1971

February 2, 1971

University of Michigan Law School

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solve the problems of the world. The function is to perceive and identify and clarify the problems and give readers the information through which they can find solutions. It is to identify and describe the forces that influence our society and to identify and describe the sources of power in our society — the institutions and the individuals that shape events.

Arbor, Michigan

"Exhaust all legal remedies."

February 2, 1971

H.M.C. SEMI-FINALS

The Semi-final rounds of the 47th Annual Henry M. Campbell Competition will be held Friday, February 12, and Saturday, February 13, 1971. Oral arguments will start at 3:30 p.m. and at 7:30 p.m. on Friday and at 10:00 a.m. and at 1:30 p.m. on Saturday; all arguments will be heard in the Moot Court Room, 232 Hutchins Hall.

Last September, thirty-two top finishers in the Case Club program were selected to compete in the Campbell Competition. After preparing extensive briefs on the issues of this year's multi-faceted problem, oral arguments were presented in November. At that time, sixteen competitors were selected to participate in the semi-finals. Arguing next Friday and Saturday will be: Lawrence Coburn, Seth Lloyd, John Laves, Bernard Stroppa, Dennis Newman, Steven Levinson, Kenneth Kraus, Christopher Dunsky, Skip Christensen, Charles Juddam, John Van Luvanded, Denis LeDuc, Joseph Lonardo, Eugene Nicholson, James Scott, and Stephen Schnautz. Competition has proven keen in the semi-finals, as only four out of the sixteen going before the bar will be chosen to proceed to the final arguments in March.

This year's Campbell hypothetical was authored by Professor Terrance Sandalow and involves emerging and unresolved constitutional issues in the area of financing of public elementary and secondary schools. The case concerns a suit filed in a circuit court of the State of Hutchins by five trustees of School District No. 74, a typical inner city school district, and six students enrolled in public schools within that district against the state Treasurer and the Superintendent of Public Education.

********** PLACEMENT **********

2nd & 3rd Year Students

If you have accepted a job or have definite plans (i.e., JAG commitment, Peace Corps, etc.) for after graduation, please report this information to the Placement Office. We need to update our records so that we know who doesn't have a job and hopefully be of assistance to those students. We would also like second-year students to report summer clerkships.

Also, just a reminder to keep watching the Placement Board on first floor. We still have a few employers coming this Spring to conduct on-campus interviews.

--Ann Ransford

Late News Item

Professor Joseph Sax of the law school is expected to be on NBC's Today show Wednesday, February 10, between 8 and 8:30 a.m. local time.

Book Banned

Rhodesian censors banned the best-selling book "Everything You Always Wanted to Know About Sex," by American Dr. David Reubin, "because of the detailed treatment of abortion, perverted sex practices and homosexuality."
UNCORRECTED EVALUATIONS
OF STUDENT PERFORMANCE

One of the conditions of life in the Law School that is not subject to substantial change in the short run is the existing ratio of students to faculty. On the scene at any given time, taking into account the fact that a number of professors on the faculty are assigned to Law School teaching for only a fraction of their total time, will be the full time equivalent of something like 40 professors, and at that same time something like 1150 students. (Note: all of the statistics herein are ballpark figures, but they are close enough to the truth to be an adequate portrayal of the situation.) The professors teach, typically, two courses or seminars per semester; the individual students enroll, on the average, in about 5 courses or seminars. So we have in any given semester something like 80 professorial classroom presences to match against something like 5750 student classroom presences, a ratio on the average of about 1 to 72. As is not infrequently the case, however, the average is an inadequate depiction of reality. One of the advantages possessed by a larger law school, such as this one, is that the presence on its premises of a larger number of professors enables it to offer its students a larger and more diverse selection of course/seminar opportunities than is possible for a smaller institution. This is not done without cost, however, for the teaching time and effort which support this diversity cannot simultaneously be devoted to the standard courses that are required or very widely elected. Consequently in those courses the classroom student teacher ratio is very significantly greater than the 72 to 1 average mentioned above. Many professors at this school typically have a classroom responsibility to 150 students in a given semester, and it is not unusual for that figure to rise to 200 or 250. Moreover student elections follow a sufficiently prevalent pattern that the typical student finds himself enrolled in such standard courses during 2/3 to 5/6 of his Law School career.

