The run has just begun
Sirs:

Your courtesy in sending me the copies of The Gavel is much appreciated.

Enclosed herewith is a paper of mine that may interest your readers. It is intended to spark differences of opinion and (we hope) reason, reasonable, and learned discussion.

Whatever else may be said of it, The Gavel in the past year patently has enlivened the CSU law school world.

Sincerely,

Howard L. Oleck
D.P.L., Emeritus (CSU)

Thank you. Your paper is found on page 4.

— Ed.

Editorial

Due to the entrance to this law school of a new student class and the events of the past year, it is appropriate for the editors to identify the basic purposes and principles of The Gavel.

Prior to last year, this publication concerned itself with the retirement of professors, the remodeling of classrooms and refreshments in the lounge. This display of Babbittry was a waste of the potential talent which existed in the students, and of the opportunity provided by university funding. In short, a waste of an outlet for the expression of nascent thought.

The Gavel is a place for holding reasoned argument and a forum for the expression of ideas. That such is needed and important must only be explained to the neophyte legal student or those slow of wit.

Calvin Coolidge stated in 1925 the basis on which the editors operate The Gavel, “It is the ferment of ideas, the clash of disagreeing judgments, the priviledge of the individual to develop his own thought and shape his own character which makes progress possible.”

Unless we, as a people, select the degradation of society as have the mullahs of Iran, then progress is our goal and with it exists the needs for a forum such as The Gavel.

One need only look at other countries in today’s world to see that reason, disagreement, and free thought exist relatively unfettered in only a few spots on this globe. It is in those few spots where human progress will therefore occur and it is The Gavel where skills can be sharpened to make such progress.

Last year The Gavel wobbled a bit as it tried to stand on its newly formed purpose. There were some students who were so inarticulate that, rather than trying to reason against the expression of certain ideas, they attempted to suppress this publication.

My previous campus experiences have shown me that campus “liberals” decided that it was not proper to hear speeches by Messers. Kissinger, Buckley, and Ky while it was proper to hear those by a Coffin, Berrigan, Fonda, or Nader. Students of supposedly “the liberal” view believe in freedom of speech as long as they agree with it.

Fortunately for The Gavel, the scepter of the first amendment, freedom of the press, stopped the attempts to suppress its publication and its operation as a forum for reasoned argument. To be involved in such an incident truly shows to me who it is that threatens, even fights against, human progress.

One caveat need be explained about The Gavel’s operation. That is, argument without reasoned basis, demagoguery, or excessively shrill material will not be published. Some cynics may smell censorship. However, considering the range of articles published last year, that the cynics are wrong is a given.

During President Washington’s 1797 Farewell Address an appropriate stricture was stated: “In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.” Standards are called for and it is those standards which have been enumerated that will be upheld.

Reading the Gavel is like sex: when it’s good, it’s really good; when it’s bad, it’s still pretty good.
First year students participated in a 2-
evening orientation program at the law
school on September 23 and 24. The
program was the product of a student/faculty orientation committee
headed by Professor Stephan Landsman.

On Wednesday evening, Dean Robert L.
Bogomolny greeted the new students and
introduced the administrative staff and
faculty in attendance. SBA President Mark
Mastrangelo added his welcome and
introduced the SBA officers and committee
chairs.

Professor Hyman Cohen then addressed
the assembled group on the possibilities and
methods of legal education. Following
Professor Cohen’s talk, the students had an
opportunity to speak with representatives of
various student groups, who were in the
atrium.

The substantive part of the program
followed. Eleven members of the faculty ran
small group classes focusing on the case of
Gideon V. Wainwright, decided by the U.S.
Supreme Court in 1961. The opinions in the
case, which established a Constitutional
right to counsel in state court criminal
proceedings, had been sent to students
before Orientation. A couple of upper level
students sat in on each class, and at the end of
each session spoke with the 1st year
students about law school classes.

On Thursday evening the students reconvened
to watch the made-for-TV production of Gideon’s Trumpet, starring
Henry Fonda. The program, based on
Anthony Lewis’ book about the Gideon
case, filled in much of the background
concerning Clarence Gideon, his first trial,
his effort to obtain counsel, and his
subsequent acquittal on the charges against
him. Following the film, the classes
continued discussion of the case.

The program gave the students the
opportunity to look at the case from both
“legal” and “human” perspectives and
brought home the point made by professor
brought home the point made by Professor
Cohen in his remarks that behind every case
are real people with real problems seeking
redress in the courts.

The orientation program concluded
with a social hour. Students and faculty agreed
that the school year had gotten off to an
auspicious start.

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By Chuck Fonda ('81)

Greetings, my fellow travelers. Though I
have been to hell and back, and you have yet
to begin your journey, I feel a certain kinship
towards you and so I address these remarks
to you.

You are mere innocents, having only
idealized visions of what law school is about,
with little conception of reality. Some of
you, no doubt feel that you can be shining
knights, and carry the poor and
downtrodden to victory, while others of you
feel that by your defense of the free
enterprise system you can make America
great again.

For some of you, law school is the last
opportunity to make good. For others, it is a
change of pace. A respite, if you will, from
work or family. For others of you, it will be a
mere stopping-off point, before you pursue
another avocation, as I have done. For
some, it is the promise of one’s destiny,
fulfilled. Finally, for some of you, it will be
none of these, but just a tragic mistake that
should be corrected at the earliest possible
moment.

By your own actions, you have bound
yourself to an apprenticeship of three years.
As you move further along, it will be harder
to walk away from it. After vowing that you
would never be corrupted, you will think
nothing of studying long hours for an exam,
of talking about cases during your free time,
or of spouting legal jargon. The change will
be imperceptible to you, but it must happen,
if you are to become a lawyer.

