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STATEMENT Of POLICY

The William Mitchell Opinion ls published by the Student Bar Association of the William Mitchell college of Law for the purpose of educating and informing Mitchell students and alumni of current issues and affairs of law and the law school. In furtherance of that purpose, the Opinion will present the views of any student, faculty member, alumni, or the administration. Because of space limitations in a tabloid newspaper, and because the Opinion strives for factually and accurate and stylistically uniform copy, all contributions are subject to editorial review and possible abridgment, although every effort Is made to maintain a writer's original style.

The Opinion will endeavor to consider fully and thoughtfully all material to determine its relevance and appropriateness before publication. Such consideration will be made with the assumption that freedom of the press within the law school is no less a fundamental right than outside a law school; and in view of the Opinion's recognized responsibility to the members of the student bar, practicing attorneys, and faculty and administration of the law school. Editorials represent only the opinion of their writers.

Matrix & Self-Preservation

Parole Board: Discretion or Desperation?

By Karen Shimon

A vast proportion of the energies of the legal system is expended in the criminal justice system (CJS). On one "side" the prosecutor works to put criminal offenders behind bars. On the other side, the defense works to keep the offender on the streets. The crux of the process is the fact that there are sides; the adversary system works because of this fact.

Once an offender goes inside, the adversary system of checks and balances evaporates. The individual becomes an inmate of the Commissioner of Corrections. As an inmate he becomes a pawn of the system, subject to the authority of that system. Unable to control his own destiny, he is maneuvered by that system into a corner where he becomes his own worst enemy. The system is right (or he wouldn't be there), and he is wrong (or he wouldn't be there).

Because the inmate is wrong, the system is supposed to make him right. The word is "rehabilitate." Because inmates are acknowledged as individuals in the realm of rehabilitation, and because individuals rehabilitate at individual rates, an indeterminate sentencing structure was thought to provide the necessary leeway to allow release of inmates when they had been rehabilitated. A concomitant of this sentencing structure is the parole board; the side of right and might in Minnesota is represented by the Minnesota Corrections Board (MCB).

Richard T. Mulcrone, Chairman of the MCB, spoke recently at a conference of the Corrections Department. Finding "every justifiable reason" for the use of discretion in the CJS, he stated: "For whatever reason, that utilization of discretion (by police, prosecutors and judges) results in a broad range of individuals with a lot of individual differences arriving in our institutions.'' Similarly, the parole board must exercise discretion in determining when those individuals should depart from our institutions.

Who are the individuals vested with parole-making discretion? The MCB consists of five persons appointed by the Governor. Their qualifications have nothing to do with their function. The only requirements for the job are that one member represent each of the categories of the two political parties, a minority race, and the female population.

How does the MCB determine when "rehabilitation" has taken place? In promulgating the matrix system, the Parole Board avoided the question.

By Minnesota statute the Board is empowered to promulgate rules and regulations to guide them in their decision making. Matrix is supposedly a system providing a ''rational method of determining length of incarceration" which "assures equitable treatment of inmates." The system became effective May 30, 1976. It provides a method for determining target release dates on the basis of six "objective" criteria. Chapter 4 of the Minnesota Corrections Board Rules and Regulations nevertheless provides for arbitrary and discretionary input into that decision-making by guards, caseworkers and other prison administrators.

Target release dates can be extended (or potentially reduced) after the "objective" determination is made. The Guidelines provide that "the Board will determine if significant aggravating or mitigating factors are present.'' Apparently basing its ability to determine significance on the sheer foundation of administrative power, the Guidelines state that the "Board will use an empirical parole prediction device as an aid to their clinical judgment." The qualifications for service on the Board are not those normally associated with expertise in determining clinical significance. Apparently the Board considers its legislative grant of authority as endowing them with "clinical" wisdom.

Under the matrix each committing offense carries a base amount of time to be served. Additional time is added on the basis of the following "objective" factors:

1. The inmate has a prior conviction for exactly the same offense title as any offense for which the inmate is not under sentence.

2. The inmate was 19 or younger at the time of the first felony conviction.

3. The inmate has a total of three or more felony convictions, including convictions for the current sentence.

4. The inmate has one or more adult commitments to state correctional institutions.

5. The inmate has two or more prior probation or parole failures as an adult.

"Individuals may enter into the prison system with such bizarre kinds of circumstances surrounding their trial, that everybody - who is reasonable – believes that he should be incarcerated, if not forever, so close to forever that you can't tell the difference."

Richard T. Mulcrone Chmn. Minnesota Corrections Board

6. The inmate's current sentence includes one or more burglary convictions. The amount of time an inmate will serve is incrementally increased for each "yes" response to these factors. As all the factors are pre-determined before an inmate ever enters the system, it can readily be seen that those presently incarcerated can do nothing to effectuate their release.

Implicit in the idea of a Corrections Commission is the duty to "correct" - to make "right" that which is "wrong" - or in criminological jargonese, to "rehabilitate.'' Rehabilitation under the present system is only jargon, for under matrix, as implemented through the MCB's Guidelines, the sole function of the prison system is custodial.

True, rehabilitation programs allowed a great deal of game playing. As a result, the assumed experts at the game "conned" parole boards into releasing them when they were not in fact "rehabilitated." Consequently, recidivism continues to plague the CJS as a major problem. The MCB calls the questionnaire containing the six factors a "Risk of Failure Worksheet." But, does matrix really address the problems of recidivism?

According to the man who developed matrix, Dale Parent, the system was not implemented with the intent of reducing recidivism. Matrix was developed merely to "formalize existing Board practices'' of 1974 and the first half of 1975.

Too much of a coincidence to be so, is the fact that a determinate sentencing bill was introduced in the 1976 session of the legislature. Authored by Senator William McCutcheon, the bill abolished the Parole Board. It is highly susceptible of inference that the MCB is one of those "agencies (who) are defensive about their work. The characterization of their efforts as ineffective or unwarranted is interpreted as a personal affront. Consequently, they resist research findings unless they accord with their preconceived notions. Research, however, cannot be tailored to meet the emotional needs of a desperate administrator." 23 L. & Contem. Prob. 772 0958). Senator McCutcheon's bill passed both houses but was subsequently vetoed by Governor Anderson.

Early this fall the MCB deleted several factors which had formerly been used in determining target release dates. At least one of the factors was dropped because it "added little to the predictive power" of the device. This was stated in an Office Memorandum dated October 12th and originating from Mulcrone. It is not surprising that McCutcheon was at this time in the process of redrafting his bill. He is virtually certain of its passage in the upcoming session. He also anticipates the signature of Governor Perpich on that bill. The redrafted bill again abolishes the MCB.

However, Mulcrone submitted at the conference that the "practitioners of the CJS – the police, the prosecutors, and the judges - believe that the system is operating adequately and fairly. And, while it may need some tuning, it might not need overhauling." In substantiating his inference that Minnesota does not need determinate sentencing, he raised the objection that it does not "differentiate between age, competence or potential for change." Perhaps a legitimate criticism of this type of sentencing structure, Mulcrone nevertheless failed to admit that his self-acclaimed matrix system also fails to differentiate meaningfully.

"What won't determinate sentencing do," asks Mulcrone. "I hear none of its proponents say that it will reduce crime, that it will reduce recidivism, or that it will be less expensive". It appears inconsistent that

Mulcrone offers these objections to the bill when his own matrix system does not purport to serve these ends.

What does matrix do? Mulcrone claims that it enables the Board "to make a reasonable assessment of the known facts and an educated prediction of future criminal behavior." According to him, using a matrix-type system allows this process to be done "in the abstract." Matrix provides "a comfortableness that allows you to be far more angry at criminals than you would be if you know him on an individual basis and you make an assessment of the kind of things that have caused him to choose crime."

The question bears asking whether society wants the type of CJS which allows us to be "angry" at criminals. Anger is an emotion. And, despite the fact that Mulcrone referred several times to crime as an "emotional issue," can society afford the luxury of emotion in dealing with as serious an issue as crime?

In response to Mulcrone's "abstract anger,'' McCutcheon redirected the Conference's attention to the question of "who should set the penalty for a violation of our social code?" While he assertedly has a vested interest in the answer, our form of government precludes an administrative body doing so.

Apparently anticipating objections that the bill was "soft" in its treatment of criminals, McCutcheon hedged the question as to whether the bill was a "get tough" bill. Given the merely custodial status of our present correctional philosophy, the relevant question to McCutcheon is "how long is a year in an institution?"

"I assumed that most of you are aware of the great philosophical question between determinacy and indeterminacy," McCutcheon continued, "and if you understand the philosophical question, you can get back to the question of whether its tough or not."

The Senator didn't design the bill with an intent to get tough, rather, he "tried to visualize a system that you could live with while serving yourself. From there I got to the question of 'how long is a year, or two years.' And, in my judgment, that's one hell of a long time."

The most difficult thing about serving time under indeterminate sentencing is not knowing "how long" is "long enough." The MCB currently has the authority to determine the answer to that question. And, the Board has used its discretion to formalize its response of being "angry" at criminals through the implementation of matrix.

"...the much praised indeterminate sentence which purports to promise forgiveness for 'goodness' may in effect... easily be turned into a novel instrument of torture by suspense."

- Albert A. Ehrenzweig

According to Mulcrone, the Board deviates from the matrix target release dates of about 15 percent of the time. Illustrating the deviation, he stated that there are some "individuals who may enter into the prison system with such bizarre kinds of circumstances surrounding their trial, that everybody - who is reasonable - believes that he should be incarcerated, if not forever, so close to forever that you can't tell the difference."

This comment represents an emotional stance for which the Corrections department has no legitimate base. The vindictiveness therein evinces a desire to punish. Our Criminal Code states the purposes of incarceration to be removal, deterrence, and rehabilitation. Potential for this type of vengeance is what led Albert A. Ehrenzweig to comment: "the much praised 'indeterminate' sentence, which purports to promise forgiveness for 'goodness,' may in effect,... easily be turned into a novel instrument of torture by suspense." Supposedly, the individual to whom Mulcrone refers could do nothing to rehabilitate himself. He could never be rewarded for any subsequent "goodness" within the prison system because

of the "bizarre circumstances" surrounding his offense. Using matrix, not only can the MCB usurp the power of the judiciary, the MCB can and does violate the legislative mandate of the Criminal Code.

Building into the, system "an achievable goal," is the second thing McCutcheon feels the CJS needs to do. Merely putting people "in the institutions for a long time... serves no purpose; I am not prepared to warehouse people." The object of his bill is to provide a sanction which will reinforce "good behavior." The achievable goal is the attainment of "good time."

