February 2, 1973

University of Michigan Law School

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BO BURT BOUNCES BACK

Dear Editor:

I appreciate RG's Special Award given to me in its January 26 issue. The basis for the Award does appear to require some clarification by me.

You are correct that I supported the local ACLU action criticizing the City Council's proposed ordinance prohibiting sex-discriminatory employment advertisements. Neither the ACLU nor I objected to prohibiting sex-discriminatory advertisements as such. Objection was raised only to penalizing the publishing newspaper in addition to the initiating advertiser. The law does not ban all sex differentiations in employment and distinctions between proper and discriminatory sex differentiations are often close questions of judgment. To penalize newspapers as well as advertisers creates a strong likelihood that the newspapers will self-censor their advertising more rigidly than the law requires and will inhibit legitimate business activity that the legal ban against discrimination did not intend to prescribe.

I have been concerned by the actions of Ann Arbor newspapers in the 1972 election refusing to carry political advertising for both Human Rights Party and American Independent Party candidates (cont'd p. 2)

"The Rievers", starring Steve McQueen is the Law School Movie this week. Shows are Saturday, February 3 at 7, 9, and 11 p.m. in Room 100 HH. Law students FREE. The more fortunate 75¢.

RES gestae

TODAY IS THE DEADLINE FOR PASS-FAIL ELECTIONS. Do it now or forget it.

Ann Arbor, Michigan "Home of Nixon's Farm Team" February 2, 1973

DOUGLAS

If hero worship is out of style, you couldn't tell it Tuesday when Justice William O. Douglas came to town. Students overfilled Hill Auditorium and the Lawyer's Club lounge straining to hear their main legal man, not so much for what he said as just because he was saying it. Others have hailed the revolution, railed the bureaucracies, and worried about the environment out loud, but few Supreme Court justices take to the soap boxes. Among other things he laid on the people were:

* "Law schools are far too reactionary to prepare students to deal with the revolutionary times in which we live."
* "One of the greatest dangers facing America is the institution of presidential wars." Douglas pointed out that the court has dealt with many politicized questions, and referring to the decision which kept Truman from nationalizing the steel mills, said: "If we can adjudicate what a president can do as respects property, why can't it adjudicate what a president can do as respects life and liberty. There was no declaration of war in Vietnam, and some of us thought the court should have decided that. It never did."
* "Soon we will have a centralized data bank in Washington. That way we can easily identify the 180 million subversives that exist in our midst." Douglas said that he is certain that his house is under electronic surveillance, and that his wife had found bugging devices, although he has found none.

* "America has become a nation of clerks, of docile followers rather than thinkers. My generation, I've always thought, is rather politically bankrupt." Douglas said he expects more from the present generation, but fears that it too may be lured away by the "golden gravy train."

cont'd p. 3
on ground that the newspapers believe the advertisements were somehow "inappropriate." I was equally concerned about fostering this censorious conduct by newspapers in other contexts, no matter how important the particular social goal sought.

Regarding the Supreme Court's abortion decision, I believe that the moral premises supporting and opposing abortion proscriptions are fundamentally in conflict. I find it impossible flatly to reject the proposition that a fetus has enough human characteristics to deserve respect for its life. The conflicting premise that the state cannot dictate a woman's use of her body equally cannot be rejected. But neither premise is so clearly correct that the Supreme Court could rule that one premise should conclusively prevail over the other. Where moral issues are so plainly in conflict, and the constitutional tradition in our history offers so little clear direction on the question, the Supreme Court is not the proper institution of government to resolve the matter. For such matters, I believe that democratic principles require reliance on popularly elected institutions.

I support the result of the Court's action. I believe that criminal proscription of abortion brings excessive harm to women from unwanted pregnancies and from illegal abortion practices, and causes excessive harm to unwanted children. But the Court did not invalidate abortion laws on these grounds. The Court instead addressed the large moral issues such as whether a fetus was a "person" deserving respect for life. The Court correctly saw that its role as arbiter of the Constitution required that it address the issue in such moral dimensions. The Court did not correctly see that the abortion issue, thus viewed, is a moral dilemma resolvable only by value preferences too idiosyncratic to satisfy norms of proper judicial functions.