There will be hard work aplenty.
Sometimes you will cry out in frustration
about the workload, about the cruelty of
some professors, about the insensitivity of
the school. You will work late hours often,
and feel lonely many times. But there will
be rewards as well. You will find out much
about yourself, as you are forced to look
within yourself, and to summon courage you
never knew you possessed to overcome the
ordeal. You will find rich reward in the
friendships that you make, some of which
will be quite enduring.

Do not be afraid of what lies ahead. Seek
out and grasp the forthcoming adventure.
Know your limits. Travel with courage, at all
times. Remember, too, that you are one of
many talented people here, and not above
the crowd, as you were in college. Should you
ever feel like leaving, seek out older
students, for they have felt much the way
you will.

There is much hard work facing you, and
that I do not envy you. Yet there will be
many golden moments, too. Yours are still
to be discovered, mine are only to be
cherished.

So now, go forth. Seek what the future
holds with resolve, not trepidation. It will be
some experience.

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Law students and staff members spend
summer hours creating high school
curriculum supported by Jennings, Gund
and Cleveland Foundation discretionary
grants. They were joined by educators from
the College of Urban Affairs to outline a
Law and Public Service High School.

Elizabeth Dreyfuss, Director of Street Law,
the Cleveland-Marshall co-planner for the
Law and Public Service Magnet School, has
contributed to the project from her wealth of
experience in law-related education. Besides
developing curriculum through Street Law,
she has served as an advisor to the law-
related education project in elementary
schools for the Cleveland Public Schools
over the past two years.

One of the boldest planners was last year’s
law review member, Street Law participant
and June graduate, Rick Mendelsohn who
has been fascinated with innovative ideas in
education since his teaching days at Martin
Luther King High School. It is the King
location he has urged be considered for the
site of the projected high school.

Mendelsohn sees the King community as
one in which students can participate in
community activities and potentially one
which can be a source of jobs for students
and graduates.

Nona Burney, August 1981 graduate of
Cleveland-Marshall, participated in the
project as the representative of the
Cleveland Public Schools. In spring of last
year, desegregation Administrator Donald
Waldrip authorized Ms. Burney’s transfer
from classroom teaching. Her new job,
Head Planner of the Law and Public Service
Magnet High School, entailed creating
curriculum for the school which emphasizes
social studies education and coordinating
the activities of the Planning Team. She will
serve as Project Manager of the Magnet
School should court approval be obtained.

An equal partner in the Magnet School
task force were faculty and students from the
College of Urban Affairs. Peter Gail,
nationally recognized environmental
educator, created an urban studies
component for the magnet. Students will
spend part of their time studying the urban
environment by examining neighborhoods,
allocation of resources, and political
structure using Cleveland, Ohio as their
learning laboratory.

Continued on page 12
Many civilizations, before ours, have collapsed under the weight of a burdensome system of laws. France, before the French Revolution, is a startlingly parallel case. Only, then the aristocrats were the bureaucrats; now the bureaucrats are the aristocrats. The great essayist, Michel Montaigne, himself a Seigneur, in the sixteenth century vainly warned the French ruling class (the bureaucrats of their day) in terms that are strangely appropriate to our times: "...I am not much pleased by (those people) who thought by the multitude of laws to curb the authority of judges, ...For we have more laws in France than all the rest of the world put together... 'Ut olim flagitiis, sic nunc legibus laboramus' (Tacitus, Annals: 'So that as formerly we were oppressed with wickedness, we are now oppressed with laws.')...And yet we have left so much to the opinions and decisions of our judges, that there never was so full a liberty or so full a license... There is little relation betwixt our actions, which are in perpetual mutation, and (numerous) fixed and immutable laws; the most to be desired are those that are the most rare, the most simple and general... (F) or in subdividing these subtleties, we teach men to increase their doubts; they put us in a way of extending and diversifying difficulties, and lengthen and disperse them, ...and increase...uncertainties and disputes... But experience makes it manifest that so many interpretations dissipate truth, and break it... There is more ado to interpret interpretations than to interpret things... Our justice presents to us but one hand, and that the left hand too... Our French laws, by their irregularity and deformity, lend in some sort, a helping hand to the disorder and corruption...manifest in their dispensation and execution...”

In sum, Montaigne said (and I repeat): Laws and governments that are so complex and numerous serve to defeat justice rather than do justice. We must take thought and action to restore to American law the qualities of plain simplicity and certainty.

That is far harder to do than is the simple task of multiplying laws and government. But we must try to do it.

Simplicity is strength; hard to achieve, but vital for the life of a free people.

The Ten Commandments, the Sermon on the Mount, and the Constitution of the United States, are the grand basics of our law. All the rest is commentary.

‘Back to basics’ must be our motto. Great principles, not innumerable minutiae of laws, are the best government of a free people.
On Answering C-M's Critics: Head 'em off at the Past!

By Steven S. Smith ('81)

One might with ease, were it one's want, acquire the impression that the student at Cleveland-Marshall is disdainful of or even oblivious to the history of the university of which this college of law is a constitutional part. The feeling steals upon one that the typical law student conceives of his sojourn here as but a necessary inconvenience between having received a bachelor's degree which proved nearly worthless, and the expected glorious failure in lucrative and luminous corporate legal circles.

One senses as well a vague notion of inferiority carried deep within the bosom of each student here which conveys upon him in dark moments, that students compares his dubious prospects with those wide vistas hanging before scholars who attend Western Reserve, Harvard and the other highly-reputed-but-imperceptibly-superior institutions of legal enlightenment. (The writer suggests that the greater financial success enjoyed by graduates of Harvard Law, et al, is the result of their pre-existing connections to the Captains of Industry, Labor and Bureaucracy, rather than the independent result of attendance at the prestigious establishment.)

