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University of Michigan Law School

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To the Editors:

This letter is offered in the hope of promoting more rational discourse and a clearer understanding of the events surrounding the recent appropriation by the Law School Student Senate of $950 to pay for telegrams sent to Washington under the auspices of the Legal Aid Society. Specifically, this is in response to the letter written by Terry Adams which appeared in the last issue of Res Gestae.

As a former member of the Board of Directors of the Legal Aid Society, my fealty to the concept of legal services for the poor and my concern for its survival is of the highest order. As a member and officer of the Law School Student Senate, however, my responsibility is to ensure that Senate funds are expended in a manner calculated to achieve the maximum possible return of benefits in relation to the amount expended. The issue is not, as was suggested last week, one of whether to support legal services or sherry hours because the Senate clearly has a duty to fund both types of activities. The focus of the inquiry must instead be on how to ensure the optimum results in each area of concern to the Senate in relation to the total budgetary picture.

In light of this framework of cost/benefit analysis, treasurer Jim Plummer and I (as well as several other Senate members) concluded that the desired effect of the telegrams -- to influence the recipients to support an extension of legal services with federal funds -- could be achieved at less than one-tenth of the $950 amount required for the telegrams by simply xeroxing the 31 pages of petitions and mailing them to Washington.

failed to have Ravitz disqualified from the trial for bias.

Justin Ravitz. Detroit Recorders Court judge. Marxist. He's only one man, but as he says "I've got the power, and I know the law". Sponsors of Judge Ravitz' talk expected only about 30 people to show Tuesday night in the Lawyer's Club lounge. It was a weeknight, there was no wine (red or white) and no hors d'oeuvres. Nothing to draw the crowds. Yet--more people came to hear the intense young Ravitz than nearly any other speaker this year, and they weren't disappointed.

Ravitz has been the center of controversy from the day he became a Recorders Court judge, when he failed to salute the flag as he was being sworn in. More recently he was drawn to hear the case of a right wing extremist, who attempted but
Dear Editors, Res Gestae:

I am writing to you as one of the few Michigan Law School grads to have failed the Michigan Bar Examination. Yes, it is true; it is possible to pass all your courses at Michigan (even getting an occasional A or B, but mostly C+ s), take an allegedly reputable bar review course (Josephson's for me) and still not pass the exam. I am writing to you because I believe changes have to be made, and maybe you can help "get the ball rolling."

I also want to tell those who may find themselves in the same situation what kind of hoops they will have to go through after they have failed the exam. Failure is not an easy thing to cope with. First, you get "the letter." A card with a check in the space that says: "not passed." It was like getting the notice that I had passed my army physical and my induction notice at the same time. The three years of law school, for this? The card told me I had received $28\frac{1}{2}$ points, and (supposedly) it takes $29\frac{1}{2}$ points to pass. $29\frac{1}{2}$ is 72.5% of 40 (the total number of points possible) and $28\frac{1}{2}$ is 71.025% of 40, so I missed passing by 1.475% or so. However, I discovered later that if you get 29 points the Examiners (whomever they are) will pass you because they figure if you're that close you probably just had a minor slip and they can certainly forgive that. But, of course, the line has to be drawn somewhere, doesn't it? I can remember going to one of my law school professors and asking him about my C+. He said, "Sure, I suppose another professor might have given this answer a B or even an A, but not on my curve. You see, I have to draw the line somewhere."

The letter that accompanies the "failure" card is unsigned and delineates what the appeal procedure is. (It would be interesting, by the way, to institute an appeal procedure for law school grades, but I suppose that would take too much time and effort, and, besides the profs are too busy "teaching"). First, you are to go to Lansing and copy your answers and get a copy of the "right" answers (word for word) and write a "brief" on why you think you should receive a higher grade. Basically, the brief says to the Bar Examiners: "Listen, all you have to do is re-read my answer to this question and you'll obviously see that the answer is correct."

I had 30 days, 30 days to appeal a decision that had already brought profound changes in my life. The first few days were spent in reviewing the questions and my answers, looking up some law on the various subjects, and in trying to see Mr. M. Josephson, a very busy man. He was finally able to squeeze me in, and after I'd driven over 150 miles to see him, he arrived late and was able to give me 20 minutes of his time. I would suggest to those who are about to sign up for a bar review course that they carefully check the amount of "aid" they can expect if they fail. But nobody really expects to fail the exam, even tho they pretend they do.

I wrote my appeal in as "lawyerlike" way as I could. I researched the law and argued "persuasively". I honestly believe that they did not read many of my answers at all. I typed the appeal myself and mailed it at the very last possible (legal) moment. Then I waited. And waited. I was told by the "Clerk" that the 5 bar examiners would have an answer within 2 weeks. After 2 weeks I called, but the results weren't ready. One month crept by and still no results. I called Lansing every day. I did not answer my phone because I thought it might be some well-meaning friend calling to ask how I did on the bar exam. I did not go to work. I mentally wrote and re-wrote my appeal, realizing that I could have done a much better job. But most of all I waited and thought about failure and whether I could bring myself up enough to re-take the exam. I also wondered whether or not I really wanted to be a lawyer.
THE ONE THAT GOT AWAY

The following item appeared in the Feb. 20th issue of The Commentator, which is the NYU Law School newspaper.

Silberman May Leave For U.M.

In response to a query from The COMMENTATOR last week about the rumor that she will leave NYU at the end of this semester, Prof. Linda Silberman expressed her sensitivity to the First Amendment free press guaranty but added that it seemed "pointless" and "foolish" to print an article.

She explained that the basis of (Continued on Page 4)

Will She or Won't She?

(Continued from Page 1) the rumor was a teaching offer she has received from the University of Michigan, her alma mater.