While the concept of "good time" exists even under an indeterminate sentence, the concept exists without meaning. Because an inmate continues to serve time (within the statutory maximum) until the discretion of the MCB allows his conditional release, "good time" is never really credited and deducted from the total time served. Under the determinate sentencing bill proposed by McCutcheon, the total number of years to be served is determined at the outset, and an inmate is given the "goal" of reducing that amount by good time. For each day within the prison "during which the inmate violates none of the disciplinary offense rules," his sentence is reduced by one day. This is McCutcheon's vision of that kind of system where an inmate could serve himself. It has the potential for positively reinforcing acceptable social behavior.

To Mulcrone, however, "rehabilitation" is the "dirty word of 1970." To him, "coerced rehabilitation is the only kind of rehabilitation that... does work." His brand of rehabilitation is not really rehabilitation at all. It is rather a self-perpetuating angry response to anger. Crime may be an emotional issue, but until criminals are given the opportunity of self-generated "right" behavior to which the system responds positively, rehabilitation is a hopeless goal.

The MCB Chairman claims that "one of the things you have going for you in an indeterminate sentencing system is... providing for the purposes set forth in the Criminal Code. Namely that the law is there to deter, to punish, to rehabilitate, to protect the public."

He takes it upon himself, however, to provide a purpose which is nowhere to be found in the purpose clause of the statute. M.S. 609.01 s.1. states the purposes of the chapter to be "to protect the public safety and welfare by preventing the commission of crime through the deterring effect of the sentence authorized, the rehabilitation of those convicted, and their confinement when the public safety and interest requires...". We thus find removal, deterrence and rehabilitation. It is only through the abstract of matrix that the MCB finds discretion to be "angry" at criminals and to thereby seek to punish them.

Surely inmates currently serving time cannot help but feel they have been made to serve an emotionally punitive number of years that is longer even than "one hell of a long time."

Derisively interpreting McCutcheon's bill, Mulcrone called it an attempt to be "equitable to prisoners. The only purpose of criminal law" counters Mulcrone, "is not to be equitable to prisoners. That's one of its purposes. But the other purpose is to protect the public safety. And the fact is a bill that will release the most professional burglar that you can identify in the State of Minnesota, in 13 ½ months... makes burglary a viable occupational choice in the State."

In further justification of MCB's matrix system, Mulcrone claims that it accomplishes the same objective as determinate sentencing: "so that people who were similarly situated, would know at the earliest possible time their sentence - what it was they were going to do in terms of time for punishment and what it was they could do in terms of rehabilitation." Aside from his improper assumption, again, that

punishment is a purpose of the Criminal Code, Mulcrone would lead us to believe that under matrix an inmate can rehabilitate himself.

Other than becoming aware the punitive effect of serving time for past offenses, and in the future making an attempt to avoid becoming involved in the system, matrix offers little other rehabilitative impetus.

If the object is to deal with criminals "in the abstract," certainly McCutcheon's bill better serve that end. It provides for a set amount of time, within limits, to be judicially determined at the time of sentencing. If society must vent its anger at criminals, far better that it be done at this time than to continue its exercise over a period of years of incarceration. Rather than rehabilitate, such vindictiveness can only logically inspire further revenge. Two wrongs never did make a right.

Crime affects all of us. It is costly in terms of dollars and in terms of lost human resources. The problem of how to "correct" the situation, or bow to most effectively deal with criminals after the fact, offers no easy answers. Whether or not a sentencing device is equitable to inmates should be our concern. If it is not equitable, it is society who will continue to pay the price of its inequity. Clearly, recidivism would not be a problem today if punishment "corrected" behavior.

Image

Art of a body with a toe tag reading “Rehabilitated” in front of a prison.

Reprinted from The Outlaw, A California Prison Newspaper

Sexual Assault

Preventive Programs and Legislative Reform

By Loretta Frederick

In 1974 there were 687 reported rapes in Minnesota, a 19.1 percent increase over 1973. This figure represented approximately 2 reported rapes every day. The F.B.I. estimates that only 1 out of 3 to 10 rapes are reported to law enforcement agencies. This could mean that in Minnesota anywhere from 2,000 to 7,000 sexual assaults may have occurred in 1974.

Sexual assault has been the focus of an increasing number of nationwide studies, programs and statutory revisions. Minnesota has been in the forefront of this movement with many innovative task forces and programs which have become models for other states.

The new sexual assault statute passed by our legislature in 1975 is further evidence of a growing awareness in Minnesota of the special problems that accompany this crime. While this statute is hailed by some as a significant step toward placing rape in its proper perspective in relation to other crimes, controversy surrounds the issue of its actual affect on rape prosecutions in the state.

At the same time that the legislature revised the Minnesota statute, the Department of Corrections implemented the Minnesota Program for Victims of Sexual Assault (MPVSA) which was created in the 1974 session. It is unique in the nation in that it is the only statewide program aimed at providing comprehensive services to victims of sexual attack. The program provides direct victim assistance in the pilot areas of Hennepin and Ramsey counties. Operating out of the Hennepin County Attorney's Office is the Sexual Assault Service. Its counterpart in Ramsey County is the Sexual Offense Service.

Throughout the state the MPVSA conducts a strong public education effort through media coverage and numerous community programs, and provides training clinics for law enforcement, legal, health care and social service personnel who deal with victims.

One of the major premises upon which the MPVSA is based is that the misconceptions surrounding the crime of sexual assault cause the victim to isolate him-herself from the appropriate legal, medical and counseling services. In turn, this isolation of the victim serves to hinder the prosecution process itself.

One such myth is that most rapes result from a degree of provocation by the victim. This results in a shift of criminal responsibility with the attendant guilt feelings from the rapist to the victim. A 1971 study by M. Amir, Patterns in Forcible Rape indicates that 80 percent of all rapes are at least partially planned in advance by the rapist. According to the Federal Commission on Crimes of Violence, provocation may consist of as little as a "gesture". Even under that definition, it is estimated that only 4 percent of reported sexual assaults involved precipitative behavior, most of it consisting of nothing more than walking and dressing in a way that is socially defined as attractive.

Another of the misconceptions that the MPVSA seeks to dispel is that sexual assault occurs only among strangers. Amir's study shows that about ½ of all rapists were known to their victims and approximately 14 percent of his reported cases involved a rapist who was a close personal friend, a relative, or a friend of the family. These statistics must be viewed in light of the fact that they are taken from reported assaults only, and a rape committed by someone known to the victim is the least likely to be reported.

"The myth that no woman can be raped against her will is the most detrimental to effective rape prosecution."

The myth that no woman can be raped against her will is one of the most detrimental to effective rape prosecution. It seriously affects the treatment by jurors and courts of one of the central issues in many rape prosecutions - consent. Over one half of victims are submissive during rape, which is understandable in light of the fact that physical force is used in 85 percent of all reported cases (Amir at 54).

The 1975 Minnesota Criminal Sexual Conduct Law (MS 609.341 to 609.349) represents an attempt on the part of the legislature to minimize the effects of this traditional rape mythology. The changes are comprehensive and the goal is to achieve more effective prosecution of sexual assault crimes through new definitions, degrees of criminal sexual conduct, and evidence admissibility rules.

Perhaps the most important aspect of this reform legislation is that it removes the "normal" sexual aggression connotations of rape. Jane E. Swanson, "Rape-Legal Remedies", University of Baltimore Law Journal, April 1976 at page 14. This serves to place sexual assault in its proper context - as a crime of violence instead of an inherently sexual act. Minnesota's statute is sex-neutral in that it does not mention "rape" nor describe it in traditional male-against-female language.

This concept of sex-neutrality is evident in the definition of "sexual penetration" (MS 609.341 (12)). It is defined as sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, no matter how slight, into the genital or anal openings of complainant's body by any part of the actor's body or any object used by the actor if accomplished without complainant's consent. Emission of semen is not necessary to a finding of penetration.

The wording of the statute makes it applicable to non-female victims of sexual assault and also permits prosecution of females for sexually defined crimes. The latter may be particularly important in terms of

the sexual assault of children, which is generally covered by fourth degree Criminal Sexual Conduct (requiring no penetration and a minimal degree of force).

The four degrees of Criminal Sexual Conduct are defined in terms of the presence or absence of penetration (the absence of penetration consisting of criminal "sexual contact", defined in 609.341 (11)) and two degrees of force and intimidation. First and second degree require the greater degree of force; the infliction of a reasonable fear of imminent great bodily harm, use of or threats with a weapon, personal injury of the victim accompanied by force or coercion, etc. The difference between the degrees is that penetration is a factor in the First and not in the Second.

The same distinction characterizes Third and Fourth Degree Criminal Sexual Conduct (Third requiring sexual penetration Fourth only sexual contact) but both are described in terms of a lesser degree of force or coercion.

The traditional view of rape was as a "man-against-man" crime; an affront to the property rights of the man (a violation of his woman). This conception of woman as man's sexual property precluded recognition of the possibility that a woman could be raped by her husband. The consent standard is a major conceptual obstacle to rape between spouses in that consent to all sexual intercourse with a spouse during the marriage is inferred. In addition to this conceptual obstacle, there are complex evidentiary and proof problems as well as a fear of heightened opportunities for malicious prosecution.

Adults cohabiting in an ongoing sexual relationship and those legally married cannot commit criminal sexual conduct as to each other according to the statute. However, the latter relationship carries an exception to its immunity for situations in which the couple is living apart and one of them has filed for separate maintenance or a dissolution of the marriage.

There are four important aspects to the new evidentiary provisions of the law. First, the testimony of a complainant need not be corroborated. The impact of this rule is significant in that few sexual assaults are committed in the presence of a witness and by the nature of the crime corroborative testimony may not be available.

Secondly, the statute states that there is no need to show that the complainant resisted the actor. This provision shows recognition of the fact that consent is not implied from a lack of resistance and that sexual assault deserves treatment similar to that given other crimes against the person.

John Borg, an Assistant Hennepin County Attorney, points out that while neither corroboration or a showing of resistance is required by the statute, evidence of both may be a practical necessity. It is nearly impossible from the practical standpoint, he said, to prosecute a sexual assault without a lot of other evidence (perhaps even of resistance) besides the victim's own testimony.

Jury instruction rules are found in MS 609.347 (5). There are four instructions that the judge may not give the jury, including the charge that the victim's previous sexual conduct may be considered in determining the credibility of the complainant. The proscribed instructions seem to prohibit the court from indicating to the jury that the case should be treated with more suspicion or close scrutiny than any other type of criminal trial.

