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THE GAVEL

ELECTION 1992 ISSUE

Volume 41, Issue 1

Cleveland-Marshall College of Law

October, 1992



The Gavel

EDITORS' NOTE

The Gavel is always seeking interested students to participate in the writing, typing or photographic aspects of producing this publication. If you are interested, all you need to do is stop by the office, LB 23, or call 687-4533 for information.

We need reporters, photographers, editorialists, cartoonists and those who are proficient with a word processor.

Students become staff members after having had two articles or equivalent contributions printed in The Gavel. Staff members qualify to participate in Editorship elections at the end of the year. Three editors are elected, each receiving a full tuition stipend from the University.

If you are motivated by the need to create, or a need to remedy your state of financial embarrassment, The Gavel can be an excellent vehicle for meeting those needs. After all, you can't spend every waking moment studying, can you?

Next GAVEL

Deadline...

...is Monday,

November 16, 1992

The Gavel

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Gavel Takes Pulse of Law School Community

By Desmond Griswold

Democrats Bill Clinton and John Glenn are the overwhelming choices for president and U.S. senator from Ohio respectively, according to a Gavel straw poll.

The Gavel distributed sample ballots to 1,100 Cleveland-Marshall students, faculty members and staff personnel. Ninety three ballots, or 8%, were returned.

Among those who responded, 60, or 65%, said they would vote for Clinton. Another 25, or 27%, said they would vote for the incumbent, George Bush. Independent candidate Ross Perot and Libertarian candidate Andre Marrou each received two write-in votes. Republican David Duke was the choice of one student.

Clinton's narrowest lead was among C-M students. Of the 70 students who responded, 41, or 58%, chose Clinton. Another 23, or 33%, chose Bush. Among faculty members, nine of 11 chose Clinton. Similarly, 10 of 12 staff members favored the Arkansas governor.

In the senatorial race, 48 of the 93 respondents, or 52%, chose Glenn. Another 27, or 29%, chose Glenn's Republican challenger Mike DeWine.

Many of the 93 ballots that were returned contained comments on why a particular candidate was preferable to the other. Student Michael Wolff is a Republican who said he will vote for Clinton.

"I think this is actually the first time since Reagan's first term that the American public, including traditional Republicans like myself, are just too tired of broken promises to vote for a Republican again," said Wolff. "In Bill Clinton, there may not be much of an improvement on the whole, but at least new policies will be tried. Another reason to vote for Clinton (is) Dan Quayle."

Student Corey Schaal, on the other hand, is a Democrat who said he will vote for Bush. "I have supported and voted for Jesse Jackson, Michael Dukakis and Jerry Brown," Schaal said. "This November I'll be voting for George Bush over 'slick Willie.' I cannot believe we've become so desperate as to choose style over substance."

D.H. Seed, a student supporting Bush, was vicious in his attack on Clinton. "The Democrats have elected the most liberal candidate for president in history," Seed said. "We can now look forward to William Kunstler as attorney general, Anita Hill as solicitor general and (Harvard Law School professor) Catherine MacKinnon as Clinton's first Supreme Court nominee."

Clinton supporters were equally quick to tear into Bush.

"Anyone who thinks four more years of George Bush will be good for America is either naive or independently wealthy," said student Michael Schadek. "The United States' economy, education system, environment and health care system have all sustained unprecedented abuse and neglect under Bush, and only Bill Clinton can significantly change our current course of decline."

Republican supporters said many of the country's woes were the fault of the Democratic Congress, not Bush.

"Congress is the body which should ultimately be held responsible for the nation's economic problems," said student Michael Murphy. "Although Bush must shoulder part of the blame, the recession cannot be placed squarely upon his shoulders. What we need is not a change at the executive branch, but a change in the spirit of cooperation between the president and Congress."

Said Student Bar Association Senator Thomas Dean: "If the people of this country desire a positive change in political solutions to their social and economic ills...then the people of this country should remove the

	Students	Faculty	Staff	Law School
CLINTON	58%	82%	83%	65%
BUSH	33%	9%	8%	27%
UNDECIDED	3%	0%	0%	2%
OTHER	6%	9%	8%	6%
GLENN	49%	64%	58%	52%
DEWINE	29%	18%	42%	29%
UNDECIDED	14%	0%	0%	11%

primary obstacle to that change, the members of Congress, and not the potential spearhead for such a movement, George Bush."

Steve Bucha, a student who said he is not completely happy with Bush's performance as president, will nonetheless vote to re-elect Bush.

"I'm not completely happy with President Bush's performance since as a conservative Republican I don't like to see a man who I thought reflected my views move to the middle," Bucha said. "I do believe that Bush was bending to the left on some issues (taxes, quotas) in order to see some of his pet projects through Congress. Congress, however, thumbed its nose at the president. With this in mind, I will enthusiastically vote for Bush this year."

Student Peter Sala said he would be more apt to vote for Bush if the president stopped bashing Congress for the country's problems.

"Bill Clinton is the only candidate who is proposing specific solutions to designated problems," Sala said. "I would be much more receptive to George Bush if he would propose his own solutions instead of blaming the economy on a Democratic Congress and attacking Clinton's character. Let's be constructive, not critical."