To asssume this perceived inferiority, the Cleveland-Marshall student adopts an air of superiority in relation to the scholars resident in the other colleges of the Cleveland State University. In a fashion this pose of superiority only duplicates that assumed by undergraduates at other colleges: "Oh, so you go to Cleveland State, eh?" The writer himself has encountered this attitude among members of his own family ever since he chose not to follow a family tradition going back nearly two centuries of attending either Allegheny College, (since 1815), or Mount Union College, (1846). The writer, however, commenced his collegiate career in 1969, and has been a well-known and respected figure among the students of the school.

As for the Cleveland State University, it was created in 1964 by Governor Rhodes, yet is directly related to the Fenn College of Engineering which still exists as a district college within the university. Fenn College was founded in 1881 and has been a well-known and respected institution ever since. Fenn acquired the Tower building in the thirties, and the writer passed many enjoyable hours as an undergraduate in Panel Hall, a place which evoked memories of university life in the past: fireplaces; sturdy, leather chairs; glimmering chandeliers; warm wood paneling and the company of studying scholars, while outside the tall windows twilight settled over the quiet lakefront city. This writer also spent peaceful hours over books in old Mather Mansion, one of the last great houses remaining from the days when Euclid Avenue bore the appellation Millionaire's Row. The matchless craftsmanship of the old mansion stands as a grim reminder of better days before urbanization combined to stagnate our economy.

A few doors down from the university at 3233 Euclid Avenue, there yet stands the old Carlin House, with its stately columned portico. Built in 1912, the Carlin House is another remnant of Millionaire's Row. The matchless craftsmanship of the old mansion stands as a grim reminder of better days before urbanization combined to stagnate our economy.

A couple of doors further east on Euclid there once stood the residence of Andrew Squier, founder of Squiers, Sanders and Dempsey, the noted law firm.

Walking further down Euclid to Fortieth Street, (in former times Case Avenue), one beholds a vacant lot on the northeast corner across from St. Paul's Church. At this now-empty place there lived John D. Rockefeller in days before he realized vast wealth through his Standard Oil Company of Ohio. Mr. Rockefeller, incidentally, was a parishesioner of the Euclid Avenue Baptist Church, then located at an address familiar to Cleveland-Marshall students, to wit, Euclid at Huntington Road, (now 18th Street).

In point of fact, the sensation of inferiority which creeps upon the Cleveland-Marshall student when he contemplates Harvard and Western Reserve, and the air of superiority adopted by our law students in relation to the rest of the university, are both founded upon groundless superstition. The Cleveland College of Law, and the Marshall Law School were each founded around the turn of the century and have been raising their standards and the quality of legal instruction since that time, while the prestigious establishment law schools have for the most part participated in the deplorable degradation of admission standards and of academic quality which has afflicted institutions of higher learning for a half-century in this country.

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JR Tips His Hand

By John H. Reynolds

One had hoped that when Representative Charles Vanik, D-22, retired from Congress, the public nuisance in him would retire also. However, all one has to do is snap on the vacuous tube and his slightly lobotomized smile moons at the viewer most any night.

Therefore, I await Chucklehead Charlie's annual ritual of listing those giant corporations whose income taxes were null over the past year. His righteous pronouncement on this subject is gleefully gobbled up by that collection of loons and dimbulbs which is Greater Cleveland.

The fact that Charlie spent all those years in Washington never resolving this massive alleged fraud on the public attests to either his ineffectiveness or his hypocrisy. That he is dead wrong and thus engages in demagoguery is even worse.

Last year Chrysler lost approximately $1.7 billion. The most optimistic estimates for 1981 are that they might earn $100 million. Current tax law allows Chrysler to average earnings out so that 1980 losses plus 1981 earnings would yield no taxable income. In Vanik's thinking, taxes should be paid on that 1981 income, which at current rates would be almost $50 million.

Here then, we have the example of a company with negative earnings of $1.6 billion over two years and a Vanik income tax of $50 million. This is, in effect, an infinite tax rate. Chucklehead Charlie's nontaxpayer list is typically populated by steelmakers, airlines, and automakers who, like Chrysler, had previously incurred massive losses.

Therefore, Vanik must advocate infinite tax rates for already weak business. Frankly, I would be satisfied with 0.1% of the property, excise, payroll, and inventory taxes that Chrysler pays regardless of its income.

Import Quotas

Recently the elitists and economic bigots in our midst won a small battle when Japanese auto firms informally agreed to reduce their 1981 automobile sales into the U.S. by about 140,000. The price of this victory will be quite high.

After the announcement of the accord, the FTC released results of a study which showed that the impact would be an increase of $2-3 billion in total consumer prices for automobiles. This increased price would be $9-12 per U.S. resident, $200-300 per automobile sold in the U.S., and $14,000-$21,000 per additional automobile which the U.S. gets to build as a result of the accord.

This result is logical. When competition is reduced, prices will go up. When the trigger pricing mechanism for steel went into effect, which reduced steel imports, prices for steel increased more than they would have without trigger pricing.

Some people will point to the jobs added to the industry as a benefit. True, the jobs are a benefit, but at what cost? The United States should produce those items which it has a comparative advantage over other nations.

Products which the U.S. has a comparative advantage over even Japan are numerous: aerospace, agriculture, some computers, chemicals, etc. Some workers are not blind to this truth and that is why in Detroit oceans of Houston Sunday papers sell out in hours.

However, there are those who are lazy, stupid, and generally selfish. These are the people who feel that they are entitled to a progressively higher paid lifetime job doing the same semi-skilled labor in their hometown. If this thinking were valid, 90% of this nation would still be handtooling horse harnesses and hammering out iron skillets in New England.

The problem in the auto industry is that since 1978 smaller cars are the trend and because of their size require less labor. Labor in the industry has become relatively so expensive compared to other industries that automation is cost effective in large chunks.

