
The posters for the latest International Law Society dinner-meeting were intriguing indeed. "Wine will be served."(!) That was the only underlined sentence on the bill. Clearly, it was the most important.

A few possible explanations were obvious...like: "So stay home, slobs. 'Dis is for us classy guys." Or, "So come. If the speaker's boring you can always tipple." Or, "So don't be a boor and ask for pop."

ILS President Bruce Dugstad assured us it was meant as a come-on. But it didn't matter, for the speaker, Indian lawyer Ram Jethmalani, was far from boring. Jethmalani expounded upon the successes and failures of the Universal Declaration of Human Rights. He also commented generally on the Indian criminal law system, defending it in the main, but also addressing himself to its deficiencies.

While he didn't exactly inspire a riot, Jethmalani, the chief of India's equivalent to the American Bar Association, offered enough controversial opinions to produce a spirited response. "I think the U.S. Supreme Court was wrong in banning capital punishment," he said. He explained that it is on the books in India (though rarely used), and he suggested that it did not violate the Declaration's ban on cruel and unusual punishment. "It is not unusual. It's been known and used throughout history. Your Chief Justice said it's application is so erratic that it strikes like lightning. That is an unfortunate analogy which clouds the issue."

"Nor is it overly cruel. I think the Declaration's reference to cruelty refers to excessive, unnecessary cruelty.

"Cruelty is inherent in punishment -- otherwise there is no punishment. The only requirement should be that the punishment is not out of proportion to the crime committed." That sounds like Jethmalani would be a strong proponent of retributive theories of criminal punishment. But he denied it.

"I only believe in retributive justice to the extent that it deters crime. But I definitely think it does deter."

Jethmalani heaped mounds of praise upon his native land's penal code, a system which has lasted 107 years without substantial change. "In wisdom and jurisprudence it is unmatched," he said.

But he recognized its deficiencies, one of which, he said, is the use of preventive detention of suspects. "Preventive detention is contrary to notions of justice. I hope it goes."

"Yet you must remember that we are surrounded by two enemies armed to the teeth, including one armed by a great democracy," (that's us!).

Another weakness of the system (not the code) -- "There is an official commitment to legal aid, but because of our great and chronic poverty, our legal aid does not reach as far as it should."

And a definite plus, as Jethmalani sees it: "No confession made to a policeman can be used in court. In fact, no confession made while the defendant is in police custody is admissible."

As to the Declaration, Jethmalani deplored the non-compliance of which scores of nations are guilty. The Declaration declares three types of governments international outcasts: a theocracy, a racial state and a totalitarian state.

Does it mean that the Declaration is another milk-sop embarrassment to the UN and would have been better off unpassed? "I see the point, but I can't agree. What's the alternative?..."

--Jeff Liss
Movies

A SEPARATE PEACE

If you're in the mood for nostalgia this weekend, check out A SEPARATE PEACE at the Michigan Theatre. Adapted from a novel by John Knowles, the movie concerns a group of schoolboys growing up during World War II, and the uneasy, subtle war of competition between them that dwarfed the unreal, more distant war raging on the outside.

The nostalgic rush you get won't be from externals like Vargas pin-ups or pleated pants, but from that déjà vu that haunts you every time the seasons change and another part of your life slips by.

In the book, the narrator, Gene, looks back to those high school days in the early '40s when it seemed as though Franklin Delano Roosevelt was, always had been and always would be president. For our generation, the omnipresent institution isn't a man—a president who pulls the country through one crisis after another. Instead it is a war that has dragged the country through one president after another, and has loomed as an ominous backdrop against which we play out the scenes of our individual productions.

The cinematography of A SEPARATE PEACE isn't overpowering—it is non-obtrusive, yet effective. It isolates the characters, just as Knowles isolated them by treating them only in their prep school milieu. Both past environments and futures defer to the intense, yet insouciant present that it youth. In the opening scene, Finny, Gene and the rest of the gang romp through fields and forests playing catch with their lacrosse sticks. The Indians, who invented the game, called lacrosse "the little brother of war."

Knowles was writing not so much about the large-scale version of senseless waste indulged in by nations as the individual competitive struggles so familiar to law students. The victims of these unthinking competitions can be just as oblivious to the forces compelling them and just as hurt by their consequences as the casualties of more public wars.

