SUMMER AT C-M:
PUTTING YOUR BEST FOOT FORWARD
Street Law Needs You

Second and third year law students are urged to sign up for Street Law (LB03, Section 11, Call No. 1342) this year. Program director, adjunct associate professor, Elisabeth Dreyfuss, says, "We'll do anything to make Street Law flexible enough so that law students can put in three teaching hours a week. Seminar times will be arranged to meet students' schedules and we're looking for money to reimburse the student for the transportation costs of getting to and from the high school classroom." It's having law students in the classroom teaching this practical course in law that has made the course so popular in Cleveland, discussed within this humble journal or perhaps bring the students' attention toward issues which you feel merit consideration but which we, in our pursuit of universality, have ignored. Please type your letters or essays: maximum: three double-spaced, typewritten pages.

The offices of THE GAVEL are found in Rooms 23 and 24. Therein, the Editors will gladly answer any questions you may have as well as dispense relevant information on the school and the attributes of working on THE GAVEL. We wish everyone a pleasant, enjoyable and fulfilling year.

Ohio Youth Commission Hires Street Law

Henry DeBaggis, third year student, is working with Street Law Program director Elisabeth Dreyfuss to develop a course in practical law for students in the Ohio Youth Commission's institutional high school in Warrensville Township. The students are youngsters who have been committed to the custody of the State of Ohio following an adjudication of delinquency in juvenile court. Mr. DeBaggis, who taught Street Law last year at Cleveland Heights High School, will team teach the course with Ms. Dreyfuss.

"We hope to create a sixteen week course responsive to the educational needs of incarcerated youngsters," reports program director Dreyfuss. "The U.S. Department of Education and the Department of Justice have funded studies which suggest that law-related education programs can be effective in preventing delinquency and, in this case, the Street Law Program is interested in seeing if it has any effect on recidivism." Ms. Dreyfuss stated, "I am surprised to hear these youngsters talk about Mansfield and Lebanon in the same way other youngsters talk about going to college. We're interested in breaking their cycle of involvement with the law and incarceration."

The Street Law Program will work with the Ohio Youth Commission to make the course available to the Commission's eleven institutional schools in Ohio after the pilot phase here in Cuyahoga County. The project includes providing instruction to the social service and educational staff members of these schools concerning rational objectives, methods and methods of the course. A more immediate goal is to produce an instructional workbook for the youngsters. The project will be directed by Mr. DeBaggis.

Street Law is not a newcomer to instruction within the corrections system. Since 1978, the program has been funded by the Cleveland Foundation to create courses in law and to provide instruction to train new corrections personnel at the Cuyahoga County Corrections Center. Cleveland Foundation funds also support a 10 week Street Law course for the corrections staff in which course credit is earned through Cleveland State University's Division of Continuing Education. The program recently received an additional $13,500 to fund these programs through October of 1981.

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On Answering C-M's Critics: Head 'em off at the Past!

By Steven S. Smith

One might with ease, were it one's want, acquire the impression that the student at Cleveland-Marshall is disdainful of or even deliberate 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 future 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 issues forth when in dark moments, that student 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 establishments.)

To assuage 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 1968, and has been lurking in the corridors and saloons of Cleveland State ever since, and preferred at that time to attend an educational establishment which, unlike most universities in those wild days, was not an armed camp ruled over by radicals, pro-North Viet-Nam types and other "hannies" of the Woodstock Generation. (Even CSU rock-throwing had its period of chaos and destruction in the wake of May 4, 1970, however.)

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.

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 since that time. 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: fire places; 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. The winter also swept peaceful hours over books in old Mather Mansion, one of the last of the great houses remaining from the days when Euclid Avenue bore the appellation Millionaire's Row. This, together with 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 as it existed from the 1880's until after the first World War. This house has lately been for sale, and a philanthropic individual or organization could aid in the retention of a bit of Cleveland's last grandeur by rescuing the old mansion from the wrecker's ball and the steam rollers of "progress."

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 Fortyenth 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 parisher 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).