In both instances cited by RG, I valued the ultimate ends at stake -- ending sex discrimination in employment and abolishing criminal proscription of abortion. But accomplishing those ends by the particular means in question threatened values to which I give greater priority. My belief that in these two cases that ends do not justify the means appears to qualify me for RG's "Special-Watch-Out-For-Your-Friendly-Local-Liberal" Award, and I accept it approximately in the spirit in which it was offered.

/s/ Robert A. Burt
Professor of Law

opinion

Each year for the past 3 years the Senate elections in March have been characterized by last minute notices, haste and confusion. Questions (and tempers) have been raised about campaign statements, qualifications for office, voting procedures, and the contents of that elusive document - the By-laws (Have YOU ever seen a copy of the By-laws?)

In addition the question of the method for filling the position of our representative to the Law Student Division (LSD) of the ABA needs to be settled before the election this year. Last year at the last meeting of the Senate before the term ended, with no public notice, the Senate approved this year's LSD representative.

Unless some compelling anti-democratic reason exists for not choosing by vote of the student body the person who speaks for us to the LSD and for the LSD to us, this position should be filled at the Senate election in March. Now is the time to act in order to avoid problems that have arisen in past years.

The Senate has worked hard this year. We hope they are willing to put out the effort now needed to finish their year in office.

--H. Forsyth
"I told FDR that every time he created an agency, he should see that it's terminated after ten years."

"We have less to do now than when I first came on to the Court," he said, criticizing proposals for a new mini-Supreme Court to lighten the load of the highest tribunal. "We're not overworked—we're underworked."

"You shouldn't give your life to the law. If you do you'll dry up and blow away. Everyone should have a hobby and enjoy life."

The way Douglas tells it, he ended up in law by default. He agonized many years ago over whether to pursue a career in literature or law, but after teaching high school literature for two years, he decided there could be nothing worse. There is a split of authorities on whether his decision has been good for the country, but many people are hoping for another 34 years of Justice Douglas. When asked how many more Nixon appointees we can expect to see, Douglas just smiled and said, "Well, I don't know of any openings."

Mr. Justice Douglas is an old man, physically, and this sad fact was inescapable for those who saw him Tuesday. But he gives us hope, because although he has struggled for many years, he keeps on fighting, and although he is almost apocalyptic he is not cynical.

--jm

Law Students Civil Rights Research Council (LSCRRC)

The Law Students Council was founded in 1963 by law students who wanted to support lawyers working in the South during the civil rights movement. The Council remains governed by law students, and has continued to be dedicated to the goal of improving the quality of justice in this country. Since its founding, the Council has expanded its activities throughout the country, and now has chapters organized at over a hundred schools.

During the summer the Council operates the Summer Internship Program, through which law students are placed through their own initiative with civil rights attorneys, community organizations, Indian and Chicano legal services organizations, welfare rights groups, and other groups doing movement work all over the country. Last year over 200 law student interns worked toward the goal of eliminating racism, sexism, poverty, and political repression in the United States. Of that group three were University of Michigan law students. One worked for a movement firm in Detroit, one in the labor law area in North Carolina, and the third on military law in Germany. This year the Michigan chapter again expects to place interns from this school in socially rewarding work. Also planned is increased activity in local projects.

The University of Michigan chapter will hold a general meeting to discuss the organization and the summer internship program on February 6, a Tuesday, in room 132 at 3:30 p.m. All students, 1st, 2nd, and 3rd year are invited to come. Signs will also be posted around the school and on the LSCRRC bulletin board in the tunnel between the library and Hutchins Hall.

--Matt Mason
Coordinator
An Open Letter to the Class of '74
University of Michigan Law School

It has now been little over a year now since this writer left your ranks. After considerable reflection, I am convinced that I made the right decision. It is the simple purpose of this letter to share some of those reflections with you, in the hope that those of you who remain may somehow be affected by these words.

When I left Ann Arbor for good, I admit that some vague premonitions presented themselves to me that someday I would regret having forsaken a legal career, not to mention a scholarship and indefinite meal ticket that a Michigan LL.B. would have guaranteed me. In the year's time that has elapsed since then I have actively reconstructed these premonitions, but found that none has led to regret, only exultation.

