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University of Michigan Law School

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YOUR WAR

Richard A. Wasserstrom, Professor of Law and Philosophy at UCLA will be speaking on "Individual Responsibility in Time of War" in Room 150 at 4:15 today.

He is the author of The Judicial Decision and has published highly regarded articles on civil disobedience and other topics relating to legal philosophy. He recently edited a book entitled War and Morality.

Prof. Wasserstrom earned his PhD in Philosophy at the University of Michigan and attended law school here. He completed his law degree at Stanford and was a member of the faculty of the Philosophy Department and the Law School there. He left Stanford to become Dean of Tuskegee Institute in Alabama. After leaving Tuskegee he went to UCLA. Presently he is on leave from UCLA and is a Junior Fellow at Oxford.

The Conscience of a Majority

FACULTY HEARS CLINICAL-CREDIT PROPOSAL

A proposal for credited, faculty-supervised Legal Aid and "intern" projects was presented to the faculty last Friday and should be acted upon within the next two weeks.

The proposal is the work of an ad hoc committee created in August by Dean Allen.

Robert H. Brown and Terrence O'Rourke are the two student members; Professors White, Edwards, Chambers, and Dean Kuklin have been the active faculty members.

The plan first offers one semester with seven hours credit, for faculty supervised work centered at the Washtenaw County Legal Aid Clinic. In addition to handling cases for the poor residents of the county, this phase of the program will aid prisoners at Milan Prison and Detroit House of Correction.

A second part of the program is designed to provide clinical experience for those students interested in areas besides criminal and poverty law. In this "intern" course, a professor each semester will arrange and supervise the full time work of a group of students in an institution outside the law school (i.e. the Detroit office of the NLRB). A seminar and research paper related to the field work would be part of the course and twelve to fourteen hours would be received for the whole package.

The above programs hopefully reflect the student belief, especially prevalent in the last several years, that credited, supervised work with real world problems is educationally invaluable for many, and should be available to all.

Though it has been widely discussed at Michigan in the past, such a course has not been generally available. This year, however, the effort to institute the program is real and serious. Many faculty members in the past months have expressed their approval of the principles and
general form of the program.

The Clinical Legal Educational Professional Responsibility Foundation, an organization that is funding such programs at Yale, Stanford, Columbia and many other law schools, has shown willingness to furnish financing for the plan. Official faculty approval of the plan will hopefully come before the October 31 deadline for the CLEPR application.

No doubt individual faculty members would be interested in student views of the merits of the plan. (Copies are available in Room 217). Students who have been working on the proposal would also be interested in any comments and will answer any questions thrown at them. They are: Bob Brown 761-9880, Terry O'Rourke 439-7927, Joe Sinclair 662-3017, and Joel Kreizman 761-2810.

McCauely Admits

Applications for admission to the Law School have nearly doubled since 1966, according to a report issued by the Admissions office. The number of applications in 1966 was 2146, while 3989 students applied for admission in 1970.

419 students registered in the 1970 Law School freshman class. 803 persons were tendered offers and 102 students were re-admitted.

The number of offers is 23% of the 1970 applicants, compared to 44% in 1969, 57% in 1968, and 40% in 1967.

The Law School rejected (2589) 74% of the completed applications for admission in 1970, while rejecting 48% of 1969 applicants, 40% of 1968, and 60% of 1967.

The low percentage of rejections in 1968 and 1969 was due partially to an effort by the Law School to offset losses expected due to the draft, according to Dean McCauley. In contrast the relatively large percentage of rejections in 1970 was due, in part, to the high number of applicants.

The law school received 64 transfer applications from students who had completed their first year studies elsewhere. 50 of these applications were completed. Of these 50, 9 were admitted and 7 registered.

There are no statistics in the report breaking down the 1970 class or previous classes by race or sex. According to Dean McCauley, however, there are approximately 35 women in the first-year class, and about 52 black and Mexican-American students.

-- Michael D. McGuire

(Ed. Note—The bulk of the information above was obtained from the Admissions Office Report of the Law School, dated September 29, 1970. The reporter was requested by Dean McCauley not to release certain of the statistics and comments contained in the report. This request was complied with because it was felt that the remaining material was of sufficient significance and interest that the opportunity to print it should be taken, rather than having the entire report suppressed to preserve what is a very small portion of its total content.)