Passers-by may have noticed the Hotel Stockbridge further down Euclid from the old Rockefeller homesite. The Stockbridge, once the swankest hotel and restaurant in the city, was built by Judge Rufus Ranney, of the Ohio Supreme Court. Old Judge Ranney, in the twilight of his career was a prominent attorney and once represented a party in a case before Judge Tilden. Judge Ranney, in his address to the jury, quoted a certain decision of the Ohio Supreme Court. When the time for Judge Tilden to charge the jury arrived, he admonished them. "The decision of the Supreme Court which has been quoted to you was decided by Judge Ranney himself, and I think was erroneous, as does the learned judge himself, as he has often told me; you will give it such weight as you think it deserves."

Another noted jurist of Cleveland's earlier days, Federal Judge Hiram V. Wilson, resided at Euclid Avenue at 55th Street, (then Wilson Road). As hard to conceive as it may be, Judge Wilson's property threat was a farm, replete with orchards and pasture land. Wilson rose to high eminence in the eastern boundary of the city limits of Cleveland. In 1875 Judge Wilson raised a block-long brick building on the south side of the street and thereby commenced the development of the east end. That structure yet stands, albeit in a far less grand fashion. To the east of Wilson Road, Euclid Avenue was nothing more than a dirt road which, following a heavy rain was impassible. At what is now 71st and Euclid stood the farmhouse of the Bolton Family, built in 1874 by Judge Thomas Bolton. In the face of expanding development, the Bolton family reassured the entire house to its present 60 acre site at Rt. 84 and Center Street in Mentor, whereat the Bolton's yet reside. East of the Bolton farm on Euclid Avenue in that day, the road sank to the level of a dirt trail roofed by dense trees until it emerged into civilization, some three miles further eastward at Doan's Corners, (presently Mayfield at Euclid, University Circle).

The writer's intention in delving into a bit of the past history of the city is not purely antiquarian. It is hoped that even a rudely traced outline of the history of the vicinage of Cleveland-Marshall such as that found above will make the student aware that this educational establishment stands in an area rich in traditions both legal and cultural and that accordingly, attendance at Cleveland-Marshall is not a circumstance to be mentioned with shame in a low whisper while one is bowing and scraping in the presence of Harvard Law graduates. Both Fenn College and the Cleveland-Marshall College of Law have histories of achievement as private schools long antedating their establishment by the Governor as colleges within the Cleveland State University. Humble apologies need be given no one. When the student mentions in passing his attendance at Cleveland-Marshall Law School. On the other hand, a false air of superiority, the most certain marks of the parvenue, has no place either.
Bella Was Building Bridges for Teddy

By Michael Varga-Sinka

One way to judge a person's character is by the company they keep. Among Bella Abzug's Communist affiliations during her career, note the following: National Lawyers Guild—in 1948 she was its official representative in Prague at the Third Congress of the Int'l. Assoc. of Democratic Lawyers which was also a communist front; the Citizens Committee of the Upper West Side—an organization in NYC which is among the affiliates and the committees of the CPUSA; the National Council of the Arts, Sciences and Professions—a front used to appeal to special occupational groups; and (among others not listed here) the Civil Rights Congress which was created and established by the CP to raise and maintain mass defense and bail funds for Party use. Long before Raymond McCarthy's commentaries testifying before Sen. Joseph McCarthy's committee, the New York Post on March 18, 1941 stated that she had "generally followed the Communist Party line."

Her only reference to the late Senator from Wisconsin was: "(the) McCarthy era . . . (when) the framework of the Constitution had been attacked." I think Sen. McCarthy, who was a godfather to one of Bobby Kennedy's kids, understated the problem. Eighteen months after his "trumped-up" censure hearings—the word was never used in the final resolution—on June 27, 1956, the State Department's own security chief Scott McLeod drew up a list of 847 security risks within the department. "Witches" like Remington, Fuchs, Gold, the Rosenbergs and many others prompted the FBI to investigate security risks long before McCarthy ever became Senator. Abzug, on the other hand, signed a statement in 1966 which appeared in the Daily Worker and New York's largest ethnic newspaper which denied that Congressional committees had any right to investigate subversive activities.