Karen Edwards, a night student supporting Clinton, also said she was disappointed in the substantive dialogue being exchanged between the Clinton and Bush camps.

"Too many non-issues are being brought up in the campaign," Edwards said. "Both candidates should concentrate on domestic policy and the economy. I don't care who dodged the draft 20 years ago. I care who is dodging the issues today."

Professor Stephen J. Werber said he will vote for Clinton but is concerned that the nation's vitality will not improve unless immediate steps are taken to reduce the country's deficit.

"Neither candidate, nor the American public, has the courage to reduce the deficit," Werber said. "Absent this courage, the economic future of the nation is dire and the effect upon civil liberty will be devastating."

An anonymous student who said he will vote for independent Ross Perot agreed with Werber that the country's \$4 trillion deficit must be reduced.

"Our nation as a whole must take aggressive and affirmative action to reduce the national indebtedness," the student said. "Nothing Bush has said or done over the last 12 years indicates that he can generate real change or improvement in the economic or medical systems. The rapidly shrinking 'middle class' will lead to tension between the two remaining classes of people and ultimately a revolt against perceived oppressors."

Assistant Dean Melody Stewart said she was lukewarm in her support of Clinton, but will, nonetheless, vote for the Democratic candidate.

"I am not so sure that I am 'pro-Clinton,'" Stewart said. "I think that I am more 'pro-change.' I do believe, however, that the chances of having my interests represented and my concerns addressed are probably better with Clinton as president. That's if the chance exists at all."

The George We Don't Know

By Andrea Rocco

In his bid for re-election President Bush has strained to picture Bill Clinton as a man who cannot take a stand on an issue and instead attempts to straddle the fence.

In the alternative, Bush presents himself as immune to special interest groups, having had one political agenda throughout his political career.

President Bush has embraced the religious right and the issues they support. He and his staff have included much of the religious rhetoric into their family values platform. It would follow that Bush has always supported the conservative agenda of these groups but in fact he has not.

As a two-term member of the House, a Senate candidate and a first time presidential candidate in 1980, Bush took the pro-choice side on the abortion issue. It was not until pro-life Reagan chose him as vice-president that Bush switched sides.

It is surprising to discover that at one time Bush was a strong supporter of family planning and population control programs.

As proof, one could look to a 1973 statement on population written by Bush as the forward to the book, "World Population Crisis: The United States Response" by Phyllis Tilson Piotrow.

Bush, then the ambassador to the United States wrote, "In a world of nearly 4 billion people increasing by 2% or 80 million more every year, population growth and how to restrain it are public concerns that command the attention of national and international leaders...."

However, under the policies of Reagan and Bush, the world population today is over 5.4 billion people and increasing at the rate of almost 100 million a year.

Bush has continued the policies of Reagan who cut off U.S. funds to the International Planned Parenthood Federation and the United Nations Population Fund. In his 1973 preface, Bush praised "the sensible approach" of Alan Guttmacher, the obstetrician who served as president of Planned Parenthood.

Reflecting on his days in Congress, he wrote, "We took the lead in providing money and urging in fact, even requiring, that in the United States family planning services be available for every woman, not just the private patient with her own gynecologist."

With the 1992 budget, there have been cutbacks in the whole spectrum of reproduc-

LETTERS TO THE EDITORS:

PRO CLINTON:

The GOP has turned itself into some hideous mutation of its former self with bigoted, neophytes like Pat Buchanan and Jim Baker giving keynote addresses at the Republican convention. The Democrats have the only logical alternative to these fascists.

Marc Stolarsky

There needs to be a conscious government effort to inject resources into the bottom of the economy. Bottom up spending is a better way of increasing the amount of manufactured goods being purchased, thus, creating more jobs because of greater demand. It morally is also a better way of ensuring that quality of life issues are taken care of among those who have the least ability to take care of themselves. George Bush and Mike DeWine certainly do not support the above positions, nor, as far as I can tell, do they care about the poorest in this country. Bill Clinton and John Glenn, although not my first choices among Democrats, at least advocate a re-investment of this country's wealth back into industries which create goods and jobs. Al Gore's environmental position (environmentalism is a growth industry and job creator) makes a lot of sense and reflects what other industrialized countries have known and acted upon for a long time. I also think that Clinton's proposed college loan policy of having students repay loans by working for the communities they came from is a great idea. Generally, I see Clinton as someone who wants to heal and unite the racial, sexual and geographical division which people like Bush and Reagan and DeWine have fostered upon us.

Mike Foley

After the most recent debate, three friends who earlier in the month were telling me that nothing could persuade them to vote for Bill Clinton, came to me with hats in hand and informed me that they were indeed going to vote for Bill Clinton.

Admittedly, Mr. Clinton may not be the best person for the job, but he is the best of the three candidates. Mr. Clinton's handlers are more in touch with what the American electorate wants to hear. President Bush appears old, tired and confused during the debates.

Bush's relentless pursuit of Mr. Clinton's

adventures in Moscow 25 years ago are not making the impact that Campaign Advisor Baker thought. Time's up George. You people dogged President Carter out of office 12 years ago. Now it's your turn.

