October 8, 1971

University of Michigan Law School

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BEATING THE HUSTINGS

To hear US Congressman John Conyers tell it, it's really very convincing. The black Democratic Representative from the first district in Michigan stopped at the Law School on Monday afternoon to discuss the prospects for a black presidential candidate in the upcoming Democratic primaries. Conyers was persuasive that this would not so much muddy already murky Democratic waters as it would distill out a valuable resource: black political consciousness.

It is important for black American voters, in Conyers' opinion, to escape the "trick bag of end-to-end no-choice politics," which has become the hallmark of our two party system. On a political spectrum that embraces blacks, Chicanos, Indians, the poor and other oppressed groups who demand substantial political reform, distinctions between moderates, conservatives or "quasi-liberals" are at best, in Conyers' words, "just choosing the lesser of two evils."

Typically, blacks in many areas of the country have followed the Democratic party line with regularity. Each election year, Conyers observed, party leaders "raise the specter" of imminent defeat by the Republicans unless the party faithful tow the line. This season, said the Represenative, it's the "Nixon bogeyman," which supposedly compels black voter loyalty.

That the black vote has been seen as "inseparable from the Democratic Party," commented Conyers, "is ridiculous." For example he found "no way" that he and Senator James Eastland (D. Miss.), during a "people's party" convention in Miami, the "millionaires playground," could ever agree on a candidate. Nevertheless, "black voters are expected to support Jim Eastland's choice on a business-as-usual basis." This, said the Congressman, puts the black voter in a "very serious, deep trick bag."

But, citing his own electoral experience and that of several other black elected officials, Conyers faced the dilemma. Without Democratic party identification, he and his colleagues would have been roundly defeated for office. Theorizing won't change habitual party voting patterns. And, absent that consistency, Conyers conceded, he'd be back in private law practice.

The imperative then, stated the Representative, is to map a political strategy that will: 1) liberate black political thinking, 2) maintain current black leadership positions (i.e. as office holders), and 3) gain participation from other, non-black progressive elements.

The strategy which Conyers advocates fits these objectives. It is:

Cont. pg. 4
I
The Fourth Circuit has held that a former professional basketball player named Johnston is a public figure who must meet the N.Y. Times v. Sullivan test to recover in a libel suit. This is so, said the court, even though the allegedly libelous article was published in 1966 while the plaintiff had quit playing in 1959 and had ended his association with professional basketball in 1966. Who is Johnston anyway? Time Inc. v. Johnston 40 L.W. 2145.

II
A soldier who is transferred by the army because of the participation by his wife and friends in protest activities cannot get judicial relief on first amendment grounds, according to the 2nd court. The court, however, did not deny that an army transfer order could never be invalidated on first amendment grounds; it merely stated that "a stronger case than this one" would have to be presented. To this, the dissenter appropriately replied, "I suspect that there were those who counselled waiting for a higher tax to throw the tea into Boston Harbor, or suggested to Andrew Hamilton that he wait for a client with a better case than John Peter Zenger's to argue for free expression." Cort Wright v. Resor 40 L.W. 2139.

III
The U.S. District Court for the Eastern District of New York has held that bankruptcy is a "fundamental" right which must be available to the poor as well as the rich.

The Federal Bankruptcy Act requirement of prepayment of a filing fee in order to obtain a discharge in bankruptcy, as applied to indigent bankruptcy petitioners, is, therefore, a violation of the 5th Amendment rights of due process and equal protection, according to the court.

In finding bankruptcy to be a fundamental right, the court relied on the recent case of Boddie v. Conn., 401 U.S. 371 (1971), which held that divorce was a "fundamental right" which could not be effectively denied to indigents unable to pay filing fees and processing costs. (In Re Kras, 40 L.W. 2138.)

This case has interesting implications in the welfare area where economic interests have been held not to be fundamental)

IV
The first amendment does not protect a newspaper from liability for invasion of privacy according to the U.S. Court of Appeals for the Ninth Circuit.

In so holding, the court upheld a $100 award to a faith healer for injured feelings and general damages. The healer was secretly photographed and tape recorded while practicing his art. The invaders were two reporters posing as patients for the purpose of writing an article on quack medicine for Time magazine. (Dietemann v. Time, Inc. 40 L.W. 2147.) [How about an article on quack reporting?]