LEGAL AID

A short summary of the rules and procedure governing the Small Claims Court has been written by Paul Hultin, a freshman, for use in Legal Aid. It will be made available to all law students by Legal Aid. It's a handy reference for advising non-law students and for litigating the little problems of life. Copies will be available just outside the Legal Aid Office, Room 217, next week.
Corrting DOWN in the COURTS

Last Monday the U.S. Supreme Court officially commenced the October Term of 1970, and it will hear the first oral arguments on October 12. There has been quite a bit written on the coming term in the last few weeks, and we thought we'd add a few words of our own.

TRB started his fine article in this week's New Republic by stating, "'God save the United States and this honorable Court!' cries the clerk. It's a prayer to consider." What he's saying is that this promises to be one of the heaviest terms in years—and all too likely the court is going to lead us down the Nixon-Mitchell path of law'norder and away from creative and progressive uses of the Constitution.

In the first place, as Fred Graham pointed out in last Sunday's Times, the Court is going to be forced to make decisions on cases it has been putting off, in some instances for years. The most important factors creating this phenomenon are the holding over of 18 cases from last term because of the absence of a full court, and the "radicalization" of portions of the lower federal judiciary. More and more the lower courts have taken the cue from the Warren Court and struck down state and federal laws as unconstitutional. While the court could deny certioari on a lower court dismissal of a constitutional challenge until the Justices really wanted to deal with the issue, they have much less leeway when the lower court has struck down a law.

But more important than the nature of cases to be dealt with is the very real possibility that the court will engage in a full-fledged retreat from the role it has played during the Warren years as a positive force for those unable to find justice in other governmental institutions. TRB suggests that the retreat has already begun. While Law Week characterized the past term as one of "forbearance and restraint," the more liberal members of the court increased their number of dissents dramatically: Brennan from one to six and Douglas from 9 to 23. Although Nixon flashed in with his rhetoric of "balancing the court," it should be clear to everyone that the court was balanced and is now becoming unbalanced in favor of the governmental status-quo.

It is important for every law student to read some of Chief Justice Burger's dissents in the last term to fully understand the extent of the change which may befall the court. Two good indicators are his opinions in Goldberg v. Kelley, 397 U.S. 254, and Ashe v. Swenson, 397 U.S. 436. Burger's off-the-court pronouncements are also indicative of his disregard for progressive notions of constitutional law—Federal District judges are beginning to abstain from "frivolous" assertions of constitutional rights on the basis of Burger's statements. The economical administration of the courts is gaining the upper hand (actually, it's been there a long time) over the vigilant administration of justice. There are reports from Detroit that lawyers are bracing for an attempt to whittle the Gideon line of cases down to the notion that indigent persons have a right only to the quality of counsel which poor persons who can retain their own attorneys can get. It appears that this year we will see a full fruition of the "tension" which Mike Tigar spoke about on Tuesday—a tension between the fundamental notions of equality and freedom as expounded in the Constitution and creatively asserted by portions of the bar committed to the movement for social justice on the one hand, and the notions of order over justice and status-quo over change asserted by other portions of the bar, the Nixon administration, and the established forces in America.

Now for some cases:
1. McConnell v. Anderson, 39 LW 2167 (USDC Minn, 9/9/70): In the words of Law Week, "Gay lib chalks up a victory as the U.S. District Court for Minnesota, dryly observing that 'an homosexual is after all a human being and a citizen,' rules that the Fourteenth Amendment's Due Process Clause bars a state university from refusing to hire a qualified librarian solely on the basis of his public proclamation that he is homosexual." The case may provide helpful precedent for the attempt to hold a Gay Lib conference at the University of Michigan.

2. In re Antazo, 39 LW 2164 (Calif. Sup Ct, 9/3/70): The California Supreme Court has held that an indigent cannot be jailed simply because he cannot pay the alternative fine. Stating that a discrimination based on poverty is a "suspect classification" under the equal protection clause which bears scrutiny stricter than the traditional "rational relationship" test, the court held that alternative means could be found to promote the state's interest in collection of fines. Only when the indigent refuses to avail himself of such alternatives (evidently not explicitly listed in the opinion) may he be imprisoned.