Finny was a protagonist who invented games where "there are no teams—everyone's an enemy." He was crushed by his failure to confront and transcend the competitive forces that shielded him from his best friend, just as law students caught up in the mindless maelstrom of grade competition often lose perspective.

The competitive processes that have brought us this far won't be talismanically quashed by a J.D. The struggle goes on, and each of us has to begin now to develop the integrity, the insight, the "separate peace" that will provide the nexus between our competitively conditioned intelligence and our humanity.

--John McKay

The Executive Committee of the Ann Arbor Lawyer's Guild unanimously endorses all Human Rights Party candidates for local offices. We endorse the following:

Steve Burghardt—State Representative, 53rd District
Susan Newell-----County Commissioner, 14th District
Susan Winning-----County Commissioner, 15th District
David Cahill-----County Commissioner, 12th District
George Judy-----County Commissioner, 3rd District
Jim Scherer-----County Commissioner, 8th District

We support their commitment to radical social change.

Adopted by the Executive Committee,
Ann Arbor Lawyer's Guild,
Oct. 30, 1972

A little bird has informed RG that the true author of the opinion in the unreported Canadian case, Regina v. Ojibway, (see 9-6 RG at 12) was the late W. Barton Leach, Story Professor of Law Emeritus at Harvard, rather than Blue, J. Horsefeathers!
Editors' Note:

The last time in recent memory that any group of law professors and deans got together to put their signatures to a public, paid advertisement, supporting a political position, was in the drive to prevent the confirmation of Judge Harold Carswell to the Supreme Court.

This election year has again drawn out those elusive denizens of the law faculties, as well as some of their peers at other educational institutions. Two revealing paid political advertisements appeared in successive weeks' issues of the Sunday New York Times. We reproduce these ads here, virtually in their entirety, as a public service. Perhaps you will find familiar names among those listed: the author of a casebook you use, or the writer of a law review article, or even a teacher you have had. It's interesting where the chips fall.

The first ad, plainly favoring the re-election of the President appeared in Section 4 of the October 22, 1972 Times. The second, mildly anti-Nixon, appeared in the same place, a week later.

ad-1

Of the two major candidates for the Presidency of the United States, we believe that Richard Nixon has demonstrated the superior capacity for prudent and responsible leadership. Consequently, we intend to vote for President Nixon on Nov. 7th and we urge our fellow citizens to do the same.

Philip Areeda
Professor of Law
Harvard Law School

Edward O. Banfield
Kenan Professor of Political Science,
University of Pennsylvania

Robert Bork
Professor of Law
Yale Law School

Guy Davenport
Professor of English and Classics
University of Kentucky

Kingsley Davis
Ford Professor of Sociology
and Comparative Studies,
University of California, Berkeley

Martin Diamond
Professor of Political Science
Northern Illinois University

Donald Fleming
Jonathan Trumbull Professor
of American History,
Harvard University

Jack Freidenthal
Professor of Law Stanford Law School

Milton Friedman
Paul Snowden Russell
Distinguished Service
Professor of Economics,
University of Economics,
University of Chicago

Lon L. Fuller
Professor of Law emeritus
Harvard Law School

William E. Griffith
Professor of Political Science
Massachusetts Institute of Technology
(continued next page)
Oscar Handlin
Carl H. Pforzheimer University Professor
Harvard University

Bruce Hasenkamp
Professor of Law
Stanford Law School

George H. Hildebrand
Maxwell M. Upson Professor of Economics and Industrial Relations,
Cornell University

Gertrude Himmelfarb
Professor of History
City University of New York

George Homans
Professor of Sociology
Harvard University

Sidney Hook
Emeritus Professor of Philosophy
New York University

Hendrik S. Houthakker
Professor of Economics
Harvard University

Fred C. Ikle
Professor of Political Science
Pacific Palisades, California

Morton A. Kaplan
Professor of Political Science
University of Chicago

Morton Keller
Professor of History
Brandeis University

Irving Kristol
Henry R. Luce Professor of Urban Values,
New York University

Donald F. Lach
Bernadotth E. Schmitt
Professor of History,
University of Chicago

George Liska
Professor of Political Science
The Johns Hopkins University

Paul W. McCracken
Edmund Ezra Day University Professor of Business Administration,
University of Michigan