The most significant of the evidentiary changes is the inadmissibility of a complainant's previous sexual conduct. The rule contains exceptions, however, and makes such evidence admissible (if material and

not prejudicial) when consent or fabrication is an issue, and even then only if it is evidence of conduct engaged in by the complainant during the one year prior to the alleged offense.

The complexities of the statute itself are viewed by some as necessary to the accomplishment of its purposes. However, the novelty of its concepts is the source of some implementation difficulties. The first few states to pass such reform legislation, including Minnesota, did not have the benefit of other states' experiences. As a result, there are a few bugs that need to be worked out of the new law and some problem areas that will not be identified or dealt with until a number of cases have been worked through the system.

"Perhaps the most important aspect of this reform legislation is that it removes the 'normal' sexual aggression connotations of rape."

General legislative "housekeeping problems" are the source of some of the confusion. For example, it was discovered after the statute was passed that the First Degree Murder statute included reference to the old rape statute in its definition. This served to render meaningless a part of the murder one law and necessitated its recent revision. Reference to "rape" still appears in the Third Degree Murder law and its revision is forthcoming.

Janice Flint Symchych, a fourth year Mitchell student who assisted in the drafting of the sexual conduct statute, pointed out in interview that there is some criticism of the limited scope of the law. For example, the language of the Fourth Degree section does not cover some of the situations (e.g. goosing) that were covered by the old indecent liberties law. The sexual contact proscribed by the section must, in most cases, be accompanied by force or coercion in order to be criminal.

A similar weakness (though of less import) lies in the fact that there is no provision in the new law for the assault that results when the actor causes the victim to believe he is her husband or misleads the victim as to the nature of the act. These cases are most likely a small fraction of all sexual assaults, however, so the deletion may not be serious. It may even be possible, if such an assault were reported, to prosecute it under any one of the four degrees by interpreting the deception as "coercion".

In addition to the slightly diminished scope of the new statute in these areas, other problems result from duplication in the Criminal code. There are several sexually-defined crimes that fit under the Criminal Sexual Conduct Law and one of the old sex statutes simultaneously, notably incest and sodomy. This dual coverage may actually operate to undermine the use of the new statute because of the opportunities for defendants to barter down to the lesser offense. For example, a particular sexual assault situation may be chargeable as incest (maximum sentence 10 years) and as First Degree Sexual Conduct (maximum sentence 20 years). While a double charge may encourage plea negotiation and so facilitate trials, it does serve to dilute the effectiveness of the new statute.

The actual impact of the evidentiary rules is also the subject of controversy. Some critics feel that the rule governing inadmissibility of evidence of past sexual conduct does not really operate to keep any of it out. When used to establish a common scheme or plan of similar sexual conduct the evidence is admissible in cases where consent or fabrication is an issue. It is argued that a judge could "make" consent an issue by his-her evidentiary rulings and that the result is no real change in the admissibility of past sexual conduct.

Symchych noted that many courts are now recognizing that in most cases, especially stranger to stranger rapes, consent has no real bearing. The result has been more exclusion of past sexual conduct evidence which may give rise to a basic constitutional question.

The Sixth Amendment right to confrontation of a witness has recently been given new life by the U.S. Supreme Court in Davis v. Alaska, 415 U.S. 308, 39 L. Ed 2nd 347, 94 S.C. 1105 (1974). Davis struck down a state provision protecting the anonymity of juvenile delinquents who testify against the defendant in a criminal trial. There is some question about whether the same rationale would be applied to the statutory exclusion of evidence under the new statute so as to make it unconstitutional.

Most of the questions about the ramifications of the new law will only be answered after many more cases are prosecuted under its provisions. Symchych predicts that for the next 2 or 3 years revisions of old statutes will be made to remove the duplication that exists and tighten up the criminal code as to sexual assault.

The constitutional problems with the evidentiary rules may well be tested during this period, and changes may be promulgated in that area as a result. Finally, it is hoped that the statute will begin to come to life when it actually provides a forum for victims of sexual crimes not formerly covered by the old laws. The complete implementation of this reform legislation will become a reality only when all victims of sexual assault begin to seek and obtain equitable treatment under the law.

Appreciation is expressed to Eileen Keller, Research Director of MPVSA, for her valuable assistance in providing information on Minnesota programs.

Image

Several silhouetted person shaped cutouts. Captioned “Sexual Assault – A statewide problem”

Law Review

The William Mitchell Law Review is issuing its second volume this month culminating a cooperative effort of Mitchell students, faculty and members of the Minnesota Bar.

The WMLR continues its orientation toward Minnesota law, but has added contributions by non-students. Mr. Chief Justice Robert Sheran and Timothy Baland survey the law in early Minnesota history, and Mr. Donald Pedersen writes on the changing legal status of Minnesota farm employees. Professors Michael Steenson and Peter Thompson have also contributed to this new feature of the review referred to as lead articles. Professor Steenson discusses tort actions and the Minnesota No-Fault Automobile Insurance Act, while Professor Thompson writes on the new rules of evidence in Minnesota.

Free distributions will again be made to the students at Mitchell, but this year the supply is limited and will be on a first come first serve basis. Subscriptions will be available at a rate of $7.50 per copy.

The Nutshell

It was late summer when I first came to know thee. How unimposing thou were amongst BASIC CONTRACT LAW and the casebooks on TORTS and PROPERTY and Black's behemoth. Thy unassuming countenance holding no portent of things to come, of the mystique and aura surrounding thou.

Alas! Woe is me! The semester is fast drawing to a close and I find I do not truly know thee. I beseech thee, give me a clue to the significance of thy being. Pray tell, is it in thy length? I think not. Any such presumption could be rebutted by the fact that, while of equal length, 12 weeks are devoted to one whilst only 2 weeks are devoted to another. Could it be in the applicability of thy content to our chosen future endeavors? This contention would seem disproved by the ratio of parliamentarians to barristers. Could it be in thy page numbers? They appear with scintillating regularity in the lectures. Could it be in thy author? Even if given a soap box I would not surmise to this query. Could it be... it isn't?

Farewell, fine friend. I hardly knew thee.

The Law Review

By Larry Klun

Volume 2 of the William Mitchell Law Review will soon make its debut, yet this late arrival calls for some analysis of why the law review has consistently been behind schedule. The focus of this analysis is not on the individual editors and writers who must be congratulated for their sense of purpose and sacrifice in carrying Volume 2 to completion, rather its focus is on the law review program and the school's role in promoting it.

Few will contest the desirability of a law review at William Mitchell. Most often this value gets expressed in terms of upgrading the school's image in the legal community; the prestige of being cited by the Minnesota Supreme Court and the uniqueness of a night school producing a law review. However, equally few seem to be aware of the value that lies on the other side of the coin, the value of a rigorous and comprehensive educational experience.

The law review experience like that of Moot Court Competition and many of the clinicals provides a "hands on", "start to finish" sort of experience that is seldom found in our law school curriculum. It demands well developed skills of analysis and writing, and requires that they be coordinated to create a result of high quality and utility. It is the type of experience that can delight a student, because things suddenly come together and the student gains a broader and richer perspective of the law.

Unfortunately, the current law review program does not develop this potential. Instead, the existing incentives are limited to a handful of people who are expected to be not only editors and organizers, but are put into a position where they must also research and write articles and teach incoming participants at the same time. The time demands that exist under this arrangement have discouraged general participation in the program and have resulted in the delay of both Volume 1 and Volume 2.

Under the present program a student must develop the skills of research and analysis, learn the rules of proper citation, carry these talents through the 200-500. hours necessary to research and write an article, and do all of this while carrying a normal course load and probably working as well. The incentive that the program offers is the honor of writing for the law review, or if the student is lucky, a shot at being an editor. When compared to the time demands of required courses taken for credit the program offers virtually no opportunity for the student to participate. It leaves little doubt why faculty advisor Michael Steenson cites lack of student participation as the major reason for delay in publication.

If the school expects to maintain a law review it must place more emphasis on the educational component of the law review program, which will accomplish two things. First it will develop the broad

field of writers that are necessary to sustain a law review and produce volumes regularly. Second, and more importantly, it will develop the individual skills of writing and analysis that each student needs in the increasingly competitive employment market.

The emphasis may take many forms. Initially it is suggested that credit be offered to those students who complete articles, but this would only be part of a well-developed program. It may be possible to integrate credit requirements from legal research or legal drafting so a student could fulfill these requirements as well as advancing an interest in writing for the law review.

For Volume 3 the law review staff has created a "recent cases'' section which offers a writing experience that does not demand as much time from the individual student, but this cannot be considered a substitute for the type of program and incentives that only the school can offer.

I think that there is a trend developing in student demand. More students are looking more frequently for courses that will develop the broader skills of analysis and judgement, courses that are not merely case study, but which go a long way toward tying things together. With the increasing complexity of the law it is necessary for the student to develop a sense of proportion and an ability to identify relevant material. The law review program has the potential to offer this type of experience to more people than it presently does.

Image

Cartoon of two pigs in suits smoking and drinking in the Student Lounge

By Cosimini

Image

Cartoon of Santa reading a Contracts book at Santaland as a kid looks on. He says “Buzz off, Kid!” Below, it reads “Only 7 Shopping Days ‘til Examas” Shopping is crossed out, and the words XMAS and EXAMS are overlaid.

By Halsey

THE POINT IN GRADE POINTS

By Mary E. Carlson

Every year each of us receives that 8½ by 11 slip of paper summing up, in number, how we did during the past year. Standing by themselves, these numbers tell us very little other than that we didn't do as well as we wanted (or expected) or we were more brilliant than we had hoped. I have therefore attempted to summarize, in numbers, what the grade averages and class rankings were for the school year 1975-76 and what that class rank you received actually meant in terms of the overall performance of your peers. Please note that class ranks are given only to those students who complete the required number of credit hours (i.e. 24 credit hours for the 1st and 2nd year and 20 credit hours for the 3rd and 4th year). Special thanks to Dean Stine and Dean Burton for making these records available. No names were disclosed in accordance with the HEW Regulations.