Anonymously submitted

ANTI BUSH:

I voted for Bush in the last election. However, after listening to the unrealistic and unfair platform the Republicans chose, I would absolutely not vote for one Republican candidate in any election. The issue of "Family Values" is laughable. Government cannot preach morality. There are many more important issues to deal with.

Anonymously submitted

PRO BUSH:

Four months ago Bill Clinton was a non-factor in the presidential election with sagging popularity and high unfavorable ratings. Today, the media has done a magnificent job of making him a moderate, forward thinking politician. It's time for everyone to wake up and see that Clinton's policies won't work, rather than wait until after the election and say "Uh-oh!"

Joe Madachik

Presidentially the choice is clear. I'm for capitalism, not socialism.

James Blunt

This country doesn't need another Jimmy Carter. Yes, change is needed, but in Congress not the presidency. I shudder to think what a Democratic Congress and a Democratic presidency would do. You might as well hand your paycheck directly to the government.

Joseph Ranyak

Voting Republican is voting for a strong America via business. Voting Democrat is a mistake. I do not want to have to say "I told you so."

Scott Gargasz

**ELECTION 1992: THE CASE FOR CLINTON
AND THE DEMOCRATS:**

By Ed Fitzgerald

If one phrase can sum up the Republican philosophy of the last twelve years, it would be Ronald Reagan's unofficial slogan in the 1980 and 1984 presidential elections: "Are you better off today than you were four years ago?"

We haven't heard that slogan from Republican candidates this year, because the answer for most Americans, if the polls are to be believed, would be a resounding "no." That slogan said a lot about the Republican Party. Despite its evident effectiveness, I'm hoping the Democrats don't adopt that slogan this year. There is much in it that sums up what is wrong with our country today. It is a blatant appeal to short-term, personal, and financial self-interest.

If the Democratic Party stands for anything, it is that we must judge our progress as a nation, not as disinterested economic actors motivated only by greed. The evidence is overwhelming that our country as a whole is declining. This election is about which party can best reverse that decline.

We're called upon to make an important choice, and a myriad of issues come to mind. But let me address in this article four areas which Bill Clinton and Al Gore have identified as key issues in this election.

First, we must address our steadily declining economy. In Ohio alone, we have lost 107,000 jobs. Nationwide, both the quantity and quality of jobs have declined. In the short term, Governor Clinton proposes accelerated implementation of spending bills already passed by Congress, such as the highway bill. Clinton has proposed lifting the cap on FHA loans so that more families can become homeowners. Additionally, Clinton will push for lowering the rates of credit-worthy credit card holders, and favors a capital gains tax cut which, unlike the plan favored by Bush, discourages stockmarket speculation and encourages real investment in new job industries.

But it will take more than a few quick programs to really change the nation's economic course. In the long term, we need to improve our work force to compete internationally. The United States is one of the few First World countries which does not have a national system of trade schools. Bill Clinton favors developing a national apprenticeship program, where students who don't plan to attend college will enter a program designed by their high school and local businesses to provide them with skills they need to find and keep employment.

The key to America's quality of life is education. Bill Clinton will push for full funding for one of the few government programs which has been proven to work - HeadStart. He also favors a national examination system for students, a national report card to measure the progress of our schools, and more attention to subjects in which American students are falling behind, such as math and science. Bill Clinton believes that higher education must be available to every American. To achieve this goal, Governor Clinton would create a national trust fund out of which any American could borrow money for a college education provided that they pay it back either as a small percentage of their income over time, or by giving two years of national service as police officers, teachers, or child care workers.

Politicians hate to talk about taxes, but there is a fundamental difference in philosophy between George Bush and Bill Clinton on taxes. George Bush is hostile to the progressive income tax system. He proved that when he raised taxes on the middle class despite swearing that he never would. That tax increase could have been avoided by an increase of the top rate, but Bush vowed to veto any tax increase directed speci-

**ELECTION 1992: THE CASE FOR BUSH AND
THE REPUBLICANS:**

By Kimberly Bartlett

George Bush's campaign slogan of "Four More Years" is the exact direction this country should take.

President Bush has made great strides in many areas since his election in 1988. He has reduced the threat of nuclear war, employed counter-terrorism policies for safer international travel and has restored the balance of power in the Persian Gulf. For the environment, Mr. Bush signed into law the Clean Air and Water Act. Today polluters are paying more fines than at anytime in the last 20 years. President Bush was also the first president to invite gay rights activists to the White House for the signing of the Hate Crimes Bill. It is now federal policy for all local police departments to report hate crimes.

In regards to the "Year of the Woman," let us take a look at the make up of the Bush administration. Twenty-three percent of all presidential appointments are held by women. Of the Presidential appointments that require congressional confirmation, 19% are held by women. In addition, women comprise almost 28% of the senior executive service appointments. Concerning confidential and/or policy making positions, 55% of those appointed by President Bush were given to women. These appointments form a total of 42% of top-level government positions which are held by women. Corporate America cannot even claim this achievement.

The United States has the highest standard of living on the globe, surpassing Germany and Japan. Through George Bush's leadership, the United States has reclaimed the position of the world's top exporter. More than \$400 billion of American products were exported in 1991. Also, in 1991, U.S. manufactured exports rose 17%, a high point of the last 14 years. This resulted in the creation of 1.8 million trade-related jobs for American workers.