One of the consequences of these facts of life is that individualization of instruction and of evaluation of student performance is made exceedingly difficult. These numbers are sufficiently great, classroom contact time is sufficiently brief, and the demands placed upon that time by the subject matter are sufficiently severe, that the professor in the typical course cannot get to know all his students well enough to enable him to prepare for them individual critiques or evaluations which could fairly and validly be made a part of their academic records. By the end of the term he will know some better than others, and unfortunately there will also be some who, in part because of their own reticence, he will not know at all. In the long run, in the interest of fairness and of uniformity of treatment, he is led to rely upon a judgment based upon a written examination or other project, which judgment he expresses in the form of a grade. While some professors take classroom performance and other evidence into account to some extent, there is a very strong effort, through the maintenance of anonymity on examination papers while the evaluation process is proceeding, to keep that process as objective as possible. Surely this is an important desideratum in the procedures by which a student's official academic record is compiled.

It does not follow, however, that the special knowledge of the individual student's performance and capabilities which the teacher does in fact acquire during the teaching and examination process must necessarily go to waste; in fact it does not, although it is presently utilized in a somewhat haphazard fashion. Every professor comes to know some students well enough that he is able to say something more about them than is expressed in their grades. This knowledge ordinarily comes to the surface, however, only when individual students request recommendations from him in the process of seeking employment, fellowship assistance, etc., and the students who need such recommendations may not be aware of the identity of the professors who have formed such impressions of them.

Hopefully a measure recently adopted by the faculty will result in a wider availability and utilization of information of
At least that's one way to look at this unwitting sequel to "Joe."

The other way is to take it seriously, if that's possible. It is the Forum's tradition of making use of sensational pornographic films. And the Forum has helped the film's promoters carry the art of consumer deception to new heights.

The posters out front and the ads on television showed two magnificent high mountain Stone Sheep against a backdrop of rough snow-capped mountains. Two bear cubs wrestled gleefully in the foreground. A delicate wildflower, blown by a fresh breeze, gently beckoned viewers to come see blood trickle from the mouth and onto the white fur of an Alaskan mountain sheep, who had just had his brain blown away by the Great American Hunter who narrates the film.

This "True Life American Adventure" is "for the whole family," and its scenes have just discovered and come to love nature, and who come to "American Wilderness" like hungry gluttons, deserve to be shocked. But that doesn't forgive the self-glorifying self-deception of the film. Supposedly fulfilling a "seven year dream," the hunter— lets call him Joe— sets out to kill prize samples from 4 families of mountain sheep. His "adventure" takes him from Mexico to Alaska, mostly by plane, sometimes by horseback, and occasionally by foot. Between bloodbaths Joe goes to great pains to pay lip service to the Great White & Blue American Wilderness, while it lasts. And the producers try hard to make Joe look heroic, which isn't easy. The sheep are either so tame (borrowed from the Bronx Zoo?) or so ignorant of man's ways that they don't run when Joe comes over the horizon with high-powered rifle in hand. The audience gets a couple of tantalizing and agonizing close-ups of the "Big One." Their shoulder muscles quiver expectantly as they sniff the wind. Joe's rifle cracks and the sheep collapse on limp knees. In the process of measuring the horns on the bloody head, Joe assures us that the old boy's time had come.

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What's Coming Down in the Courts

It should be no surprise that this week's award goes to Judge Austin of the Northern District of Illinois (destined, apparently, to become the Court jester) for his stimulating opinion in ACLU v. Westmoreland (1-5-71). A suit had been brought, seeking an injunction against the U. S. Army's domestic surveillance of civilians, and after the 4th, 5th, and 9th Amendment claims were "abandoned," the Court turned to a consideration of the 1st Amendment "chilling effect" claim. It seems that the only evidence of surveillance concerned military intelligence compiling dossiers out of articles extracted from newspapers, though it is unclear from the opinion reported in Law Week just what the evidence did disclose. In any event Judge Austin concluded that only the "thin-skinned" could be chilled by such surveillance.