What I have learned in the last year is a very simple lesson, one whose simplicity makes it inaccessible to those whose lives are caught up in the pursuit of career, money, pleasure, or whatever. The lesson I have, or am beginning to learn, is impossible to express in words, and that is precisely the lesson -- the inapplicability of words to experience. I remember from my brief tenure at Michigan how I became dissatisfied with how the "principles" formulated by judges or lawyers failed to meet the "issues" head on, how the words somehow failed to capture the experience.

I am sure that much of this is old hat to some of you, perhaps most. But it is one thing to intellectually realize the amount of (legal) labelism that so engrosses, and another to experience it from another frame of reference. It seems that in translating a human act into legal phraseology and debating same act therefrom, the humanity, the feeling of the act is lost, be that act murder, manslaughter, or masturbation.

However there is another law which effects all of us, and regarding this law which I have begun to experience since departing Ann Arbor, I can only say "ipse dixit" -- for those who listen, the law does indeed speak for itself.

If you listen for words, then that is all you will hear. If you listen for something else, well, that has been the purpose of this letter.

/s/ Leo H. Elliott Jr.
114 Crescent Ct.
Louisville, Ky. 40206

P.S. I would appreciate being included in whatever circulation this letter may receive, since the recycling of ideas is as important to one's mental ecology as the recycling of material content is to nature's.
In his response to the talk by Ambassador Cross (RG 1/26), Mr. Ewbank chose to emphasize that Vietnam, not Singapore, has been the primary object of American policy in Southeast Asia over the past decade. For this, Singapore must surely be grateful. But this should not obscure the rapid development of Singapore, its relations with American businesses, and the importance to Southeast Asia of a pattern of development which focuses on internal strength developed inde­
pently of a Great Power's foreign policy.

The thrust of Ambassador Cross' short speech was to elucidate some reasons for Singapore's progress. It was not the details of that changing economic structure which he suggested as a model for the rest of the region: Singapore is an industrial nation with a technically skilled populace, while the nations surrounding it are agricultural nations with populations comprised primarily of peasants. Rather, it was the procedural aspects of Singapore's buildup that caught Cross' respect. First, the leaders instituted formal means to search out and eradicate corruption in government. This is perhaps the leading problem in all of Asia's governments; solving it may well be the sine qua non of progress. Second, the government has compiled extensive and accurate statistics of its population resources. Third, it has understood the value of detailed planning.

In utilizing foreign business operations, Singapore has demonstrated intelligent independence. American companies which situate offices in Singapore find that the government is quite willing to have American managers—unlike the insistence of some nations for immediate high-level employment of native personnel. The trick is that the American executives train Singaporeans for later entry into those positions. Further, Singapore has carefully watched the nature of industries located there. At first, it accepted labor-intensive industries, such as the wiring of integrated circuits. Now that the local populace is becoming more technically skilled, and now that there is actually a labor shortage in Singapore, the government is phasing out such endeavors (which move to other Southeast Asian countries) and importing the next higher level of technology. To some, this poses the possibility of job competition with the United States itself. This would be the great irony— if the rise in the standard of living of a state developing through capitalism should eventually pose a greater threat to the United States than a united Communist Vietnam could ever have.

(Mr. Scarlett, a first year law student, was an undergraduate Chinese Language and Literature major, spent 18 months in Asia, and is a continuing student of things Asian.)
NOTICES

Lunch with Bea Kaimowitz announced:

NOON
Wed. Feb. 7
11:30-1:30
Faculty Dining Room

informal lunch with Bea Kaimowitz to discuss plans for her campaign for mayor of Ann Arbor

All are welcome, Staff members are especially invited to join us. Bring your lunch or go through the law club line.

- sponsored by Law Women's organization

ORDER YOUR 1973 LAW SCHOOL YEARBOOK
TODAY: 8:30-10:00 am.
3:15 - 4:15 p.m.
MONDAY: 9:00-11:00 am.
2:15 - 4:15 p.m.
OUTSIDE ROOM 100 HUTCHINS HALL

Care to Talk?