The scarcity of women law professors subjects them to a barrage of such invitations, she said, and it would be unwarranted to publicize the fact that one particular faculty member had received one particular offer.

She suggested that it would be more interesting for The COMMENTATOR to interview her after she had made up her mind, in order to prepare an article indicating why faculty members decide to leave NYU or, as the case may be, stay.

The COMMENTATOR, however, elicited the further statement that although Silberman has been asked to teach at a number of law schools since her arrival at NYU three semesters ago, Michigan's offer was the most tempting because she has a personal fondness for the school and had enjoyed her working relationships with the faculty there. "And Ann Arbor's a lot more quiet," she observed.

Silberman, who spent two years in private practice in Chicago before coming here to teach Conflicts and Civil Procedure, was Note and Comment Editor of the Michigan Law Review. Between her first and second years at law school she wrote a chapter on joinder of parties for the Cound, Friedenthal and Miller text currently used in her civil procedure classes.

She was working under the supervision of Prof. Arthur Miller, who persuaded her to give class lectures on joinder and, she has said, "probably dropped my name about" when she decided to seek a teaching position.

RAVITZ from p. 1

fore him. He is Detroit police officer Raymond Peterson, a STRESS decoy, who Ravitz has repeatedly publicly called "a multiple murderer." Ravitz said the STRESS decoy unit was created in January, 1971, recorded its first killing in March, 1971, and in the next year was responsible for killing 15 people in Detroit. Peterson, he said, was in on eight of these first 15.

cont'd from below

Most people, not familiar with the STRESS controversy, have probably deferred judgment on this complex situation in which the facts that are known may seem ambiguous. "Maybe they need this sort of program... After all, it is stopping crime, isn't it?" Many who have formed opinions about the program have done so according to their pre-existing biases--either "give the police the power they need to halt crime" or "get the pigs out of the community". So when Ravitz came in with facts, taken from the recent Stop STRESS trial, it made a lot of people stop and think.

cont'd p. 5

Coming soon: The Return of the Death Penalty

cont'd next column page three
I had thought about that question in law school, but it was different now. There was a real possibility I would never become one.

After five weeks and four days (approximately 936 hours) the results were released. My appeal had been successful. That is all "they" tell you, just that you passed (or didn't). You never learn what particular question or point you argued successfully or unsuccessfully. It was ironic that the results were issued only a scant 6 weeks before the March bar exam was scheduled to be given. This left one who failed his appeal with very little time in which to make a decision and prepare to do battle again. It is almost as if they want to make it more difficult for you. The August Bar Exam (taken by about 650 people) took over 3 months to grade (December 1st was the date the results were released). There were about 100 appeals and they took over 1 month to grade. A curious fact indeed, that less than \( \frac{1}{6} \) of the number should take \( \frac{1}{3} \) of the time to grade.

I was obviously delighted at the outcome of my appeal. Now I am determined to work for the elimination of the bar exam. I sincerely believe the exam's worth is slight. It only serves to line the pockets of those who operate the so-called "cram courses." I spent less than 2 weeks (total) "studying" to pass the bar and (after appeal, I grant you) I passed it. I certainly do not mean to boast, but it seems to me to point up the fact that a cram course is not that necessary, and that the exam is nearly worthless. I might add that I believe the practical experience of working for a law firm or as a clerk will better prepare one for the bar exam than any of the cram courses.

I do not think the bar exam will be eliminated in the very near future. I believe one reason for retaining it is the attitude that "If I had to go thru it, then everybody should have to also." That attitude coupled with the paranoid fear of the "flood" of new attorneys are some of the reasons for retaining the exam.

I would urge all of your readers to work for the abolition of the bar exam. Hopefully, things are changing for the better and the winds of change are even blowing thru the bar association. No one should have to go thru that experience, especially after going thru law school itself.

The following are quoted from the autobiography of Clarence Darrow: "In those days a committee of lawyers were chosen to examine applicants. They were all good fellows and wanted to help us through. The bar association of to-day lays down every conceivable condition; they require a longer preliminary study, and exact a college education and long courses in law schools to keep new members out of the closed circle. The Lawyers' Union is about as anxious to encourage competition as the Plumbers' Union is, or the United States Steel Co., or the American Medical Association...In the English expression, I had been 'called' to the bar. Lawyers are very fond of fiction...Working a long time on obscure subjects, spending all your money, and as much of your family's as you can get, and finally passing examinations against the will and best efforts of the inquisitors, means getting 'called to the bar.'"

[The author of the preceding letter has asked that his name be withheld at this time. Because of the possibility of harm to his professional reputation and the intrinsic interest of his subject matter, we have complied with that request. -- Eds.]
Law-Gold victorious

Law-Gold, representing Michigan defeated Minnesota's I.M champs, 66-61 this afternoon to capture the first annual Big Ten Intramural basketball championship. The Law-Gold squad, which won the Michigan I.M tournament two weeks ago, reigned supreme over the IM champions of eight other conference schools. Law-Gold defeated Iowa in the quarter-finals, 72-54 and beat Indiana in the semi-finals before disposing of the Gophers.

from Michigan Daily 3/20/73

MEMBERS OF THE LAW-GOLD I-M CHAMPIONSHIP TEAM

Sam Riddle '75
Stan Grayson '75
Herbie Williams '73
Godfrey Dillard '73
Clint Canady '74
Steven Drew '74
Ernie Blackman '74
Larry Crawford
Mike Washington
Tom Koernke '74

MORE RAVITZ from p.3

Ravitz said he and others working on the Stop STRESS trial have documented that of the first 15 deaths caused by police in the decoy unit, "at least five of those killings were cold-blooded murder." He described in detail, with names and dates, the evidence supporting his statement, replete with numerous examples of apparent police perjury.