3. Mottola v. Nixon, 39 LW 2166 (USDC NCalif, 9/10/70): Judge Sweigert has agreed to hear a challenge by three military reservists that the Indo-Chinese war is being conducted unconstitutionally in derogation of the war powers of Congress. After first finding standing under the Flast v. Cohen tests of "personal stake" and "concrete adverseness," Judge Sweigert held that sovereign immunity was no bar. In an analysis which may be logical but is mind-boggling nonetheless, he noted that relief does not require affirmative action, "but only that the executive cease its allegedly unauthorized and improper continuance of the war without either a general or limited declaration of war by Congress." (It all seems so easy!) Finally, comparing the political question issue in the instant case with Youngstown v. Sawyer, he held that shying away "would be to strain at a gnat and swallow a camel."

4. U.S. v. CIBA Corp., 39 LW 2162 (USDC SNY, 9/8/70): They don't all go that way, alas. In denying Rule 24 (a) and (b) motions to intervene in an antitrust consent decree by the Justice Department, Judge Frankel stated that, "The court...must proceed in some degree of faith in the competence and integrity of government counsel...we may acknowledge that all is lost unless such confidence may be reposed safely on a host of occasions." Don't worry. That's not pollution you see coming out of that Chevrolet--it's faith in John Mitchell. cf. City of New York v. U.S., 309 F.Supp 617 (CD Calif), aff'd 397 US 248 (1970).

--compiled by errant members of Mich. L. Rev.

Letters

To the Editor,

One recent Peanuts cartoon showed Sally, Charlie Brown's sister, writing a theme on the subject "If I Had a Pony". She began, "If I had a pony, I'd get on it and ride so fast and so far from this school that it would make your head spin. Sally then crumpled up the paper, resigned to the fact that, as she said, this approach would cost her a D-, the idea being that this wasn't the proper thing to write.
I am increasingly getting the same message about some of the posters I have been putting up in Hutchins Hall. I had always assumed that if one wanted to announce a particular event, he or she had the freedom to do so. In this I was obviously mistaken since there have been a number of successful attempts, particularly by the devotees of Women's Liberation, to deface and destroy my signs advertising sports tournaments, games, meets, and other competitions.

I would, therefore, like to clarify my position, or at least how I view my position, as Athletic Director of the Law School. Together with Don Erickson, I am supposed to bring to as many students as are interested the opportunity to participate in an organized graduate sports program and inform all members of the Law School as well of the facilities available to them for recreation. In a school the size of Michigan this can only be done through conspicuous public notices.

Being of limited funds and patience, I am becoming particularly disenchanted with those members of the student body who take every contemporary problem as a life or death proposition and who have reached that extreme stage of paranoia that they cannot even step back from these "pressing" issues of the moment to observe the lighter side of life. My posters are intended to attract the attention of the entire student body, to encourage participation, and to bring a little levity into an area that is already unnecessarily dull. If anyone is personally offended or outraged by the contents of any particular poster, I would ask that he or she at least have common courtesy to discuss it with me before clandestinely purloining the sign.

Until such time, I will continue to attach my posters to the pillars of Hutchins Hall with the hope that they will be read in the spirit that was meant and those petty minds who meretriciously mouth off about infringement of their rights will also respect my right to advertise sports events as I see fit.

"Chauvinistically",

Denny Mason

October 2, 1970

To the Editor:

There is a tendency on the part of law students to decide whether or not to apply for a clerkship with a judge on the basis of grades: students with the higher grades tend to think of a judicial clerkship with a federal judge as the natural way to spend their first year out of law school. Students with lower grades tend to assume that they can't get clerkships with "good" judges, so the experience would not be valuable for them.

I would like to propose that all law students of this school who profess feelings of social responsibility give serious consideration to applying for judicial clerkships regardless of grades, especially with judges thought to be mediocre. In terms of impact on the law, there are few ways that a law student can have such a profound effect on the law during his first year after graduation as through a clerkship, and the degree of the clerk's effectiveness is probably much greater with the mediocre judge than with the "good" judge who simply doesn't need as much help.

-Working for a legal aid society or for a law firm that devotes some time to public-interest cases or the representation of the poor contributes substantially to the quality of the American legal system. Nonetheless, the ablest of lawyers with the best of cases can lose before a judge who has neither a quick mind nor a lot of time for each case. In such cases the law clerk, unlike the law-adversary, is trusted because he is disinterested, and he has more frequent and relaxed opportunities to present his views.

