Morse Named Librarian

by Gail Gianasi Natale

A legal scholar with a social conscience...a prolific writer with a head for administration...an academician who would rather study than teach...all describe Anita L. Morse, C-M's new law librarian.

Morse will join the C-M faculty May 1st as professor of law and librarian after serving as associate professor and law librarian at the University of Detroit School of Law for nearly three years.

She succeeds Patricia H. Gordon, acting law librarian, who left Cleveland in March after earning her J. D. degree. During the interim Jaqueline Fox, circulation librarian, heads the library staff.

Morse's background includes service in the Peace Corps in Bangkok, the Job Corps in Indiana, O.E.O. and legal aid in Kentucky; legal work at the Federal Trade Commission and Douglas Air Craft Corp., and law library work at the Library of Congress, University of Kentucky, and Albany N.Y. Law School as well as Detroit.

She has also taught at the University of Florida's Holland Law Center in Gainesville as well as at Kentucky and Detroit.

Her advanced degrees include J.D. from the Indiana University School of Law, Bloomington, Ind., an LL. M. with highest honors in international and public law from George Washington University National Law Center and an M.S.L.S. from the University of Kentucky College of Library Science, the school at which former C-M Law Librarian Bardie Wolfe earned his law and library degrees.

Morse was also a Ford Urban Law Fellow at the Columbia University School of Law.

Morse is an expert on international boundaries, water resources and the problems of poor and migrant workers.

She worked with Prof. Julien Juergensmeyer, once a C-M dean candidate, at the University of Florida and, with him, published an article on air pollution control in Indiana.

Her article, "The Rural Worker in the New Deal and the War on Poverty," is scheduled to be published shortly by the Suffolk University Law Review.

She explained that except for her time with the Peace Corps in Bangkok, she had not really been exposed to poverty until she started working for the Department of Rural Sociology at Kentucky. She was faculty sponsor of O. E. O. legal aid placements and worked with legal aid and migrant workers in her native Indiana.

"Many of us were activists in the late '60's," she said, "because we had to be. But most of us who were Urban Scholars and activists then have taken different directions now." Among those she mentioned was C-M Assoc. Prof. David R. Barnhizer, director of C-M's Legal Clinic.

Morse expects to work toward an M.S. in public administration at CSU while running the Library developing the bibliography for the library fundraising campaign and reorganizing the legal research curriculum.

"I like school," said the dynamic legal scholar who impresses nearly everyone she talks to. "I'd rather go about learning in an organized way than study on my own," she explained.

She investigated an M.B.A. but it is not what she needs as a law school librarian. The public administration program will help her to learn more about such areas as budgeting, staffing, fiscal management and the legal aspects of state and local regulatory agencies.

"I want to know what people trained in those areas do."

"Law librarians," she said, "are no longer the great scholars and teachers who hang around the library. The law library is now big business, a big business with money troubles."

Her goal's for C-M's library--in addition to increasing its collection in urban oriented areas and such heavily used fields as tax, labor and business--is to rearrange staff functions, hire replacements and to arrange for full seven-day coverage.

"Then I'd like to add professional staff," she said, "and have sufficient personnel in technical services."

She thinks her plan should take two years.

In the legal research area Morse would like to see more emphasis on writing. At Detroit, legal research brief writing and oral advocacy are combined. Students write memoranda during their first semester and a brief during the second semester which is argued Moot Court style before faculty and currently sitting judges.

Students earn grades in both advocacy and writing.

She is not certain whether such a system will be introduced at C-M. "Much depends upon the funds available," Morse said.
Guild presents jury seminar

Cookie Rudolfi of the National Jury Project spoke at Cleveland-Marshall on Friday, March 3 in an informal seminar on scientific jury selection. The seminar was sponsored by the National Lawyers Guild with cooperation from the Cleveland-Marshall Legal Clinic who originally brought Ms. Rudolfi to Cleveland for the Public Defenders training program.

The National Jury Project, which grew out of the political defense cases the anti war movement, is a non-profit corporation centered in Boston. The Project does "political" trials for little or no costs and "politically neutral" cases for a fee.

The project specializes in implementing innovative tactics in jury selection. Ms. Rudolfi explained several useful jury selection strategies including attitudinal demographic surveys, designing effective questions for voir dire, simulated trials and witness preparation.

Since Ms. Rudolfi agreed to talk at Cleveland-Marshall on very short notice many students missed the opportunity to meet her but she promised to return during spring quarter.

Niagara team wins


Participating teams present arguments in a simulated international Court room before Canadian and American judges and legal scholars. Scoring is based on a written brief, knowledge of law, and advocacy skills.

Other Ohio law schools in attendance were Case Western Reserve University and Capital University. Canadian teams included the University of Windsor, Osgood Hall and the University of Toronto, who hosted this year's competition, as well as other prominent U.S. law schools.