Clarence Manning was one of the deaths Ravitz talked about. Seventeen bullets were fired when he died, all by STRESS officers, and it came out at the trial, the one which killed him was fired into his heart at a distance of five inches.

Donald Saunders was another. Ravitz reenacted the cross-examination of patrolman Robert Miller, who killed Saunders while acting as a decoy at Monroe and Randolph on Sept. 14, 1971 at 1:30 a.m. Although the entire dialogue cannot be reproduced here, in essence it brought out that Saunders asked the decoy officer, who was sitting on a curb in downtown Detroit, for 20 cents and eventually the officer told him that he didn't have 20 cents, only $20. Saunders came back a little later and held up Miller, allegedly putting a knife to his throat while removing his wallet. Saunders then allegedly punched Miller in the face, knocking him down. Ravitz asked Miller if he was hit with a closed fist.

Yes. With which hand? He didn't remember. The one with the knife or the one with the wallet? He couldn't answer. Was Saunders drunk? No. You're sure—you know how to tell since you arrest drunks every night—and you're sure he wasn't drunk? Yes, he wasn't drunk. And how big was he? About 5'10", 160 pounds. According to Miller, Saunders then ran away from him, and he fired several shots, none of which "took effect". Saunders then rounded the corner and several more shots were fired,

page five cont'd p. 8
To the Editors,

Now that the smoke has cleared and the wrath of the law school community has been vented upon the unfortunately absent Justice Rehnquist and the perhaps unfortunately present Judge Brown, and after much ado has been made about what may not amount to very much after all, this writer would focus the attention of Res Gestae readers on a less controversial, but nonetheless significant, matter.

The names of the participants in the Campbell Competition Quarter- and Semi-finals were printed in the program for the day, but they were neither mentioned nor introduced on March 6. This is not intended as a criticism of the Campbell Chairmen in any way, rather it is an attempt to highlight the efforts of sixteen law students. Only 20 out of nearly 40 eligible for the competition submitted briefs for the first round, thereby engaging in a form of educational "gamble" which is costly in terms of money and time. Each participant in the competition wrote a 20 page brief on a broad and fairly complex constitutional question and bore the expense of typing and reproducing the brief, which includes a considerable number of pages of front matter. For this they are reimbursed $10 per person per brief (about 1/3 of the cost) and they have the opportunity to argue orally and learn something about themselves. The expense and work involved is doubted for those who participate in the semi-finals. The rewards which go to the competitors are significant, but largely intangible, since neither money nor significant job opportunities accrue to those who do not make the finals.

In view of the inherent subjectivity of moot court judging and the fine lines of division which must be drawn in a close competition, these people deserve a tip of the law school community hat for their healthy competitive spirit, their desire for self-improvement, and the unselfish goodwill which was demonstrated throughout the year.

Much of what goes on in law school is supposedly related to the personal pursuit of excellence; these sixteen individuals deserve credit for undertaking extra tasks in that pursuit and more recognition than they have received to date. Were it not for an overlooked case, a tactical error, or a "bad day" in the orals, any one of these persons might have participated in the Campbell finals.

QUARTER-FINALISTS
Dave Harrington
Renard Kolosa
Richard Krause
Thomas Power
John Rodgers

SEMI-FINALISTS
John Barker
William Friedman
Kenneth Kohnstamm
Richard Van Wert
Patricia Williams
Larry Wolfson

It is hoped that the editors will find room for an anonymous letter by one who does not have a personal axe to grind in the pages of Res Gestae. It is further hoped that the peers of these students might give them credit for a job well done.

CAMPBELL OUTCOME

Law students, FORREST HAINLINE of Detroit and RON VAN BUSKIRK of Santa Fe, N.M., were declared winners of the 1973 Henry M. Campbell Moot Court Competition.

Runners-up were JAMES MAIWURM of Shreve, Ohio and ALAN MILLER of Birmingham, Mich.

The winners received cash awards of $200 apiece, donated by the Detroit law firm of Dickenson, Wright & Cudlip. The runners-up received $150 each. The names of all four finalists will be engraved on a plaque in Hutchins Hall.
Law School Senate Meeting Minutes
March 5, 1973

Present: Jim P., Dennis, Pam, Gloria, Liz, Lynne, Jim H., Frank, Juan.

Codicil editor to give report on last Senate's Codicil and this year's financial status.

Legal aid reps - want to spend up to $950.00 of already allocated money to send a telegram for the continuation of Legal Aid programs. Reps feel a telegram will be more effective than letters. Put to a vote, and the motion passed.

Codicil problem - due to last year's Codicil's staff's mismanagement and poor sales, this year's Codicil staff needs $843.81 to pay past bills. After sale of books and final accounting, hopefully the Codicil can repay the Senate some money out of whatever profits are collected. Put to a vote and passed with 2 opposing.

Barrister reps came to discuss the Crease Ball, with adjusted figures for expenses of the Ball. They want at least $550.00-$600.00 from the Senate. This money would be allocated from Speaker and Social Committee's and Contingency Funds. (Note: The Crease Ball is an all-law school formal faculty-student function held April 14, 1973. Put to a vote - motion - 15 free tickets to Barristers to distribute as they see fit, $550.00 from the Social Committee from their unallocated funds. Vote - it fails ABA-LSD rep. Brian Bayns from U of M came to request an allocation of funds for 3 LSD representatives to attend Circuit Convention held in Memphis, Tennessee. They are requesting $90.00 which will cover everything including registration fees. Put to a vote - motion carried.

Self-Insurance

Eyeing the spectre of federally standardized no-fault car insurance in every state, officials of the American Trial Lawyers Association (ATLA) are in an ill-concealed frenzy over the economic hardship to members of their organization following passage of legislation partially abolishing the so-called tort system of fixing auto accident liability.