I don't mean to suggest that clerking for a mediocre judge should be the purely charitable act of the enlightened and socially aware law school graduate. A year with a mediocre
judge can impart far more practical experience than three years in law school. More important, there are few better ways than clerking for finding out why judges decided cases as they do. No judge ever states all of his reasons for choosing a certain outcome in his opinion, but the mediocre judge may fail to state reasons he wanted to state, and private conversations between the judge and clerk can give great insights into the factors which affect judges' decisions. Such knowledge may be invaluable later when the ex-clerk writes briefs, appears at oral argument, or performs any of the multitude of duties he owes his client.

--Jim Martin
Asst. Prof. of Law

To the Editor:

In all the discussion recently at law schools about grading and curricular reform and student participation in faculty and administration decisions, it appears that one highly significant proposal could be adopted forthwith. I refer to the establishment of a year-long course given by students for the benefit of the faculty.

The case for such a course is compelling and the mechanics of conducting it fairly simple. Students have a great deal to convey to the faculty--their legal experience in clinical work, a greater sense of the urgencies of the times that are straining the legal system, their frequently greater familiarity with new techniques or bodies of knowledge of relevance to developing legal systems and their considered critiques of formal course work that makes up the law school's teaching pattern. There is substantial evidence that many professors are developing a keen appreciation that law students have much to teach as well as to learn. This recognition is bound to increase as law students, organized in investigating teams, begin producing first-rate empirical studies of legal institutions. But even for those members of the faculty who resist the obvious, a student course for the faculty can be justified as a steady feedback process that is bound to enrich the professor's response to his classes.

Once the principle of a student course is accepted, the mechanics could be worked out to maximize participation and efficiency. Law Schools have always been good at mechanics. By way of suggestion, a steering committee of students, chosen by their peers, could organize the course content, decide whether to inflict an "eye for an eye" and adopt the Socratic method or develop another less time-consuming procedure, determine the kinds of demonstrative evidence to be utilized, the field trips to be taken and the spinoff benefits to be conveyed to other law schools and in journals of legal education. I am sure that many exciting innovations and benefits can be derived once such a course is adopted.

What the faculty may be realizing is that the breakdown in the last few years of its presumed or actual arrogance toward the students--whether ingrained or merely a teaching technique--is a wonderful experience. The rewards reaped are increasing displays of foresight--a quality of which the law schools in the past could rarely be accused--and a greater infusion of empirical and normative content in course and extracurricular work.
Some ground rules for such a course would obtain near unanimous support. There should be no grading and no compulsory attendance. I expect that the newspaper would welcome reactions and suggestions relating to such a proposal. Let us hear them.

--Ralph Nader
1025 15th Street, N.W.
Suite 601
Wash., D.C. 20005

The chairman presides over formal meetings of the Conference, heads the staff of the organization, employs experts and consultants to research the recommendations made by the Conference.

Professor Cramton plans to take up his new duties about January 1, 1971, providing the nomination is confirmed by the Senate and the U-M Regents approve a leave of absence.

Cramton, who joined the U-M law faculty in 1961, is an expert on administrative law and conflict of laws.

Nixon Agnew

President Nixon (Sept. 11) nominated Professor Roger C. Cramton as chairman of the Administrative Conference of the United States. The nomination is subject to confirmation by the Senate.

The Administrative Conference is a permanent, independent federal agency concerned with the fairness and effectiveness of the federal government's procedures in dealing with private citizens. A number of federal departments and agencies carry out a wide variety of administrative procedures affecting private rights. The Administrative Conference's function is to develop recommendations for improving such procedures. In many respects it is a counterpart to the Judicial Conference of the United States, focusing on administrative processes as does the Judicial Conference on court processes.

The chairman of the Administrative Conference heads an organization that is composed of representatives of some 30 federal departments and agencies, as well as members drawn from the general public. The fulltime appointment carries a five-year term.
If public outrage over the incidence of "crime" was at all a function of its frequency of occurrence, or of the severity of impact on its victims, even the more serious urban disorders would appear insignificant in comparison with the massive and systematic deprivation of constitutional and statutory rights taking place daily in the agricultural sector of the U.S. economy. (The extent of lawlessness would be even greater were it not for the conscious exclusion of agricultural workers in general, and migrant workers in particular, from the benefits of labor legislation that other elements of the working class have long taken for granted.)