To insulate this country from these trends via import restrictions, even if "voluntary," will only delay the inevitable and make consumers pay for the resistance to change of management and labor. It is a tautology that when Big Labor and Big Business attempt a grand fandango with Big Government, the common man can expect to get stepped on.

Air Controllers

In yet another case of intellectual overreaction the strike by air traffic controllers has been made out to be a collective Joan-of-Arc burning at the stake. The conspiracy or unionbusting in the air argument simply melts away even under cursory examination.

Even my neighbor, a lawyer and subscriber to New Republic and Nation, cogitated a crystalline and correct conclusion. The union members took an oath upon hire not to strike as prescribed by law. The President took an oath upon assuming office to uphold all laws. Even peaceful disruption of a law, i.e. civil disobedience, requires the ministration of the required sanctions. Martin Luther King, Ghandi, and others practiced civil disobedience and accepted their fully expected punishment for it.

The lesson is that if one does not agree with a law you have two choices: a.) try to change it through legislative process or b.) violate the law in protest. The problem with the latter is that some punishment must follow. If laws have no sanctions attached to them then they and all others by comparison lose their full worth. The spectacle would then exist where each person would only obey those laws which he or she felt was right, and due to the heterogenous nature of American citizens, anarchy would exist.

Katharine Lee Bates understood this in ending the second verse of America The Beautiful with, "Confirm thy soul in self-control, thy liberty in law." The constitutionally designated legislative branch of government decides for all citizens which laws shall exist and be enforced.

Consequently the air traffic controllers in knowing that they were breaking the law by striking could expect nothing less than for the constitution and laws to be upheld and therefore to lose their jobs. For anything less to happen would render federal law meaningless.

Baseball

The national pasttime was recently weakened, and probably permanently so, by the players' strike. One element, which is pertinent to the management and labor struggle, was never mentioned. That key element is the purpose and objective of major league baseball.

Management should never so dominate its employees so as to debilitate them. Examples of this include mining and the stockyards at the turn of the century. However, labor should never so dominate an industry as to lead to its evisceration. The decline of the auto and steel industries is partly the manifestation of this domination.

More important though is the purpose and objective of major league baseball. If their purpose is to winnow down the competition to a half dozen or so most efficient teams, then the free market should reign. No restrictions should be placed on the players selling their services to the highest bidding team.

However, if the objective and purpose is to provide live baseball to twenty-six different markets, which seems to be true, then some restrictions are needed on the free market, which restrictions are needed on the free market mechanism to ensure that there are no failures. To label me a protectionist would be like ticking Senator Goldwater as pinkish. Yet, in the case of baseball, protectionism is called for.

Smaller cities such as St. Louis, Cincinnati and Baltimore cannot hope to compete with markets like New York and Los Angeles over the long run. The larger markets have superior resources because they contain more storm window endorsements for players, cable revenues, crenitious millionaires, and sellible ticket purchasers. These resources are used to attract good players. Thus, whereas Cleveland contains one or two $600,000 per year ballplayers and loses money, New York, Philadelphia, and Los Angeles can afford a raft of high priced talent.

Continued on page 7
A study from Wharton of the University of Pennsylvania indicates that this inequity might already exist because there is a very significant correlation between the size of the baseball market and the success of its teams.

Without compensation for losing good players because the market hasn’t the resources to support them, teams from the smaller markets will become perennial doormats and, eventually, fail.

Therefore, the poorer teams need some compensation, though not necessarily of equal value, to remain competitive and financially viable.

PUCO

The demagogues of Ohio will be lobbying boluses of flapdoodle down on the common citizen over the next few months. All of the heaving and groaning will concern this issue of whether the Public Utilities Commission of Ohio (PUCO) would be an elected, not an appointed body. When the names of Bonanno and Eckart are among those pushing to make the PUCO elected, the sharp smell of fraud becomes rife.

The case for electing PUCO members is extremely weak. The reasoning that the Kucinich fringe uses is that the commission would be more responsive to the consumers if elected. In fact, such thinking is devoid of examples and ignorant of reality.

It should first be noted that those states which have elected commissions have allowed higher utility increases over the past several years although the difference over appointed commissions is not statistically significant.

The reason, of course, is that elected commissioners are demagogues who being inherently stupid about all but rabble rousing are more easily bamboozled than those who are appointed. Qualified experts operating within a legislatively dispensed charter are superior. If the public is unhappy with the results, the elected official who appoints the commissioners can be dealt with early some November.

Are utility rates truly too high in Ohio? If they are, why was CEI’s investment rating recently downgraded? East Ohio Gas’s rates rank 21st in size compared to those rates for the 25 largest U.S. markets. The marginal price of energy is increasing in response to too much demand for the supply. Higher rates for utilities merely reflect this reality.

Currently the PUCO must serve the investors as well as the consumers. One can guarantee that the advent of an elected PUCO, with its members elected on the usual bread and circuses platform, will mean that every rate case will end up in the courts as being injurious to the investor and thus violative of the PUCO’s charter.

People such as Mr. Bonanno support the election of the PUCO because demagogues such as themselves are ideally suited for election. That a position on the PUCO pays double the salary of Mr. Bonanno’s current job and would generate a statewide forum for further electoral progress should not go unnoticed.

Elected officials at the state level are typified more by their family name or mountebankery than by their competence. The current scandal of $1.3 million missing state funds illustrates this fact.

The state auditor is not really an auditor, but a guy named Ferguson who was elected because old Joe Ferguson, his father, used to be the auditor. Gertrude Donahue, the current state treasurer, has demonstrated so little financial acumen that surely she cannot balance her own checkbook and thinks that a CPA is a Star Wars character. She was elected because her husband was lieutenant governor and her father-in-law a governor and senator.