To ease the impact of lost wages, trial lawyers could be treated like aerospace workers, caught up in another kind of legislative retrenchment, and be given massive subsidies for job re-training. What size commitment should be made? "Oh, it could take several years and billions of dollars," speculates Thornton P. Esquire, Esq., chairman of ATLA's Future Alternatives Tribunal (FAT). "The American people must remember how much the practitioners of our highly specialized trade have contributed to make the country's judicial system what it is today."

"Mr. Esquire -", I began.

"Call me Thorny."

"Yes, now its apparent that you're pretty wrapped up in fighting a no-fault insurance system that will make a lot of your body's members jobless."

"No, no," Esquire protested, "I see you've been taken in by the vicious rumors that have been circulating about our motives. We are opposed to no-fault, you see, not on the trifling ground of mere protection of our large incomes." His voice entered a broad range of inflection. "But because we hold firmly to the cherished American principle of sparing no expense to discover just who is responsible for breaching the law of the land."

"We certainly seem to have been sparing no expense."

"Paying damages for accidents on any other basis would be alien to our society."
which did take effect, causing Saunders to fall on his face, dead. Ravitz asked if Saunders was running away from Miller the whole time? Yes. He never turned back or turned around to face the officer? No. So he was shot in the back, since he never turned around and he was running away? Right.

The next to testify was the pathologist. In his testimony it came out that Saunders was not shot in the back, but in the chest. He was not 5'10", 160, but 5'7", 122. And he couldn't have run as he was alleged to have, since his blood alcohol content was .32 (you're legally drunk if you have .10 alcohol in your blood).

Ravitz' criticism was not only of the STRESS unit itself, but with the way police officials use it for public relations. "Every month we've been subjected to the spectacle of General John Nichols (Detroit police commissioner) saying "We've done it again--we've kept crime down. God bless STRESS." All this, Ravitz said, even though STRESS wasn't functioning at that time, not to mention the fact that crime had also gone down similarly in other cities.

STRESS was not the only topic Ravitz hit upon while discussing the "criminal injustice system." He called the courts in our urban centers--"assembly lines where oppressed persons are herded through the system"--America's only working railroad.

He cited statistics on systematic illegal exclusions from juries, and the proponderance of guilty pleas and plea-bargaining as means of disposing of cases.

Ravitz is not in a position where he can criticize from the sidelines without having to worry about the effects of what he advocates. So what does he do? Does he send people to prison, even though he feels that the state is criminal in maintaining the prison system which exists? Does he allow accused criminals to cop a plea, even though he feels this often results in a denial of their rights? The answers are Yes, but with reservations. To those who criticize him for this, he responds that he is not "judge-for-a-day" he can't just "do a heavy hippie number and get out." He feels that fewer people agree to plea bargaining in his court because they have confidence that they can go to trial without being penalized for it. In addition, he said, "I try to reject pleas I feel are not well grounded."

He gave the example of a recent case in which a defendant had consented to plead guilty to a lesser charge, when it was apparent to Ravitz that he would not have been convicted of the initial offense had he been properly defended. He asked the accused man if his attorney had discussed the relevant defense with him, and he said no. Ravitz then asked the attorney about it, and the lawyer replied that he had gotten a quite different story from the police than from his client, and that although he did everything he could, he felt his client would be unable to succeed with this defense. Ravitz asked the lawyer if he raised the objections in preliminary examination, and if he had rigorously cross-examined the police officers, both of which the lawyer answered affirmatively. Then Ravitz produced the accused man's folder, which showed that the preliminary exam had been waived on advice of the counsel, that the police had never been called to testify--in short, the attorney was lying.

Ravitz wrote a complaint based on the Cannon of Ethics and referred him to the Michigan Bar Grievance Committee.

Ravitz challenged law students "who are serious in political terms to leave Ann Arbor", at least occasionally, and get involved in the real world. You really don't need to be on law review to be engaged in the struggle."
Prosecution of political crimes is a legitimate function of government, but abuse of this power could be one of the "most hazardous courses a government can pursue," said Professor Francis A. Allen, delivering the Oliver Wendell Holmes Lectures at Harvard University of March 15th.

Professor Allen observed that the government may have overlooked long-range social consequences in such recent political prosecutions as the Chicago Seven trial and the trials of Dr. Benjamin Spock and Angela Davis.

"In many instances the political prosecution is, or may be seen to be, an avenue to achieve certain immediate political or governmental purposes, even when such action may threaten longer-term interests and values. It is this characteristic that renders the prosecution of political crimes particularly susceptible to unwise and even abusive uses," said Allen, an authority on criminal law.

Prof. Allen, holder of the Edson R. Sunderland Professorship in the Law School, said the Chicago Seven trial had these consequences:

"It seems clear that the case contributed importantly to the polarization of American Society in the closing years of the 1960's. Certainly, it exacerbated the alienation of American young people. One may reasonably suspect that it constituted a significant step toward the tragic consummation of events that occurred at Kent State University in the spring of 1970."

At the same time, Allen said, "one cannot overlook the possibility that the prosecution, for all its deplorable consequences, may have strengthened the political positions of some of those who initiated and supported it."

Allen suggested that, unlike other trials the prosecution of political offenders often leads to close public scrutiny of the government's values and motives. "One of the substantial risks for the government is that, although it may win in the courtroom, it may lose in the larger tribunal," he said.

Allen also noted that "prosecutions of political crimes, while relatively numerous in recent years, have resulted in few impressive successes for the government."

As examples he cited reversals of the Chicago Seven and Spock convictions and the acquittals of black militants Angela Davis and Bobby Seale.

He stressed that one of the major dangers of political prosecutions is that "the fanaticism of the terrorist is sometimes matched by the fanaticism of the government agent."