President Bush created more jobs through the Surface Transportation Act. This Act authorized \$151 billion for the repair and building of roads, highways and bridges, which created and kept more than 600,000 Americans working.

In education, President Bush launched the Lifelong Learning Act. This Act provides a \$25,000 credit line for adult workers to receive more training and education that leads to a college degree. For elementary and secondary schools, Bush requested \$2 billion in federal spending for math and science education. Funds for math and science education has increased by 123% over the past three years.

For strengthening our communities, President Bush has introduced HOPE (Home Ownership and Opportunity for People Everywhere). This program puts public housing residents on the road to owning their own homes for the first time. Tenant management of public housing projects is also encouraged by President Bush. This is one more step for preparing first time home owners for new responsibilities and individual success.

The list of President Bush's accomplishments go on to include the securing of the Americans with Disabilities Act of 1990, the Civil Rights Act of 1990 and the Fair Housing Act of 1988. Also, under President Bush, funding for AIDS research has risen 118% to \$4.2 billion.

George Bush's accomplishments of the past four years, however, have only scratched the surface. The president deserves "four more years" to complete his goals.

Bush's biggest challenge will be reforming the country's health care system. The United States has the highest quality of health care in the world. It is now time to make it accessible to all Americans. The

Lawyers Don't Make Suits; People Do

By Mike Royko

Sometimes it isn't easy to follow the logic of this political campaign. Especially when it comes tumbling out of Dan Quayle.

Quayle is a lawyer, although he's never really made a living at it. Since he had to use family clout just to get into a law school, it's doubtful that he would have been a modern-day Clarence Darrow. His wife is a lawyer, too.

But he doesn't seem to like lawyers. Or maybe he secretly does, but he knows that they are an easy political target.

So he regularly flails them for filing too many lawsuits and asking for too much money and somehow messing up our legal system.

Now it is true that we have a lot of litigation in America, far more than in most developed nation.

Quayle is a lawyer, although he's never made a really made a living at it. Since he had to use family clout just to get into law school, it's doubtful that he would have been a modern day Clarence Darrow.

But what Quayle fails to talk about is why we have so many lawsuits.

There are corporations that sue each other. And the corporations can clutter up a courtroom for years on end. But you don't hear Quayle ranting about the corporation and their lawyers. Not if he wants to be invited to a golf outing at some private club, he doesn't.

Besides, the corporations aren't the cause of our crowded court dockets, our great glut of lawsuits.

No, the single biggest flood of lawsuits, day in and day out, week after week, year after year, are suits filed by men and women who don't want to be married to each other anymore.

Divorce, that's the single biggest source of litigation in America.

Divorce. That's the single biggest source of litigation in America. What, you thought it

was patent infringement?

If you are an adult, just look around at all of your friends, relatives and co-workers. Ask yourself how many of them have ever been in court, and if so, what brought them there.

It's also the nastiest form of litigation because it can have the elements of shattered hopes, faded dreams, battles over property, and the worst part: custody for children,...

There might be a personal injury case. Or maybe a traffic rap. But if you are a typical middle-class American with typical middle-class American friends, relatives and acquaintances, you know at least one, two, and probably more who have been divorced.

My guess is that at least one out of every four adults who has read this far has been divorced. And maybe more than once.

We have a high divorce rate in this country. And it would be even higher except that in recent decades young people took to living with each other before getting married. So when they split it didn't require a judge. She took the stereo, he took the TV, they flipped for the cat, and adios forever.

Now, whose fault is it that we have so many divorces? The lawyers?

Of course not. Divorce lawyers don't rap on doors of strangers and say: "Hi, do you have domestic strife? If so, would you be interested in going to Splitsville? Here's my card. Call night or day."

No, what happens is, a phone rings and a voice says: "Betty, this is Janette (sob). That philandering bastard did it again and I caught him. What's the name of the guy you hired?"

Or: "Charlie, I think the magic is gone. We haven't talked in two months and I sleep on the sofa in the basement and she makes a puking sound whenever I'm in the same room. Is your cousin the lawyer still handling divorces?"

It's also the nastiest form of litigation because it can have elements of shattered hopes, faded dreams, battles over property, and the worst part: custody for children, visitation rights, and the use of kids as pawns and revenge weapons.

And in no other court proceeding - murder included - is the truth more elusive. She says it's all his fault, he says it's all her fault, they both believe it, and in many court systems the

only way the judges avoid going nuts listening to so many lies, is to send both screechers to a court-appointed shrink to sift through the woolly caterpillars between their ears.

You don't see corporate adversaries walking into courtrooms, whipping out guns and blazing away. It's almost always some distraught crazy who thought he got the shaft in a divorce.

So why doesn't Quayle say that, instead of taking cheap shots at lawyers?

Why didn't he stand up at the Republican convention and say: "Now, let me talk about our legal system. Do you know what the real problem is? It is the millions of you, watching me on TV, who have hired lawyers to file the millions of divorce suits. And who have gone back to court time after time to demand more money. Or to fight over visitation rights. Or to make false charges of child abuse as a means of punishing the former spouse you now hate. It is you who are to blame.