Rank+	1st Year	2nd Year	3rd Year	4th Year Jan. Grad	4th Year May Grad.
1 - 20	84.77-80.77	85.26-81.61	89.92-83.92	88.17-83.00	89.60-82.33
21 - 40	80.73-79.95	81.36-79.76	83.89-82.36	82.88-81.17	82.30-80.50
41 - 60	79.91-79.32	79.57-78.91	82.31-81.52	81.00-79.67	80.43-79.14
61 - 80	79.27-78.82	78.83-78.04	81.5-80.92	79.50-78	79-78
81 - 100	78.77-78.18	78-77.33	80.91-80.45	77.8-73.5	77.83-74.5
101 - 120	78.14-77.55	77.3-76.48	80.44-79.92		
121 - 140	77.5 -77.18	76.44-75.65	79.9 -79.48		
141 - 160	77.14-76.73	75.61-74.87	79.42-78.8		
161 - 180	76.68-76.45	74.78-72.91	78.74-78.33		
181 - 200	76.41-75.82	72.57-71.7	78.3-77.73		
201 - 220	75.8 -75.27		77.52-76.52		
221 - 240	75.14-74.68		76.5-74.64		
241 - 260	74.64-73.64		74.48-71.3		
261 - 280	73.59-72.68				
281 - 300	72.59-71.64				
301 - 320	71.59-69.05				
321 - 323	68.91-66.77				
Point Spread:	18 pts.	13.56 pts.	18.62 pts.	14.67 pts.	15.1 pts.
Total Students Ranked:	324	182	249	95	97
Class Average:	76.48	77.83	79.81	80.38	79.79

+ NOTE: In assigning a class rank, where two or more students achieve the same average grade, the same number is given to each, and the numbering then skips to reflect the actual number of students receiving a ranking. A random sample from one class should explain:

RANK	AVERAGE
70	78.48
71	78.39
71	78.39
73	78.35

the dean's column

by Bruce W. Burton

This is a request for student ideas. In late January the fulltime faculty and many members of the part-time faculty will be meeting for a day and a half to discuss and, hopefully, to resolve certain questions concerning the law school curriculum. It is important that students who have suggestions regarding curriculum revisions consider these matters and make their thoughts known. I am using this month's Dean's Column to request that concerned students discuss curriculum matters with their appropriate professors prior to January 21. Similarly Mr. Jim Haigh and Ms. Lynne Krehbiel are SBA representatives currently serving on the Curriculum Committee, and suggestions can be given to either of these individuals should any student desire.

Some of the following questions will likely be considered: 1 - Whether there are unnecessary areas involving overlap of subject matter between similar courses; 2 - Whether certain courses such as the client contact portion of various clinical seminar-clinics should be graded on a pass-fail basis as contrasted to number grade which is given in the seminar portions of such courses; 3 - Whether it would be helpful to students if certain "tracks" were designed so that a student wishing to achieve special expertise in a given area would be able to obtain clear advice concerning which courses are offered in that area, which ones are recommended to be taken in advance of subsequent courses, etc. 4 - Whether Professional Responsibility should become a prerequisite to client contact courses; 5 - Whether any basic first and second year courses should be reorganized.

In addition to whatever curriculum changes may evolve during the balance of 1976-77, it is our intention to seek to publish a schedule for all of 1977-78 late this spring. We hope to achieve this in two steps and student assistance will be needed.

First, we hope to distribute for student review and completion a survey form during the early part of spring semester 1976-77. This survey form will allow the student to indicate those elective courses (if any) which the student would propose to take during summer school 1977 as well as those courses which the student wishes to take during fall semester 1977-78 and spring semester 1977-78.

Next, after the information obtained from these surveys is collated and analyzed, we would hope to design a class schedule for summer 1977 and both semesters 1977-78. We would seek to maximize the availability to students of the courses as indicated on the survey. Obviously unforeseen circumstances can cause disruption in any proposed schedule which is laid out so far in advance, but most of the schedule ought to be fairly stable. (Unforeseen circumstances do seem to arise each semester. For instance, three of our part-time instructors, who have served us in the past, became unavailable for personal reasons to teach all of their ordinary courses during 1976-77 and, to the extent possible, substitutions and adjustments have been made.)

It would be of particular convenience to both the faculty and students to have a fairly definite idea of class offerings and actual schedules for the entire academic year at the time of registration for fall semester. This is not to say that a student must register for the entire nine months at the time of fall registration, although such a concept deserves some discussion. Our hope is that a student. will be in a better position to make some intelligent course selections during fall registration with an eye toward courses which will be sought during spring semester. Where prerequisites or suggested "tracks" are involved it might even give the student more elbow room for planning his or her personal employment schedule.

On a somewhat related topic, I have been seeking to hold individual conferences with a very large number of students beginning with seniors and, hopefully, working my way through the various classes until reaching the first year students. It has been a particularly interesting experience in a number of respects for me to have individual conferences with students and I am certain that many students, particularly seniors, have important practical suggestions about such matters as scheduling classes, registration procedures, use of the building facilities and grounds, neighborhood relations, faculty strengths and weaknesses, curriculum matters, placement, administrative techniques, etc. Assistant Dean Curt Stine (whose bailiwick is, among other things, acting as the chief liaison contact for student affairs) has also blocked out considerable time for individual student conferences again commencing with the seniors and working his way through the balance of the student body.

Assistant Dean Marv Green will soon have a number of important announcements concerning the "Law Center" building and future activities involving the bench and bar of Minnesota. Dean Green will use this space in the January Opinion to bring you up to date on a variety of developments.

Good luck on final examinations (or midterm examinations as the case may be). To those of you who are graduating seniors, best wishes in the job market. To the rest of you, I hope that you return refreshed and prepared for the rigors of an intensive spring semester 1976-77.

Image

Photograph of Bruce Burton

The Night Before Finals, Or, The Prof Who Stole Christmas

'Twas the night before finals and all through the school; Not a creature was stirring but one mad old fool; 'Twas Professor Makeuppity, that wily old wit; His Socratic method would just make you --it.

An exam he was drafting like there'd never been; Fifty pages full of issues that would make their heads swim

The students were nestled all snug in their desks; While visions of 85's danced in their heads; When suddenly there came from the hall such a clatter; that they dashed to the door to see what's the matter

When what to their wondering eyes did appear; But a fork lift stacked with tests; And the Prof at the rear

He entered the room and went straight to his work; Gave each kid a test and then turned with a jerk; And placing his thumb at the side of his nose; Babbled all the directions in mysterious prose:

No pencils, no crayons, no ink pens or markers; If words are too light you'd best type them darker; And in order to calm all your nightmarish fears; This test is a TAKEHOME! I'll see you New Year's!

And quick as a flash he raced straight out the door; Ran down to the parking lot and fired up the Jaguar; And they heard him exclaim as he drove out of sight; "MERRY CHRISTMAS TO ALL, except those who can't type!'

By Steve Halsey

sba president's column

by Pat Maloney

The SBA recently conducted a faculty evaluation survey in all courses. The results of this survey will be published during the first week in January.

The last SBA faculty evaluation was conducted in 1974. The Board felt that it was crucial that another survey be taken this year so that students could have some input into the tenure decisions. Additionally, it was felt that the results would be a factor in the retention decisions to be made by the administration. Last year over half of the legal writing instructors were not asked to return, partially on the basis of students' evaluation of the instructors. The survey results could also be helpful for students making

decisions about what courses to take, particularly when considering an obscure elective. Finally, the faculty will get feedback from the students evaluation of their teaching skills and methods.

Hopefully faculty evaluations will again be an annual SBA project. Please give us your reactions to the survey, either by telling a representative or dropping a note in the SBA Suggestion Box located across from the library reserve desk.

Turning to other business:

SBA is funded by student fees and commissions from the vending machines and pay phones. Since this is your money, I thought you might be interested in how the Board has been spending it. At the last SBA meeting, Dec. 1st, the following appropriations were made:

(1) $500 to the Moot Court Society for prizes for the Spring competition;

(2) $600 for xeroxing and data processing of faculty evaluations;

(3) $35 rental fee for a film about women in prison to be shown next semester;

(4) $600 maximum amount to be spent for a trophy case, bids yet to be taken;

(5) $400 to the Women's Caucus for the Midwest Conference on Women in the Law contingent upon their substantially reducing their deficit;

Any student group that would like the SBA to fund a project or a speaker should come to the Board with a specific proposal before the event. Contact any SBA representative if you have questions about obtaining funding.

Upcoming SBA events include: A wine tasting party in January; More movies; Saturday Seminars on Tax Reform Act of 1976, Commercial Real Estate, Corporate Law Practice, and Age Discrimination.

Movies!

The SBA has announced the schedule of free movies that will be shown next semester. All movies are scheduled for Friday nights and begin at 9 p.m. in Room 111. The offerings include:

SERPICO	Jan.14
PAT GARRET & BILLY THE KID	Jan.28
THE LAWYER	Feb.11
STRAW DOGS	Feb.25
THE GODFATHER	March 11

Bring your own popcorn.

Moot Court Teams Impressive

When the William Mitchell Moot Court teams went to St. Louis, Mo., for the regional competition they were often asked, "William who?" Based on Mitchell's excellent showing in St. Louis those questioners knew the answer to that question by the time the competition ended. Those questioners not only knew

the who, but they knew that Mitchell was a team to be reckoned with. Faculty advisor Mike Steenson called Mitchell's showing in the competition "superb".

First of all, Mitchell's team composed of Carol Hooten, Al Gilbert, and Linda Matthews had the best petitioner's brief in the competition. Their brief tied the University of Minnesota (respondents) for 2nd best overall brief, both teams finishing just two points behind Washington University of St. Louis (respondents). In oral arguments, petitioners beat the same South Dakota team that won the regional competition last year and who had finished high in the nationals. Petitioners team ended with a record of 1-3.

While petitioners were scoring their points with their brief, respondents were shining in the oral arguments. Respondents, composed of Pat Maloney, Margaret Traecy, and Carol Skluzacek, won every one of their oral arguments. Unfortunately, due to a poor brief score, which is weighted in the final tabulation, they finished with a misleading 0-2-1 record. The total point spread in their two losses and tie amounted to just 4.33 points. As Steenson said later, "It was just so close - if the luck of the drawing or the scheduling was just a little different."

The showing of the Moot Court teams served to bolster the enthusiasm of the participants. Al Gilbert came back with the conviction that Mitchell bas the potential to win the regionals. "There was no question that it was tough," said Gilbert, "but if we get our program rolling here, if we can build that up, we can be a power in the regionals." Gilbert pointed out that some schools such as Nebraska and South Dakota have school-wide required Moot Court programs. "We don't have that here at Mitchell, but the Spring Intramural is a big step in the right direction."

The Spring competition will be coordinated by the team members that went to St. Louis. The problem is available now, and the tentative scheduling calls for meetings early in the 2nd semester with the competition ending in mid-February. The early completion of the program should mean little conflict with the 2nd year tax midterm or final exams. Gilbert emphasized that, "We want as many people as possible to be able to participate without the fear that finals are going to be right around the comer."