The bulk of the opinion is composed of such gratuitous comments as: "Spying has had its advocates," and "it started in the Garden of Eden when somebody was looking and saw Eve eat the apple. And then Cain started spying on Abel," as well as obscure references to the Army's "shovel-leaners" and "Major Ashtireds."

More disconcerting than the decision in this particular case, which on its facts may have been justifiable, is the Judge's flippant attitude towards the whole matter of Army surveillance. According to the erudite Judge, one of Shakespeare's "yarns" best characterizes this case--"Much Ado About Nothing."

2. Diligent readers of Time magazine may skip this paragraph since Palo Alto Tenants Union v. Morgan (ND Cal. 12-18-70) has already been subjected to searing analysis in that volume (see "Law," Feb. 1, 1971). Plaintiffs attacked a local zoning ordinance that prohibited groups of more than four unrelated persons from living in a dwelling zoned single-family residential. The thrust of their argument was that the rights to privacy and free association have been found "pre-eminent" and "fundamental," and therefore the municipality ought to be constrained to demonstrate a "compelling interest." The Court did, however, adopt the "rational basis" test, and found the law promotes the integrity of the biological or legal family unit, and is further justifiable in terms of noise, traffic, parking, and rent structure.

3. Those of you who are ready to throw away the RG due to its continued monomaniacal interest in cases of little real importance, despair no more. Fawick v Commissioner (6th Cir. 1-7-71) is what you've been looking for. The case involved a very steamy IRC §1235 issue—to wit, whether royalties received by a patentee pursuant to his transfer of an exclusive license to manufacture and sell a clutch device may be treated as long-term capital gains under §1235, where the license contains a "field-use" restriction. The patent had known value outside the marine service industry, but the transferee was limited in his utilization of the license to marine use only.

Construing the statutory language—"property consisting of all substantial rights to a patent"--the court held that this meant the transferee must obtain the right to exclude others from any particular industrial field in which those others might choose to use the invention. Since petitioner here obviously lacked that right, capital gains treatment was denied and the assessed deficiency was sustained.

4. Northern States Power Co. v. Minnesota (D. Minn. 12-22-70) involved a conflict between the Minnesota Pollution Control Agency [MPCA] and the Atomic Energy Commission [AEC] over regulations concerning the discharge of radioactive releases by an atomic energy generating plant. The MPCA standards were more stringent than those delineated by the AEC.

The Court held that the 1959 amendment to the Atomic Energy Act manifested a clear intent fully to preempt regulation of atomic energy. Where Congress has preempted an area over which it may constitutionally exercise authority, the state police power, and here the MPCA guidelines,
will be of no effect.

5. Implied Warranty of Merchantability cases typically spark a good deal of lively, controversial debate, so for that reason we are indeed fortunate that the Maryland Court of Appeals decided Erdman v. Johnson Bros. Radio and Television Co., Inc. (Dec. 16, 1970). It seems that the Erdman homestead burned to the ground, the unpropitious result of a fire caused by a defect in a television-stereo set sold by defendant.

Unfortunately for the Erdman's UCC 2-715 requires a demonstration that the defect was the proximate cause of the harm before damages may be recovered for injury to persons or property. Unfortunately, for plaintiff continued to use the set after he became aware of smoke and sparks emanating from the rear of the set.

Despite a good deal of superfluous verbiage about contributory negligence and assumption of risk, the basis of the decision is fairly clear. Either plaintiff failed to rely on the warranty, or his actions should be construed as intervening cause so as to sunder the chain of causation. Recovery denied.

(Interestingly, the plaintiff claimed that upon bringing the matter to the attention of the salesman he was assured that whatever had happened "had fused itself together" and if anything serious developed it could be fixed.)


Campbell Semi-Finals:

Instruction. The record of the case below and the opinion of the judge dismissing the complaint for failure to state a claim suggest that the litigation was not artfully managed on the trial level. It is clear that plaintiffs claim that the Hutchins system of public school financing, typical of most states, based on each local school district's ability to raise funds through taxation of real property and supplemented by state legislation which guarantees each district a subsidy sufficient to bring per pupil expenditure up to but not beyond $500, leaves them at a disadvantage compared to relatively more affluent school districts. It is not clear, however, precisely what relief plaintiffs seek, nor for that matter, whether a court of law is competent to give it even assuming a legal wrong. It is the task of appellate counsel (should they accept the case) to articulate legal theories linking the state financing scheme to the denial of equal educational opportunity. Counsel for appellees, the Treasurer and Superintendent, anxiously look beyond the present appeal before the Supreme Court of the State of Hutchins to the United States Supreme Court, as the outcome is likely to turn on Federal Constitutional issues: Does unequal expenditure amount to a denial of Equal Protection? Is public education a fundamental right deserving of close judicial scrutiny? After Baker v. Carr, can appellants adduce judicially discoverable and manageable standards of relief?