At the federal level, a voter selects a congressman, two senators, and a ticket for president and vice president. If one is abhorred by the commissioners on the FCC, FAA, FDA, etc. or the Secretary of State, then one needs merely to not renew the tenure of the appointing officials.

The common voter has already demonstrated by his lack of discrimination that he is currently overwhelmed with offices and candidates. To add to the electoral confusion would open the way for incompetency of the worst kind.

The question to be voted on this November should be whether to appoint all state officials except a governor-lieutenant governor ticket. That someone of Mr. Bonanno’s ilk would urge an opposite philosophy on the state should demonstrate both the dangers and the incorrectness of electing PUCO commissioners.

As a law student, you get some respect. When people are told of your educational endeavor, they envision Paper Chase and immediately assume you are intelligent, ambitious and hard-working. While this may or may not be true, too many law students let this thinking go straight to their heads, increasing its size considerably. It is to your advantage to let people have this good opinion of you now because when you become a full-fledged attorney, this changes dramatically.

According to U.S. News & World Report, people no longer see you as an intelligent, people no longer see you as intelligent, ambitious and hard-working when you became an attorney. On the contrary, people envision you as dishonest, incompetent and greedy. If you had let your former law school days go to your head, you will become either frustrated in your attempt to change this bad reputation or try to live up to these dubious expectations.

Public opinion swiftly changed when you joined the ranks of lawyers because a few too many of your fellow attorneys defrauded clients, charged outrageous fees and made inexcusable mistakes such as failing to file suits before deadlines. There are numerous cases of attorney malpractice in every jurisdiction but the ABA is slow to discipline its own. When a state lawyer-discipline panel does impose a penalty, it is often only a slap on the wrist.

"I think the Mayor's program is going to work."
On Being on the Side of Angels

By John G. McCarthy

For a number of years now, I have vaguely known a young woman who works in a methadone clinic downtown. She seems like a pleasant person. I would like to think that she is well-adjusted in her work, and that she does it well. When I first met her, I was working as a management-level accountant for a large local hospital. I recall that, when I told her that I was going to go to law school, she said, “Oh good. Lawyers aren’t like accountants. Lawyers can concern themselves with something besides making money. Lawyers can help people.”

There were a number of people at the hospital who had her attitude toward accountants. They were all therapists of one kind or another. They perceived themselves as angels of mercy. We were the mercenaries. We had to grit our teeth and bear it when our, first, to order to complain about something trivial or imaginary that the accounting department had done to offend their sensitive, liberal feelings. We had to beg them, sometimes, to initiate the necessary documentation to bill a patient or an insurance company. Every two weeks, they fully expected to be paid.

I have learned to mistrust people who go into the human services professions — medicine, quasi-medicine, social work, education, and (sometimes) law. I know that many of them are fine people who go into their fields of work because they genuinely want to help people, understand what they are getting into, and understand themselves well enough to know that they are particularly suited to the kind of thing that they are going to be doing. I have no quarrel with these people. I respect them. I would like to think that my acquaintance at the methadone clinic is one of them. But I have learned over the years that many people who go into the human services professions are people who think of themselves as a better, more altruistic group of people than the average. They seek an opportunity to act out a role of superiority. And there are other things that they often want. Four, to be exact.

First, they want money. They want a secure, well-paying job. There are few Mother Theressas in this world. If people in the human services professions do not think that they are making enough money, they are always too self-sacrificing to seek other avenues of employment. Instead, they form unions, professional societies, or some other form of cartel or another, in order that they might be better paid. Teachers are the outstanding example. Ostensibly they go on strike in order to protect their students by attracting better people into the profession. Then they pass tenure laws to protect their own jobs and to keep other people from having the opportunity to enter the profession, regardless of whether or not they can do a better job, so it really isn’t impossible to doubt the teachers’ sincerity.

If there are not enough jobs around, altruistic professionals have a way of lobbying the government to provide them with jobs. Lawyers are the best example here. Ostensibly they lobby to create and maintain a “legal services corporation” in order to serve the poor. I think that they do it to serve themselves. If they really wanted to serve the poor, they would support the idea of a negative income tax, and allow the poor to decide for themselves what goods and services they wanted, instead of providing them with a limited range of goods and services defined by bureaucrats whose real purpose is not to help the poor, but to redistribute income within the middle class.

The second thing that people who go into the human service professions often want is a degree or a set of initials. This even motivates the non-altruists. Given the fact that we all only live once, this would seem to be a pretty stupid reason to select one’s life’s work. But I have heard plenty of young people say that they want to be able to look at themselves in the mirror and say “I am a lawyer,” or “I am an attorney,” or “I have a PhD in psychology.” They have no idea how ludicrous they are.

The third thing that often motivates people to go into the professions, especially the human services professions, is a desire to show off their knowledge. They want to be able to astonish their patients, their colleagues, their students, their clients, and anyone else who might be listening and caring by showing off how smart they are. They might fantasize about doing a real wing-ding job in a courtroom, for example.

The fourth thing that often motivates people who go into the human services professions is a desire for melodrama. They want their careers to be the sort of thing that banal, stupid television programs are made of.

Of course, as I said earlier, not all people who go into the human services professions are like this. And, if my acquaintance at the methadone clinic should happen by coincidence to read this, I hope that she will not take offense. I like to think that she is a sincere, well-meaning person, and that she simply doesn’t understand the role of prices, accountants, and business in the economy.

Money is more than a motivator. It is a signal. It tells the productive sector what to produce. The reason why it is possible to make money by manufacturing and selling cans of soup, bars of soap, and boxes of cereal is that these are the things that people really need. The real way to help people, about ninety-five percent of the time, is not by providing them with mundane and by providing them with the services of professional do-gooders, but by providing them with mundane and ordinary things. These are the things that the poor would opt for too, if given the choice.