Faculty Advisors for the team are Ann Aldrich and Jeff Olson. Next year's Niagara Competition will be hosted by Cleveland-Marshall, attracting schools from the United States and Canada.

SBA plans spring programs

The Student Bar Association, in its March 7th meeting, approved speaker's committee proposals for two assembly programs for spring quarter. The accepted speakers are South African exile Cosmo Pieterse, and Native American Yvonne Wanrow and her attorney Susan Jordan.

Pieterse, a poet, editor, playwright and actor, is now teaching at Ohio University after a self-imposed exile from the Union of South Africa. The subject of Pieterse's speech will be Apartheid and the South African liberation movement. The date will be announced.
Yvonne Wanrow was the defendant in a recent self defense murder trial. Her trial received national media attention because it involved a woman shooting a man attempting to rape her. Her attorney, Susan Jordan won a reversal of the trial court's murder conviction by using some unique criminal defense ideas. The date of Wanrow and Jordan's visit will be announced after negotiations have been completed.

In other business, the SBA defeated a motion to have a speaker on the Bakke case and allocated moneys for spring social events.

ABA sponsors contest

The ABA Section of Criminal Justice is sponsoring a writing contest for law students. All students enrolled in ABA-approved law school are eligible to enter the Alan Y. Cole Law Student Writing Contest. The topic is: "Access to Justice: Prospects for Developments in Criminal Law." Entries must be postmarked no later than May 1, 1978, and must include the contestant's permanent and temporary addresses with telephone numbers. Entries should be submitted to: Ms. Susan Hillenbrand, Co-ordinator, Law Student Contest, ABA Criminal Justice Section, Second Floor, 1800 M. Street, N.W., Washington, D.C. 20036.

A special Section Committee will judge the entries, and the decision of the Committee will be final. None of the entries will be returned, and the ABA Criminal Justice Section reserves the non-exclusive right to publish winning entries. The winner of the contest will receive a set of the ABA Standards for Criminal Justice and a free trip to the Association's Annual Meeting in New York City in August. The winner will be invited to present an abstract of the paper to Section Officers and Council members during meeting. The Section also plans to print the winning manuscript in an ABA publication.

THE GAVEL

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Bakke: Court to decide on racial criteria

Bakke and the most strident of his supporters have asked the Court to rule that the mere use of race is proscribed by the Constitution and the Civil Rights Act of 1964. Focusing on the Fourteenth Amendment, they have argued strenuously that the Constitution is color blind and as a consequence cannot abide the “race-conscious” or “minority sensitive” approach of the Davis school. It is likely that a majority of the Justices can be persuaded to adopt a per se constitutional rule on race. Attractive as a “color-blind” standard may be to them, the Justices no doubt understand the admonition of the Solicitor General: “...to be blind to race today is to be blind to reality.”

To adopt a per se rule, this Court would have to reverse several of its own recent decisions (North Carolina State Board of Education v. Swann; Franks v. Bowman Transportation Co.; United Jewish Organizations of Williamsburg v. Carey; Albermarle Paper Co. v. Moody) which require or permit the use of race in a remedial fashion.

Moreover, to adopt a per se constitutional rule, the Court would have to ignore the very special history of the Civil Rights Amendments and adopt an anomalous position that the Fourteenth Amendment prescribes a race-conscious remedy to the race-based malady it was designed to cure. Such a position would be untenable for any court, especially one wishing to be known for its judiciousness.

Even if it rejects a per se constitutional rule, the Court could find that the use of race is proscribed by statute. Title VI of the Civil Rights Act of 1964 provides: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The crux of the statutory issue is whether this “non-discrimination” language creates a statutory per se rule. As one Justice observed, Congress could proscribe what the Constitution merely permits.

Since the California courts ruled that the Constitution forbids any use of race in making admissions decisions, the real issue is whether the Supreme Court to adopt the per se rule would justify a reversal on the ground that the lower court applied a clearly erroneous legal standard. The case could then be remanded for further proceedings. The Supreme Court would have established the legal principle without being drawn into the morass of a specific program. Unfortunately, the Court may be unable to resist the pressure to “do something.”

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A campaign to win statehood for the District of Columbia, which began in 1970, is finally receiving substantial popular support. A 1977 poll by American University Professor Robert Hitlin indicated that 51% of D.C. residents favor statehood. The campaign is being led by the D.C. Statehood Party, which was founded in 1970 by the late Julius Hobson.

Although residents of the District of Columbia pay full federal taxes, they have no voting representatives in either the House of Representatives or the Senate. Furthermore, local laws are subject to Congressional veto (except criminal laws which are entirely set by Congress), the local budget is controlled by Congress and the appointment of municipal judge is made by the President with confirmation by the Senate.