The problem for the Spring competition concerns the right of a committed mentally incompetent patient to refuse drug treatment. This problem will be much easier than the Fall problem which Steenson termed "horrendous".

When asked about the credit that is now being offered for Moot Court, Steenson said that anyone who participates two semesters gets two credits (not one credit for one semester), assuming that the work is satisfactory. It was Steenson's understanding that the two semesters did not have to be in the same school year, but that they did have to be consecutive. Therefore, students who did not participate in the fall competition, but who participate in the spring and next fall would satisfy the credit requirements. Participation in two spring competitions would not be sufficient. Steenson pointed out that in addition to the credits that a student earns, he also satisfies the long paper requirement.

The SBA has announced that they are making prizes available for the winning teams. First prize is $200, second prize is $100, and the third and fourth prizes are $50. In addition there will be plaques and trophies awarded for best oralists and best teams. The Moot Court organizers are hoping that there will be a strong turnout for the Spring competition. They have their office located in Room 318 and welcome

everyone to stop by and pick up a problem. A meeting date will be announced shortly for all those interesting in attending.

Women's Caucus Holds Conference

By Carrie Sachs

The Third Annual Midwest Conference on Women and the Law was held at Hamline University Law School the weekend of Nov. 12-14, 1976. The three day conference focused on the ways women could use the law to help women, while defending against the sometimes repressive use of the law. Although the conferences was a rewarding and educational experience for those who attended, it has turned out to be a financial headache for the steering committee. The Associated Women's Legal Caucuses of the Twin Cities is now facing a $4,000 debt, due to the limited registration receipts from the poor attendance.

The conference offered a valuable learning opportunity for the participants from the Midwest legal community. Speakers included U.S. Representative Elizabeth Holtzman (D-N.Y.), U.S. District Judge Claudia Morcom of Michigan, Massachusetts State Representative Elaine Noble, and political activist Angela Davis. Workshops and panels covered a variety of topics such as Sexism in Public Schools, Rape and Incest, Title VII, Job Sharing, Welfare Advocacy, Women in Politics and Government, Women in Prisons, and Mental Health. Considering the timeliness and high quality of the presentations, the poor attendance was surprising.

The steering committee had waged an extensive publicity campaign, contacting 350 women attorneys and over 100 major law firms of the Twin Cities, the students and faculty of the three sponsoring law schools in the 7th, 8th and 10th judicial districts, and 50 Twin City community organizations. Over 600 people were expected but only 200 attended, the majority from out of state. The poor attendance could not be foreseen in time to halt the scheduling of national speakers, facilities, food and transportation services: therefore the $4,000 deficit.

Presently the committee is attempting to reduce the deficit. It is negotiating with the speakers to reduce honorarium fees and transportation and accommodation expenses. The women attorneys and law firms previously contacted about the conference are being called individually and solicited for $5-10 contributions. The three sponsoring law schools, their student governments, and the County and State Bar Associations are being petitioned for financial assistance.

The Associated Women's Legal Caucuses of the Twin Cities is extremely concerned that the association not be forced to declare bankruptcy. Such action would be an embarrassment to the three sponsoring law schools, and might hinder the future development and credibility of women in the law. The steering committee has managed to pay the majority of its local creditors, but still faces an overwhelming debt.

The WMCL Student Bar Association has "generously" agreed to assist the organization out of this difficult situation by pledging $200 contingent upon the debt being reduced to $2,000. The students at WMCL also showed their concern by purchasing $100 worth of Women in the Law Conference t-shirts.

It is hoped that these first steps are indications that the conference will eventually be able to pay off the debt, but it still looks like a long cold winter for the Women's Caucus.

Donations may be left for the Women's Caucus in the main office or mailed to them in care of William Mitchell College of Law, 875 Summit Avenue, St. Paul, Minn. 55105. All contributions are tax deductible.

Angela Davis

By Angie McCaffrey

The keynote speaker at the Third Annual Conference of Women in the Law was Angela (With Freedom on My Mind) Davis. Davis, well known for her outspoken views on blacks, repression, government, women, and other issues of the day, was greeted with sincere enthusiasm when she addressed the gathering of men and women present at the conference. Davis spoke on topics ranging from the Equal Rights Amendment to the repressive use of the law and illustrated her speech with her past experiences with the legal system.

Davis had grown acquainted with the legal system during her trial for kidnapping, murder and conspiracy when she was charged with purchasing the guns used in an attempt to free the Soledad Brothers at the Marin County Court House in 1970. She stated that her imprisonment and trial on the charges were politically motivated. A movement to "Free Angela Davis" dramatized her plight and exposed various questionable prosecution tactics to public light, and eventually, Davis was acquitted. She points to the trial as an example of the repressive use of the law against women, minorities, and groups holding unpopular political opinions, and recited a long list of others similarly imprisoned including Lolita Lebrown, Joanne Chesmard (Assata Shakar), Ella Ellison, Inez Garcia, and Anne Shepherd.

At the conference Davis stressed the importance of combatting the repressive use of the law, and urged that law embrace struggles against racism, poverty, and inequality. She feels that to do this successfully, people will have to join each other to form strong political bases from which to work.

Following her speech and the audience's standing ovation, questions were taken from the audience. Davis surprised the conference audience when she stated in answer to one question, that she was against the Equal Rights Amendment. In her opinion, the ERA would cancel out some of the protective legislation that has been passed for women. She felt that an Equality Bill of Rights would be preferable to the ERA. Time ran out for questions at this point so discussion on the pros and cons of ERA was never completed.

Davis was optimistic on what the conference could accomplish and the potential of each participant to move on the ideas that had been shared. She questioned whether many concerned-people have been duped into thinking that everyone else is apathetic. She feels that in reality many many people are concerned about sexism, poverty, racism, and injustice, and that the key to making those concerns heard is to organize with others to raise a collective voice. For Davis The 3rd Annual Conference was a positive step in the right direction.

Image

Cartoon of a Wanted poster for Doug Heidenreich. The caption reads “The 5 points he took from me”

Wright Speaks On BWCA

By Scott Neff

Only prompt Congressional action can prevent the destruction of hundreds of acres of virgin forests within the Boundary Waters Canoe Area (BWCA) according to a guest speaker at a recent Environmental Law Society Seminar. This was the opinion of Dr. Herb Wright, a professor from the University of Minnesota, who addressed a small group of Mitchell students on October 27. Wright, a silver-haired geologist who looks more like a northern woodsman than a Ph.D., limited his discussion of the BWCA to the recent legal battles surrounding the practice of logging in the BWCA's Portal Zone (the entry areas which comprise over one-third of the BWCA) and the need for a long term solution to this problem.

The basis for Wright's opinion is the fact that the Eighth Circuit, on August 30, reversed a lower court decision which had enjoined all logging operations within the BWCA. This case is Minnesota Public Interest Research Group (MPIRG) v. Butz, and was heard at the district court level before Judge Miles Lord. The appellate decision opens the way for resumption of BWCA timber harvesting this winter by logging interests which hold the seven timber contracts that were originally enjoined by Judge Lord.

Wright explained to the audience the importance of preserving the BWCA's virgin forests. Virgin forests are areas which have never been affected by man-influenced factors, such as logging or seeding. Such areas are in virtually the same condition they would have been had man never evolved. Virgin forests serve important recreational, educational, and scientific purposes. Recent interest in the dwindling reserve of virgin forests has prompted research concerning the extent of remaining areas. The BWCA contains one of the last remaining significant tracts of virgin forest land east of the Mississippi River.

To the dismay of many environmentalists, the Forest Service, which administers the BWCA, permits logging of virgin and non-virgin forests within the Portal Zone. In 1972 MPIRG decided to challenge the legality of this practice. In a lengthy and complicated legal contest the lower court focused on two, determinative issues. First, MPIRG claimed that logging of virgin timber was prohibited by the federal statute creating the BWCA. Secondly, MPIRG contended the Environmental Impact Statement (EIS) prepared by the Forest Service was inadequate. Wright chose to discuss this second issue, focusing on the Forest Service's decision in the EIS to continue the harvesting of virgin timber.

Wright discussed the differences in effect between managing a wilderness through logging and reforesting timber (the Forest Service plan), as opposed to managing the virgin forests by fire (the alternative favored by MPIRG). Wright felt that the present management plan creates an environment about as natural and primitive as a tree farm. On the other hand, Wright explained, the BWCA is a fire dependent ecosystem and a program of fire management would maintain the virgin forests in their natural state.

In response to an inquiry about the feasibility of a fire management program in the BWCA, Wright pointed out that such programs are being successfully carried out in Western states. He further noted that the geography of the BWCA makes it an ideal place for such a program, for the many lakes of the BWCA would serve as natural firebreaks for controlled burns. Wright chastised the Forest Service for failing to make any attempts to educate the public of the ecological benefits of implementing a BWCA fire management program.

Although Judge Lord decided both major issues of the MPIRG case in favor of the environmentalists, and permanently enjoined all logging in the BWCA, this decision failed to survive the scrutiny of the 8th Circuit which unanimously reversed Lord's decision. However, the appellate court did continue the injunction against any new timber contracts pending the completion of a new Timber Management Plan

and related EIS for the entire Superior National Forest. (The BWCA makes up about one-third of the Superior National Forests).

It is assumed that this new plan will follow the Forest Service's present policy permitting timber harvesting and Wright feels that new legislation is needed to protect the BWCA's virgin areas from the saw of the woodsmen. Wright explained that two bills, which would alter the management of the BWCA, were introduced in the House of Representatives last year. The first, sponsored by Minnesota's Eighth District Congressman James Oberstar, calls for the expansion and then division of the BWCA into two zones of management. One area would include nearly all of the existing virgin forests and would be administered purely as a Wilderness Area - logging and mechanized recreation would be prohibited. The second area would be managed as a National Recreation Area - roads and mechanized transportation would be allowed. Minnesota's Fifth District Congressman Don Fraser is sponsoring the second bill. It would simply treat the entire BWCA as a "pure" Wilderness Area. Logging would be banned and motorboat usage would, with some hardship exceptions, be phased out.

Wright feels that passage of Fraser's bill is vital to the preservation of the primitive character of the BWCA. Although efforts are being made to obtain a Supreme Court reversal of the MPIRG case, the likelihood of such a result seems extremely doubtful. Therefore, Wright feels eventually all virgin timber in the Portal Zone of the BWCA may be lost forever, unless Congress acts quickly to protect the area.