"Our society," continued Allen, "shows many instances of specialization gone mad, but some of the most striking and dangerous examples are to be found in our secret police and intelligence agencies."

Citing the Watergate incident as an example, he observed that police and prosecuting agencies have no accountability to the public and often reveal little about their activities.

These circumstances "breed a kind of bureaucratic obtuseness that in times of stress can be dangerous, for it confuses public reactions and may deny support for the government in cases in which it is deserved," he said.

Allen urged "explicit statements of policy" and other measures to hold governmental officials more accountable to the public and to limit abuse of government authority.

Allen's research in preparation for the Holmes Lectures was supported by a grant from the John S. Guggenheim Memorial Foundation. --U/M News Service
My judgment that this method would produce substantially equivalent impact on Congressional minds was a product of personal experience acquired during a summer internship in a U.S. Senator's office. In that office, I observed that the method of processing Congressional mail is quite different than one would imagine from the implications of last week's letter. Each day the Senator would receive a raw count of the number of opinions registered on each issue (pro and con) as gleaned from the previous day's mail. Thus, in that office, the 800 names on the xeroxed petitions would have received the same treatment as 800 names on a 4½ foot telegram which cost $24.50 of student funds each. Admittedly this procedure may not be followed in every Capitol Hill office, but conversations with friends who have served on both House and Senate sides of the Hill convinced me that the marginally greater impact that might result from a telegram petition as opposed to a xeroxed petition would not justify the necessary cost differential of approximately $850. In fact, for that amount of money, the Student Senate could have funded an entire lobbying team in Washington over spring break to ensure personal delivery of the petitions to each member of Congress we wished to contact. While this would unquestionably be the most effective lobbying technique, it is not clear that this would be an appropriate use of student funds.

When the vote came, and a majority of the Senate was clearly in favor of sending the telegrams, I voted to abstain and thereby indicate my support of the goals but my opposition to the methodology chosen by the Legal Aid Society. Jim Plummer has indicated to me that his abstention was based on substantially similar reasoning. Thus, this was not a case, as Terry Adams charged, of arguing against the shift of authorizations but lacking the "courage" to vote against it.

In response to the doubts Terry raised about the propriety of opposing the diversion of funds already allocated to the Legal Aid Society, it seems appropriate to include a word or two about the Senate budgetary process. The budgets of individual student groups and Senate committees are determined in the spring on the basis of spending projections for specifically enumerated purposes submitted by the groups themselves. Whenever a group is unable to spend all of its appropriated funds for the planned activities, as in the case of Legal Aid Society this year, the appropriated but unspent money does not then "belong" to the group but reverts back to the Senate at the end of the fiscal year. Meanwhile it is subject to diversion by the Senate for pressing needs in other areas. Thus, while there was perhaps some equity in the position of the Legal Aid Board of Directors that this money was already "theirs," this position did not entitle the telegram proposal to any less searching scrutiny than it would have received in April 1972 when the Senate budget for the 1972-73 fiscal year was enacted. The fact that the money was already budgeted in the Legal Aid account for other purposes had little or no relevance to the merits of the proposed new expenditure for telegrams.

Immediately after the Senate vote on the question, a storm of controversy arose, and many students protested that they would not have signed the petition if they had realized that they were thereby endorsing an expenditure of $950 of Senate funds to pay for the telegrams. Many students suggested to me that the Legal Aid Society could have rented a suite at the Washington Hilton for a week and lobbied in the usual fashion for the same amount of money that was spent for telegrams destined for the "circular file." At least one Senate member who had voted in favor of the telegrams was later convinced that this was an erroneous position. A reconsideration of the question, in light of the constituent response, seemed appropriate, and a meeting of the Senate was scheduled to take place later in that week. In a brilliant display of tactical finesse, the Legal Aid Board voted to send the telegrams immediately when put on notice of a possible change in Senate sentiment. The desire for reconsideration of the decision was not, as implied by Terry Adams, a personal vendetta instituted by Jim Plummer, but was supported by the President, Vice-President, and several other members.

Since I was equally as vocal in my opposition to an unjustified expenditure for telegrams as Jim Plummer, I can only conclude that Terry failed to label me as a "chicken-shit politico" posing as a "liberal" because my integrity as a former member of the the Legal Aid Board was fairly well established. Our concern was to do the job, but to do it in a fiscally responsible manner. It is most unfortunate that the indiscriminate use of inflammatory labels was allowed to obscure valid concerns of those entrusted cont'd p 12
NOTICES

March 20, 1973

The new position of assistant dean, whose primary duty is the supervision of the Writing & Advocacy Program, will be posted in the University Record and the Chronicle of Higher Education. Applications from women and minority group members are especially invited.

Administrative ability and the capacity for teaching writing skills are desired. Some experience in practice is preferred but graduating seniors will be considered. Graduates of other law schools are not excluded.

Dean St. Antoine will be happy to listen to recommendations from students and insofar as feasible will seek student views of candidates. Applications should be submitted directly to the Dean.

-- Bailey H. Kuklin
Assistant Dean

Law School Movie this week: FOR WHOM THE BELL TOLLS

THE ACADEMY AWARD WINNER

The academy award winner based on Ernie Hemingway's gruesome war novel, starring

GARY COOPER ** INGRID BERGMAN

and introducing for the first (and last) time, Katina Paxinou, in the stirring tale of men as beasts and women as them that also serve by waiting. You'll be glad you saw this one, assuming you have positively nothing to do (except study) on:

SATURDAY EVENING at 7 & 10, Rm. 100 HH

Law students, as usual, pay nothing for this diversion; all others shell 75¢

CORRECTION

In some editions of the March 9, 1973 issue of Res Gestae, two errors appear at p.11 in the box "L.S. Election Results."