Consumers who don't like the idea of sausage makers putting animal by-products into their hot dogs and sausages can tell the U.S. Department of Agriculture about their preferences.

The USDA has finally proposed new ingredient standards for frankfurter, bologna and other cooked sausage products.

The USDA's proposal is in part a response to the state of Michigan's fight to keep its stricter requirements for these products which do not allow any by-products.

If you wish to comment on the USDA's proposal send your comments to Richard Lyng, assistant secretary of agriculture, U.S. Department of Agriculture, Washington, D.C.

Women's Credit

The Michigan Consumers Council has announced its schedule of hearings to explore the problems women have getting credit.

The purpose of the statewide hearings is to determine what criteria lenders use in granting credit to women and to make recommendations for possible changes in Michigan laws.

The hearings will be:

Feb. 6 at the Law Building Auditorium in Lansing; 2-5 p.m. and 7-9 p.m.
Feb. 14 at the City Commission Chambers in Grand Rapids; 2-5 p.m.
Feb. 20 at the Holiday Inn on Grand View in Traverse City; 2-5 p.m.
Feb. 28 at the City-County Bldg. auditorium in Detroit; 9 a.m.-noon and 3-5 p.m.
The President has recently announced his plans to dismantle OEO and with it the Legal Aid offices that are federally funded. Many law students are closely acquainted with Legal Aid. We urge all law students to protest its elimination by writing to Washington. President Nixon is arguing that the states can re-fund any program through revenue-sharing. We all know that many states may not do this (in California, for instance, Reagan came out against Legal Aid years ago). However, it might also be a good idea to write State Representatives and Senators to urge that it be funded by the states if the Feds abandon it.

As a Public Service, R.G. is attaching a list of some of the targets locals might want to hit:

President Richard Nixon
White House
Washington, D.C. 20515

Senator Robert Griffin
Rm. 353 Old Senate Bldg.
Capitol Hill
Washington, D.C. 20515

Senator Philip Hart
Rm. 253 Old Senate Bldg.
Capitol Hill
Washington, D.C. 20515

Rep. Marvin Esch
Rm. 412 Cannon Bldg.
Capitol Hill

Sen. Gilbert Bursley
Senate, State Capitol Bldg.
Lansing, Mi 48933

Rep. Perry Bullard
House of Representatives
State Capitol Bldg.
Lansing, Mi 48933

Abortion reform -- We are now drafting a bill which would change Michigan's current law to conform with the recent Supreme Court decision. We have a sponsor, and the bill should be introduced in about five weeks. Since there will undoubtedly be attempts to limit the scope of the decision, it is extremely important to get in early with a carefully drafted and fully documented piece of legislation. We need all the help we can get.

Sentence review -- a large number, if not a majority, of the appeals of criminal convictions are in fact appeals of the sentence. While some people maintain that the Michigan Courts already have the power to review sentences, it is not being done, and a clear legislative mandate would dispose of this issue once and for all.

If you are not interested in these projects, but interested generally in writing legislation, come on down! If you need something more than intellectual gratification, some of the projects do pay, and in the alternative, our tremendous drag with the faculty should enable us to find some soft headed professor to give you some credit.

You can find us at 110 Legal Research, or call 763-2300, or 971-6608 and ask for Jon.
The Detroit chapter of the National Lawyers Guild is sponsoring a series of seminars on effectively defending the criminally accused. The series, DEFENDING THE ACCUSED, started February 1, and will meet on subsequent Thursday nights from 8:30-10:30 p.m. at Wayne State University Law School, Classroom 101.

Speakers will include: Neal Bush, Neil Fink, Ernest Goodman, Randy Karfonta, Tom Meyer, Ken Mogill, Justin C. Ravitz, and Jeff Taft.

The schedule of seminars is as follows:

February 1. INTRODUCTORY and Preliminary PROBLEMS

February 8. PRELIMINARY EXAMINATION will look at Tactics, Search and Seizure, and Cross Examination.

February 15. PRE-TRIAL. will look at identification, motions, investigation, plea bargaining, and sentencing.

February 22. THE TRIAL, PART I. will look at voir dire, opening statement, and the prosecutor's case.