She supported leftists in the Sixties who returned the favor when she campaigned for her Congressional seat. One major leftist organization did not support her. New York's Socialist Party, because she had shown "a general unwillingness to be outspokenly critical of Communist actions threatening peace and freedom in the world." They charged that during a convention of the ultra-leftist New Democratic Coalition, she opposed offering U.S. sanctuary to anti-communists if the Viet to anti-communists if the Viet Cong achieved victory. According to Abzug, the Vietnamese anti-Communists deserved the "punishment that awaits them." During her disorganized half-hour speech here on May 19 of this year, she said she "kinda likes compassion." Like most staunch Liberals, she discriminates as to the recipient. She came to speak on behalf of Sen. Edward Moore Kennedy with whom, we may assume, she keeps company. I make no implication of "guilt by association." Individuals are responsible for their actions, for the choices they make. Her rhetoric, like her associations reflects her unwavering political irresponsibility.

She pushed Kennedy's line about wage and price controls which have never worked not for Hammurabi, not for Nixon, not for nobody. She said that a balanced budget solves nothing. She didn't have enough time to illuminate us on how deficit spending has solved so many problems in the past ten years. A balanced budget, for one thing, does not increase the national debt. Even sinpering George (McGovern) when asked at Yale what he would do if he were President, required no military expenditures replied that he would "pay off the national debt." Irrationally, as is her custom, she prefers the rationing of oil because "there's not enough money to develop resources." The implication is that it is up to the government to finance and develop resources of energy. The United States went from wood to coal to oil and all the related technologies without a Department of Energy. The nation could realize its potential again if the federal government would remove its omnipresent thumbs and "expertise" from the productive, private sector. Her sense of economics, like her speech, left much to be desired.

The severing of Medicaid funds for abortions was a "Constitutional denial of the rights of the poor." One fetching young brUNETte asked another intelligent individual: "If I have a Constitutional right to interstate travel, does that mean you buy me a car?" Without a government directive, some local abortion clinics have announced price cuts for the poor. Even organized crime can respond to market demands.

There were some strained hyperboles about a nuclear confrontation created by reckless, irresponsible and unenlightened leadership. Her reference was to Carter, a Liberal, who "caved in to the venal interests of industry." She may have a point there: Wilson, FDR, Truman and JKF (each a liberal and each a Democrat) have helped put our nation into war. In the same breath, she mentioned that George Kennan, who long ago developed the policy of containment; criticized Carter for "over-reacting to Afghanistan." She should have enough time to tell us that during the same testimony, Kennan said the U.S. should have declared war on Iran on Day-1. You figure it out.

There were some lucid moments in the speech such as her declaration that your sovereign rights and mine "have been taken over by the press." Spiro Agnew said the same thing more than a decade ago . . . but with more style and documentation. It was around this point in her speech that she mercifully and compassionately stepped back from the microphone and started to yell. She yelled that "equality of sacrifice must be rejected in the primaries." That Carter "helped to create this crisis" another transient and lucid juncture. That Carter's policies have done nothing to help "welfareites"—what have "welfareites" done to help themselves? That he's cut training programs, CETA jobs and other essentials which help feed a starving bureaucracy. (Even born-again incompetents have some virtue . . . but never enough to merit another term.) And if all of that were not enough, "Carter has not used the powers of his office to help revitalize the ERA." Abzug wants to see this fascist amendment ratified.

The feminists involved in ERA leave out information which only the diligent will find after sifting through the palatable superficialities with which most people are familiar. Consider the following:

"We must destroy love . . . Love promotes vulnerability, dependence, possessiveness, susceptibility to pain, and prevents the full development of woman's human potential by directing all her energies outward in the interest of others." (Women's Liberation, Notes from the Second Year)

". . . for the sake of those who wish to live in equal partnership, we have to abolish and reform the institution of legal marriage." (Gloria Steinem, speech in Houston)

"We really don't know how to raise children . . . the fact that children are raised in families means there's no equality . . . in order to raise children with equality, we must take them away from their families and raise them . . ." (Dr. Mary Jo Bane, Assoc. Dir. of Wellesley College's Center for Research on Women)