Uncorrected editions show five candidates elected to the office of Member-at-Large instead of the proper number, seven. R. Melson and B. White were both elected to this office, in addition to the five candidates indicated, Mr. Melson by a vote total of 125 (not 93); Mr. White's vote total of 122 is accurate as shown.

Our apologies to those affected. Anyone who would like a corrected edition as a keepsake, may pick-up his or her copy at the R.G. office.

--Eds.

JANE MIXER MEMORIAL AWARD NOMINATIONS.

"Students in the Law School, friends, faculty, staff, and her family contributed to a fund to establish an annual award in memory of Jane L. Mixer who met an untimely death while in her first year in the Law School. The award will go to the law student who has made the greatest contribution to activities designed to advance the cause of social justice in the preceding year."

Provisions for this award further provide that "nominations for the award will be made by students in the Law School with the recipient to be chosen from among those nominated by a committee of the faculty."

Nominations are now in order. Please submit them to Assistant Dean Kuklin's secretary, Marilynn Williams, at the counter in the Administrative Offices. Closing date for nominations will be 12 o'clock noon on March 23, 1973.

The faculty committee would appreciate a brief statement of the activities of the various nominees thought to qualify them for the award. The recipient will be announced at the Honors Convocation on April 13.
MORE LEGAL AID
from p. 10

with the guardianship of other people's money. Many are not pleased that nearly 1/22 of the entire Senate budget was expended for the telegrams when, as the Legal Aid Board itself conceded, "There is no guarantee that these telegrams will have any influence on those who receive them." Jim and I contended that the same probability of success could be achieved at significantly lower cost. The validity of our position may be open to question, but I hope that our sincerity will be respected.

/s/ Pamela Stuart
Vice-President
1972-73 Law School
Student Senate

REPLY TO PAM STUART

As the RG is going to press in twenty minutes, this letter must be short and to the point (hopefully). The merits of the $950 controversy were settled on March 12 at the last meeting of the old LSSS. However, since Ms. Stuart and Mr. White felt compelled to keep the issue alive, I will reply briefly. I think it is particularly ironic to note that when the Legal Aid Society presented its budget to the LSSS last spring, the Senate told us to come back in a week with a larger budget request. Thus, the Senate was more than pleased to give Legal Aid $1700 instead of the $1200 we originally asked for. Since we realized that we could not spend that money any way we pleased, we went before the LSSS to ask that we be allowed be spend $950 of our already budgeted money to send the telegrams. After ample discussion, a clear majority of the Senate approved the reallocation. This should have been the end of the issue but it obviously is not.

I am very tired of restating our justifications for sending the telegrams and I think Barry Zaretsky's letter and the statement from the Board of Directors of Legal Aid in the last issue of the RG will suffice.

I'd like to add one more comment, however. Ms. Stuart is the only person I've talked to who has had some experience in Congressional offices who felt that a xeroxed letter was as effective as a telegram. (I must doubt her awareness of political protocol if she really believes that one or two law student lobbyists could actually personally get in to see 32 Senators and Congresspersons).

In any case, it is the procedures that were taken after the valid LSSS vote that should be scrutinized. It should be made very clear that Mr. Plummer attempted to block the sending of the telegrams with absolutely no authority to do so. He even admitted to me that his conduct was "dubious." Unlawful payment would be a better word. I have no doubt that if we had not been able to charge the telegrams, Mr. Plummer would not have authorized payment. This action would have been completely without authorization. If Ms. Stuart condones such action and feels that we had some sort of obligation to wait around until the Senate could get a quorum together and re-vote, I must doubt her understanding of the rules governing the Senate. The telegrams were sent under valid Senate authorization despite attempts by certain members to block our efforts.

Kathy Gerstenberger
President of Legal Aid, 1972-73

P.S. So far I have received letters from eight of the people who received these telegrams as well as one letter from a personal friend of mine working in Lucien Nedzi's office remarking on the "monumental and impressive telegram."

more on Aidgrams:
To the Editors:

Many law students know that, at its March 5 meeting, the LSSS appropriated $950 for 39 telegrams protesting the impending cutoff of federally-funded legal assistance programs. Many of
In the first place, Adams' letter was a totally irresponsible rhetorical document which unnecessarily slandered the LSSS treasurer. Adams' style exhibits very poor taste, and I am surprised that RG dignified it with front-page coverage and a headline.

The official Legal Aid statement was more even-handed, but it reveals a disturbingly myopic view of the whole transaction. Legal Aid righteous­ly notes the worth of its cause and the fact that it was only spending monies already budgeted to it. While I do not question the value of the protest, I do wonder whether the $950 was well spent. After all, $950 would have financed a pretty impressive trip to Washington, where several Legal Aid people could have personally presented our petitions to the 39 legislators.

Wherever personal contacts with the legislators could have been made, the impact would surely have been infinitely stronger than that of impersonal tele­grams. Even if personal deliveries had only been made to legislators' assistants, the effect would obviously have been greater.

I wonder why Legal Aid did not propose a $950 junket rather than $950 worth of telegrams. I expect that either they did not think of the trip or they doubted that the LSSS would have allowed a junket on account of its obvious negative connotations and the large expense. Yet I wonder why a $950 junket, with all its potential for cronyism, should shock our collective conscience as much as a $950 set of telegrams which will obviously produce much less benefit than the junket.

I can advance several behavioral theories, none very complimentary, to account for Legal Aid's very peculiar behavior. Perhaps they wanted to "pull one over" on the LSSS to show who's boss. Perhaps they were obsessed with that dreary bureaucratic syndrome "spend what we've got or else they'll cut our budget next time." Perhaps they were so transfixed by the social value to their purpose that they were willing to move through hell and high water to achieve their ends.