March 1. The TRIAL, PART II. will look at the defense's case, jury instructions, closing argument, and misdemeanor bench trials.

March 8. TRIAL DEMONSTRATIONS. will have question and answer period and further seminar discussion.

Registration forms to sign up for the seminars are available from Executive Committee members of the Ann Arbor Guild. These forms, though not necessary to participation, are helpful to those running the series. Attendance at the seminars requires a small fee be paid. The fee schedule is as follows:

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<th>Single</th>
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<td>Guild Attorneys</td>
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Submitted by the Executive Committee of the Ann Arbor Lawyers Guild

LAW INTERN PROGRAM

A law intern position at the County Prosecutor's office is open for May, August and December, 1973 graduates. The intern will have close daily contact with the attorneys in the office. Among the duties is assisting in the preparation of briefs for trial motions and appeals.

"Very good practical experience."
Helen Forsyth

Applications are available from Assistant Dean Kuklin.

DEADLINE: FRIDAY, FEBRUARY 2
FRESHMAN WRITING COMPETITION

I. The Competition

The Michigan Law Review and the University of Michigan Journal of Law Reform have agreed to employ a joint writing competition to select some members of their 1973-74 junior staffs. Selection will be made on the basis of writing alone, with no reference to grades. Each publication will accept at least five members from the competition if thirty or more papers are submitted. Although the Journal will continue to accept subsequent applications of other writing samples, priority will be given to those who participate in the joint competition.

The decision to conduct the competition rests on several factors. It will allow the Law Review to draw staff members from a wider segment of the student body and, conversely, will open the possibility of service on one publication or the other to a greater number of students. It will allow both publications to select members on the basis of work very similar to that done by the members of the respective publications.

By scheduling the competition far in advance of winter examinations, the publications have attempted to recognize the coursework demands placed upon freshmen. Although any freshman who enters the competition will be assuming additional responsibilities during February and March, the experience of the competition in and of itself is a valuable supplement to the first-year student's education.

Naturally, the success of the competition depends to a great degree on the participation of the freshman class, and all freshmen are encouraged to enter.

II. Instructions

Topics: Topics have been selected which roughly correspond with each of the freshman courses: Torts, Contracts, Criminal Law, Civil Procedure, Property, and Constitutional Law. There are twelve topics. Entrants may select any topic and may change topics at any time during the competition. Topics will be posted today, Friday, February 2, and will also be distributed in all first year classes next week.

When considering which topic to select, it is advisable to examine the accompanying case or statute reference, if given. Such references are included as a means of giving entrants some initial guidance to the topic area. Those cases which are currently available only in U.S. Law Week have been placed on reserve in the library.

The Paper: Papers will be graded according to style, analytical ability, and research ability. A strict limit of thirty typewritten pages, double-spaced, with a 3-inch left-hand margin on regular 8½ x 11 inch paper will be observed. Two copies should be turned in prior to noon, Monday, March 26, 1973, at the Law Review offices. In no event will any paper be accepted after that time. The author should be identified by I.D. number only, and not by name. Footnotes should not be included on a page-by-page basis, but should follow the body of the paper. They are not included in the thirty page limit, but in no event should footnotes exceed the length of the text. All footnotes should be in whiteboard (Harvard Bluebook) form.

In no case should portions of the paper be written or edited by others. If questions arise, several members of Law Review and the Journal will be available for consultation. Consult the bulletin board for name and location of these members.

III. Selections from the Writing Competition

The publications will independently evaluate entries to the joint competition. After Law Review has met its quota of
staff members selected on the basis of grades, the two publications will make staff selections from the writing competition. The invitations on the basis of the writing competition will be issued in mid-summer. The Journal will then select the remainder of its staff from students submitting samples in the spring.

Where selections from among the entrants do not overlap, each publication will invite its selections to join its staff. Where the selections do overlap, the final selections will be made on an alternating basis, the right to the first overlap to be determined by lot. All entrants will be considered for appointment to both publications. Entrants selected for one publication may, of course, decline to accept appointment, but they will not thereafter be eligible for appointment to the other publication. This limitation is thought necessary to maintain the joint character of the competition.