The underlying reason for this troublesome oblivion is that the objects of this victimization, called "migrant workers" by the managers of society, have yet to be admitted to participation in The American Dream. Card-carrying members of that ever widening circle, in return for their becoming compulsive consumers, have as one of their many privileges a public sector professing sensitivity to their needs.

But the signs of change are clearly on the horizon. After a 35-year hiatus following *The Grapes of Wrath*, it has finally become both fashionable and politically expedient to manifest concern over the plight of migrant workers. Such concern takes the form of TV specials, congressional hearings with the programmed expressions of sympathy, legions of researchers from both private (Field Foundation) and public sources compiling information and dramatically exposing their findings, and guilt-ridden professional students endeavoring to make their embryonic skills available to the target group. (The poor of Appalachia are seasoned veterans of this process; it is difficult to resist the speculation that ecology groups will find their cause similarly betrayed once the storm of attention has dissipated.) It is an unpardonable insult to the intelligence of the readers of this esteemed publication to reiterate the findings of previous efforts to examine what it's like to be a migrant. (Those curious enough to undertake the formidable adventure of venturing beyond the intellectual perimeter of a legal education might begin by perusing Senate Report #91-83, found in the Graduate Library, to which Res Gestae will provide a map on request free of charge.) I shall confine myself to a few hopefully original insights that strike me as worthy of articulation.

The legal profession, in cooperation with the government, has, in an effort to extend the dubious benefits of legal representation to the "disadvantaged," oriented its programs entirely to the urban scene. (Exceptions to this obvious overgeneralization exist in Florida, California, and Colorado.) Even where a legal aid program has jurisdiction over rural areas, inexperience of staff attorneys, and an impossibly heavy urban caseload militate against any effective response to rural problems. The migrant faces a further obstacle in the invariable allocation of priority to the legal needs of permanent residents. Thus the migrant not only shares with everyone else the general affliction of a legal profession addicted to the profit motive, but also encounters a poverty law establishment that as a general rule refuses to respond effectively to his needs.

Even if there are some service-rendering saviors in the picture (white horse and all that) they face the almost insurmountable obstacle establishing contact with those they would help without obsequiously recognizing the farmer's asserted prerogative of controlling access of outsiders to "his" workers. Migrants live on his private property. For first-year students presently engaged in an examination of that revered fixture in the curriculum,
"There has come of age a new generation of law students and recent graduates more conscious of the urgency of social reform than any past generation of lawyers. Deeply aware of the legal profession's inadequate commitment of time and resources to the solution of social problems, many have decided to become full-time advocates for the unrepresented poor people, racial minorities, unorganized consumers."

--Edgar Cahn, Jerry Berman

A student note soon to be published in the Yale Law Journal defines public interest lawyers as those who represent the poor, political and cultural dissidents and unrepresented common interests, like consumer and environmental protection. It embraces areas as diverse as poverty law, conservation, radical politics and campaigns for corporate responsibility. It includes old civil liberties attorneys and new political lawyers.

This type of law holds great attraction for today's law student. In 1969 there were 1200 applicants for 250 Reginald Heber Smith Fellowships. There were even more applicants for the few VISTA legal jobs available. Despite the fact that many students may have been seeking draft deferments, there are still great numbers of law graduates who would choose public interest law over conventional practice.

This conclusion is supported by the decrease in the number of Michigan, Harvard and Virginia graduates—to name three schools that have published statistics—that go into Wall Street type practice. Firms have raised starting salaries, set up pro bono ghetto subsidiaries and permitted associates to spend up to 15% of their billable time on pro bono work. Still the flow of new lawyers is away from traditional corporate practice.

The reasons for this trend are not difficult to perceive. An increasing number of graduates have realized that a small measure of pro bono work and $15,000 a year are not sufficient compensation for 40 hours a week of corporate practice. Young lawyers who vote and talk liberal have had difficulty reconciling their manipulations on behalf of corporate giants with their deepest beliefs. They realize that firms which encourage pro bono ghetto work would quickly reverse their policy if their young associates launched class actions against corporate polluters or sued banks who refuse to make loans to minority entrepreneurs or chemical companies whose pesticides infect ghetto residents in far higher proportions than white suburbanites.