It seems that Carter has also refrained from developing federally funded child care centers. Naturally, the Senator from Taxachusetts would correct this oversight . . . at the expense of one and all. "Carter had no record like Kennedy's." I disagree. Prior to his presidency, Carter was a crippler who accomplished nothing. Thus far Kennedy is a name which has yet to be placed next to a name of legislation. As for Chappaquiddick and his extra-marital sex life, she says they have nothing to do with the issues. It does have
something to do with a man’s character. Strength of character, however, has never been the rallying point for either politicians or academics. Her response, during the question-answer period, to an inquiry about Kennedy’s sponsorship of the Criminal Code Reform Bill (S. 1722) was mildly amusing: she hemmed, she hawed and when she finally came up with an excuse, it didn’t wash: she had expressed her disagreement with it to him (urging him to change it) because it was “inconsistent with Kennedy’s splendid record.” Quite inconsistent: portions of the Bill actually make sense. It re-enacts the 1917 Espionage Act and the Subversive Activities Control Act of 1950. It may even institute an “Official Secrets Act” which would be a prohibition on the release of “information which the public needs to make informed judgements about foreign policy” (as described in a leftist publication). Sentences and fines: up to 10 years and $10,000 for releasing CLASSIFIED information — is there no end to such repression? And all the time I bet you thought you were living in a republic wherein elected representatives make foreign policy decisions upon our behalf.

Abzug hoped that the Democratic convention this summer will be “opened up” (i.e., bartered) as it was in 1972. Unfortunately, her dream did not materialize. It would have set the stage for another defeat of the fascist left; another vindication of America’s intelligence. There is nothing wrong with a nation or a political system which sees the fantasies of a George McGovern, John Anderson or Edward Moore Kennedy and rejects them.

Prof. Babbit Departs to Return Every so Often

By Steve Carr

One of the very finest of our law school professors, Harold Babbit, is leaving Cleveland-Marshall on July 1, 1980. During his five years as a teacher, the professor has enjoyed a reputation in the classroom as a quick-witted intellectual instructor who mixes scholarly discipline with his extensive practical experience (8 years with Squire, Sanders, and Dempsey). He is an extremely accessible and likeable professor who strives for fairness and equality in evaluating each student in his class. As an example, he is one of the few professors at Marshall who provides an analytical key to test evaluation. After each exam, students are given a key to the test which contains a point breakdown for all of the possible issues involved. He attempts to be as objective as possible.

There have been several rumors circulating among students which state that Professor Babbit’s departure is due to a rejection of his application for tenure as a result of his failure to publish. Those rumors are far from the truth. In actuality his decision to leave has nothing to do with his failure to publish or a rejection of tenure. That decision is based on a re­evaluation of his professional ambitions. For several years now, the professor has had a yearning to return to the practice of law. The desire to practice prompted the professor to withdraw his application for tenure in the Fall of 1979. In 1979 he failed to reapply for tenure which effectively terminates his contract at the end of this quarter. If the professor had decided to remain a professor, he would definitely have published by the end of this year. As early as the Fall of 1978, the professor was working on a law review article which had been conditionally accepted by the Ohio State Law Journal. Publishing was simply not an issue.

His return to practice centers around a lucrative offer from Carell, Halter and Griswold, a medium-sized law firm in downtown Cleveland. The firm offered the professor a chance to initiate and develop a municipal finance practice. With the problems of inflation and three young children approaching college age, the offer to manage a private practice in his area of specialty was simply too good to turn down. Once acclimated to the new practice, he intends to return to Cleveland-Marshall as an adjunct professor. He will probably teach Local Government Law in a small section or an institute.

The professor’s memories of the law school are very positive. He has experienced rewarding personal relationships with the faculty, students and the two Deans he has served under. He has particularly enjoyed the small classroom experience, which he feels is more conducive to learning. He will sorely miss his teaching. We will certainly miss his professional enthusiasm for the classroom.

How To Take A Law Exam

By Earl M. Curry

Caveat and Introduction

Do not think for a moment that I claim to be able to tell you how to write a good examination. Your success will depend primarily on the brains God gave you and Kent State or CSU, etc. didn’t manage to ruin, and on the care with which you have read the cases and thought about the problems during the course, particularly the latter. Very often, particularly after an examination, some student asks me to tell him how to write a better one. I always say I can’t; in the very few instances where I have tried, I never feel I have done any good. The things that her follow are merely suggestions as to mechanical, and perhaps even trivial, points which might help your paper get a better reception. Incidentally, I am speaking only for myself; I do not represent that any of my colleagues share any of these ideas.

