DANVILLE, VIRGINIA LITIGATION DISCUSSED AT CLUB:

Last Monday night, Mr. Nathan Conyers, of Detroit, gave students a detailed report of the Danville, Virginia civil rights litigation of last summer. Danville is a city of 50,000 in southern Virginia; one third of the people being Negroes. It was the last seat of the Confederacy and is a hard core area of segregation today. Early in 1963, the city came to the attention of progressive Negro leaders and efforts were made to desegregate. This led to demonstrations beginning in June, 1963; which were accepted at first as only temporary and harmless.

However, on June 6, the local judge (Judge Atken) issued an ex parte injunction severely restricting any demonstrations. Arrests followed; then a city ordinance illegalized the demonstrations; then more arrests; then beatings began to replace the arrests. Conyers noted that all such acts of violence were aimed against the demonstrators. In the end, over 300 had been arrested, most of whom were out on bond. Then these defendants sought legal aid, they found that all available white attorneys refused to assist them and that the five local negro attorneys were fearful of undermining their position which required cooperation from local officials. At this point, outside attorneys were called in to assist. Mr. Conyers was one such attorney.

He described the trials as follows: Judge Atken had closed the trials to the public on the premise that public safety required it. All defense counsel and all defendants were searched for weapons, as they entered the courtroom. In contrast to this, there were 40-45 police armed and in riot dress, 15 plainclothesmen, the clerk of the court was armed and even the judge had a pistol on. Conyers described the situation as one of intimidation in a very animal sense. Motions for jury trial and for change of venue were summarily dismissed; the judge stating that he knew well enough what to do with people who violated his injunction.

At this point, defense counsel sought removal to the federal district court; sought a declaratory judgment on the constitutionality of the city ordinance and the injunction; and also sought to get a restraining order on the state court proceedings. When notified of the removal petition, which now gave the federal district court jurisdiction, Aiken said he would continue until his fraternity brother, federal district judge Michie, ordered him to stop. After further consultation with the Danville prosecutor and others, he suspended trial, claiming it was for the purpose of convening a grand jury to indict additional agitators that had come into town, including one of the defense attorneys. But, he still required all defendants to be in court each day. At the same time, unemployment compensation was withdrawn from defendants then collecting it on the grounds that people free on bond are not really ready and available for work. In an attempt to block this move, the defense sought to sue in federal court but found that the district court clerk would not issue subpoenas because of fear that she would lose her job. After some effort, subpoenas were issued. Judge Michie then remanded the case to the state court on grounds that the state remedies had not been exhausted; a tool used by stated to stall settlement of the issues as long as four years. Appeals to the fourth circuit were denied.

The state court refused to stay proceedings for any reason and the trials were then spread out all over the state. The effect of this was that all 300 trials could take place on the same day, making the defense of all impossible. Moreover, refusal to stay proceedings meant the sentences would all be served before appeal was had. At this point, the fourth circuit did intervene, issuing a temporary restraining order against the state court to stay proceedings. Conyers concluded that Aiken's conduct was the greatest misuse of the tools of justice that he could conceive of. He said the present goal of the defense is to get the state proceedings declared unconstitutional without having to wait for exhaustion of state remedies.

ALCATRAZ IS TOPIC FOR RECENT JOURNALISM LECTURE:

In a recent lecture in Journalism, Mr. J. Campbell Bruce, San Francisco newsman charged that the Department of Justice used secrecy at Alcatraz to conceal shocking scandals. In doing research for a book: "Escape from Alcatraz" (McGraw-Hill), he said he found the Federal Bureau of Prisons extremely uncooperative; this even though he offered to submit a copy of his manuscript to be checked for accuracy. This attitude on the government's part led to more intensive, if unaided, research.
As a result of his investigation, Bruce charges that the government was operating a Devil's Island in San Francisco harbor, "a medieval torture chamber reminiscent of Torquemada." He also charged the Department of Justice with "practicing rank racial segregation in (this particular) one of its own institutions in the west." He further charged that "The Rock," which was reputed to hold only the most vicious criminals, held such persons as small time moonshiners, a man who stole a pig, kids who had swiped cars, and a fellow who had taken two cartons of cigarettes from a boxcar. He concluded by charging that the island prison was run "by men too incompetent to run a backwoods jail."

HISTORY OF THE LAW SCHOOL (continued):

Nothing having been done towards the end of establishing a Department of Law at the University, the subject was brought up again at the June, 1852 meeting of the Regents. At this time, letters were presented from prominent jurists of the state. Again the proposal disappeared into a pigeon hole. At the November, 1853 meeting, President Tappan added his personal appeal. But the matter was again tabled. The following year, Tappan again urged the Regents to proceed with the establishment of a law department. "Applications are frequent on the part of law students," he said. "Unquestionably, a very considerable number would resort here immediately." Still, another year rolled by. In March, 1855, the Regents received a memorial from the Detroit Bar Association asking for the appointment of a Professor of Law. Such an important petition could not be ignored. Moreover, this was the fourth straight year that the Board had been asked to take action on the matter. Also, larger segments of the legal profession were beginning to take interest in the idea of a law school.