An interesting offshoot of the MPIRG case has been the formation of a new organization, Friends of the Boundary Waters Wilderness. Wright explained that this group will work to obtain passage of Fraser's bill and to educate the public about the unique historical, geological, vegetative, and cultural aspects of the BWCA which make it worth preserving for future generations.

PAD Sets Membership Drive... Installs Officers

By Dave McDonald

In 1962 22 members of the William Mitchell College of Law organized the Pierce Butler Chapter of the Phi Alpha Delta (PAD) Law Fraternity. Mitchell's chapter is named after Pierce Butler, who in 1923, became the youngest associate justice ever appointed to the U.S. Supreme Court. Since their quiet beginnings 14 years ago the Pierce Butler Chapter has grown to become one of the largest chapters in the fraternity. Interested students are welcome to join and a new member "rush" will be held during the week beginning January 10. As a prelude to that it is interesting to examine the history of PAD and highlight some of the services that PAD offers.

Phi Alpha Delta (PAD) finds itself in the unique position of being the only law fraternity whose origin arose through the catalyst of a legal controversy. It began in 1897 when the Supreme Court of Illinois adopted "Rule 39" and required all candidates for the Bar to have graduated from high school, studied law for three years, and passed the bar exam. The response of law students to these new requirements led to the formation of the "Law Student League."

The "Law Student League" was formed by students as the Chicago College of Law. The League campaigned against the implementation of Rule 39 and tried to obtain exemptions for those students who had already commenced their study of law prior to the passage of the rule. A bill exempting those students was lobbied through the Illinois legislature, but the Illinois Supreme Court was unmoved by the law students' fervor and refused to accept the exemptions.

This early experience provided an opportunity for the League's members to see first-hand that through a permanent organization they would have an effective avenue to channel their efforts. In 1898, the League formed the Lambda Epsilon Fraternity but this fraternity was dissolved four years later. The day after formal dissolution was the formulation of PAD, and within the year articles, rituals, and rules governing PAD were formally adopted. The search for the "law" fraternity had ended and the avenue for the fulfillment of its motto "Service to the student, the Law School, and the Profession" was found.

Today, PAD, whether in the guise of an active law school chapter, an alumni chapter, or as an International organization, provides a cohesive and dynamic group interested in providing service to the legal profession.

PAD stresses a proper blend of professional and social activities which are calculated to help the student become the well rounded and effective lawyer of tomorrow. Such a blend includes affiliation in an International Fraternity (over 70,000 members with 150 active chapters and 72 alumni chapters), student loans, job placement programs, scholarships, PAD publications, and faculty assistance, to name but just a few.

Initiation into the Pierce Butler Chapter is traditionally held on a semi-annual basis in Minnesota State Supreme Court Chambers. Second semester installation ceremonies and banquet are scheduled for February 12, 1977. Interested students are asked to join during "rush" week, or contact the officers concerning Phi Alpha Delta.

On November 6, 1976 Mark Pfister, Justice of Phi Alpha Delta Law Fraternity Pierce Butler Chapter, presided over the, installation dinner at the University Club. An evening of conversation and dinner was followed by a presentation by attorney James D. Gibbs of Barna, Guzy, Haynes, Giancola and Jensen, speaking on the role and development of the Anoka Public Defender Office.

Following Mr. Gibbs presentation, outgoing Justice Mark Pfister spoke to the PAD members, thanking his fellow officers and the members for their participation in the past year.

Election of PAD officers for the coming year followed

Jeanne Witter was elected to the Office of Justice, with Dave McDonald filling the Vice Justice seat, Charles Kerr taking the Treasurer's position, Todd Young succeeding as Clerk and Linda Jessen becoming Marshall. Professor Walter Anastas, faculty advisor , and John Trojack, alumni advisor, continue to serve PAD in their respective positions.

The new officers were installed when Justice Pfister administered the swearing in ceremony. After the installation the new officers moved to the head table to assume their duties. Incoming Justice addressed the PAD members briefly regarding the future direction of the chapter, and then adjourned the meeting.

Upcoming activities tentatively include three luncheons with speakers, an income tax get together, a winter recreation party, and a tour of West Publishing.

Image

Comic Strop Mary Aardvark, Mary Aardvark

In the first panel, a woman, Mary Aardvark says “Wow, Norman, you sure do know lots about contracts, torts, and The Rule in Shelley’s case...”

In the second panel, Norman replies “The vast wealth of Knowledge I possess must be distributed among my fellow classmates...”

In the third panel, he says “Maybe you’d like to come over to my place and see my briefs?” Mary replies “Fantastic!”

Continued

By Halsey

Kudos!

Graduating Classes of Winter 1976.

University of Minnesota Law School

Lee Barry, Arthur La Chapelle, Cris Quale, Lisa Runquist, Laurel Hersey, Marcia Miller, Jan Reisman

William Mitchell College of Law

Donald W. Anderson, Andrew J. Eisenzimmer, John L Jensen, Jane A. McTaggart, R. Lawrence Purdy, Teresa O'Keefe Ankeny, Terry J. Engstrom, David G. Johnson, Barry J. Marchant, Michael J. Schneider, James L. Austin, Michael L. Evans, Kenneth A. Johnson, Richard W. Martin, Michael A. Schoenberger, Peter M. Banovetz, Elliot D. Feller, Robert D. Johnson, Patrick A. Mazarol, LeRoy J. Schreifels, Albert B. Beety, Patrick J. Finnegan, Richard S. Kahn, Robert B. Moffatt, David A. Siesennop, Martin Berg, Linda J. Gallant, Arthur J. Keenan, George T. Morrow II, Terrance J. Selb, James P. Berger, Duane L. C. M. Galles, Barbara A. Kehrberg, Michael T. Mozer, Celeste M. Shahidi, Patrick J. Bradley, John M. Giblin, Andrea M. Kircher, Carl E. Norberg, William A. Sieben, Ralph B. Brown, John S. Gilbert, Allan B. Krans, Ralph Palmer, Eugene H. Stein, Daniel C. Brumm, John G. Gisselquist, Michael S. Kreidler, Thomas J. Patin, David P. Stewart, Robert J. Bruno, Donald D. Goedken, Ronald S. Krych, Michael A. Perelstein, Robert D. Stoneburner, Stephen J. Burton, James R. Gray, James A. Lany, Bonnie A. Peterson, Mark H. Stromwall, Timothy D. Clements, William A. Hansen, Mary Catherine Lauhead, Mary L. Peterson, Anthony M. Tarvestad, John G. Correa, Michael Hardiman, Robert W. Liebig, Mark L. Pfister, Susan J. Thompson, Robert V. Dalager, Gary C. Hemp, Stephen P. Line, Wayne E. Pflughoeft, Louis R. Tilton, Harriett L. Dewey, Peter G. Hill, Thomas J. Lucas, Joanne T. Pohl, Janice Trushenski, John P. Dimich, George C. Hoff, Pamela A. McCabe, Allan R. Poncin, Alan D. Twisselman, Bruce J. Douglas, Stanley F. Horak, Samuel A. McCloud, Joel D. Porter, Thomas S. Utschig, Theodore D. Dreyer III, Steven B. Hoyt, Steven J. McGarry, Thomas J. Powers, Herbert A. Viergutz, Mary L. Egan, Mark A. Jarstad, Gary S. McGlennen, Richard E. Prebich, Robert J. Walter

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Problems and the Exam Predicament

Penetrating the Veneer of Professionalism

By Karen Shimon

Mass paranoia permeates the halls of WMCL. No use trying to avoid it, it has the pervasity of nerve gas. Exams are upon us. For 1st year students especially, exam weeks are often analogized to the experience of lambs being led to slaughter. The blue books become our butcher blocks, our pens become our axes. The administration and faculty are not the sole source of our paranoia; it is a condition partly of our own making.

Law school itself poses its own unique set of problems, add to that a penumbra of personal problems and the stage is set for trauma. Agitating against admitting problems is the ever-present aura of "super-professionalism". In this setting it is easy to choose to think your problem too minor to trouble anyone with; or that in admitting to having a problem you admit to being weak. This place called law school is seemingly filled with super-bright, super-aggressive, super-committed and super-strong people intent on being "professional". Seemingly, professionalism admits of no problems. But, a veneer of professionalism is not professionalism.

With the idea of helping all of us to be professionals, and especially preventing first-year students from confusing the veneer with the real thing, two ex-WMCL-students have offered their words of encouragement. The potential of malpractice aside, their anonymity will be respected and they have assumed pseudonyms for this purpose.

While few of us probably need this advice, Steve relates that in coping with problems while at WMCL he "imbibed to excess in soothing commiseration with my cohorts". He admits to sharing the "same paranoia as did my classmates concerning the omnipresent fear of flunking exams. I also shared the ever present frustrations related to the administration's Mickey Mouse policies and procedures". Bill, on the other hand, says his biggest problems were "a job, a girlfriend and a very ill mother". By way of advice he suggests using free time to make friends, study in groups, and most of all: "Don't ever, ever in your life, least of all in your law school career, let anyone or anything put more pressure on you than is possible for you to bear and still be an independent, rational person".

He goes on to reminisce that "all students aren't the same, and life situations are not identical".

Similarly, Steve felt it was important to remember "that law school is not life's only opportunity. You must treat it that way (so I feel) or the pursuit of an education in law (or any profession) may become self-destructive". To him, a sense of perspective is important: "Take law school as it is, a chance to learn a skill for which you are either suited or not suited".

Problem-solving seems to be what lawyering is all about. Let's face it, if we can't cope with our own problems, how can we solve anyone else's? But, don't let the veneer get in your way. If you are facing

problems which are affecting your life and making you up-tight, find someone to talk to. Steve urged "keep as loose as you can". Bill explained it as "keeping your head".

All first-year students have advisors - maybe not the most personable people in the world - but nevertheless people who are problem-solvers by profession. No one can guarantee they'll solve your problems, but they're willing to listen. The new student lounge is a great place to beef - in neutral territory – and chances are you'll perk up the ears of someone who's having the same problem. You might get useful advice; but if nothing else, there's a great deal of truth to the saying "misery loves company". Just knowing you're not the "only one" goes a long way toward alleviating paranoia.

What has become of Steve and Bill since leaving WMCL?

"I failed to complete William Mitchell Law School," Bill writes, "for a lot of reasons as I have tried to explain. Mainly, I feel the reason for my failure was that I did not thank God for his blessings." Bill begins his letter by telling us that going to law school was "a dream come true for me". He says now that he "should have placed more emphasis on completion than admission (but they make such a big deal of getting admitted to any law school)..."