V
Concluding that, "The law school faculty constitutes an identifiable group of employees whose separate community of interests is not irrevocably submerged in the broader community of interests which they share with other faculty members," the NLRB has decided that the law school faculty of Fordham University is an appropriate bargaining unit. Fordham University, 193 NLRB No. 23, (9/14/71).

[Factors which the Board relied on in reaching its decision suggest that the U of M law school faculty would also be an appropriate bargaining unit.]
Sirs:

The Law School Placement Office is the only placement office on campus which maintains confidential files for job recruiters containing grade transcripts. The University's Career Planning and Placement also has confidential files on students for the use of prospective employers, but these files contain no transcripts.

The Engineering College and School of Business Administration do not have secret files for employers' use in their placement offices.

These four placement offices are the largest on campus. Career Planning and Placement registers about 7000 students each year. Engineering handles about 1000. Law about 700. Business Administration Placement registers 400-500 students per year.

Each student file in the Law School Placement Office contains a transcript of the student's grades stapled to the inside cover of his manila folder. These folders are for the use of employers, not students. You may not see your own folder.

Another bit of information which the placement office will solicit upon student request is a confidential faculty appraisal. These appraisals travel directly from the faculty member to the placement office file. The appraisal may not be seen by the student without the approval of the faculty member making the appraisal.

Both Engineering and Business Administration placement office directors have maintained a hands-off policy with respect to student transcripts and references.

Professor Arthur Hann, Director of the Business Administration Placement Office says his office considers transcripts and references to be personal records which are best kept under the individual's control. His office keeps only student resumes in their files.

Students in other disciplines present their credentials to a prospective employer at a time and in a manner of their choosing. The student exercises complete control over his transcript. It will not be shown to employers by his default as is the case in the Law School Placement Office.

Mr. Harold Fowler, Associate Director of Career Planning and Placement, expects that their office will change to open records before long. Examination of the present policy, he feels, will show that the reasons for the secrecy have long been forgotten.

In our placement office the present policies are indeed a carry over from a previous administration. Miss Ann Ransford, Supervisor of Law School Placement, expressed a willingness to consider procedural change if students express such a desire.

Hopefully students who find the present policies distasteful and violative of their right to privacy will communicate their views to Miss Ransford. The Placement Office is on the second floor, and the phone number is 764-0546.

These are some simple procedural changes that should remedy the present situation:
1) Remove all transcripts from student files.
2) Discontinue use of faculty appraisal forms which are confidential.
3) Allow students access generally to their own file.

/s/ Brian I. Brown
Law School '73
run a black for President, as a Democrat, in selected primaries, with a program of the most far-reaching reforms. Under the new McGovern rules affecting delegate allotment, this black candidate should be able to broker his votes effectively at the convention and possibly to secure the nomination for Vice-president. Such a "black national political strategy," Conyers feels, will advance black political consciousness to a point where that community can undertake long-range political planning, perhaps along the lines of fourth party coalition.

Right now, Conyers warned, such planning would be premature because, "we have a prime responsibility to prosecute our own political program through the existing framework."

Dear Mr. Gribble:

When was the last time the tops of the lockers in the men's locker room were cleaned?

The Locker Room Boys

More than one black candidate is not necessarily undesirable from a tactical standpoint, he indicated, as long as they don't run against one another in a given primary. The lesson that should be underscored, he concluded, is that now is not too soon for a black Presidential candidacy because "political institutions yield only to continuous, unrelenting pressure."

John Conyers, out stumping early, is helping to keep that pressure up.

-- J.J.S.

MIAP

Tuesday night, October 12, the Michigan Inmate Assistance Program is sponsoring a seminar for its members on the use of forms and fill-in books, and preparation for hearings and trials. This session will be conducted by Martin C. Weisman, a Detroit attorney, and will be held in Room 132 starting at 7:30 p.m. Members of MIAP are urged to attend. In addition the session will be open to anyone who would be interested in some basic practice tips. In particular, students involved in Legal Aid might find the seminar worthwhile.

MIAP is considering having several more sessions on subjects of interest to law students working under GCR 921 if this first session proves to be worthwhile. If you have any thoughts on what these future sessions might consider or any reactions to the idea, please contact Tom Darnton 761-8308.