Robert A. Nisbet
Professor of History and Sociology
University of Arizona

William Peterson
Robert Lazarus Professor of Social Demography
Ohio State University

Ithiel de Sola Pool
Professor of Political Science
Massachusetts Institute of Technology

W.V. Quine
Edgar Pierce Professor of Philosophy
Harvard University

William H. Riker
Professor of Political Science
University of Rochester

Richard N. Rosett
Professor of Economics
Rochester, New York

Myron Rush
Professor of Government
Cornell University

Raymond J. Saulnier
Professor of Economics
Barnard College, Columbia University

Robert A. Scalapino
Professor of Political Science
University of California, Berkeley

Paul Seabury
Professor of Political Science
University of California, Berkeley

(cont'd next page)

WHITE HOUSE LAWYER
An open letter to the President
from a group of alarmed businessmen,
law school deans and professors,
and religious leaders.

Mr. President:

We are increasingly disturbed that you have not yet answered recent allegations of illegal and unethical activities involving your Re-election Committee, high White House officials and former cabinet members.

Our concern goes beyond party politics. Regardless of party, it is imperative that all Americans retain confidence in the integrity of the electoral process.

The charges of political espionage and sabotage--of a nature and degree unprecedented in our history--have been reported in detail by several of the nation's most responsible publications. Such charges go to the heart of the democratic process.

Only you can put these charges to rest. We call upon you to ascertain the facts, and to issue a full statement disclosing what role, if any, was played in the reported activities by members of your cabinet and White House staff, or other government employees; and by members of your Re-election Committee, past or present. The people have a right to know the truth before they go to the polls.

If the charges remain unanswered by the President of the United States, the damage done to America, its spirit and institutions, may be irreparable.

Respectfully,

[The following are only those signatures who have a law school affiliation:]

John H. Mansfield
Professor, Harvard Law School

Telford Taylor
Professor, Columbia University School of Law
David E. Feller
Professor, University of California
School of Law, Berkeley

Burke Marshall
Deputy Dean, Yale Law School

Cornelius J. Peck
Professor, University of
Washington School of Law

David L. Shapiro
Professor, Harvard Law School

Richard S. L. Roddis
Dean, University of Washington Law
School

Louis H. Pollak
Former Dean, Yale Law School

Victor H. Kramer
Professor, Georgetown University
Law Center

Leon Green
Professor, University of Texas School
of Law

Former Dean, Northwestern University
School of Law

Clinton E. Bamberger, Jr.
Dean, Catholic University School of Law

Dr. John C. Bennett
President Emeritus, Union Theological
Seminary

Boris I. Bittker
Professor, Yale Law School

Harlan M. Blake
Professor, Columbia University School
of Law

Víctor Brudney
Professor, Harvard Law School

Guido Calabresi
Professor, Yale Law School

Paul D. Carrington
Professor, University of Michigan Law
School

David F. Cavers
Professor Emeritus, Harvard Law School

Henry Steele Commager
Historian
Amherst College

Frank C. Newman
Former Dean, University of California
School of Law, Berkeley

Thomas L. Shaffer
Dean, Notre Dame Law School

J. Willard Hurst
Vilas Professor of Law
University of Wisconsin

Arthur W. Murphy
Professor, Columbia University School
of Law

David H. Vernon
Former Dean, University of Iowa
College of Law

Abraham S. Goldstein
Dean, Yale Law School

Edward C. Halbach, Jr.
Dean, University of California School
of Law, Berkeley

Samuel D. Thurman
Dean, University of Utah College of Law

The copy of our report filed with the
appropriate supervisory officer is
(or will be) available from the Super-
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ton, D.C. 20402. Published and
paid for by the Citizens Committee
for Presidential Responsibility.
NOTES FROM UNDERGROUND
by Yorick

Reliable government sources have informed our office that the snag in signing the Viet Nam peace agreement is an economic one. The Pentagon can’t spend its 80-odd billion dollars without a war. OMB is in a panic for those moneys contribute over 180 billion to GNP. Obviously, war is our grossest national product.