An expert panel of judges has been selected, and counsel have submitted briefs. Prof. Charles Donahue, Jr., Faculty Adviser to the Campbell Competition, will preside at each of the four arguments. Professor Paul D. Carrington and Professor Craig W. Christensen will alternate on both Friday and Saturday. On Friday, Mr. Gabriel M. Kaimowitz, Esq. of New York will sit at the afternoon and evening sessions. Mr. Kaimowitz is currently a Reginald Heber Smith Community Law Fellow assigned to Michigan Legal Services in Detroit; formerly he was a staff attorney with the Center for Social Welfare, Policy and Law at the Columbia University Law School, where he was occupied with test case litigation concerning government benefit programs. Mr. George E. Bushnell, partner, Miller, Canfield, Paddock & Stone, will sit at the morning and afternoon sessions Saturday. Mr. Bushnell judged in last year's semi-finals, and has managed prototype plaintiff's litigation in Detroit similar to this year's Campbell problem.

Final arguments of the Campbell Competition, and the annual Case Club Banquet, will be held Wednesday, March 10, 1971.
Poor people, who were very popular a few years ago when poverty was such a big fad, are running into hard times. Most of the programs for poor people have been cut back, and there is even some question as to whether poor people are entitled to free legal aid.

There is now a concerted effort being made by the Establishment to prevent poor people from using the courts to get justice. While some poor people consider this bad form, other poor people are resigned to it.

"I understand their position", Dembow, a poverty-stricken friend of mine said. "If you allow poor people to take their complaints to court, you'll clog up the system. Poor people have a lot more to sue about than rich people, and no system can stand poor people using the courts for their own interests."

"I'm surprised to hear you say that, Dembow", I said. "It seems to me that you would be on the side of poverty."

"I'm much more concerned with my country than I am with myself", he replied. "When they set up the poverty program, they provided funds for poor people to get free legal aid. This was a big mistake because a lot of young lawyers decided to participate in the program and use the laws on the books to get a fair shake for the poor people in the country."

"Now frightening," I said.

"These young lawyers, who were trained in law school to defend the Establishment, turned into Benedict Arnolds and used the nation's laws to attack the vested interests in this country."

"They went too far," I said.

"Not only that", Dembow said, "but they used the law to sue the government for not upholding the law."

"That's treason!"

"The minute the government found out what the lawyers were up to, they had to take action. It's one thing to give poor people free legal aid, but it's another to go into the courts and accuse the government of violating the law."

"Why would they do it?" I cried.

"Because they didn't understand Congress' reason for passing the poverty law."

"When the free legal aid program for poor people was set up, it was hoped that the lawyers assigned to it would explain to the poor people why things were the way they were. The advice the poverty lawyers were supposed to dispense was that things would get better if they just went along with the system. That was the only kind of legal aid Congress had in mind."

"That's enough for anybody", I said.

"Instead the lawyers decided to use the courts to get a better deal for poor people."

"Now the government has to take measures to correct the situation. They'll probably phase out the Legal Aid Program or merge it with the Justice Department."

"I don't see them having any choice," I said.

"In the meantime, the poor people will have to get their legal aid some other way. No democracy can survive if people are going to resort to the courts for justice."

"Dembow, you make a lot of sense," I said, "but since you're poor yourself, I'm surprised you're on the side of the administration."

"If the poor people won't stand up for American, who will?"

--Art Buchwald
WHITHER ?