ACF

whom information is kept of every entry and alteration of their "dossiers." In each case the individual has opportunity to challenge false data and have them removed. U.S. Senator Sam Ervin plans to introduce a bill with this objective into the Congress. With such examples it should be simple for the Placement Office to fall into step.

-- The Editors]
SIS!

BIG SISTER IS WATCHING THE U

Thanks to Ann Wallach, a graduate student who went in to talk with a Dean at the Architecture school last year about her qualifications for admission, we have the following report.

The Dean did not engage in a discussion of her qualifications, but instead told her, "You've got to understand architecture is a profession, like law and medicine. Women just don't have the minds for it."

That Dean is our "winner" this week.

In addition for the vaunted Public Officiousness Award this week, we are indebted to Sue Stephenson of the Michigan Daily. In her article about the new women officers on the Ann Arbor Police force, she reported the observation of one male command officer who said,

"I doubt that women officers are all they're made out to be. They're okay in some cases but what do you do when you want her to come to work and she has a period?"

Probably have her turn in her badge.

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Java with the Judge

Thursday, October 14, there will be a coffee for Judge Cornelia Kennedy in the upstairs lounge of the Lawyers Club from 9:30 to 10:30 A.M. All are welcome.

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Big Brother Watches

If you're given to blithely parking in violation of the various Ann Arbor ordinances, presumably safe in the knowledge that the police will not run down your out-of-state registration, then you may be concerned with a new ordinance passed at Monday night's City Council meeting.

The ordinance provides that any car having a record of ten or more unpaid parking tickets will be towed away from any point on city streets regardless of whether or not it is in immediate violation at the time. A previous version of the ordinance proposed five as the required number of tickets, but Mayor Harris among others opposed it as "too low." It was not specified at the Council meeting how many outstanding tickets the Mayor has, but an informed source was heard to say that it was something greater than five but less than ten. Whatever the case the Mayor has been seen using his bicycle recently.

Those not so inclined to the velocipede and more isolated from the corridors of power had best observe the new ordinance.

TO WHOM IT MAY CONCERN

The door handles from one of the doors into Hutchins Hall from the Quadrangle have been taken. A reward of $25 has been posted for their return, no questions asked, for information leading to their return. It would be very difficult to replace these handles with others even vaguely approximating the style of the originals. If you can help facilitate their return please contact the Res Gestae or any RG staff member.
JUST A FRIEND

Lest you think that affirmative action for hiring members of minority groups and women exists at the University, we publish the following memoranda for your information.

A CORRESPONDENCE

Memorandum

August 9, 1971

To: Roderick K. Daane, General Counsel, University of Michigan Law School

From: Committee on the Status of Women in the Legal Profession, Michigan Women Law Students Organization, University of Michigan Law School

Subject: Hiring in the University
Attorneys Office

It has come to our attention that Prof. Craig Christensen, who has been an attorney for the University this past year as well as teaching at the law school, will be leaving this fall to become Dean of the Cleveland State College of Law. We assume that in due course you will be hiring another attorney for your office after he leaves the University.

We are sure that you will agree with us that this will be an excellent opportunity for the University Attorney's Office to effectively contribute to the commitment of the University that its departments will actively seek out qualified women applicants for positions when they become open. We would like to suggest the value of listing job openings with the placement offices of law schools and other means of advertising so that potential applicants will know when you are in a position to hire another attorney for your office. Such listings will be even more effective in achieving the goals of affirmative action if they include a statement that your office welcomes the applications of interested women and minority group members.

When you have completed the process of hiring the next attorney for your staff we would appreciate hearing from you as to the success of these methods in turning up interested women applicants and also any other useful approaches which you have utilized in implementing affirmative action in the University Attorney's Office.