It was suggested that the Pentagon should assign those moneys to domestic problems suited to military solutions. Unfortunately, the Pentagon has been slow to suggest possible projects which they might perform. Even the Rand Corporation was unable to provide politically feasible plans. Their principal proposals were to use up 180 million silver bullets shooting everyone to the left of Barry Goldwater, or alternatively, solving Los Angeles’ pollution problem by bombing it out of existence. The first was rejected because the Senate would be left without a quorum to vote future appropriations; the latter was rejected because stray bombs might wipe out the good right-wing voters in nearby Orange County.

However, my underground office has a fool-proved plan which is politically impeccable. Its purpose is to halt the frightful cultural deprivation suffered by many of the disadvantaged children of our great land. It takes little documentation to prove that children deprived of certain acculturating experiences turn into Democrats and other Radicals. Moreover, it is callous to view only future voting patterns; think of how grateful the voting parents of these children will be this year, as well as in the Novembers to come, after my plan is put into execution.

The plan ultimately is very simple: use all our bombers to drop snowflakes on the South, providing a White Christmas for the first time in that climatically deprived region.

from the “Virginia Bar News”

Lessons in Pleading

The following answer was filed in an actual lawsuit which was ultimately settled and never tried for reasons that will become obvious.

E. J. Reed vs. Missouri-Kansas-Texas Railroad Company of Texas

To The Honorable Judge of Said Court:

Now comes the defendant and with leave of the court first had and obtained files this its first amended original answer and for such shows to the court as follows:

1. It denies generally to the allegations in the plaintiff’s original petition contained and says that the same do not set forth a cause of action against it and of this prays judgement of the court.

2. Defendant specially excepts to said petition wherein it is alleged that the plaintiff had, shortly before boarding the defendant’s passenger train from Waco to Brownsville, taken some “Crazy Water Mineral Crystals” which made it vitally urgent for the plaintiff to answer, without let or hindrance, a quick call of nature in the defendant’s train toilet, for the reason that it is not alleged that this railroad company was given any advance notice of the plaintiff’s precarious condition in such manner as would require it to render any unusual service in preparing the commode in its toilet for said sudden call.

3. The Defendant further specially excepts to said petition wherein it is alleged that the plaintiff, upon discovering that the wooden stool was wet, raised the same and squatted with his feet poised on the procelain bowl of the commode, from which roosting position he says his foot slipped causing him to fall to the great detriment of his left testicle, for the reason that it is obvious that the said commode with its full moon contours was rightfully and properly designed for the comfort of sitters only, being equipped with neither spurs, stirrups nor toeholds for boots or shoes; this defendant, therefore, was not legally required to foresee that the plaintiff, traveling on its modern, air-conditioned deluxe passenger train would so persist in his barnyard predilections as to trample upon its elegant toilet fixture in the barbaric style of horse and buggy days.

4. For further answer, if needed, this defendant enters its general denial and specially pleads that the plaintiff should not be allowed to recover any sum against it for the reason that the plaintiff is, in truth and in fact, a chronic squatter, born and bred to the custom of the corn crib, and, although a comparatively young man, is unable to adapt himself to the cultural refinements of a New Deal civilization, and should have, therefore, in the exercise of due care deferred taking the Crazy Water Crystals until such time when he could be at home secure and surefooted on his own dung-hill or with his feet planted solidly on the flat boards of his own old fashioned two-holer.

It is shown that this defendant had installed in said toilet a plentiful supply of paper and towels with which plaintiff could have, if he had so chosen, cleansed the stool of the sprinkling left by the poor aim of the one who preceded him, and that the plaintiff’s failure to do so was negligence which contributed to cause his injury.

It is further shown that if the plaintiff’s physical inhibitions rendered it imperative that he squat rather than sit in order to successfully consummate said carnal task, or if the plaintiff’s conscientious scruples forbade that he sit, as this defendant veryli believes and alleges the fact to be, then and in that event the plaintiff should have by way of a minimum precaution pulled off his shoes before perching his feet on the slick porcelain bowl; that his failure to so shed his shoes constituted negligence which was the sole proximate cause of his downfall and all the resulting woe to his left testicle.