Preparation

First and foremost complete class preparation is essential, and at least for the first year, case briefing is just as essential. By this I do not mean the so-called “book bried” but honest-to-goodness briefs of the case which if properly done will achieve two goals:

1. In the classroom an aid to recall and recount the case if called upon and to permit you to follow class discussion if not.
I cannot stress enough the importance of daily preparation. A couple of years ago a student of mine complained to me for calling on him several days in succession when he had answered unprepared. He accused me of trying to coerce him into using a different study technique than that which he chose to use. His technique, he told me, was to read the cases after class, not before, and that way he had the benefit, he claimed, of the class discussion and of my comments. I pointed out to him that, in addition to being a parasite on his fellow classmates, in failing to carry out his share of the class discussion, he also ran a very grave risk of mistaking a superficial understanding during the class hour for true comprehension of the material covered. He insisted that this was not the case and that he was sure his method would work. Unfortunately, for him, it did not work and he ended up with the lowest score in the class on the final. Let us hope that this sad tale of woe does not repeat itself.

2. Well prepared briefs are a good study aid in preparing for the exam. They save time in that you don’t, or shouldn’t have to re-read the cases, but can extract the major points of substantive law from your brief. Your briefs along with the outline you have made from your class notes, hornbooks, cited cases, etc. should form the heart of your study materials in your final preparation for the exam.

Mental Sin
Don’t repeat the question: I know it; I made it up. If you do, it just wastes your time and mine, and takes five points off your grade.

Think Before You Write
Spent from one-third to one-half of the time you have allotted to answering a question in reading the question until you have the facts and issues well in mind, not just skimming marginal notes as to which facts raise issues and which help resolve the issues, or do this in outline fashion on the back of the blue book cover or on scrap paper. Decide the outcome before you begin to write. Then write with the knowledge that in a specific number of minutes you must stop. This should help to prevent redundancy and force you into a logical and concise style. You must of course budget your time on each question. If all the questions are of equal weight you should allot initially an equal time for a particular question then you can use it on one you feel you need a little additional time on. But if each question should be allotted 60 minutes and you spend 90 minutes on the first one you are not going to be able to recoup the time lost on later questions. All too often the difference in at least a letter grade (and sometimes more) is the fact that someone blew a question because he ran out of time.

Orderly Presentation Of Your Answer
It is very important that you present your answer in an orderly manner that will facilitate the reader’s following your logical progression. In all likelihood each question will raise several issues. One very good method of being sure you discuss all issues and then you present them in an orderly fashion is to answer the question in the order it is presented. Go through the question sentence by sentence, line by line, or even clause by clause—word by word if necessary, and discuss each issue that is raised in the order it is raised. By doing this you accomplish two important tasks: (1) this more or less insures against your failing to discuss an issue due to oversight, and (2) you have organized the question—all of which facilitates following its logical progression.

Remember that the whole examination process is in fact an exercise in communications and whatever you can do to aid the communicative process cannot help but be of benefit to you.

Answer The Question
One of the defects of the so-called essay type question is the tendency it has to produce stalling (otherwise known as B.S.). When a paper begins “some courts would answer it one way and some the other” I know I am going to get a poor paper. Obviously, any question on a law examination will involve debatable points, but I like the one that makes up its mind and states a decision. Put this at the beginning or the end; perhaps the end is better, as you are less likely to do what often happens: i.e., start by saying that the plaintiff wins and end the question by saying, “Therefore I decide for the defendant.” I do not mean that I wish brief or arbitrary answers but simply that I want you sooner or later to make up your mind.

Remember that the professor has no idea of what you do or do not know. The examination answer is the only tool you have to enlighten him in the subject so use it wisely. Remember the basics and be sure to present them before handling any appropriate sophisticated areas. This does not mean, however, that you must define in a rote fashion each and every term you use. It is also best to give the reader the benefit of your thinking process, leading him down the path of your analysis, as for example:

a. The fact that A occurred presents an issue of B and C; the question hinges on the applicability of a specific principle or principles;

b. The relevant principle, analyzed in the light of the operative facts stated in the question leads to a specific conclusion—to wit—

Generalized essays, without focus or analysis, or what we refer to as the “shotgun” approach are generally poor in quality and are graded accordingly.