The modern law professor has inherited the remnant of the shining cloak of humanism. With his disciplined mind at ease in dealing with both the arts and sciences, he exists alone as the last Renaissance man, the man for all seasons. He stands head and shoulders above academic mortals fettered by the chains of irrelevance and crass specialization. Motivated by the quest for eternal justice for rich and poor alike, he has forged his knowledge into a sword and shield with which to do legal battle wherever duty calls. In so doing, he expends his energy to the limit in order to pass on his life's dedication to future generations.

American lawyers are charlatans of the rankest order, willing to sell their own mothers to the highest bidder, and law professors are the worst of the lot. After all, they are responsible for educating the legal profession to become what it is today. As one of this year's Cooley lecturers remarked while visiting a class, "Many law professors take this attitude: My position is secure, my salary is assured. Why should I spend 90% of my time on my students and 10% of my time on outside activities, when I can spend 90% of my time on outside activities and 10% on my students?"

It is not the function of this article to conduct a combined popularity contest and witch-hunt for determining which of the antipodal opinions above best describes this law school's faculty. However, the possibility should at least be considered that the law school, during more than a century of growth, has had its hierarchy of priorities reversed to some degree, regardless of the sincerity of the faculty guiding its development.

The faculty bears the burden of leadership of the law school. They are the fifty men (why no women?) under whose tutelage progresses the legal education of 1,000 students. They have the freedom and power to implement innovations, and also to make or break a student's career. In addition, many professors have a permanent life-interest in the school's future. Thus the faculty's choice, in the final analysis is not so much whether they can lead the law school to meet contemporary needs, but whether they will motivate themselves to do so.

Through abuse of their freedom and power, the faculty can obstruct further improvement in the quality of education offered the students, to whom the professors owe their primary obligation. To paraphrase a cliche, an effective balancing of academic freedom and academic responsibility is needed to prevent abuse of professorial privileges.

Professions have historically favored self-surveillance of the membership, and have resented policing measures imposed from the "outside"
To quell any accusations of repression, the following proposals intended to ensure professional pedagogy do not require the faculty to relinquish power. Each step can be self-administered by the faculty.

1. The Reformation of Faculty-Hiring Procedure

Stated generally, once a recruit has met the impeccable academic standards necessary to fill a faculty position here, e.g., Law Review and graduation from Chiyalvardgan Law School, he must pass through a "test period" to gain faculty acceptance. Of course, exceptions can be made for experienced professors from other schools. Often the period consists of teaching during the summer or "substitute" teaching during the academic year. After the test period ends, the faculty votes on whether or not to offer the candidate a full-time teaching position. If there is "substantial opposition" of 10% - 40%, the candidate has flunked the test and he will not be offered a position.

Assuming that instructional duties should take precedence over research activities, it is rather startling that with the above method a faculty member can be hired with the law school administration having little or no knowledge concerning the candidate's most crucial skill needed to fulfill those duties—namely, his teaching ability.

All too often teaching ability is judged second-hand through rumors or others' recommendations, causing unfounded evaluations of classroom performance. Given the faculty's closed, fraternity-style, voting procedure, which can easily eliminate a candidate, a policy of straightforward, open evaluation of classroom performance during the candidate's "test period" should be adopted by the hiring committee. Following are some possible measures toward that end, some based upon the current system of pre-tenure evaluation at UCLA.

Firstly, the committee would prepare a standard evaluation form to measure teaching skills. Secondly, each committee member would visit two classes taught by the candidate, with one visit announced and the other not, and fill out an evaluation sheet each time. Thirdly, at the end of the candidate's teaching period, he would distribute the same evaluation forms to his students to fill out, and then turn the student evaluations in to the committee. Fourthly, the committee would distribute a compilation of the evaluation results to the entire faculty at least three days before the hiring vote is taken. Fifthly, the faculty would establish an exact minimum percentage of opposition necessary to reject a candidate.

Such an evaluation procedure as outlined above would not only minimize the opportunity for political hatchet-jobs, but would also give the students a more influential voice in faculty selection. The current system allows
a few students a minor role in initial recruitment. But the students who
actually study under a teacher being considered, and so are best qualified
to express views on his instructional ability, have no official means with
which to do so.

Why do faculty members fear student participation in selection and
evaluation? Law students are adult members of the "legal fraternity". They
help to pay faculty salaries through tuition payments and post-graduation
alumni donations. Moreover, the students in a given class not only repres­
tent themselves, but also countless students who will study under that teacher
in years to come. Thus any decision which the present students help reach
will benefit many future students and, hopefully, will add to the upgrading
of the profession.