The Statehood Party and its supporters feel that control of the District of Columbia by the federal government makes D.C. residents second class citizens. Hilda Mason of the Statehood Party and member of the D.C. Council said that statehood would give D.C. residents "the same rights as others."

The reason for this state of affairs in Washington D.C. is that Article I, Section 8 of the Constitution provides for exclusive Congressional control of the District. The Statehood Party, noting the progress of the E.R.A., does not want to achieve statehood through constitutional amendment but rather an act of Congress. Since the Constitution places a maximum, but no minimum, on the size of the District, the Statehood Party advocates shrinking the size of the District to the unpopulated area between the Supreme Court and the Lincoln Memorial. Such a move would allow for federal control over the center of government as well as local autonomy for the populated area.

Statehood advocates note that the District of Columbia has a greater population than four other states and argues that citizens rights should be based upon population rather than geographical size. Since the bulk of the Districts' budget is provided by local tax revenues, statehood is seen as a viable method for offering stability to the District of Columbia.

Julius Hobson, in his testimony before the House Judiciary Committee summarized the feelings of statehood advocates as follows. "The drive for statehood for D.C. stems from the bitter experience of colonies everywhere, even those under the most beneficial administration; neglect, misrule, and arbitrary, capricious government. Gaining statehood and thus full citizenship should not be viewed as a panacea, just simple decency. Statehood is not utopia, it would merely lift us to the status of the rest of our countrymen."
A ride on the 26
by Ken Reinhard

The sun was an orange moon. The snow, slag, and chucks looked like a sterno bum's head. Old newspapers, rags and wrappers huddled against brick buildings to ride out the razor wind. A lone Clevelander stood against elements, buffeted by the wind. The crowded bus braked at the 25th St. stop. The people on this bus didn't know it but they were about to laugh.

Mrs. Bachigaloop sloshed up the ribbed steps. She wore a babushka, gray coat and mumbling mouth. “God-damn bus drivers, I'd rather be squished than freeze to death. Jerks. Come on, push back, there's room, push back.” Vegy, tall fiftyish, sporting a pencil mustache reminiscent of Bud Abbott, hated this type of woman.

Vegy: Ah, why don't you grow wings and fly back there?
Mrs. B.: I don't have to take that kind of shit from you.

A fat woman with her arms resting on her rounded sides cracked up.

Vegy: You're lucky you don't live in Mexico. In Mexico, the people got to get out and push. It don't cost no quarter either.
Me: This bus is going to Mexico?

Vegy: Don't you read the fine print on the schedule.

Mrs. B.: Yah, I read the fine print, not like you.
Vegy: I'm smart.

Mrs. B.: Yah, you're smart, smart up the ass. You're worse than them bus drivers.

It was too late. Everybody cackled uncontrollably. The only people not laughing were the ones wedged next to the fat woman. They had trouble breathing.

Me: (speaking though not looking at Mrs. Bachigaloop) You've got to remember one thing. The bus driver has one advantage over us. He controls the bus.

Mrs. B.: (pointing at me) Some of us know so much about bus driving— they should become bus drivers.

Vegy: Listen lady, every time you open your mouth, I'm going to open my mouth.

A new character enters.

Old country man: (speaking to Vegy) You shut up, you shut up or I'll give you boom-boom.

Mrs. B.: Aw, shut up you “azz-hole”.

Me: Is this bus going to Guadalacoca?

Then, Mrs. Bachigaloop rang the buzzer to give us a break. The doors slammed open and she muttered out into the night. The sides of the bus ached with laughter.

“A lawyer is similar to a medicine man or a priest, who blend technical competence with plain and fancy hocus-pocus to make themselves masters of their fellow men.”

Fred Rodell

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**Cartoons:**

1. **LOVE THY NEIGHBOR...**
   - Matthew 19:19

2. **AN EYE FOR AN EYE...**
   - Exodus 21:24
Bakke

cont. from page 5

to even well-qualified minorities will now open them so wide as to admit disproportionately large numbers of less-than-qualified minority students.

If for some reason these institutions are perceived to be overzealous in their affirmative admissions policies, the political process will certainly operate to curb perceived excesses. In this very Congress, the House of Representatives amended the 1977 Labor-HEW Appropriations Bill to prevent HEW from using its funds to implement numerically based affirmative action programs. The so-called “Walker” Amendment was deleted in the Senate-House Conference. However, its passage in the House brought the message across loud and clear.

The pro-Bakke forces are exploiting the prevailing reactionary political atmosphere to achieve superior access to an influence within the political process. At the same time, not unlike the opponents of busing and abortion, they seek to enshrine into the Constitution their conception of public policy. The Bakke case is a carefully staged melodrame designed to assure the premature demise of minority admissions programs and the affirmative action concept. The Court has been cast to assume the role of assassin. My suspicion is that the Court will decline.

Look for the third and final installment of Professor Smith’s article in the next issue of The Gavel.