IV. Guidelines for Writing

While both publications wish to encourage creativity and originality in thought and technique in the writing competition samples, there are several general suggestions on technique that the writers may find useful. An attempt has been made to state the topic in each instance as succinctly and clearly as possible. For reasons of manageability and organization, the writer is advised against deviating from the central issue in the topic. In particular, he is advised against long restatements of the gross issues in the law underlying the specific point in controversy. In analyzing the specific point, however, he should not feel confined to the facts and statement of law contained in the cited case. Indeed, the writer might find it very useful to his analysis to contrast the particular holding with similar decisions in other jurisdictions or with developments in analogous areas of the law. Finally, the writer should not hesitate to offer reasoned judgment for espousing or rejecting a court's rationale or holding.

In writing the competition entry, library books must be used only in the library and are to remain available for general use.

For an example of the type of work expected, it is suggested that all entrants examine an article in the Recent Development section of any issue of the Michigan Law Review. For those who seek further guidance in grammar and style, the following publications are suggested:

- T. Bernstein, The Careful Writer (1965)
- O. Jespersen, Essentials of English Grammar (1933)

1/29/73

(Topics for the writing competition will be posted Friday in Hutchins Hall and will also be distributed to all first year classes next week.)
KAMISAR

Charlottesville, Va. (U-M News Service)--In a speech delivered Thursday at the Judge Advocate General’s School, Professor Yale Kamisar of the University of Michigan Law School maintained that not only has the Burger Court failed to counter the strong resistance of law enforcement officials and the lower courts to the Warren Court’s landmark criminal procedure decisions, such as Miranda (1966), applying the privilege against self-incrimination and the right to counsel to the police interrogation room, and the 1967 Wade and Gilbert cases, applying the right to counsel to police lineups, but has actively encouraged such resistance.

In his address, the second annual Kenneth J. Hodson Lecture in Criminal Law, entitled "The Burger Court Slides Down the Mountain," Kamisar stressed that generally there is so much resistance to Supreme Court decisions affecting "police practices" that "the High Court must re-enter the fray again and again to patch up its original decision, close emerging holes, block end-runs--one might say 'rescue' the original ruling." But not only has the Burger Court failed to counter the 'shrinking,' reshaping and mis-shaping of the Warren Court decisions by the lower courts, it has cheered them on and in some respects outrun the resisters.

Kamisar pointed out that despite the general hostility to Miranda, most lower courts rejected the argument that statements obtained in violation of the Miranda rules could be used to impeach a defendant who took the stand in his own defense and thus inhibit him from taking the stand at all. This was too much--even for the hostile lower courts. For the argument seemed to fly in the face of specific language to the contrary in Miranda and it would too obviously frustrate the manifest objective of that decision. "But it was not too much for the Burger Court, which 'bought' this argument in the 1971 Harris case." After Harris, maintained Kamisar, "a lower court judge unhappy with Miranda has cause to believe that almost no emasculating interpretation of Miranda may be too outrageous."

Similarly, "despite the widespread unhappiness with the lineup decisions, only a small minority of lower courts could bring themselves to interpret these decisions so narrowly as to limit their application to police lineups conducted after a suspect has been indicted. For nothing in the Warren Court opinions suggests that a lineup conducted prior to indictment is less fraught with the same risks of abuse and misidentification as one occurring after that point." But in the 1972 Kirby case, the Burger Court did so interpret the lineup decisions, "thus permitting the police to manipulate the applicability of the right to counsel by conducting all identification procedures before the indictment, and "thus encouraging the lower courts which had been cutting down the lineup cases on a relatively modest scale to 'try harder.'"

The Kirby ruling, charged Kamisar, is "unworthy of a judicial system bent on dealing with the realities of the criminal process rather than its labels."

"Although the so-called 'revolutionary' criminal procedure decisions of the Warren Court, at least so far as they affect police practices, have largely been ignored or circumvented in practice by law enforcement officials and riddled with holes by hostile lower courts and a hostile new Supreme Court, most Americans don't know it," observed Kamisar, "and few leaders of public opinion are telling them about it. The public continues to believe that the courts have 'handcuffed,' if not 'disarmed' the 'peace forces.' This illusion, well nourished by law enforcement spokesmen and 'law and order' politicians, is a powerful force operating against much needed reform and in favor of constitutionally suspect proposals for 'restoring the balance.' "Thus," concluded Kamisar, "we face the worst of two possible worlds."
Charlie, meantime, has returned to his old boss, a real estate con artist, to earn "some bread." The pressures of ripping-off house buyers predictably burst his ulcer and, collapsing in a heap, he blurts out: "Phone my doctor Steve Kiley in Santa Monica."