Don’t Fight The Questions
Don’t doubt the facts as given or odd facts not given. Virtually every relevant (i.e. issue raising or resolving) fact should be found in your answer. However, it is not adequate to merely summarize the operative facts at the beginning of your answer. Such a summation is a waste of time. You must relate the facts to the issues and their resolutions. Merely summarization is a waste of time as it does not disclose the importance of any given fact and merely tells the professor what he already knows. This is time you cannot afford to waste. Use the facts where and when they illustrate the basis for an issue or answer as well as to show why a given authority, apparently on point or is not conclusive of the issue. In other words, use facts wisely. Don’t assume them. Only assume that all necessary facts are in the problem (unless the instructions indicate a contrary approach). If you assume facts you will either create non-existent issues or eliminate actual issues, either can be disastrous for you.

Where the question involves either a clear split in the authorities as to the law or where a vital question of fact is left unanswered, your job is to answer on each alternative, e.g., if the question says: “After delivering the lumber, S drove on three miles to see his sister before returning home. During the trip he

negligently…” it may be important whether he was going towards his sister’s or returning therefrom. If so, state the result on each alternative.

One further source you might look to is: Kenyon: Introduction to Law Study and Law Examinations in a Nutshell. Good luck and if you have further questions, please don’t hesitate to ask.

C-M Students Run For It
C-M was well represented by several students and faculty in the 3rd Revo-Cleveland Marathon and 10,000 Meter Run held on Sunday, May 18.

Randi Hoffman was the top finisher from C-M in the Marathon with a time of 3 hrs., 42 min. Also completing the grueling 26.2 mile course were Jim Deese, Jeff Hazlett, and Jon Marks.

Joe Kampman compiled the best time of the C-M participants in the 10,000 meters. Kampman covered the course in 36 min. and 21 seconds. The following C-M students and faculty also competed in the 10,000 meters: Dean Bogomolny, Mark Collins, Karen Davey, Jim Dugan, Al Fisher, Lenny Gluck, Sue Gregral, Prof. Landsman, Scott Lee, Dean Lifer, Dennis Polk, Sarah Reddy, Dick Schaffer, Prof. Toran, and Judy Zimmer.

On Friday, May 23 the Ohio State Bar Association Appre­ci­ation Run a 10,000 meter run in conjunction with its 100th Anniversary celebration. Joe Kampman again had the best effort among the C-M participants, finishing 6th out of 130 runners. Other runners from C-M were Jim Dugan, Dick Elmers, Al Fisher, Lenny Gluck, Scott Morganstau, Dennis Polk, Ed Rybka, and Prof. Walker.
Romance

(In manus D.D.M. cuius sacies, comae, praecordia mensque a Deo osculata sunt.)

By Michael Varga-Sinka

Our nation suffers from too little capitalism and too little romance. The effects of the former are predictably manifest; the latter, like so many other brilliantly human and Medieval ideals — allegiance, authority, bravery, chivalry, discipline and honour — has been swept away in a maelstrom of relativism, positivism and secularism. Relativism: shifting normlessness. Positivism: truth verifiable only in terms of positive science. Secularism: life can be understood without regard to God. These are some of the measuring rods of intellectual cowardice used by those who think of the Medieval Ages as a time of theocratic reaction.

The characteristic medieval political ideas were constitutionalism, based on the relation of a high church to the contractual basis of political authority, based on the Biblical idea of covenant, the mutual individual worth of human beings entitled to reciprocal rather than unilateral treatment; the individual limitations of the secular powers by the authority of the Church; and representation of the Church; and representative assemblies for the granting of money to the crown, a practice made necessary by the fusion of the two powers; armed strength and wealth. The state had a strictly limited sphere and was not itself the source of order. (Rom. 13: 1-6). Drafting youth for non-military services to the state (Jerry Brown and other left-wing 'flakes have expressed such a fascistic notion a number of times) and taxing more than 10 percent were cited as evil. (I Sam. 8). Other evils: state control of religion (II Chron. 26); expropriation of property (I Kings 21); and not least, the debasing of coinage (Isa. 1: 22).

Liberty and Christian affirmation have gone consistently together. Personal freedom and limited government are products of the Western religious vision and its characteristic view of man, society and state.