WHEREFORE, the defendant prays that the plaintiff take his troubles elsewhere, recovering nothing against this railroad company and that it be allowed to go hence with its costs.
You may think that this November's balloting is stuck with at least as many losers as victors, but there's a well-established brokerage firm that has never seen anything but winners— even around election time. At the local offices of Mirror, Litch, Peertz, Feller & Smiff, general manager Hoyt Barsnard says he has 27 ways investors may cash in on America's votes.

"Sure," Barsnard began, "there are short-term gains, long-term returns and everything else in between in the election markets. Take 24-hour drug stores.

"24-hour drug stores?"

"Right, they're a sure thing— with a close race, supporters for both sides are going to be staying up all hours of the night feeling nervous and upset and are going to need aspirin, tranquilizers, Alka-Seltzer and so on by the ton. On the other hand, if it's a run-away for one side, the drug store earnings are less than half as much, but that just means we gotta diversify.

"You mean find some industries not sensitive to election trends?"

"No, no, son, you'd never be a good broker. You can't sense the main chances— if it looks like a run-away you go into 24-hour party stores 'cause the people with the landslide are going to start celebrating early and won't quit before morning. Keep 'em supplied with 24-hour party stores, then rake in the profits."

Thinking I was getting a handle on the business, I suggested, "or a way to cover yourself is buy 24-hour drug stores with a liquor counter, huh?"

Barsnard almost dropped the large green-brown cigar jutting from the side of his mouth, and sneered, "you sound like a mutual fund salesman with that kinda talk, boy. Whatcha gotta do now is move into the growth markets for future elections. Like with convertible municipal bonds."

"I'm afraid I've never heard anyone mention those."

"Well, son, that's why you should get in before all the others hear about them. See, elections of the future are gonna be computerized, and you know that'll cost a helluva lotta money. But local governments are in big trouble these days and their credit ratings show it; yet people are sick of higher taxes, so to raise money for computer voting you gotta make your municipal bonds more attractive—"

"So you make them convertible. Convertible to what?"

"Uh, what's that?"

"What can you convert them to?"

Barsnard immediately assumed an offended air. "Look, I'm just a broker, boy; tell me to sell, I sell; tell me to buy, I buy. But if you want teensy-technical information like that, you look it up yourself."
Judging from the swollen crowd at the last Law School mixer, it's apparent that the average law student has more on his mind than a torpedo from the Greek. Deferring to the fantasies of our constituency, we are instituting this week (just before election time) a second football feature. In addition to the original twenty-game agenda, accompanied by the usual oil-soaked sub, we are proud to announce the NEW MINI-POLE for the short hitters -- not for the faint of heart.

The new five game feature will award its winner with a NEW PRIZE! Two (count 'em) free passes to semi-private screenings of selected, fine, artless "ART FILMS" at one of local purveyors of such fare or alternatively in the basement men's room in Hutch Hall. These films are guaranteed NOT SEXIST as positively nobody wears any clothes, not even the animals.

Last week's winner identifies herself as MS. McCAUGH. Our apologies Ms.; you were just one week to early to get a crack at the little pole. Good luck this week. Why rot your stomach when you can rot your mind.

This week's games:
1. Nebraska at Colorado
2. Oklahoma at Iowa St.
4. Illinois at N'western
5. Iowa at Wisconsin
6. Purdue at MSU
7. W. Mich. at Miami of O.
8. Auburn at Florida
9. Tennessee at Georgia
10. Mississippi at LSU
11. Stanford at UCLA
12. Oregon at California
13. SMU at Texas
14. Arizona at Utah
15. N. C. St. at Virginia
16. Maryland at Penn St.
17. Penn at Harvard
18. Dartmouth at Yale
19. Syracuse at Boston Coll.
20. Delaware at Villanova

And,

THE MIGHTY MINI-POLE:
A. Wayne St. U. at Wisc., Milwaukie  C. VMI at Furman
B. Richmond at the Citadel  D. Idaho at Utah St.
E. Xavier at Dayton

Please note:
Mini-pole prizes are awarded in a plain brown wrapper to protect the innocent. Dominick's original Football Pole prizes are awarded in heavy waxed paper to protect the environment.