Most people are basically healthy, and do not want or need the extensive services of a doctor. Most people are not being persecuted by some villainous prosecutor who looks and acts like Snidely Whiplash, and do not need the services of a public defender. And the last thing that most people want or need is the services of a psychologist. No, most people do not want the services of some condescending mudsling who looks like a swine in a pipe, and keeps African masks and children’s artwork up on the wall, and wears old blue jeans and spew all over the floor. Surprisingly enough, most people do not want or need to have someone tell them what is wrong with their personalities. What most people really want, need, and are grateful for, is to have someone do a competent job of fixing their transmission so that it won’t break down for another 25,000 miles.

It may just be because of consumer preferences that the human services professions have all become surfeited or have had to turn prospective entrants away, except perhaps for nursing, a truly noble field with a reputation for little ego-gratification and a kind of hard, sometimes filthy work not often favored by “altruists.” (There might be a couple of other analogous fields that I don’t know about.) It really is astonishing to see how people still flock into the human services professions in spite of the obvious signals of protest from an ungrateful world.

We all wear two hats in the economy. We are all producers, but we are all also consumers. This is the reason why life cannot be like Summerhill. If life could be like Summerhill, if we could all produce whatever we wanted, for whatever reasons of self-gratification that we chose, and the things that everybody wants to consume but which no one wants to produce could grow on trees.

The best way to help people is to provide them with these very things, and to listen to the signals in the economy, and to respond to them, instead of rebelling against them, or ridiculing them upon the basis of some sophomoric idea of economics. This might be a good thing to remember when only a fraction of the graduates of this school are finding employment that they consider satisfactory.
Summery
Adjustments

By M. Varga-Sinka

What a lovely summer has come and gone! Too brief in its aestival warmth and, with its passage, numerous events in the world transpired which did not receive the attentions which they deserved. The media, free of everything except the shackles of its own Liberal ideology, has a vested interest in burying important information that does not fit into its schemes of what we ought to believe and what we ought to act on as individuals and as a nation.

Earlier this year, the Soviet Union and Malta signed an agreement which poses a threat to NATO's southern flank. Malta authorized Soviet vessels—which often shadow allied naval forces and engage in surveillance activities—to refuse at Malta's ports. Malta's leftist Prime Minister, Dom Mintoff, has provided harbors and airfields which would be invaluable to the achievement of Soviet strategic goals in the Middle East and the Mediterranean.

Columbia severed diplomatic relations with Cuba when it discovered that the latter was using its relations to prepare guerrillas to fight against the government. More attention was paid by the objective media to the events in Malta and Columbia but also to other unique circumstances of noninterference in the affairs of other countries.

Such events are far more important in the long run than the ineffectual swaggering of that blustering blowhard from Beantown, Tip O'Neill. Nonentities like Alan Alda, M*A*S*H asterisk and radical effemist, or Phil Donahue, the pride of Notre Dame, receive more attention than is their due. We would have preferred more attention not only to the events in Malta and Columbia but also to other unique circumstances of varying importance.

A 23-year-old woman in Dawuan, West Java, was raped by a "fat monkey of...undetermined species." It seems the simian molester had snuck up on the woman, sleeping in a field, tore off her panties and your friendly local Darwinian can happily furnish remaining details. The woman's husband declined to press charges, noting accurately, "after all, it was only a monkey."

In Los Angeles, two defendants who froze human corpses (for future medical treatment) were ordered to pay $1,000,000 in damages to the plaintiffs whose claim was essentially that "their parents thawed."

In a recent essay entitled "The Mortal Danger," published in London (The Bodley Head), but not in the U.S., Alexander Solzhenitsyn criticizes Soviet Jewish dissidents:

"While these individuals were still in the U.S.S.R., they generally served the Communist cause in various institutes, or were actively employed for a number of years in the mendacious communist press, without ever voicing opposition. Then emigrated from the Soviet Union on Israeli visas, without actually going to Israel (the Israeli's term them 'dropouts'). Having reached their destinations in the West, they immediately proclaimed themselves experts on Russia, on her history and national spirit, and on the life of the Russian people today—something they could not so much as observe from their privileged positions in Moscow. The most energetic of these new informants do not even blame the Soviet system for the sixty million lives it destroyed, or reproach it for its militant atheism."

A happy note for Population Growth Freaks: the Chinese Communist Party, having knocked off 30-odd million of its fellow Chinenmen after its victory over fascist-imperialist-capitalist dogs in 1949, admitted this summer that they out-did their Russian counterparts during the ten year Great Leap Forward by adding another 100 million victims to their progressive graveyards. "Former" French Maoists Jacques and Claudie Brozelle published a book called Apocalypsis Mao which described how bullets were saved and productivity increased by taking a long steel rod heated until white hot, piercing a hole under the armpit and skewering 5 to 10 victims while muttering Maoist thought: "Be resolute. Fear no sacrifice and surmount every difficulty to win victory." Thus far, no brayings from the Liberal barnyard have been heard "deploring such actions" nor from the compassionate, humanitarian media which has always been mindful of "Chilean criminality," "the Shah's despotism," Somozas' "right-wing military dictatorship," and other mind-boggling atrocities. Perhaps these Chinese shishkabobs suits their taste.

Max the Seal of Lincoln Park, Chicago, died of a stomach full of coins.

Jean Harris, in a parting shot at her departed lover (Dr. Herman Tarnower), gained 15 pounds.

The Solidarity Committee to Defend the Rights of Escargot has crawled back into its collective shell since a man named "Muskat" Greene broke the world's record for eating escargots by devouring 350 of them in a second under 8 1/2 minutes. His predecessor set the 1979 world record by eating 144 escargots in 11 1/2 minutes and dying the next day.