"Yes, and you, the TV actor with the crew cut who just gave such a glowing introduction to my wife. You have been divorced three times. Shame, shame on you. And shame on us for letting you take part in this family value convention."

Sure, Quayle could have said that. Then he could have gone back to his hometown in Indiana and lost a close race for constable.

And if he had said those things, he would have been unfair because he is in no position to judge why marriages end. People make mistakes, including marriages. Most divorces are preferable to two people making each other miserable and their kids neurotic. There's not much family value in households where hate is the prevailing emotion.

There's not much family value in households where hate is the prevailing emotion.

So Quayle ought to cut the bunk about lawyers. Lawyers don't sue; people sue. And many of them are his supporters.

I mean, come on, a three-time loser introducing his wife?

And they make jokes about Woody Allen. Tsk, tsk.

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G.O.P.'s Tort Reform: A step backwards

By Professor Stephen J. Werber

Lawyer bashing is nothing new to the American scene. What is somewhat new and surprising is the desire of our president and vice-president to make this an election issue. Their attack is dangerous to all who serve our profession and particularly those who advocate the principles of the Association of Trial Lawyers of America.

For over twenty years I have represented defendants in products liability litigation. Inasmuch as the focal point of this latest lesson in lawyer bashing is aimed at those lawyers who promote the right of the injured to compensation, one could conclude that I should applaud these efforts. This would be a false conclusion.

The efforts of our (yours and mine unless we wake up in November) executive branch are devoted primarily to achieving three goals: elimination or at least severe limitations upon the contingency fee; tort reform particularly in the area of products liability; and elimination of punitive damages.

There are attorneys who file frivolous suits on a contingency fee basis in the belief that they will gain a settlement if only to the extent of defense costs. There are examples of outrageous liability and damaged verdicts in the tort area and particularly in the field of products liability. There are problems with the imposition of punitive damages which bankrupt good corporate citizens based on conduct which took place decades ago. This said, after all I do represent the defense, the cure offered is quite simply wrong. It is wrong morally, it is wrong legally, and it is wrong in its economic premises.

To limit the contingency fee system is morally wrong. Numerous injured persons could not retain a lawyer if they were required to pay an hourly fee or significant retainer. These injured persons, many of whom are the blue collar workers of America, would receive no compensation but for the contingency fee system. We must allow the Canons of Ethics and the Civil Rules to solve the problem, of the unethical lawyer who files frivolous actions. In this we must be very careful. Today's frivolous action may be tomorrow's valid action. No one believed that the Ford Pinto was defective until a certain internal memorandum finally came to light. No one believed asbestos was dangerous until medical science proved the point. No one believed in crashworthiness until 1968. Yesterday's law may not fit today's needs. Today's needs may not meet tomorrow's. Thus, it has been the duty of the common law, guided by lawyer advocates, to change as societal needs change.

The contingency fee system promotes such change. To limit it, or to punish the contingency fee plaintiff who loses by imposing defense attorney's fees upon the plaintiff, will unquestionably reduce the amount of litigation on our courts. It will also prevent necessary change in the tort system and render nugatory the concept of equal justice for all.

Tort reform is needed to prevent the excesses that the judicial system has created in regard to the plaintiff's burden of proof and the imposition of no-fault liability on improper standards. The state legislative bodies have responded quite well. Pending federal legislation, within reasonable parameters, may provide needed uniformity.

This is not, however, what the Bush-Quayle team seeks. They seek not reform but reincarnation of the 1950's. They seek to virtually end the modern law of products liability. The stated reason is that these concepts have placed American companies at a competitive disadvantage. Nonsense. All those who market goods in this country are subject to our laws

State Issue 5 Bad for Ohio

By James Harmath

Before Issue 5 appears on the ballot this November, it will be touted by its proponents as "The Community Right To Know" initiative, promising to keep Ohio residents informed about toxic chemicals in their communities.

However, if passed, it will also cost Ohio consumers and businesses \$2.2 billion and the loss of 17,500 jobs by the year 2000, according to an independent economic analysis by Decision Focus of Mountain View, California. It will also fill the pockets of the activist groups proposing the bill with 50 percent of the fines the "law" generates.

Issue 5 is a cut-and-paste version of several ill-conceived California product/notification laws that Ohio Citizen Action trying to mold into an even more restrictive law in Ohio. The Ohio proposal, while promoted as a beneficial version of California's "Proposition 65," is much more restrictive and problematic than the California law.

The proposal requires thousands of Ohio manufacturers, retailers, farmers, and distributors, as well as small businesses like dry cleaners, retail shops and restaurants, to place warning labels on products or produce that contain or have been exposed to any one of a list of 458 chemicals.

The Ohio proposal would also require most businesses releasing, consuming, or storing the identified chemicals, or selling products containing the identified chemicals to mail warnings every six months to all residences and businesses within a two-mile radius of their facility.