The rest, you can figure out.

Charlie's hemorrhaging is caught in time, his tumor is benign, he's delighted with his wife's pregnancy (macho restored, he boasts, "...and they thought I was sick"), and he resolves to take "that research job."

The key factor in his decision to return to the law is, of course, the fatherly urging of Doctor Welby.

It's hard to say anything that is not facetious about this (or any other) episode of Marcus Welby M.D. At one level, it captures flawlessly the mise-en-scene and conflicts of a married law student's life. At another level, it is a ludicrously superficial treatment of some very real and difficult tensions. But, ultimately, that is the appeal of Marcus Welby, M.D. All life and death problems are uncomplex, containable, susceptible to home-spun resolution. On balance, therefore, "the Problem with Charlie" is best viewed as a parody of real life. If my doctor came out with some of the things Robert Young passes for advice, I'd fire him. What he tells Charlie Gates would help no law student, who is that bottled up, straighten himself out. I wonder what he'll tell the Michigan Med School graduates at commencement. (Can we get Owen Marshal for graduation?)

Perris, a 1972 summa cum laude graduate of the Law School, is currently clerking for Judge J. Edward Lumbard of the U.S. Court of Appeals, Second Circuit.

Perris graduated magna cum laude from the University of Toledo in 1969,...went on to compile one of the highest scholastic averages in the history of the U-M Law School [and still remained a nice guy -- Eds.]. He was also articles editor of the Michigan Law Review and active in the School's moot court program, where he served in an important administrative capacity.

Zengerle is a 1971 magna cum laude graduate of the U-M Law School and spent five years in the military prior to his legal education. His wife, Lynda, also graduated from the U-M Law School in 1971.

Zengerle attended West Point and the Ranger and Airborne Schools, and then held several positions in the military, including service as special security assistant to Generals William Westmoreland and Creighton Abrams in South Vietnam.

He is presently clerking for Judge Carl McGowan of the U.S. Court of Appeals for the District of Columbia Circuit.

Both Zengerle and Perris will serve as Supreme Court clerks for the 1973-74 court term.

CAMPBELL COMPETITION

The Semi-Final Round of the Forty-Ninth Annual Henry M. Campbell Competition will be held on February 7 and 8 at 3:00 p.m. in the Moot Court Room (Rm. 232 Hutchins Hall). Contestants will argue a hypothetical ease in which a prospective candidate for public office has challenged the constitutionality of a state campaign financing statute. The court will consist of the Hon. Talbot Smith, Senior Judge, United States District Court for the Eastern District of Michigan; Prof. Paul G. Kauper; and Prof. Robert M. Burt. The contestants are John Barker, Forrest Hainline, William Friedman, Kenneth Khostamm, James Maiwurm, Allan Miller, Ronald Van Buskirk, Richard Van Wert, Patricia Williams, and Lawrence Wolfson.
books

The Uniform Commercial Code
by James J. White
and Robert S. Summers

West Publishing Company,
St. Paul, Minnesota, 1972
Available at Overbecks or
University Cellar @ $15.00 or
on reserve in the library for free

To most law students a hornbook is a
hornbook is a hornbook. But as soon
as one reads the dedication to White
and Summers' hornbook, The Uniform
Commercial Code, "To our parents who
ultimately must share some of the
blame," it is clear that this is not
an ordinary hornbook.

In fact, White and Summers' dis­
cussion and interpretative analysis
of the Uniform Commercial Code is
interlaced with analogies and comments
that are sometimes witty, but always
unexpected.

One relatively innocuous example of
their work is on page 473, "Unfortunately
the foregoing section is in one
respect like the amphibious tank that
was originally designed to fight in
the swamps but was ultimately sent to
fight in the desert".