Giving the students effective participation would not result in
permitting the inmates to run the asylum. After the initial unpalatability,
an open evaluation system would soon become part of the law school's
tradition, the very thing which seems to be the only basis for not
attempting to revamp hiring methods at this time.

---Neil Mullally

Next Week: Proposals to insure continued instructional excellence.

FLICK TIME

THE LAST HURRAH

with

Spencer Tracy, Pat O'Brien, Jeffrey Hunter

Friday, February 12, 50¢, Room 100
Alabama's Court of Criminal Appeals has ruled that, because the state moved its electric chair from one prison to another, a man convicted of murder cannot be put to death.

Alabama law specifies that executions must be carried out "within the walls of Kilby Prison at Montgomery."

Kilby Prison, however, has neither walls nor an electric chair. The chair was moved to a new maximum security prison at Atmore in 1969 and Kilby was demolished after having served as the site of executions for nearly 50 years. More than 200 persons were put to death at Kilby.

The 2-to-1 decision can be appealed to the Alabama Supreme Court, and the state has indicated that it will make an appeal. If the court should uphold the lower court decision, it would mean that 28 prisoners would escape the death penalty. Some of them have been on death row for more than 10 years.

The State Legislature could not amend the law and still execute Brown, Judge Cates wrote, because such a step would violate the constitutional prohibition against enactment of an ex post facto law.

Judge Cates further held that the state was imposing a "cruel and unusual punishment" by holding Brown on Death Row in the new state prison. He said to hold him in preparation for execution amounted to "a sword of Damocles suspended to fall if and whenever" the legislature amended the law.

--- New York Times, Jan. 28

GRAPES OF WRATH

Here follows a tale illustrating once again that government moves in strange ways, few stranger than those of the Internal Revenue Service.

The story concerns several Cleveland bachelors who wanted to make a bit of wine for their own consumption. Federal law allows amateur vintners to make up to 200 gallons of tax-free wine a year, as long as it's strictly for personal use. But no bachelors need apply, says the IRS. The tax waiver covers only heads of households, and bachelors do not qualify.

"A most unusual and probably unconstitutional law," said one of the Cleveland corps.

Bachelor's lib, anyone?

---Detroit Free Press

Ashford, England (UPI) -- Charles Wright, a 72-year-old pensioner, tossed his canary's leftover seed into his garden for wild birds to eat.

Some plants took root and produced plants four feet tall.

Wright let them grow. He decorated his bungalow with them. A local horticultural society used some in a display. The plants turned out to be marijuana.

"They were nice looking plants so I let them grow," Wright told a magistrates court Tuesday. "If I'd known it was an offense, I wouldn't have."

The charge of illegally growing marijuana was dropped.
FROM THE GLASS BOOKCASE

Divine Disobedience by Francine du Plessix Gray

The Trial of the Catonsville Nine by Daniel Berrigan, S.J.

One need not, I think, be radical or Catholic to thoroughly enjoy this tightly written book by Francine Gray concerning the conscience of dissent and its role in shaping the destinies of several extraordinary men. No doubt the success of her book is due as much to the men of whom she writes as to the sensitivity with which she relates her experiences of them.

The first part of the book is perhaps the most religious in its focus and tells of the radical Catholic community in East Harlem known as Emmaus House. If you enjoy Fathers Kirk, Mann, and Young, the "spiritual stepchildren" of Dorothy Day and the Catholic Worker Movement with their talk of the underground church, Chairman Jesus, and community activism, then you'll surely enjoy getting beyond the Time cover into the lives and minds of Daniel and Phillip Berrigan. Mrs. Gray devotes one chapter to a brief history of the brothers and another to the trial at Catonsville. To describe Phillip as "congenitally unhappy with phony peace" or Daniel as a poet-radical is obviously only to hint at what these men stand for and what they believe.