Pro bono work which can alleviate an individual's immediate problems with landlord, traffic court or runaway spouse is encouraged. Considerations of time, ethics and the firms' certain disapproval prevent pro bono lawyers from getting at the root causes of many of these problems. Partners would not sit by idly while their associates sued the corporate clients who supply the bulk of their income.

Unfortunately, there are few alternatives open to the attorney who rejects major firm practice in favor of full-time public interest work. Aside from government or legal aid work, there are few private firms practicing public interest law on a full-time basis. For every 20 graduates interested in public interest law, only one position is available. The ones that do exist frequently demand a greater financial sacrifice than many are able or willing to make. Thus, despite the interest in public advocacy and the rejection of corporate practice, there are still many corporate attorneys and few public interest lawyers.
The explanation for this situation is simple. Public interest lawyers cannot support themselves. There simply is not enough money available at this time to finance more than a few private lawyers for the unrepresented in each major city. Public interest firms' clients, by definition, are unable to pay for their services. Foundations are unwilling to support firms that are not tax exempt. For corporations to support these firms would be to act against their own best interests. Few philanthropists can absorb the considerable expense of maintaining such a firm.

Law students who recognize this problem and want to do public interest work can not sit back and wait for job offers to roll in. They must aggressively create the firms who eventually will hire them. They must seek funding in new areas and from new sources. New concepts of practice have to be explored to fit today's situation. No one can do this except the lawyer or future lawyer desiring to establish and work for a public interest firm.

Possible funding sources do exist. Unions have enormous treasuries and their members and families are all consumers and are all affected by pollution. The Oil, Chemical and Atomic Workers Union, for example, could support a firm whose chief mission was to attack large petrochemical companies, whose wastes pollute Buffalo, Newark and Baton Rouge. The Steel Workers, United Mine Workers, Auto Workers, etc. could all support similar firms. All of these firms could engage in consumer protection work as well.

College registration now totals 7.8 million students in 2,200 colleges and universities. They pay activity fees totaling at least $185 million! A small contribution of $3 or $4 out of each student's fee could support firms in every major city and state capitol. These firms in addition to working for the rights of the poor and the oppressed could exert a powerful influence on behalf of students. The University of Oregon student government has retained a firm that does lobbying and legislative work on behalf of the Associated Students of Oregon University.

Federations of consumer groups, following precedents like the Automobile Club, could support legal services for its members. Attacks on corporate irresponsibility, product and health hazards, pollution, etc. could all fit under the category of consumer services.

Plaintiff anti-trust suits that have the potential for generating large fees might be a possible funding source. The firm that represented a number of states and cities in the recent price-fixing suit against Charles Pfizer Co. (which was settled for $120 million) stands to receive at least a $4 or $5 million fee. Other types of useful contingent fee cases can be brought. A growing number of actions also award attorney's fees.

Corporate lawyers themselves can help support public interest firms. $500 from half of the associates of major corporate firms would fund a public interest firm in Washington, New York, Chicago, San Francisco, Dallas and Los Angeles. Many associates of major firms are greatly concerned about their roles and the type of work they are forced to do. Even if they are unable to make a personal contribution, a fraction of their $15,000 to $25,000 salaries could help to right the balance that currently gives overwhelming weight to corporate interests at the public's expense.

Numerous other possibilities exist. Tax, ethical and practical considerations remain to be explored. Any one of these topics would make an excellent senior note or law review research project. Students who hope to practice law in the public interest must take the initiative now and begin to work in whatever ways they can to establish new public interest firms.

--Donald K. Ross
Public Interest Press
Service
Civilization

The big brass wheels at JAG grind on. Every day they grind on—protecting the brass and putting Gls in the pound.

Of course, they grind on more now as lifers throw all sorts of trumped-up charges on Gls every time they get a chance. Lifers are scared stiff—they know that Gls have been "getting back" while over in Nam and they are worried what will happen back in the world.

Thursday, August 20, was Pvt. Paul Johnson's day at JAG. Paul got eight months in the stockade, and $50 a month forfeiture of pay for 8 months. At the end of the 8 months, it will be up to the discretion of the correctional officer if Paul will get a Bad Conduct Discharge.