But even the most jaded (or stoned)
law student will stop to re-read the
passage on page 499: "...3-419 is a
haphazard (critics might even say
half ass) codification..."

Professors rarely belittle their
colleagues' intellectual status (with­
in the earshot of students, anyway).
But White and Summers berate them­
selves throughout the book (jokingly,
of course). In footnote five on page
495 they say, "The following is a
chart that White put in the body.
Summers wanted it removed altogether.
White thinks Summers was misguided."

Or, on page 25, "We number these
cases with some fear for we realize
that those who can analyze do, and
that those who cannot, number."

It is a shame that White and Summers
ruin their refreshing, innovative
approach to legal education on page
198. There they lapse into the dog­
eared habit of characterizing the legal
profession as a "male" one. In a sen­
tence directed toward the law student
reader, they say "...your spouse...her...", implying that the law student
reader is, by definition, a male with
a female spouse (or a female homosex­
ual).

Actually, this book is at least the
second attempt by these authors to
"de-dullify" the study of law, spe­
cifically Commercial Transactions, by
using English instead of "legalese,"
catchy words and phrases in hypotheti­
cals and a very straight-forward approach.

It is their theory that a law book
that is interesting to read will
motivate students to learn. Whether
White and Summers are successful
is a question for each "reasonable
reader" to decide.

--- C. Harper

LAW SCHOOL BRIDGE TOURNAMENT

DATES HAVE BEEN CHANGED

NEW DATES: TWO SESSIONS

FEB. 22 8:00 P.M.
FEB. 24 1:00 P.M.
If you'd been watching tube Tuesday night instead of ruining your eyesight over some fine print, you'd have seen the story of your life, Charlie Average Lawstudent on Marcus Welby, M.D.

Doc Welby, America's most beloved fictitious physician (according to T.V. Guide) and his playboy sidekick, Steve Kiley, M.D., were ministering this week to the needs of a neurotic law student and his bank clerk (what else) wife. The episode entitled, "The Problem with Charlie," purported to deal with the problems of "all the Charlies of the world," so you know it had universal applicability.

Charlie Gates just graduated law school, and the episode opens on his taking his bar exam in a cavernous typing room. Amidst the authentically awesome chatter of thousands of typewriter keys, a pained look crosses Charlie's face -- he starts for the mensroom, hand over mouth. The proctor (who is a perfect likeness of Jerry Israel with that kind tough-guy look) follows Charlie and tells him that if he leaves the building, he can't come back. No matter, responsibility-shirking Charlie splits for Doc Welby's where tests for physical ailment prove negative; it was just a queasy stomach. Charlie had clutched and he knew it.

Meanwhile, his wife (played by Elaine Giftos who last appeared on television as the wife of an intern in the show of the same name) is dying to quit her job and get pregnant. As it turns out, Charlie is equipped to supply the latter but, because he blew his bar exam, his wife has to keep working for at least another six months until he can take it again. At work, her boss promotes her because of her "unusual managerial capabilities" and assures her of a long bright future in branch banking.

Himself out of work, Charlie, the resident manager (what else) of his apartment building, turns down an offer from a classmate to do some legal research on the side ("It's not much money, Charlie, but you can keep your hand in") and, instead ("I'm just not cut out for the law," he confides) agrees to paint rooms in his building for the owner.

Charlie's wife runs into the classmate and gets the picture. She confronts Charlie. Having put him through law school, his wife demands he study for the next bar administration and cries, "I want to stop working, I want a home, a baby... [that's enough, hold it right there], I don't want to be married to a house painter, I don't want to earn the money in this house." His machismo punctured by her indelicate outburst, Charlie explodes ("ah shucks, honey"), packs and leaves to find "work."

Speeding to its heady climax, the tale unfolds. Docs Welby and Kiley take another look at Charlie's x-rays. Sure enough, esophageal ulcer with tumorous complications, could perforate at anytime with internal hemorrhage ("You know, Steve, even the most experienced internists miss those the first time around."). At the same time, Charlie's wife, who has been feeling nauseous lately, misses her period. Under Welby's piercing gaze, she admits to having gone off the pill, "because I was so sure Charlie would pass his bar exam." Foolish woman.