Steve went on to graduate, pass the bar, and is now practicing law in Northern Minnesota. "Many of the pressures which a student experiences in law school," he writes, "are similar to ones which are prevalent in practice. The sum total of the pressures brought on by poorly drafted legislation, petty government officials, onerous bureaucratic red tape, pompous judges and demanding clients (just to name a few) is not much different from frustrations in law school generated by ineffective instructors or arbitrary and capricious administrators."

Bill is now an inmate of the Minnesota State Prison at Stillwater. Prior to his first year at WMCL he says "I had been a rational and independent person. So, I still thought I was stronger and more invincible than anybody or any problems. I am not trying to be ingenious or wise, but just truthful. I remember all kinds of problems people were having when I was attending over there. Things I couldn't truthfully relate to, or with, then."

Writing from the prison, Bill continues, "Today the job is gone, the girl is gone, and my mother passed on." Bill has lost something more, too obvious to state.

But, put it in the balance. The fact that it happened to Bill attests to its possibility. No one is invincible. Put it in the balance when you make, as Steve did, "periodic evaluations concerning the value of a legal education as compared to what one must go through to get that type of education."

If you have problems don't just ignore them and hope they'll go away. Find someone to talk to, a way of coping, and realize that all of us have problems, but heed Steve's recollections: "Never once did I feel that the law school experience was worth more than one hell of a bloody good try. It wasn't the end-alls of end-alls." It still isn't.

Library Study

By Barb Johnston

For anyone who hasn't been there yet and wants to use it for studying for final exams, the library is located on the second floor, east wing, of the building. How it got there, during the hottest days of July and August, was explained in an earlier issue of the Opinion. This facility is, of course, a vast improvement over what we had at 2100 Summit Avenue.

Remember when it was next to impossible to find a place to sit and study in the old library? One of the major improvements (and one of the most noticeable) is the provision for more seating for students in the library. Tables for studying are available on both the upper and lower levels. In addition, Rooms 319, 320 and 208 have been designated as student study rooms. These rooms are open for student use during regular library hours.

The library at William Mitchell provides many services other than just a depository for books and periodicals. The micro-fiche microfilm library is currently being expanded, and is more accessible to students in the new facility. Holdings on micro-forms include back issues of the Federal Register, U.S. Supreme Court Briefs, and session laws from many states. Two Reader-Printers are currently available to transcribe this material, and any student who wishes to use it should ask Pat Dolan (her office is in the Reserve Room) for assistance. MINITEX is another service the library provides. MINITEX is an inter-library loan system of which William Mitchell is a member. Through it, a student can receive a copy of any law review article that is unavailable in our library. The copy is free of charge, but it takes two days to a week to get an article through the system, so it is a good idea to make requests as far in advance as possible. Pat Dolan is in charge of ordering material for students and faculty through MINITEX. Tapes (cassettes) covering many aspects of the law are available at the Reserve Desk.

Tape players may also be checked out, but cannot leave the building. Many students have reported that the tapes are very helpful, although they are difficult to obtain around exam time.

Even though the library is expanding (on a daily basis), and trying to meet the needs of a growing school, there are some legitimate complaints. One of the most serious is that books tend to "disappear" from the shelves, often without being checked out, or being checked out under an original name like "P. Mason". The book is then either lost forever, or re-appears after the culprit's paper or exam is finished. Students have also complained about professors checking out reserve books (which are on 2-hour loan), and not returning them for weeks or months at a time. While some faculty members are conscientious, many are not, and this practice is unfair to everyone who uses the library. Both student and faculty cooperation is needed if the library is to be truly available to everyone who wishes to use it. Professor Carol Florin, head librarian, has urged anyone who has a complaint or suggestion about the library to contact her, or one of the library staff members.

A library committee has been formed to oversee the development of the library at the new school. The committee is chaired by Professor William Green. Other members are Professors Carol Florin, Rosalee Wahl, Andrew Haines, Peter Thompson, Dean Burton, and students Scott Borchert and Dave Allen. The committee meets on a weekly basis, and its "basic purpose is to decide what the priorities are as far as the library is concerned.' In the near future, the committee will make decisions on what types of books and equipment (including reader-printers and study carrells) should be purchased with the $100,000 that has been allocated for library enrichment from the projected $4,000,000 fund drive. Long range, Professor Green indicated that the committee will continue to oversee the growth and development of the library, in order to make it the "best damn library we can possibly have." The committee, by the way, is open to suggestions and input from the student body. Contact Scott Borchert, Dave Allen or one of the other committee members with your suggestions.

The library will be closed on December 24, 25, 26 and Jan. 1, but will be open its regular hours during the remainder of the Christmas vacation.

Stereo Steals for Christmas

How To Drown Out the Sounds of Lectures

By Jerry Zelesnikar

Now that you are approaching affluence, everyone is giving you advice. Most of it goes unheeded: What classes to take for an easy two credits, what books are a waste of money, what car to purchase, where to buy a house. What you don't need is more exhortation, especially when it comes to spending your hard-earned money. Right?

Wrong! I am going to help you deflate that bulge in your bank account, tell you bow to disperse all that extra holiday cash. I am here to tell you how to get the most from your money when buying a stereo system.

WHAT NOT TO BUY

First of all, avoid, at all costs, those consoles. You know what I mean - those extravagant walnut boxes that collect dust in your parents' living room, and sound terrible. When they breakdown, which is quite often, it takes a pick-up truck to haul them away. If you want to waste money, carpet your bathtub.

Next, shy away from those mass-produced brand names. You all probably have owned one of these inexpensive gems when you were prepubescent and have grown up thinking what a great Christmas present your parents bought you. This category includes products marketed by RCA, GE, Zenith, etc. Again, a manifest waste of money.

Lastly, abstain from used equipment unless you know both the original owner and the gear. More likely than not, you will end up with someone else's headache.

WHAT'S LEFT

Now that you know what to keep away from, you have to be advised on what to look for. I believe that components are the best bet, and the more separate they are, the better. Let us look at what is currently available, and what to be aware of when making your choices:

RECEIVERS. These are the machines that contain all the electronics that the normal listener wants and needs, i.e. the amplifiers and tuner (radio). Some are truly exotic but most are only marginally worthwhile. This is so because most manufacturers tend to take shortcuts in their designs in order to keep costs down. Sometime the circuitry is poor, sometime there is little versatility, Recently several companies: Sansui, Pioneer, Kenwood, for example, have offered units that are as large as a two-suiter and weigh as much as a set of C.J.S. They are relatively inexpensive (around $900) when one considers what they have to offer, but if any single part breaks down, and it needs repairing, you are totally without music for however long it takes the man to finish the job. It will generally cost you more for these repairs because it takes longer to locate the source of the trouble. At $15 to $20 an hour, it can be expensive.

When picking out the model and brand look carefully at the following:

Amplifier Section: Low distortion. Depending on how much you are spending, a figure of .5 percent or lower.

Tuner Section: Again, depending on the unit's total price, sensitivity (preferably the 50-db Quieting standard, which is the minimum signal level needed to reduce noise (hiss) to 50-db relative to maximum program level), and distortion (which should be less than 1 percent). It must be pointed out that the tuners on most receivers are the premier feature and that the amplifiers tend to be lacking.

Versatility: How many tape decks can be used; how many speakers can be driven; how many tone controls and how effective are they are some of the questions you should ask.

INTEGRATED AMPLIFIERS. These are receivers without tuners. Their only merit is that they are a better buy than the above when living in an area where FM reception is bad, or if the listener does not listen to FM. Again versatility is a query you should make, and you should demand distortion less than .3 percent.

PRE-AMPLIFIERS. These are the units that receive the signal from the cartridge and boost it before the power amp takes over (see below). All receivers and integrated amps have one but, if bought separately they tend to offer much more than the usual knobs and switches. Recently one manufacturer has added unique signal processing and noise reduction which are features not found anywhere else. Expect to cough up $600 or more. Look for distortion lower than .25 percent and features that make the price worth it, e.g. the ability to add more than one turntable, more than one tape machine, more than the usual bass-treble tone controls. Also, check the units output at clipping, which should be as high as possible, though a rating of 6 volts is good.

POWER AMPLIFIERS. About five years ago the market for these was very limited. Then, the public was introduced to a 700 plus watt machine that changed the way people think about power. Today the consumer has an indefinite choice, but look for power output that will not be too much for your speakers, distortion at least as low as the pre-amp, and convenience features such as dB (decibel) meters so that you know how much power the monster is throwing out. Depending upon the size of your choice and the tenacity of the manufacturer, expect to pay between $400 and $1000. It should be noted that power amps and pre-amps MUST be bought together, one without the other means you don't listen.

SPEAKERS. Here is where the biggest quality differential lies. You could come away with spending less than $150 per pair or more than $1000. If you have bought a large output power amp or receiver you better choose compatible speakers, i.e. lower efficiency, if not, the market is inundated with shapes, sizes and quality that will sound anywhere from great to lousy. This is the component that should be listened to more than any other just to see how realistic the sound is.

TUNERS. To repeat, these are the radios present on all receivers. Usually when purchased separately, they offer more than just good reception of your favorite station. Most units give FM-AM. but for my money, an FM only tuner is the best buy because of the inferiority of AM, both in high-fidelity and the program itself. You could spend up to $2500 for one, complete with oscilloscope, but $300 will do just fine. See the discussion of receivers to see what to look for.

TAPE EQUIPMENT. Just a few years ago taping was considered no more than something for someone who liked to tinker. Now the format has gained respectability, up to the point where every worthwhile system will include at least one. Keep away from eight-track equipment, unless it is for your car. Reel-to-reel and cassette machines are the types that are sought most often. The former are generally the most versatile, but since the arrival of Dolby noise reduction, cassette decks are almost the equal. Some of the

things you should be looking for are: Extended frequency response (for reel decks, beyond 20,000 cycles per second (cps); for cassettes, beyond 15,000 cps), signal to noise ratio (anything over -55dB is good, but the higher the better), wow and flutter (the lower the better, but a good mark is .1 percent for cassettes and .05 percent for reel-to-reels.

CARTRIDGES. As far as I am concerned, this is where spending a dollar more will result in a thousand dollars better quality. Make sure that the one you buy will play on your turntable's tone-arm. Depending where you buy it, you can come away with a deal if you spend $50.