Of course Paul's case really wasn't that special—he's like a lot of GIs. He just got in the way of a couple of captains and their yellow-striped lifers.

Put Paul's case did show a couple of things. It showed how a fighting GI and a fighting lawyer can make fools of the brass. And it showed once more what JAG and UCMJ is all about.

Paul had four charges. Disrespect to an officer, disobeying a direct order of an officer, threatening an officer and slugging an NCO. Total punishment could have been as high as 16 years.

Paul could have made a deal and that is what a lot of JAG lawyers try to make you do. They said he could get off with about 18 to 20 months. But Paul figured why should he serve that time for something he didn't do.

But of course the deals always look good and JAG tries to push them since they get a good conviction record and the brass don't have to come in and defend their stupid charges.

Paul and his lawyer said no deal and went ahead and made fools of these brass and their lifers.

Paul and two buddies had been stopped on the road by Capt. Carnes and his Sgt. Bailey for an "on the spot correction".


He stopped Paul and his buddies cause they didn't salute his baby blue sticker. Even at the trial Carnes insisted that they had to salute. Of course, Paul and his buddies know the book says you don't have to salute anymore—it's a safety reg.

Then the good captain dressed down the three GIs for sloppy uniforms. Even when they told him they were firemen Carnes kept on harassing. Seems Carnes doesn't know the kind of fatigues you get on fireman detail or the safety boots you don't lace up all the way and don't blouse no way.

Course Carnes "never worked with firemen". Never got his hands dirty doing anything but signing art. 15s.

One of the biggest laughs of the whole trial was when the defense attorney asked Carnes if he always tries to go by the book. "Yes Sir!" Then the defense attorney pointed out to Carnes that his shiny new signal corps insignia was on his collar—UPSIDE DOWN!

Sgt. Bailey tried to back up his Capt. as best he could like all good Sgts. do. ("Capt. Carnes is the best captain I've ever served under.")
Of course he couldn't help but get caught up in his lies and spend a lot of time trying to get his shoe out of his mouth. His most blatant lie was when he said that he and Carnes had never discussed the case. He wouldn't want anybody to get the idea that they had to spend a lot of time getting their stories straight so they would stand up. Of course, Carnes had just admitted a couple of minutes earlier that they had talked about it quite a bit.

The more serious charges had to do with Cpt. Duval and Sgt. DeMaio.

According to these two Paul had been told to leave Duval's building and was in the process of doing so when Duval said, "I don't have to take any more of your shit Johnson." Then Paul was supposed to turn around and advance toward Duval in a "threatening manner". The good Sgt., like all good Sgts., stepped in to stop Johnson from "running over my captain." Johnson was then supposed to have hit the Sgt. and a fight broke out.

Well, Duval and DeMaio didn't even try to get their stories straight this time. They knew they really didn't have to— JAG "justice" would convict Johnson on anything they trumped up.

Where they really got caught was in telling how Johnson was supposed to have started the fight.

Duval said that his Sgt., stepped in between him and Paul, without touching Paul, so that the Sgt., was facing Paul.

Then Sgt. DeMaio comes in. Now this twenty-seven year lifer is built like a deuce and a half coming sideways. He's the kind who could play the front four in the NFL all by himself. (Paul meanwhile is about 5-9 and tips in at about 140).

So Sarge says when he stepped in to stop Paul he ended up facing the captain and he had to admit he pushed Paul.

A little later defense attorney Allison questioned DeMaio about any racism that may have entered in (Paul is Black and the four lifers involved are all white.). DeMaio replied, "I treat all MY COLORED BOYS just like white boys."

Well, when the defense got around to presenting witnesses the story began to sound a little more like we all know.

The little scene on the road ended up being the same old smart-ass captain backed up by his boot-licking platoon Sgt. going out of his way to mess over GIs.

And the big charges out of the fight scene took on a real picture of a set-up. The good Cpt. provoking a scene that allows his bodyguard Sgt. to come in and try to beat the shit out of a GI who doesn't kiss ass.

What really happened in the fight scene though, was that Duval and DeMaio had schemed between them, and Duval let DeMaio go after Paul, with the hope that he would mess up Paul. Duval, only stepped in when he saw DeMaio getting his fat ass kicked real good.