Ohio Citizen Action compiled the proposed list of chemicals using scientific criteria that the U.S. Environmental Protection Agency has decided to reevaluate. These criteria are being scrutinized for yielding unrealistic estimations of chemical hazards. The two criteria used to compile the OCA list are (1) laboratory rodent tests and computer modeling which label a chemical hazardous if only one additional cancer would occur in a group of one million people continuously exposed to the chemical at maximum dosage for 70 years (compared to one million people who are not continuously exposed to the maximum dosage for 70 years, everything else being equal); and (2) the chance that increasing the exposure 1000 times from a determined safe exposure limit could cause birth defects or reproductive disorders.

Using these criteria, OCA has included chemicals found in peanut butter, plywood, aspirin, birth control pills, cosmetics, paint, pool chlorine, suntan lotion, car exhaust, fingernail polish remover and glue.

The practical result of labeling everything containing even trace elements of the 458 listed chemicals is to remove notice from truly hazardous products already labeled with a required warning. A warning on everything is a warning on nothing.

Further, out-of-state businesses offering marginally-profitable products or services in Ohio will simply pull them from the market. Businesses looking for new locations for new location will bypass Ohio in favor of a state with no such labeling law.

The Issue 5 proposal provides no additional positive environmental or consumer protection improvements for Ohioans. Many laws already in place require businesses to give notice of hazardous chemicals they use, sell, or release, including reporting emissions under the Superfund Amendment and Reauthorization Act, OSHA standards for workplace safety, and Federal Drug Administration requirements for product labeling.

Bush Strikes At Family Values

By Jon Sinclair

When George Bush announced James Baker was taking over as the president's campaign manager, the scene had all the workings of a knight preparing for his last duel.

The pair discussed strategy as Baker dressed the president in his battle armor. At one point, Bush and Baker had to decide which weapon to use against the Democratic opponent. They settled on a weapon that had served previous Republican administrations well, a lancer called Family Values.

This weapon received the cheers of the loyal when it was first displayed at the Republican convention in August. However, here are just two reasons why Bush is a poor choice to wield this weapon called Family Values.

Congress asked Bush in 1990 to sign the Children's Television Act that would limit the amount of advertising during children's shows. Besides limiting the amount of advertising children were exposed to, the legislation would also regulate toy-based programming which in reality are hour-long ads for toys such as Transformers.

Some background is needed. During the deregulation period of the 1980s when Ronald Reagan was president, the Federal Communications Commission was asked to end regulation of advertising minutes during children's shows, and to strip back the educational requirements imposed on television networks. The result was an increase in toy-based programs from a 13% share of children's programming in 1983 to a 70% share in 1988.

The Children's Television Act was declared a threat to the First Amendment by the broadcasting industry. Broadcasters argued the marketplace should dictate the style of children's programming. Bush agreed. The result: more advertising minutes and more toy-based shows.

Also, prior to Reagan and Bush, the FCC required television stations to devote a minimum amount of their daily schedule to programming that developed the intellectual skills of children. This FCC requirement resulted in such commendable programs as ABC's After School Specials and Captain Kangaroo. But these shows are no longer being produced. The broadcasting industry has replaced them with more profitable toy-based programming.

The second reason why Bush is a poor choice to wear the title "Family Values President" is exemplified by Bush's refusal to sign the Family Leave bill. The legislation would require businesses with more than 50 employees to give workers up to 12 weeks unpaid leave for the birth or adoption of a child, or for a family illness. Bush has embraced the view of the business community on this issue which claims this bill would harm corporate America.

But a closer look at the Family Leave bill shows the effect on business would not be that bad. Business Week noted last year that 25 states already have laws guaranteeing some parental and medical leave for workers. Currently, almost 40% of the nation's businesses with more than 100 employees offer unpaid parental leave, according to U.S. News & World Report.

The Family Leave bill would simply ensure workers that their jobs would be there for them when they returned to work. It is important to note that nearly 95% of American businesses would be exempt from the law because they employed fewer than 50 workers.

Nader Stumps At C-M For Label Law

By Desmond Griswold

Cleveland-Marshall was the site of a debate earlier this month featuring consumer activist Ralph Nader who was in town to support the proposed chemical labeling and notification law that will appear on the Nov. 3 ballot.

Nader, a Washington D.C. lawyer, said State Issue 5 is a modest proposal that would help Ohio lose its position as one of the nation's top polluters. Nader noted Ohio ranks third nationally in the amount of toxic chemicals stored and released into the environment, and Ohio has the country's fifth largest cancer death rate.

Nader's opponent, Roger Geiger of the National Federation of Independent Business, characterized Issue 5 as an "extreme" measure that unduly burdens small businesses and will result in higher consumer prices for products without improving the health of Ohians.

"This is not an environmental bill," Geiger told the packed Moot Court Room audience. "This is a paperwork bill. Issue 5 would place an unneeded, new layer of regulations and bureaucracy on Ohio."

If approved, Issue 5 would require warnings on products that contain harmful amounts of chemicals that cause cancer or birth defects. It would also require polluters to give written notice twice a year to neighbors exposed to the release of such toxics.

Nader said a similar law in California has proven effective since manufacturers have reformulated their products to avoid having to put labels that say their products contain chemicals known to cause serious health problems. Only 65 products sold in California now contain such warnings, Nader said.

The California law has also worked to stop businesses from emitting toxic pollutants into the atmosphere in order to avoid the shame associated with telling nearby residents that the air they breathe is contaminated, he said.