If we can be of any assistance in this process, please let us know.

cc: Commission on Women
President Fleming

THE REPLY

The University of Michigan
Attorneys' Office

Memorandum

August 12, 1971

To: Committee on the Status of Women in the Legal Profession, Michigan Women Law Students Organization, University of Michigan Law School

From: R. K. Daane

Subject: Hiring in the University
Attorneys Office

Thank you for your August 9, 1971 letter concerning the hiring of a replacement for Craig Christensen in this office. I had completed the hiring of Mr. Christensen's replacement, John D. Ketelhut, Esq., before your letter arrived. I did so on the basis of a long acquaintance with Mr. Ketelhut, whom I knew while both of us were practicing law in Detroit.
Because of the relatively small size of this office, it does not seem necessary or appropriate to unduly formalize a procedure for filing vacancies, but I will of course welcome inquiry by women and minority group applicants and should another opening arise, I will certainly consider your suggestions.

/s/ R. K. Daane

cc: Commission on Women
President Fleming

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RIGHTSHOPTALK

WOMEN'S RIGHTS WORKSHOP

Professor Harry Edwards spoke to the first session of the Women's Rights Workshop last Saturday morning. He outlined the remedies available to employees of the University who have been victims of sex discrimination, particularly elaborating on the University's own procedures for employees with complaints. Professor Edwards learned the procedural shortcomings of the then existing complaint process when he took the case of a woman employee last spring. The employee, Cheryl Clark, works for the University's Highway Safety Institute and receives $3400 less per year than a male employee who does substantially the same work on the same research project.

Edwards criticisms of the process used to make a determination in Ms. Clark's case led to the development of a revised process which was passed by the Executive Officers of the University this summer. The principal change is the addition of a final hearing panel consisting of three members, one chosen by the employee, one by her boss, and the third is selected by the first two members from a standing group of seven, most of whom have had arbitration experience.

Ms. Clark was denied a pay increase in the initial "management review" of her case last spring. Her appeal will be the first case handled by the new hearing panel.

Professor Edwards discussed argumentation problems which come up in such cases and emphasizes the value of existing Equal Pay and Title VII cases which have already established equal pay and sex discrimination concepts which the University has yet to apply to its own stated goal of eliminating sex discrimination and achieve salary equity without regard to sex.

The Workshop was attended by 19 students, attorneys and interested members of the University community. The second session of the Workshop will meet this Saturday at 10:00 A.M. in room 138 Hutchins-Hall. Ginny Longo will speak on Title VII of the Civil Rights Act.
TREASURER'S REPORT FOR AUGUST AND SEPTEMBER 1971

Balance on hand, August 1, 1971: $2,682.69

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2/3 printing cost 1,417.00
Photo supplies 10.75
Total 1,429.30

Sports
Entrance fees 93.50

Pinball Machines
Refunds 5.00

Vending Machines*
Refunds 5.00
Coke machine payment 10.00
Soda 1,073.60
Candy and cigarettes 626.02
Repairs 10.00
New candy machine 25.00
Operators' wages 20.00
Total 1,769.62

General Operating
Stationery 4.00
Phone 7.80
Total 11.80

Total Expenses 4,996.53

Net Gain for August and September 1971 1,142.87

New Balance On Hand, October 1, 1971 3,825.56

* Since the Senate books are kept on a cash basis, it should be noted that the soda, candy, and cigarette inventories are intended to last through October. The Senate realizes approximately 6 cents profit of each can of pop, 6 cents on each pack of cigarettes, and 3 cents on each item of candy.

In addition, it should be noted that in order to take advantage of a discount for advance payment, 2/3 of the printing cost of the Codicil has already been paid. That expense will eventually be offset by yearbook sales and advertising revenue.

--Neil Mullally
Treasurer

STAFF

Mike Hall - Set Design
Joe Seritella - Costumes
John Scott - Sound Consultant
Helen Forsyth - Visual Effects
Brian Hayes - Props
Joel Newman - Photo Editing

--- Additional stuff ---
Movie Listings pirated without permission from The University Record

Friday, October 8

*CINEMA GUILD—The Cabinet of Dr. Caligari and The Golem: Arch. Aud., 7, 9 p.m.
*CINEMA II—Ninotchka: Aud. A, Angell Hall, 7, 9 p.m.
*ALICE'S INTERNATIONAL FILM SERIES—The Fifth Horseman is Fear; Alice's Restaurant, Alice Lloyd Hall, 7, 9:30, 11:30 p.m.

INTERNATIONAL FOLK DANCE—Barbour Gym, 8-11 p.m. (teaching 8-9).