If Legal Aid wanted to pull a fast one, they've succeeded. Of course, their move may prod the new LSSS into initiating stricter financial controls which will more than offset the victory of the moment. (Other organizations should always remember to thank Legal Aid if such controls are employed.)
Legal Aid's Board of Directors advances the theory that an organization should be able to spend budgeted funds wil­li­nily as it pleases. However, I submit that the LSSS, as trustee of those who fund student organizations, has a right (indeed, a compelling duty) to balance the "right to spend" against the right to spend wisely. The telegram transaction vividly illuminates the need for a responsible, searching inquiry into the efficiency of student-funded activities. Had Legal Aid been faced with a more curious Senate, it would have probably bothered to present something other than a half-baked proposal. Had Legal Aid indeed been blinded by its determination to beat Mr. Plummer and by an adherence to the "end by any means," then the Senate would at least have blocked the plan. Legal Aid might have launched a vindictive rhetorical assault against the LSSS, but at least it would not have squandered our money.

I admit that close LSSS scrutiny over the efficiency of allocations may infringe some of the desirable independ­ence of student organizations, and I admit that some projects may be impeded by political considerations cloaked by political rhetoric. I believe that the law student body dis­approves of both alternatives and that the LSSS must make some effort to avoid both. At the present time, organizations are clearly too auton­omous, and the tail is trying to wag the dog. More spending controls are necessary and in order.

I might add that the LSSS is not without blame in this transaction. Everyone should be disturbed by the fact that almost $1000 of our money was spent without any written authorization. We should also recognize that the LSSS's lack of a preliminary agenda enabled Legal Aid to surprise everyone with its proposal. The reps could not be expected to formulate alternatives and to adequately critic­ize Legal Aid's initiative while it was being debated. Furthermore, interested students who might have attended the meeting and added to the debate may not have been present due to their ignorance of the impending proposal.

Let's face it -- students (and oftentimes their reps) do not attend LSSS meetings merely to hear all the routine legis­lative garbage. They come when some particular issue is to be considered. The mere fact that the LSSS holds its meetings at a regular time and place should not excuse it from exercising public notification procedures employed by the most elementary organizations.

Similarly, the LSSS should issue periodic statements of monies spent and received and (for those of us who cannot decipher the hieroglyphics of financial statements) periodic summaries of resolutions and appropriations. Better post-meeting reports would encourage more responsible LSSS actions, since knowledge of questionable actions would not be limited to those crazy few who frequent Senate assemblies.

Finally, the Treasurer should more strictly control expenditures. Except in the most extraordinary circumstances, the present practice of large cash advances against expenses should be stopped. Most bills should be paid by check. Certainly no one should be able to charge large sums without a voucher from the Treasurer.

In closing, I would emphasize that none of my remarks are aimed at the integrity of anyone. I do not believe that anyone is spending student funds for personal benefit or for diabolical purposes. Rather, my sug­gestions are aimed at the natural human tendency to spend other people's money too freely when the appropriator knows that marginal utility justification will not be required and when the expenditure may further a purpose which the appropriator deems worthwhile. I realize that my suggestions require additional effort by some LSSS officers, but where $22,000 is involved, I believe that the effort is necessary.

/s/ Barry F. White

Barry Zaretsky replies on behalf of the Legal Aid Society Board of Directors:

Since RG is going to press in 15 minutes, I will not attempt a point by point rebuttal of Mr. White's
Joni Mitchell - FOR THE ROSES

I first wanted to buy Joni Mitchell's latest album while browsing through the Cellar record department. The lovely, almost ethereal, picture on the cover of the songstress sitting on a bed of moss on a high bluff on the banks of a wide river, dressed, as she is, in shades of green-blue suede, literally entranced me. It evoked memories and moods of quiet, peaceful moments of music and thought, and friends and times of awhile ago. (Inside, there is also a tender, tasteful photo of the lady standing nude, gazing, on wet rocks stepping out to sea.)

But nostalgia wasn't the only thing prompting a purchase out of my limited funds. The Sunday Times a few weeks ago reviewed the album along with one each by Yoko Ono and Dory Previn. With Carly Simon and Helen Reddy also very much in mind, the reviewer sought the woman context of these albums and especially extolled Ms. Mitchell for her success here.

It was particularly warranted. Success in any field for a woman has its obstacles. Perhaps no song in the album best elaborates on this theme than the last, Judgement Of The Moon And Stars (Ludwig's Tune), which through the metaphor of Beethoven's struggle against his deafness, comments in a way that reaches home on every individual artist's, and person's for that matter, struggle to realize him- or herself.

Joni Mitchell has not been one of my very favorites. I always preferred Judy Collins' version of Both Sides Now, which is telling since Joni Mitchell wrote it. Her songs sometimes lack a rhythm I seek, relying mostly on her voice, which, while pure and strong, she uses in a way that becomes distinctly repetitious. She also drops words the way Arthur Rubinstein drops notes - enough cont'd next page

LSSS from p. 7

LSSS meetings have been changed. The meetings will now be held at 7 p.m. every Wed., effective next Wed. It was also agreed that Roberts Rules of Order will be strictly enforced at all subsequent meetings, including the Budget Hearings.

The Budget Hearings will take place the first week of April, the 2nd - 6th. Any organization needing finances for next year must submit a request to be placed on the agenda to Doug Watkins or Rosella Williams, at the Lawyers Club desk. Further details will be forthcoming.

Anyone interested in becoming Chairperson or a member of the Senate Speakers Committee should contact the Senate Secretary or any other Senate member.