"The experience in California is sobering," Nader said. "It's working and businesses have adjusted."

The spirited debate between Nader and Geiger was sponsored by C-M and the League of Women Voters of Cleveland. The debate was broadcast live on public radio station WCPN.

Nader, who has been the nation's best-known consumer activist since 1965 when he wrote his best-selling book *Unsafe at Any Speed*, has been campaigning aggressively in Ohio for passage of the labeling and notification law. He called those opposing Issue 5 part of the "corporate cancer defense lobby."

"It's not enough that they've turned Washington into a government of the Exxons, by the General Motors and for the BP's," Nader said. "Now they want to stifle the vote of the citizens of Ohio to say to the authorities, 'Wake up. Help protect our children.'"

Nader added that the television ads being run by those opposed to Issue 5 are seriously misleading. "If these ads were pushed through a polygraph machine, it would explode," he said, drawing a huge laugh.

Geiger told Nader he resented the assertion that big business was behind a "grand conspiracy" to prevent passage of Issue 5, and that small business groups like Geiger's National Federation of Independent Business were being used to shield corporate giants like BP America from being drawn into the debate.

Geiger said the coalition he represented was full of independent-minded small business owners who felt compelled to speak out against the proposal because of the effects the law would have on their operations.

Czech Visit Moves C-M Student

By Andrea Muto

"This is where he doused himself with gasoline," she said.
"Then he set himself on fire."

Now that the Communism has crumbled, Czechoslovakia is becoming two republics; and they've named a street after Jan Palach, the student who burned to death during the spring of 1968.

Alena Kovarikova was required to study Russian for 12 years in school while growing up in what used to be the Czechoslovak Socialist Republic. She also learned the official version of the Russian "liberation" of Czechoslovakia. She still remembers the forced nationalization of her country's businesses and industry under a state-run economy.

So, if the Russians are starving right now in their transition to a market economy, she said she doesn't care. "That is their problem," she said. "You don't know how long we have waited for this to come. You don't know what democracy means to us."

Alena, 30, met her husband, Rostislav, while both were students at a university in Prague. Rostislav is an accountant. He works in Prague during the week and takes a six-hour bus ride back and forth to their home in Lohacovice each weekend. Alena uses their car, a small Czech made Opel to drive to work at a local bank. Gas costs roughly five U.S. dollars a gallon.

Rostislav has been looking for an apartment in Prague for months, but he has been unable to find one the family can afford. Because people are no longer provided apartments or subsidized rent, a housing shortage has caused prices to skyrocket, while wages aren't keeping up, he explained. He thought housing problems were even worse in Poland and Russia, and while the Russians have experienced severe food shortages, he said the Czechs easily buy groceries, although at terribly inflated prices.

A market economy comes at a price, Alena said. But she is happy her son, Jerhco, will never know life under a Communist government.

Jerhco, 6, watches the "Teenage Mutant Ninja Turtles" each Wednesday evening. The cartoon is dubbed in Czech, but "pizza," the favorite turtle food, is translated as "pizza."

Television is nothing new to the family, but commercials are. Advertisements, which were prohibited under Communist rule, now run for about five minutes between programs and feature American products such as Crest toothpaste and Palmolive dish washing liquid.

Jerhco is in bed, though, by the time "Dallas" airs. In tonight's episode, Bobby and Sue Ellen are fighting at the ranch over someone's affair. J.R. hasn't been shot yet.

Alena and Rostislav think the show is ridiculous, but watch anyway. Soon cable will reach the apartment couples and the family will be able to get CNN and a Czech equivalent of HBO.

It's the nightly news, however, that captures everyone's attention. President Vaclav Havel and Slovak leader Vladimir Meciar are meeting to determine the future of the country. Such open media coverage of these talks is still novel. In the past, more reliable news would have come by word of mouth, Alena said.

She praises Havel for holding the country together. Yet, she is still concerned Slovakia will turn back to Communism in tough economic times. She worries about Eastern European credibility problems in war-torn Yugoslavia.

"Slovakia wants to leave, so there is nothing to do but let tshe said. "While the European Community is coming together, we will break apart. I don't know if that means a better life for anyone.

Muto, a second year student, spent a week in Czechoslovakia this past summer visiting with Alena and Rostislav.

Just Following Orders

By Joe Jacobs

Would you argue a case you didn't believe in? Would you represent someone who you thought wasn't in the right? For more than a year I've been asking these questions to both students and faculty, and have heard more or less the same answer from everyone: Something about that being the essence of our profession - representation. No one has actually confessed that what this amounts to is lying. What I wonder is if anyone here is planning for an honest career as a lawyer?

This may be too abstract without describing some real-life scenarios. Suppose, as a public defender, you're told by the defendant that she committed the crime. Beyond arguing procedural errors, would you present evidence contradicting her private admission to you? Or, as a prosecutor, would you enforce a law you knew was unfair? As a final example, suppose your client is being tried tells you he has been lying all along. Do you continue to argue his case?

I've heard more than one teacher make the argument that we are expected to represent either side of a case with equal energy, and that we are expected to separate our performance from our personal beliefs. Are people like this teacher oblivious to the consequences of blind obedience to authority?