*PROFESSIONAL THEATRE PROGRAM—The Grass Harp: Power Center, 8 p.m.

Saturday, October 9

*PROFESSIONAL THEATRE PROGRAM—The Grass Harp: Power Center, 3, 8 p.m.
*CINEMA GUILD—Yojimbo (The Body Guard): Arch. Aud., 7, 9 p.m.
*CINEMA II—Ninotchka: Aud. A, Angell Hall, 7, 9 p.m.

SCHOOL OF MUSIC—Michigan Contemporary Directions Ensemble: Music For Instruments I, Rackham Lecture Hall, 8 p.m.

Sunday, October 10

*ORSON WELLES FILM SOCIETY—The Great White Hope: Aud. A, Angell Hall, 1, 3, 5, 7, 9, 11 p.m.
*PROFESSIONAL THEATRE PROGRAM—The Grass Harp: Power Center, 3, 8 p.m.
*CINEMA GUILD—Yojimbo (The Body Guard): Arch. Aud., 7, 9 p.m.

Monday, October 11

*AA FILM CO-OP—Alley Cinema: The Exterminating Angel, 330 Maynard, 7, 9:30 p.m.
*UNIVERSITY MUSICAL SOCIETY—Chamber Arts Series: Dolmetsch/Saxby Duo, harpsichord and recorder, 8:30 p.m.

Exhibitions

EXHIBIT MUSEUM AND PLANETARIUM—Planetarium shows at 2 and 3 p.m. Saturday and Sunday. TAM (Transparent Anatomical Manikin) on display Saturday and Sunday afternoons. Museum hours 9-5 daily; 1:30-3:30 Sunday.


STEARN'S COLLECTION OF MUSICAL INSTRUMENTS—2nd floor, Hill Aud., 5-8 p.m., Tues. and Fri.

HATCHER LIBRARY—Association Copies, 7th floor, Mon.-Fri., 9 a.m.-noon, 1-5 p.m.; Sat., 9 a.m.-noon.

MATTHAEI BOTANICAL GARDENS—1800 N. Dixboro Rd., open daily, 9 a.m.-4:30 p.m.

NORTH CAMPUS COMMONS—Photography—Black and White, by Howard Bond, David Capps, and John Dice; Mon.-Fri., 9 a.m.-4 p.m. (through Oct. 22).

UNDERGRADUATE LIBRARY—18th and 19th Century Prints.
Griddle Goodies

Well, Handy Helen did no better than the average entrant. She was around 50%, which is about equal to the efficiency of the rest of the administration. (50% of what?). When pressed for an answer, she admitted that several upsets plus Michigan's inability to score 4 more points contributed to her downfall.

The past winners of GGGOTW (need I spell it out?) have been entering the contest faithfully - not in order to win another sub, but to find out how to collect on their initial victory. Indeed, "Dear Limpy" letters seem to flood my spacious offices daily - as well as filling up the sacred GGEB (Griddle Goodies Entry Box.) For those past winners and also those who may aspire to reach that goal, I have devised a simple plan that will enable you to cash in on your expertise. Merely walk across the street and tell Dominick who you are, present identification and receive your free Italian sub. After he throws you out on your ear, sue him for battery (keep your eyes open and you may get an assault rap on him too,) and then settle for a sub out of court. It is advisable that you approach the premises during normal working hours so that there will be some witnesses. Incidentally, this plan will probably be successful even if the "throwee" is not a contest winner. However, it may be difficult to find a jury of peers who will convict Dominick, especially if they are reminded that he will raise the prices on his famed tuna sandwich (the one with the cheese on top.)

The GGGOTW is Don Alt (Big Deal!)

Michigan at Michigan State+ (20)
Illinois at Ohio State - (30)
Indiana at Wisconsin
Minnesota at Purdue
Northwestern at Iowa
Kansas State at Kansas
Oklahoma at Texas
Georgia at Mississippi
Stanford at Washington
Army at Penn State - (20)
Toledo at Bowling Green (99)
Nebraska at Missouri + (30)
Oregon at Southern Cal - (15)
Syracuse at Maryland
Geo. Tech at Tenn.
Notre Dame at Miami + (25)

Tie Breaker: Detroit __________ v. Green Bay ________