-- Rosella Williams
LSSS Secretary

ZARETSKY ON AID from p. 14

charges, but I would like to restate the Legal Aid Board of Directors' unanimous position in this matter. We do not in any sense maintain that, as Mr. White asserts, "an organization should be able to spend budgeted funds willy-nilly as it pleases." That is why we presented the proposal to the LSSS. At the same time, we feel that once the LSSS has duly considered a matter and allocated funds, we are entitled to use the funds for the purpose for which they were allocated.
to bother me yet not enough to ruin the effect of the song, the words of which are often very moving and poetic. To all her fanatic fans, I concede it's my problem, not hers.

A good example of the shortcomings that leave me dissatisfied is the album's opening song, Banquet. The message of too much want among too much plenty, too much greed, selfishness and false dreams is very much there - I just wish it had a better vehicle.

Several of the songs are revealing glimpses of a woman's point of view on romance and the female role, particularly Woman Of Heart And Mind and Let The Wind Carry Me. Others also touch on this with a focus on either the rock groupie or the female star -Blonde In The Bleachers and See You Sometime, a good Joni Mitchell song. The title song, For The Roses is also about this. It is the first of the album's best songs. It includes one of the most imaginative phrases on the record:

The caressing rev of motors
Finely tuned like fancy women
In thirties evening gowns.

It is also powerful in its effect, telling of spent love, glory and moments, and intriguing in its ambiguity about present and past, and the person singing and being sung about.

There are other songs on the album, including the humorous Bara Grill, of which three deserve almost all the superlatives I can muster. The first thing you may notice about the album as you play it is the label -Asylum. This macabre name is borne out by many images, particularly in Lesson In Survival which I did not particularly like. But another song ties in with the label's name, It's called Cold Blue Steel And Sweet Fire and it is a gem. The images it raises, of the lives of street and ghetto people, of being on the lam, of drugs, of poverty and flophouses, of despair and finally suicide are gripping.

But just as much to its credit, or rather Joni Mitchell's, is the music and the way it is sung. I suspect it's quite unlike anything Ms. Mitchell has done before. I recently read a 3-judge federal court opinion revamping Wisconsin's civil commitment laws and for the first time really knew what the phrase "sweeping decision" referred to. Similarly, after listening to this song, you'll for the first time understand what it is to call something a haunting ballad. But that alone really does not describe the song musically. I am reminded of a torch song, except this song is not about love. The use of syncopation, accented on the chorus, combined with Ms. Mitchell's rich voice modulated into low moans as she sings of Lady RELEASE is stunning. It is so good it's not depressing, perhaps also because tuning in a little to the despair in all of us is healthy, although as she says in another song:
When you dig down deep
You lose good sleep
And it makes you
Heavy company

The word is refreshing for Electricity and
You Turn Me On I'm A Radio. Electricity delight-
fully deals with love and the world when Plus and
Minus can not get together because of crossed or
otherwise unworking circuits. The metaphor works,
including presenting the alternative of simpler,
pre-electronic age ways (for both love and the
world) and ends with the comment: "She's not
going to fix it up too easy."

You Turn Me On I'm A Radio may sound chau-
vanistic but it is not:
But you know I come when you whistle
When you're loving and kind
But if you've got too many doubts
If there's no good reception for me
Then tune me out, 'cause honey
Who needs the static
It hurts the head...

This song is quintessential Joni Mitchell
and that is saying alot. It's the sort of song
her voice and sense of rhythm and music playing
are best suited for. Remember The Circle Game?
So

If you're driving into town
With a dark cloud above you
Dial in the number
Who's bound to love you
Oh honey, you turn me on
I'm a radio
I'm a country station
I'm a little bit corny
I'm a wildwood flower...

That she is.

-- Laurence Gilbert

MORE INSURANCE from p. 16

"Or in other words those with the
worst driving records would pay most
and may eventually not be able to
afford to drive. Does that mean
you're arguing that no-fault is bad
because it sticks it to poor drivers?
I thought you said no-fault was bad
because it didn't stick it to poor
drivers."

Esquire, his eyes darting again,
opened his suit coat and fiddled
with his vest buttons.

"OK," I recapitulated, "your organi-
zation is against no-fault because
it will cost too little, it will
cost too much, it will hurt bad
drivers and it will help bad drivers.
Not because trial lawyers will be out
of work."

"Well of course, while our highest
concern is with maintaining the high-
est principles of American jurispru-
dence, and there's every expectation
no-fault will be repudiated once
ATLA educates the American people
on the matter, we naturally have
not been blind to alternative
employment opportunities."

"Wasn't there something about a meet-
ing between ATLA, the Association of
American Athletic Directors and the
National Collegiate Athletic Associa-
tion?" I asked while shuffling through
my papers.

"Why yes," said Esquire, his eyes
widening considerably, "I didn't
think that had gotten out yet."

At last I found the appropriate note.
"Let's see, you want university athlet-
ic directors to hire trial lawyers
after a new rule allows sports teams
to appeal fouls to a three-member
referee panel during the games."

"Sure. Any home fan can tell you
the ref's make a lot of bad calls,
sometimes turning the whole outcome
around. And who but trial lawyers
are better equipped to hammer out jus-
tice on foul appeals."

"Won't you slow down the games just
like the courts?"

Esquire slowly began to rise, his
eyes on fire, as if to deliver his
greatest summation. "No, no," he
cried, walking to the office window
and stretching out his arm toward
the urban expanse below, "just as in
our fight against no-fault, our sole
interest, our singular call, is to
preserve the American way of finding
wherein the true wrong lies. There'll
be a sports attorneys' Hall of Fame,
dimpled trial lawyers on TV selling
shave cream. Oh, the crowds will
love it."

mgs

page seventeen
THE SAME COMPANY THAT BROUGHT YOU DR. WATSON'S EXCITING BOARD GAME "THINK YOU ARE A SHRINK" NOW BRINGS YOU:

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