So the judge had a hard decision. He knew his first duty was to protect officers and NCOs against GIs. But the evidence presented clearly showed the whole thing was another brass frame-up—only this time it was all down in the transcript.

Well, he found Paul not guilty of disobeying Carnes' order to salute and of threatening Duval. Then in spite of all the evidence he finds Paul guilty on the disrespect to Carnes and assaulting DeMaio.

Paul's attorney then presented mitigating circumstances to lighten the sentence. Paul's parents still have 11 kids at home and Paul sends 3/4 of his pay home each month like a lot of guys do. He had a
pretty clean record so far. Plus the big fact that the charges are so clearly trumped up.

But JAG saw something else. Like the judge said before sentencing, "These actions go right to the heart of military discipline and military life." So Paul gets 8 months and $50 a month off his pay.

Of course the Judge was right. If JAG and the UCMJ don't uphold the right of every brass and lifer to mess over GIs whenever they want to what kind of an army would we be in?

A couple of things we should learn from Paul's trial. One is that by fighting back—even in the brass' courts we can get off better than by taking their deals.

Two is that the brass are acting out of fear and weakness not out of strength. A bully always gets real tough just when he knows he's going to get the shit beat out of him. He's really trying to bluff his way out of a showdown. They know there are more of us than there is of them so they are trying to get us scared. But we know we can take it cool because SOONER OR LATER WE'RE GONNA TAKE IT ALL LIFERS!!!

—Fort Knox Underground Press

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of personal data. Though establishment of such an agency risks the usual problems of bureaucracy, Miller felt that "administrative regulation holds the most promise".

Since many government agencies "have a vested interest in gathering and using personal data", Miller maintained that they should not receive responsibility for regulation. Rather, he believed that "regulative control must be lodged outside the existing administrative channels" in an independent agency.

Among its responsibilities, such an agency would establish controls on collection and flow of information, define personnel qualifications, oversee administrative procedures at all data centers, and attempt to educate the public and the data collectors about one another's problems and needs.

"Above all," concluded Miller, "the agency's activities and its regulations must not be permitted to ossify. For the foreseeable future the key to effective regulation will be the ability to maintain sufficient flexibility and resiliency to adjust to changes in our technological and social environment."

—University of Michigan News Service
FOOTBALL POLL

Bill Kaspers, another stalwart of the law squad, took top honors this week, picking all but three games correctly. Bill's exceptional performance was just good enough to tie him with the Hammer Twins at the 85% mark.

This week's picks provide ample opportunity for you experts out there in Law Land to challenge the peerless prognosticators. This could well be the week of the upset.

Season's average--82%.

-- The Hammer Twins

P.S. There will be a box outside of Room 100 if we have to nail one there. Please leave your entries there or in the box in the Lawyer's club opposite the reception desk before noon Saturday.

P.P.S. The tie breaker: Pick both the winner and the score of Saturday's World Series game.

1. MICHIGAN vs Purdue  The offense finally clicks.
2. American International vs NORTHEASTERN  Injuries from loss to Amherst hobble the Yellow Jackets.
3. AMHERST vs Bowdoin  Lord Jeffs on a rampage.
4. ARKANSAS vs Baylor  Here come the pigs!
7. California vs WASHINGTON  Sonny scalps the Golden Bears.
8. COLUMBIA vs Harvard  An upset in the Ivy.
9. DARTMOUTH vs Princeton  What else is there to do in Hanover?
10. GLASSBORO STATE vs Kutztown  Who? What?
11. Michigan State vs OHIO STATE  Green meanies get mulched.
12. INDIANA vs Minnesota  Battle of the hoggies.
13. NEBRASKA vs Missouri  The Cornhuskers in Big 8 battle of the polls.
14. Southern Cal vs STANFORD  The Indians come back.
15. SPRINGFIELD vs Colby  Jocks continue to roll.
16. AIR FORCE vs Tulane  Fly-boys take off.
17. UCLA vs Oregon  Trojans come into their own.
18. VALPARAISO U vs Evansville  A treat for Hoosier fans.
19. GEORGIA TECH vs Tennessee  The Ramblin' Wrecks ramble.
20. Oberlin vs. ALLEGHENY  Pregame warmups promise to outdo the game itself.