Romance scarcely existed before the Christian Era in world literature. Medieval romance has been replaced with Modern futility. Medieval exemplars, romantic to the core, have been displaced with feckless common denominators. Anti-romantic rot is killing the educational system. The imagination in childhood is thoroughly neglected, seared in the adolescence and interred in the adulthood. Children, under the bureau of 'sex education' are advised to formulate a 'purely personal standard of sexual behaviour.' Nothing must be allowed to deflect him or her from the overriding purpose of self-discovery, self-assertion and self-gratification. Nothing: neither math nor English nor reading. (For those of you who missed out on all this, your friendly local college of Arts and Sciences and Assertiveness Training have remedial courses for everybody with an appropriate faculty at your service.)

Narcissism is chic; pregnancy passe; porn, a thriving consolation; drugs, violence and sex: flights from the ensuing spiritual isolation. Neither shrink nor bureau of 'sex education' can solve such a problem though both have, in their own unique capacities, helped to create it.

The human condition is necessarily tragic. Where the rationalist temperament to mould society steps in, there the by-products of intellectual cowardice will perform stunts the natural growth and erode the dignity of man. Human love cannot remain detached or indifferent where the being itself demands commitment, integrity and completion. Human love like human dignity is not an abstraction. By relegating it to the level of a 'positive reinforce' one neglects the substantial claims of the human imagination. It is the imagination which confers our identity upon us. At the point where the moral imagination is anesthetized, God is erased leaving an Orwellian Animal Farm to be constructed with a B.F. Skinner or Jim Jones in a supervisory capacity.

Not a trial nor love's completion can blossom where Liberalism (or any reactionary ideology) shifts the focus of attention from the other to the self, where desire is the end in itself, gender is neutered and genitalia reign supreme. Completion requires the knowledge of an ultimate order which by its nature is transcendent, not immanent, and which is most fully apprehended in the act of human love.

Within the reality of human love, which is not a law unto itself, is the re-creation of God's being and His will. A woman loving echoes that being while a man desiring is that will's parallel. Such love cannot be faked by the accumulation of children or by constant unsatisfied desires. It is a love which demands a completion beyond the self: the woman is no longer female, she is feminine, a theater of human desire, not the object; the man, masculine, is the creator of love's autonomy, not the violator. Thus we are structured in heart, flesh and soul that to seek an 'equality' outside the realm of economic parity or economic opportunity (both are already law) becomes of itself an obscenity. One does not appreciate the opposite sex by trying to become more like it. The proper course is to be equal in the capacity of our nature — the image and likeness of God, as some may recall — and, in so doing, give completion to the other.

According to the doctrines of Christianity, human love is an ideal, unattainable in its perfection which can be gained only by trying to approximate it in our daily lives. Robert Frost put it simply: 'I like all this uncertainty, all this not knowing. That's the daily problem: how much am I a member; how much am I an individual; how comfortable am I in my own self. I like it, with tension of approximation and aspiration that human sexuality is given its essence and romance its significance.

The outer objective world is a world of law and reason which will answer to law and reason in the mind of man. Man's mind can draw out of reality its latent meanings only while it reverences reality; while it makes a harmony out of thoughts and things. Only the reverence for the timeless old can keep the heart of man firm and pure. 'Social norms,' 'group adjustments' and 'judicial fiat' invade the province of man's private struggle to make oneself the center of the universe, skimping with the need for love and honor, for others. Relative customs and pseudo-intellectual fashions of the hour (often government funded) deny the sexuality and sanctity of man.

A romantic cannot uphold the random choices, legislative vagaries or the fanatical compulsions that have become the status quo and disfigure the surface of society. For romance lives among the substance and not the shadow. Without it, life and its creations are reduced to the level of a political handshake.

...NEVER EXISTED!
Constitutional Chewing Gum

By Steven S. Smith

Over the course of the past fifty years or so, since the time of the Great Coolidge, the United States has fallen upon hard times. Mr. Coolidge once expressed the noble sentiment that no president should rise before noon, to be thereby prevented from wreaking at least a half-day's mischief upon the Republic. It is a sad commentary on the times, indeed, that such wise nostrums have been seldom heard in the nation's capital city since Silent Cals' ghost staggered skyward.