If you read Mrs. Gray's chapter on the trial and not Daniel Berrigan's smaller book you will not miss much save some quotes from Jefferson, Sartre, Brecht, Camus, etc, pictures of the individual defendants, and a textually more complete court transcript. What is striking about the shorter book is that it reads more like a treatise on the ills of America and the frustration and disillusionment of those who have struggled with them rather than a transcript of the proceedings of a court of law. This appears the result of Judge Thomsen's judicial tolerance but is probably equally attributable to his personal interest in what the defendants had to say. It is not every federal judge who chats for 40 minutes with the accused while the jury is out, and here one finds an illustrative juxtaposition of the ideology of the disobedient and the dogma of the state. After this, Daniel Berrigan could only conclude: "The time of taking risks and submitting before the judicial system is drawing to a close . . . The War Machine, which has come to include the court process that serves it, is proving self-destructive . . . For you cannot set up a court in the Kingdom of the blind, to condemn those who see, a court presided over by those who would pluck out the eyes of men and call it rehabilitation."

Heavy stuff, indeed. Yet Mrs. Gray saves the best for last, one giant named Ivan Illich. Illich heretofore was known only to me as perhaps the most incisive critic of contemporary education in the world today, whose new book, De-Schooling Society, is just about to be published by Harper & Row. But Francine Gray reveals dimension upon dimension. Here is Monsignor Illich buddy-buddy with Cardinal Spellman, learning Spanish on the streets of New York and organizing the first Puerto Rican national feast day. Here is Illich refusing to swear to secrecy before a Vatican Inquisition, and leaving the next day. Here is Illich founding the Center for Intercultural Documentation in Cuernavaca, Mexico, a free university in part, where Illich tells young SDSers interested in guerilla warfare to read Goethe. For Illich, a man uninterested in politics, the function of the church is to "recognize the presence of Christ among us through liturgical celebration and to charge human beings through these
celebrations with the proper emotions towards social action," and he advocates the emergence of a new Renaissance man, the vanishing clergyman, the organic meshing of the secular expertise of the layman with the religious devotion of the clergy.

Here is a book about men whose label is Catholic, and whose impact is catholic.

---SKS

PAD

Due to the scheduling of noon-hour classes, Phi Alpha Delta law fraternity will hold its weekly speaker's luncheon Fridays at 12 noon. Both the meal and the speaker will be in the Lawyer's Club Lounge. All members who have been unable to attend because of schedule conflicts and all those interested in attending are invited.

WOMEN

The women law students have voted to drop the greek letter name by which they have been identified. The group will now be known as the Michigan Women Law Students Organization.

In Our Own Backyard

Much of the new move towards increased ecological awareness is simply a move towards a more perfect system of individualized responsibility. In one sense then, many of the obstacles we face today are simply the result of lifetimes of patterned irresponsibility.

Therefore, in an effort to begin confronting some of these counterproductive patterns in ourselves (albeit on an extremely small scale), we recommend that whoever places a poster on the wall of Hutchins Hall or in the library, lawyers club, etc. also bear the burden of removing said poster upon the expiration of its informational utility. At that point it is recommended that the user save the poster until both sides have been used. Even better, we might consider substituting for the expensive colored posterboard a thinner, cheaper white roll-type paper. Of course, the markings may show through this type of paper, hence preventing double use, but how many sheets of thin paper equal 1 posterboard? In dollars? In trees? In chemical dyes? Isn't it the obligation of those who use these posters to find out?

--ELS

Things You Should Know About English Common Law

The custom of the manors of East and West Enborne, in the County of Berks, is, that if a copyhold tenant die, the widow shall have her free bench in all his copyhold lands, whilst she is sole and chaste; but if she commits incontinency, she forfeits her widow's estate; yet after this, if she will come into the next court held for the manor, riding backward on a black ram, with his tail in her hand, and say the words following, the steward is bound by the custom to readmit her to free bench:

Here I am, riding up on a black ram,
Like a whore as I am;
And for my crincum crancum
Have lost my bincum cancum;
And for my tail's game,
Am brought to this worldly shame;
Therefore, good Mr. Steward,
let me have my lands again.


Eco-Porn:

It may be squeamish to react so strongly to the killing of a few sheep. The fact that Joe is out for trophies isn't so bad in itself. The buzzards have to eat too. What is so infuriating about the movie is that it portrays mechanized slaughter as an heroic hunt and sells it as a tribute to nature.

Mike Hall