Customs officials in Los Angeles arrested a Nigerian student when they noticed a slimy substance trailing from her coat. Upon inspection they found she had sewn a dozen Giant African Snails into her coat's lining. Some of them were a foot long; all of them were disgusting.

The Lord of the Flies, Gov. Jerry Brown, has found his Senate race on the endangered species list, much like the med fly which has been driven close to extinction by brutal, militant extremists senselessly slaughtering one of God's little creatures. Citizens of the Land of Fruits and Nuts now wonder who will lead them to their fruition.

Kennedy fans will be happy to hear that Chris Kennedy Lawford, Uncle Ted's 25-year-old nephew and son of Peter Lawford, professional clothes rack, pleaded innocent to a charge of heroin possession. He was released on his own recognizance, just as the Hero of Chappaquiddick. Meanwhile, the midnight swimmer's eldest, Edward, Jr., was arrested and charged with possession of marijuana. Naturally, there was no jail sentence, merely a non-reporting probation.

And in Keyport, New Jersey, a 39-year-old man was arrested for disorderly conduct but thwarted justice by using turkey skewers to commit suicide in his cell.

Eleven days after Justice Potter Stewart announced that he would vacate the Woman's Seat on the Supreme Court, a rabid skunk attacked a dog in Bloomington, Indiana.

Continued on page 11
It is Time to Abolish the Exclusionary Rule

By Steven R. Schlesinger

The exclusionary rule is the controversial regulation invented by the Supreme Court that renders inadmissible in a criminal proceeding evidence obtained illegally by law enforcement officials. The Attorney General's Task Force on Violent Crime has recommended that the rule be applied only in those cases in which a judge finds that a law officer acted in bad faith, and might otherwise convictable person, some of the Social Science community has recently concluded that it does not generally deter.

The rule also has many serious costs not otherwise evident. Ignorance may not be bliss, but it surely will have its uses in future search and seizure litigation if the task force recommendation becomes law.

As long as the exclusionary rule exists, even in modified form, it is unlikely that we will try the kinds of alternatives to the rule that I and others have proposed: police discipline imposed by an independent review board to which cases of official misconduct would be reported by victims, the general public or judges; and a greatly improved civil remedy for innocent victims of illegal searches and seizures.

Such a civil remedy is being considered by a number of members of the Senate Judiciary Committee. These alternatives would deter official misconduct more effectively than does the rule, would involve none of the costs and disadvantages of the rule discussed earlier and would belatedly bring some serious redress to innocent victims.

As long as the exclusionary rule exists, the rulings of judges in exclusion or suppression hearings may be improperly influenced in some cases by the conclusions reached by independent review boards as to the propriety of officers' actions, not to mention the improper influence on the judiciary which could be exerted by the findings of juries in relevant civil damage suits.

The rule also has many serious costs not related to deterrence:

- The rule leads to the release of many otherwise convictable person, some of whom are dangerous.
- It tends to diminish public respect for our system of criminal justice.
- It does not distinguish between more and less serious crimes; the same rule releases both the pickpocket and the murderer.
- It suppresses the most probative kinds of evidence.
- It encourages judges to condone dubious searches and seizures in order to admit evidence they are loath to exclude.

Moreover, the task force recommendation provides little or no deterrent for violations deemed by the courts to be in good faith; this fact could encourage a careless attitude toward detail on the part of law enforcement officials, and might encourage police to see what can be gotten away with before the courts draw the line on what is an intentional violation.

As long as this country, which has adopted a more extensive exclusion policy than that of any other nation, permits the rule to continue, it may well deserve the unhappy consequences of its failure to abolish the rule.

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Mr. Schlesinger, acting chairman and associate professor of the department of politics at Catholic University, is a consultant to the minority members of the Constitution subcommittee of the Senate Judiciary Committee.

Lakewood resident Lynn Hall has been named assistant dean for student affairs and administration for the Cleveland-Marshall College of Law of Cleveland State University. She received her law degree from the college in June and is awaiting the results of the July bar examination.

While in law school, Miss Hall was coordinator of the Women's Caucus and the Annual Women's Legal Rights Workshop, and senator of the Student Bar Association. She was a law clerk for the Cleveland chapter of the American Civil Liberties Union and the Cleveland City Prosecutor's Office.

Miss Hall's duties as assistant dean include recruiting new students, reviewing applications with an admissions committee and supervising admissions and counseling of transfer students. She is also a non-voting member of the academic standards committee and advisor for some student organizations, including the Student Bar Association.

Administrative duties include supervising office personnel involved with admissions and academic standards, and advising the law school registrar, placement officer and financial aid administrator.

Miss Hall is a member of the Women's Law Caucus, the American Trial Lawyers Association and the North American Indian Friendship Agency.

She received her bachelor's degree in history from the University of Western Ontario (Canada) in 1977.
SIX YEARS AGO: A doctrinal revision took place among visionary Liberals regarding the obsolence of elderly public servants and right to work laws. Seventy-seven-year-old, tub-thumping Supreme Court Justice William O. Douglas, who was partially paralyzed and confined to a wheel chair on December 31, 1974, snoozed through morning court sessions and conversed elliptically. Not even the ACLU dared question his usefulness. Apparent differences in the quality of his work had not been noted. Progressive Doctrine, which had been resoundingly trumpeted when ancient public officials like J. Edgar Hoover were up for renomination, was preemptively suspended when the public figure was merely paralyzed and conversed with the source of his judicial inspiration.

The Gavel, ever in search of truths, will cheerfully entertain any submitted tidbits of information. Sources for the above "hors d'oeuvres" can be provided upon request.

In 1977, Chief Justice Warren E. Burger proclaimed that half of all American trial laws weren't fit to appear in court. In one survey, judges said only four percent of the lawyers they observed were competent. Is this the fault of our legal education?