To the contrary, in the half century since Americanos kept cool with Coolidge, the executive branch of the National Government has been headed up by a succession of would-be Caesars, each seeking to out-do the other in confecting programs, promises, commissions and other circus events with which to bedazzle the beknighted citizenry, whilst the contents of their respective wallets are extracted, to pay for the various handouts, grants and programs that buy the votes of the People with the People's own money.

Meanwhile, over at the national judiciary, the Highest Court of the land and the federal courts in general have come to be pervaded by a sort of carnival atmosphere in which geeks and fat-women disport with contortionists of every ideological fashion. The antics of the Chief Magistrate of the Feudal District Court sitting at Cleveland are but one current manifestation of the effect produced by inhalation of the vapors of ideology. Mighty decrees issue forth from the Federal Justice o' the Peace and at his command a vast fleet of motor-buses thunders forth laden with tiny scholars to be whisked from one end of his far-flung domain to the other.

This August tribune makes and unmakes officers, creates lucrative posts for imported "experts," and draws anew the district boundaries, all the while uttering veiled threats of a court-imposed tax upon the citizenry. Who dares say feudal tenure has vanished! This Great Prince may soon lay taxes, issue commands, and vest chosen families with fiefs.

Back in the capital city, the Supreme Court by its decision in the Bakke case has put wary citizens on notice that the Fourteenth Amendment mandates that all persons are entitled to equal protection of all the laws, sometimes, and sometimes not, depending upon the Court's interpretation of what the Constitution means this morning. For a half-century now, Supreme Court decisions bear the same relation to true constitutional law that voodoo has to brain surgery. A host of judicial mystics have paraded through the corridors of the Court, conjuring up strange visions of what the Founding Fathers really meant. The Court has delved into deep metaphysic, gazed into its crystal ball, and wield its magic wand to create such wondrous illusions as the following: the farmer with a small freehold who reaps a quarter-acre of alfalfa, on which one barnyard creature may dine, is without question engaged in Interstate Commerce, because

(1) although the farmer grew the crop not for sale but instead for his own use, if he had sold it, then.
(2) he might have sold it to someone who might have fed it to an animal which might have been used to produce foodstuffs
(3) that might cross state lines.
Or better still, (4) had the farmer not grown the alfalfa, he (5) might have bought some instead,
(6) what he might have bought might have crossed state lines, and therefore, (7) might have had an affect upon Interstate commerce.

This is the logic of the nit-wit and the rhetoric of the buffoon. Were the Constitution genuinely intended to produce such a result, vast quantities of verbiage would have been spared by the use of one clause only, to wit, "Congress may regulate all commerce taking place at any time, and may define commerce to suit its pleasure." Clearly, the founders intended no such result. Loose-constructionists and other Liberal sorts falsely maintain that some fool-hardy "leap of faith" is required before one may have belief in the awesome author of the universe. Yet no leap of faith can surpass the alfalfa field of the small farmer above into the vortex of Interstate commerce.

Nevertheless, an imposing line of cases based upon the above Syllogism of the Scoundrel has issued forth from the El Supremo Court in a half-century of majority opinions.

There are two manners in which to construce a statute or Constitution, and two only. One, the words mean precisely what the people's representatives meant when setting them down on paper, and if the thrust of the law is to be changed, it is to be done by vote of the peoples' representatives. The second means is that employed by the charlatans presently manning the controls on the banks of the Potomac, and by its operation the words of a law are "interpreted" to mean what the drafters "really intended," or "would intend if they were present today," (i.e., whatever the court happens to want them to mean.) By this latter means we have seen Congress' constitutional power to "regulate Commerce between the States" magically transformed into Congress' pretended right to direct and control manufacture within the States, (through such lunatic logic as was employed in the case of the hapless farmer). In such a manner has the Federal Power intruded into and usurped the legitimate provinces of State authority in education, health and public relief. Not a syllable in the Constitution authorizes Federal activity in these areas. The States were never consulted. The judiciary has never voted upon these vast extensions of Federal power. To the contrary, unelected Tribunals have stolen away in the night with the rights of the States and of the People. Sadly, the People and the States have offered little resistance to the plundering and banditry of the Federal Visigoths. Perhaps they deserve to be governed by the fiat and caprice of Feudal District Court judges placed above them. On with the spectacle! Let the buses roll! The public be ———!