TURNTABLES. The most notable thing about these is the fact that the more complex they get, the more problems you tend to have. (Price does not necessarily mean complexity, but the hardware that the things are made of.) The price range is anywhere from less than $50 (without cartridge) to over $1800 (which does not include either tonearm or cartridge), if you spend $250, you will not be making a mistake. You should buy one that contains only the features that you will normally use, i.e. if you want to play more than one record without running to put one on each time, select an automatic, or if you don't plan to use this feature, select a manual model. One unit recently introduced has a computer-like circuit that will allow you to play a record from beginning to end, or from the end to the beginning, or anything in-between. Shy away from this monstrosity, at least until it has been adequately perfected. Generally, you should choose one that will track a record perfectly at as near as possible to one gram. Anything appreciably higher will damage your records permanently after only a few playings.

A NOTE

If you are serious about your music then you will take time to make that final decision. Also, you must make sure that all the selections you want are compatible, i.e. it makes little sense to buy a $150 turntable and choose a cartridge worth more. Take your time and then sit back in your listening room and feel great because you made the best possible choice.

In Good Taste

Bu Jim Haigh

SERGEANT PRESTON'S, DUDLEY RIGGS, & W.A. FROST, is not, despite your initial legal impression, a law firm. They are some of the best dining in the Twin Cities, should your taste run to low-key, informal dining. At the outset, note, however, that Dudley Riggs is a person (albeit slightly larger than life), Sergeant Preston of the Royal Canadian Mounted Police is a McLuhanesque Myth, and W .A. Frost was a pharmacist (circa 1900) in St. Paul. These three eclectic personae provide the backdrop for their respective restaurants.

DUDLEY'S is the best known of the lot, due primarily to theatres on Seven Corners and Hennepin Avenue. However, only the Dudley's at Seven Corners has dinners, and, hungry as we usually are, it is food with which we are concerned. Incidentally, if you wander into Dudley's, be sure you do wander in hungry, because the portions are quite large and more than enough for two if you are economizing.

Upon entering the Washington Avenue establishment, you will be seated in a large room (neatly cordoned off between smoking and non-smoking, and divided equally in space, which is rare for eating places these days of bifurcated breathing) with a bluish metal ceiling and at the inevitable small rickety table. To complete these atmospherics, the huge expresso maker dominates the counter behind which

your meal is prepared. In fact, should you not be hungry, the trip to Dudley's is worth it solely for the espresso, a warming treat on cold Minnesota nights.

Be prepared for desultory service at Dudley's; you will probably have to ask for more than one refill of the excellent coffee, but it's worth the trouble. And the help is friendly, just unhelpful.

Dudley's soups are among the finest in the Twin Cities, except the French onion. The spicy Gulyas - an east European soup consists of a caraway-seasoned vegetable broth with a dollop of sour cream floating on top. Rich, fattening, and delicious. Also the vegetable soup at Dudley's is the one your mother should have made. Good veggies and very healthy.

In consumer parlance, sandwiches at Dudley's rate a "best buy,'' and again are more than enough for two. A good deal is the soup of the day and a ham sandwich for only three bucks (piled high with thinly-sliced danish ham and swiss cheese, a dab of mayo, and served on french bread). The vegetarian sandwich is better, however, and not quite as rich.

Main meal dishes are quite sumptuous and consistently good. Offerings range from stir-fried rice to Muehlbach Casserole (from Harry Truman's old watering hole in Kansas City by the same name, and, more recently, of Republican National Convention fame). Cost varies, but averages around $4 to $5. Salads are crisp, the vegetables and fruit fresh; what more could one ask?

Well, perhaps one could ask for hard liquor. Beer is available at Dudley's, but it is only 3.2. And if you happen to be a two-fisted drinker that craves strong beer or Jack Daniels, just amble across the street from Dudley's to SERGEANT PRESTON'S. This restaurant has just opened; although the bar was open earlier this summer.

Sergeant Preston's decor is totally coordinated; colors are tasteful, the ambience low-key, the music hip (Hall & Oates, Stevie Wonder), the furnishings pseudo-quaint (the tables and chairs are mis-matched wood styles), the plants groomed, and the personnel suitable hirsute. The attempt at coordination extends to the Mountie pictures on the wall, and napkins and food trays of Royal Canadian Red emblazoned with chevrons. The overwhelming effect is that of a slick, grown-up MacDonald's. It feels, and is, contrived, and as if it should be part of a franchise. Therefore, and unfortunately, this place lacks an edge - it has no soul.

Despite this complaint, we had an excellent time there, because the food was excellent and the help helpful. Eating is cafeteria style (at least for the lunch) and you stand in line in front of a deli-style cold meat and cheese counter. Select the bread you want (they have several, including black, sourdough and seven grain) and pick out your sandwich. The array of fillings is quite large; and assortment of cheeses fresh vegetables and deli meats let you concoct the "Dagwood" of your dreams. Freshly made soups are also offered, but no opinion on quality is given because the Scotch barley on the day we tried it was cold.

In sum, Sergeant Preston's is marketable. They have a good idea, packaged it attractively, and can appeal to trendy types breaking away from Ichabod's or the Hab. Try it for a fun lunch sometime.

On the other hand, we think we would have liked a man by the name of W.A. FROST, and are glad he left us a building at the comer of Western and Selby. It's a lovely building and has been refurbished superbly to incorporate a smallish, cozy sandwich bar into what was once a pharmacy.

The size, however, is deceptive. The building has a basement that can seat about 50; and that area is done uniquely in a romantic cavern style with niches and candles.

The food here is along the lines of Dudley's and Sergeant Preston's. Natural-type sandwiches and unusual dishes (for this area) predominate. We tried the avocado and tomato sandwich on pumpernickel w/cream cheese, and can attest to the freshness of their food as well as its unmanageableness; we had to eat it with knife and fork due to its slippery size.

The bar features hard and soft drinks, including a full range of imported beers that we hadn't seen in years. We ordered a german beer and it fortunately didn't cost a lot.

Besides moderate cost, W.A. Frost has helpful and friendly service; we would go back just because they are so pleasant. We think it has distinct possibilities as a real good neighborhood bar and hope it doesn't get too greedy and try to bring in a lot of outside people with advertising. We urge support.

This restaurant has a lot to offer with its quiet, woodsy elegance highlighted by the large plate glass windows bedecked with plants that are well-cared for. Renovating the W.A. Frost building is an excellent idea, and one which will help to restore the Selby-Dale District. Saving architectural gems such as this is the business of its management and we wish them luck.

All in all, we rate Dudley's highest, but W.A. Frost came in a very close second. In fact, were Dudley's across the street from W .A. Frost, we think W.A. Frost would win that sort of a head to head competition. Sergeant Preston's comes in a distant third, even though they have a nice place. Perhaps in time Sergeant Preston's will gain a neighborhood, a legend, a clientele.

Armed with these admittedly thumbnail sketches, we suggest you try each and rate them. If you have differing opinions, we'd like to know.

Image

Cartoon of two men standing in front of a dart board. The caption reads “Grading Time”

By Cosimini

Como Bombers Zero Zonkers

by Lou Tilton

The Como Bombers finally overcame their jinx for losing the championship game when they defeated the defending champion Zonkers in the Class A title game. This game lacked the grandstand plays which were prevalent in the championship games of prior years. The strategy of both teams appeared to be retention of ball control while marching down the field on short passes. The long passes for which each team is notorious were seldom attempted.

About midway through the first half the Bombers scored, gaining an 3-0 lead. From that point on they seemed to maintain nimble control of the game, and it appeared that they would finally win the championship.

In the second half the Bombers scored another touchdown to stretch their lead to 14-0. Two more points were scored on a safety when the Zonker's center snapped the ball through their own endzone. The final score was 16-0. The Bombers finally went undefeated and clinched the championship they had so often fallen short of before.

The playoff games in which the teams advanced to the finals were closer contests than had been seen in any other year. In the lower bracket of Class A the Ice Nines went into overtime before they defeated the highly organized team (they had uniforms) of Lurem, Cheatem and Run. The Ice Nines immediately thereafter played the Como Bombers in the semi-finals. The Bombers prevailed 14-0 and advanced to the title game.

In the other bracket of Class A the Zonkers mustered a last minute drive to score a touchdown in the final seconds eliminating Banny and the Jets 24-20. After a five minute break, the Zonkers played Jardine, Logan and O'Brien in another semi-final game. Jardine, considered a favorite to reach the finals, was beaten by the Zonkers who advanced to the championship playoff to defend their title.

In Class B the playoffs were incredibly close. In one semifinal game Double Refusal narrowly edged the PI's 14-12 in a very hard fought game. It ended with the PI's being unable to score in the last minute when they has possession of the ball within Double Refusal's twenty yard line.

In the other Class B semi-final game the Independents and Galvanized Pipedream battled to a scoreless tie. Pipedream, aided by a penalty on the Independents, managed to win in overtime.

The Class B Championship game was just as close as the two semi-final games. The first half was scoreless and evenly played by both teams. In the second half, however, the Galvanized Pipedream was constantly in possession of the ball inside Double Refusal's twenty yard line, but they were unable to score and the game was tied 0-0 after regulation play. In the overtime, either Galvanized Pipedream found their offense or Double Refusal's defense tired (I'm not sure which), but Pipedream prevailed to win the Class B title.

It must be noted that Galvanized Pipedream, while holding their opponents scoreless, did not score any points during regulation play in winning their title.

Thanks for the success of this season must be given to Doug Whitney, Bob Gjorvad, Brian Wojtalewicz, Jim Kruzich and all those other people who help by refereeing and in setting up the playing fields.

A Final Note:

I will be graduating this semester and will be relinquishing my position as head of intramural sports. I would like to take this opportunity to say a few final thanks.

Thanks to Pete Hill for originally initiating the intramural program; thanks to all those who helped in various sports throughout the last three and one half years, and thanks to the SBA, past and present, which always gave its support to our program and also for its unexpected show of appreciation to me this year.

Editor's note: The OPINION extends its gratitude to Lou for his sustained effort in reporting intramural sport's activities. Currently there is no replacement for the intramural director. Interested parties are invited to contact the SBA regarding the position.

Images

Photograph of Como Bombers Class A Champs

Left to right, bottom row: Wayne Studer, Dale Wagner, Bobby Gjorvad; back row: Scott MacDonald, Scott Borchert, Kevin O'Brien, John Hooley, Mark Welshons.

Photograph of Galvanized Pipedream Class B

Left to right, bottom row: Tom Johnson, Bill Kronschnabel, Brian Wojtalewicz, Jeff Anderson, Nick Schaps; back row: Mike Wagner, Lou Tilton, Scott Tilsen, Al Shapiro, Tim Frederick, Jim Kruzich. Not pictured: John Warp and Tim Connell.

Photograph of Lou Tilton

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