The next issue will be concerned with whether our education is providing us with the skills we need to practice. We will elucidate the skills we need to practice. We will include critiques of courses and professors at C-M, what our school provides in comparison with other schools, and what changes should be made.

What's your legal education worth to you? We'd like to hear your comments and ideas for changes. Tell us why you are satisfied or explain why you're not. We need to hear from you.

NO COMMENT

As compiled by John G. McCarthy
1. "Biologically man is a mutant of woman." — From the back cover of The First Sex by Elizabeth Gould Davis (Penguin Books, 1978)
2. "Astrological birth control involves another level of fertility awareness which might be added to the tools of natural family planning..." — Our Bodies, Ourselves (Simon and Schuster, 1976) p. 209.
4. "From prehistoric times to the present, I believe, rape has played a critical function. It is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear." — Susan Brownmiller, Against Our Will (Bantam Books, 1976) p. 5. *Emphasis not added.
5. "Don't go and try to fight it, Run away or try to hide it, We want your love and that's our plan Here come the lesbians"

Don't look in the closet
Who's creeping down the stairs
Who's slipping up behind you
Watch out better beware

Icy fingers feeling, stealing
Reaching out from floor to ceiling
You can't escape, you're in our hands
Here come the lesbians.

— From "Leaping Lesbians," a song from Lesbian Concentrate, A Lesbianthology (Olivia Records) While we wouldn't dream of commenting within the confines of a No Comment column, we will make a purely factual observation. These lyrics really do cause us to imagine the following exchange.

Little Orphan Annie: Leapin' Lesbians, Sandy! Sandy: Arf Arf!
6. "Anything you eat is okay... Relax. It's okay to binge. You've been repressed about food a lot, and you deserve as much as you want...eating...doesn't have to be 'rational.'...Food is a natural tranquilizer...Make sure you have a safe place to eat...Along might be best...Keep plenty of 'binge' foods around the house...If you feel panic, take some deep breaths and then eat more if you want to..."


7. "Recently I took a course with several women in advanced feminist theory. The course was called 'Re-defining Women.' Many of the women in the class knew each other. The majority were lesbians. We felt we were fully redefined, but took the course because it was something new, and because we thought it would be such a privilege to discuss theory on an advanced level with other lesbians. We would no longer have to work through 'the basics'... After we were several weeks into the semester, we decided to have a class potluck. During the potluck, we realized that every lesbian from the class was present. But none of the five non-lesbian women appeared for the potluck. In our own inimitable style, the lesbian women began discussing and laughing about how fearful we, as lesbians, must have been to the non-lesbian women. Was it our fault? We were not allowed to express ourselves. Was this not an advanced class?..." - *Womanspirit,* Spring Equinox 1981, p. 58.

8. The following excerpt comes from a discussion of the post-partum period. "Housework should be kept to an absolute minimum during this time. It should be shared by all family members, but if you have no help during your first week at home, plan on carry-outs, frozen dinners, paper plates and every possible shortcut. (Do not feel guilty about the legitimate use of paper products. This is the industry's way of shifting the blame for pollution onto the consumer.)" — *Our Bodies, Ourselves.* p. 299.

9. "I have a vision of anthropologists in 2500 A.D. studying our culture and its strange ritual involving men cutting off women's breasts for a large fee." — From a letter to the editor, *Ms.* May 1979, p. 8.

10. "Why are hurricanes named after women? Stormy, unpredictable and destructive, they do, indeed, resemble an image of women shared and projected by meteorologists and the media. Take, as an example, drug journal ads. Man and woman lie lovingly entwined. Canopnying their bed is this caption: 'Can angina come between them tonight?" — Ellen Frankfort, *Vaginal Politics* (Bantam Books, 1973) p. 93.

Richard Kleindienst was suspended briefly from his law practice for testifying falsely at his Senate confirmation hearings for Attorney General in 1972. He was recently found innocent of an indictment charging he gave false testimony to a lawyer discipline board. San Francisco's former Mayor Joseph Alioto represented a group of ranchers in an antitrust suit, but omitted one of the ranchers from a multimillion-dollar settlement. The rancher sued, winning a $3.4 million damage award against Alioto, which was later reduced to $880,000. Former ABA president, John D. Randall, was disbarred for naming himself the beneficiary of a client's two million dollar estate. He is appealing a finding that he violated conflict of interest rules.

Certainly reforms are in the works within the bar for changes in legal ethics and responsibilities, legal training, requirements for competence to specialize, and stricter disciplinary measures. Outside of the bar, there is a citizens group pushing for reform also. HALT (Help Abolish Legal Tyranny) is An Organization of Americans for Legal Reform. This non-profit group with over 30,000 members is dedicated to reducing the cost and improving the quality of legal services in America. Their three aims are education, reform, and referral.

They publish Citizens Legal Manuals to educate the public to the opportunities for self-help and to further the public's understanding of the law. Some of the manuals they have published so far are on Shopping for a Lawyer, Real Estate, Probate, Using a Law Library, Wills, Divorce, and Attorney Grievance Procedures.

HALT actively supports reforms in probate and plain language bills. Members of HALT receive an "Action Alert" when there is important state or national reform legislation that deserves support.

This organization has a legal assistance network for members who need a referral to find legal help. HALT investigates some malpractice claims or gives the names of attorneys who are willing to get involved. For $15, you can become a member of this organization and receive five Citizens Legal Manuals and a quarterly newsletter. HALT is located at 201 Massachusetts Ave., N.E., Suite 319, Washington, D.C. 20002.

The ABA's proposed Model Rules of Professional Conduct will (hopefully) change things. But the controversy surrounding these ethical standards has caused a final vote to be delayed.

Both HALT and the ABA are working for legal reform. Citizens who are better informed about the law demand quality legal services. By working with organizations such as this, we can ensure that the good reputation we gain in law school follows us throughout our career.