The executive Committee of the Board reported in June, 1855, that a Professor of Law should be appointed "as soon as the finance of the University . . . permit." The Regents accepted this recommendation, but the matter went no further. The finances at that time would not permit, it was decided. In fact, the shaky financial condition of the new University was probably the main obstacle to the establishment of a law department during these early years. Limited means and expanding needs was a fact that had to be dealt with. Undoubtedly, the two existing departments viewed the idea of a law department with misgivings. They were already competing with one another for limited funds. Who wanted more competition.

At the same time, the Regents had their hands full with other thorny problems, besides finances and inter-departmental rivalry. There had been disputes over University owned land. A heated controversy arose over the fate of the five University branches in other towns, organized before the main institution in Ann Arbor. There was also serious trouble from secret student societies, Alpha Delta Phi being regarded as the most sinister. There was the problem of what to do with the applications submitted by "females." There were faculty resignations to deal with and endless details such as doorbells for faculty homes, a water well for the students, and a barn for the President's home. With all these facts in mind, it is not difficult to see why the Regents were not enthusiastic about taking on the burden of setting up a law department.

In the fall of 1856, President Tappan included in the Regents report to the Superintendent of Public Instruction the observation that a law department would soon have to be organized if the University were to become a school surpassed by none. In June, 1857, a committee of two was appointed to ascertain whether Governor Alpheus Felch and State Supreme Court Justice James A. Campbell could be obtained as lecturers in the law department. There is no report that the committee reported back its findings, but both men did later join the faculty (Campbell in 1859 as one of the original three professors and Felch in 1878). (To be concluded.)

EDITORS WASTERBASKET:

Professor Eric Stein recently attended an Atlantic Council conference in Washington which was aimed at stimulating Atlantic area studies in American universities. The Council was interested in Stein's course, "Law and Institutions of the Atlantic Area." The course analyzes many international agreements of western Europe such as the Common Market and compares them to our federal experiences.

Professor Stein has also been appointed consultant by the Ford Foundation and had an article published: "Assimilation of National Laws as a Function of European Integration," in the American Journal of International Law. Professor Samuel Estep (and Forgotten) published an article entitled "Legal Liability for Genetic Injuries from Radiation" (L. L. Rev.). . . . Joseph Julia spoke at the U of M club in Chicago on the topic. "Law in the News." . . . Professor Kimball recently gave three speeches in Germany: one in Heidelberg, one at the University of Freiburg and one at the University of Frankfurt. The speeches related to insurance law. . . . L. Hart Wright recently gave a speech on "Tax Questions and Responsible Tax Administration" at the annual conference of I.R.S. senior field and national office officials.
The debris on the first floor of Hutchins Hall is the result of construction of 15 or 16 new carrels on the third floor. They will be primarily for the use of Law Review staff members.

MISCELLANEOUS:

Additional note on Dean Smith's Sunday suppers. The Dean wishes to advise all students that those graduating in August are to be included in the invitations to these Sunday suppers. Also, the straight alphabetical roster will be juggled a bit. Keep your eye on the lists in the main corridor of Hutchins Hall for your invitation date. . . . The final round of the Campbell Competition will be held on Monday, March 16 at 2:15, in Room 100. The problem involves the effect, under the antitrust laws, of the merger of two newspapers in a small town. The four finalists are: Terrence Croft and Dennis Slater for the Appellant and John Gates and John McCullough for the Appellee. The court will consist of the Honorable Byron White, Associate Justice of the Supreme Court of the United States; the Honorable Stanley Barnes, Circuit Judge in the United States Court of Appeals; the Honorable Thomas Kavanagh, Chief Justice of the Supreme Court of Michigan; Dean Allan F. Smith and Professor S. C. Oppenheim. Judge Barnes and Professor Oppenheim were co-chairmen of the committee that produced the 1955 Attorney General's Report on the Antitrust Laws. . . .

The annual Case Club banquet will be held the night of the 16th. Justice Kavanagh will be the keynote speaker, and the decision of the court will be announced. Senior judges will be named and freshmen awards will be given out. All freshmen who participated in the Case Club program are invited to attend the banquet.

AT THE FLICKS:

Campus: "To Bed or Not to Bed"
Michigan: "Tom Jones"
State: "Who's Been Sleeping in My Bed?"
Cinema Guild: Friday - "The Island" Saturday - "A Taste of Honey"

QUADSVILLE QUOTES:

Arbitrary power and the rule of the Constitution cannot both exist. They are antagonistic and incompatible forces; and one or the other must of necessity perish whenever they are brought into conflict.

-- Sutherland, J.

The presumption does not consecrate as truth the extravagantly improbable.

-- Cardozo, J.

ELECTIONS:

Petitions for Board of Directors elections may be picked up after Monday, March 2 at the Administration Office in Hutchins Hall or at the Lawyers Club office. They must be returned by March 13. Elections will be March 18.

N O B O D Y T A K E S M O R E T H A N H I S A L I Q U O T SHARE OF THE LASAGNA!