There is something more important than the security of employment, a higher law than any government's. It is your set of principles, your idea of what is right. And if you're not following your own set of principles, you're inevitably following someone else's. How well do you follow orders?

Now what would our legal profession be like with everyone following their own rules? It would be marvelous. We'd have something now foreign to courtrooms and classrooms. Lawyers with personal integrity. Heroes that choose a side, make their stand, and in the face of losing everything, do what is right. Are you one of those people, or would you make a better camp guard?



By the way, The Gavel supports Bill Clinton.

Supreme Court Candidate Returns To C-M

By Karen Edwards

"Preparation is the key to success in the legal field," said Ohio Supreme Court hopeful Judge John T. Patton during a Cleveland-Marshall candidates night earlier this month.

"You have to burn the midnight oil," Patton said. "I handled every case as if it would go all the way to the Supreme Court. It is especially important to know what every one of your witnesses are going to say before they go up on the stand. Any lawyer who doesn't is a fool."

Patton, a Democrat, is running against state Senator Paul Pfeiffer for the Supreme Court seat made available by the retirement of Justice Herbert Brown. Appearing with Patton at the forum sponsored by the Delta Theta Phi law fraternity was fellow C-M graduate Janet Kronenberg who is running against Anthony Calabrese for a seat on the Court of Common Pleas for Cuyahoga County.

Preparation is especially critical when a lawyer is before the Court of Appeals, said Patton, who has served on the Court of Appeals for the Eighth District of Ohio since 1977.

"If what you say is well planned, focused, flows well and is presented with respect, interruptions are rarer," he said. "Also, when the inevitable question does come, with preparation, you can answer it and return quickly to your points."

Patton noted the Ohio Court of Appeals is, in effect, Ohio's court of last resort since only 3% of all cases appealed to the Supreme Court are heard.

The Supreme Court candidate said little about his election platform during his C-M visit, but did say he was "a firm believer in stare decisis because it provides predictability." Patton, however, said recent environmental, technological and social changes might mean new laws have to be passed and precedents overturned.

Fortunately for young lawyers, Patton said the legal job market is growing. "It's an exciting time to start a legal career," he said. "The changing times from industrial to technological revolution will create a need for new laws."

"Don't worry about predictions of lawyer gluts," Patton continued. "This is the most litigious country in the world, meaning there are plenty of opportunities out there. Probably the hottest opportunities are for in-house corporation and union lawyers, and in alternative dispute resolution."

Patton himself had an unorthodox way of becoming an attorney. The judge spent three years at Kent State University studying accounting before his college career was interrupted by the Korean War. Patton was stationed in Europe during his military service. After being discharged, Patton enrolled at Fenn College night school where he graduated from in 1958.

His entry into the legal profession came by accident out of a program where Fenn College students could take nine hours of contract courses at C-M as elective business credits.

Surrounded by several Ivy League and Big Ten students, Patton said he was intimidated at first "since I was just a kid from 65th Street on the West Side of Cleveland." But he grew to enjoy the study of law and graduated in the top 10 of his law school class.

Patton spent seven years as an assistant Cuyahoga County prosecutor, an experience he said trained him well for being a judge since he tried more than 300 cases as a prosecutor.

Prior to being appointed to the appellate bench, Patton served for 10 years as a Cuyahoga County Common Pleas judge.

Dems, continued from page 5

cally at the wealthiest Americans. Bill Clinton has acknowledged the United States is in the midst of a fiscal crisis, and that a tax increase is likely to be required. If such an increase is needed, Governor Clinton has proposed a 2% increase on Americans who make over \$200,000 a year.

Everyone is talking about health care reform these days, but only Bill Clinton's plan addresses the heart of the crisis - access and spiraling costs. Clinton would require that every business either provide health care insurance for their employees, or pay into a fund which covers the uninsured. Further, he would establish a national health care board which would set cost control targets for health care providers. George Bush often states that we have the best health care system in the world. We do, but only for those who can afford it. We must design a system which spreads the benefits of our technology to all citizens.

One final issue which is of concern to many of my fellow law students is the direction of our federal judiciary. Many of us of progressive or even moderate views are outraged at the steady erosion of our liberties, courtesy of Rehnquist and his newly appointed allies. What should be of equal concern to all students, whatever their ideological persuasion, is the decline in the quality of our federal judiciary. Does anyone really believe that Thomas and Souter can compare intellectually with a Brandeis or a Cardozo? Quality seems to have taken a back seat to ideological purity in the Bush years.

We are faced with a difficult choice, and none of the candidates are perfect. But our country is showing a frightening inability to grapple with the problems which are threatening to overpower us. I believe that Bill Clinton offers the best chance for change in 1992, and I hope you will agree with me on November 3rd.

Fitzgerald is a third year law student at Cleveland-Marshall and president of the Cuyahoga County Young Democrats.

Tort Reform, continued from page 7

of products liability. In the litigation context it is as expensive and dangerous for our trading partners to sell here as it is for domestic companies. There are plenty of judgments against foreign companies and they get paid. Products liability law is flawed, but it has aided in the development of safety standards and safer products.

I could make similar arguments in regard to punitive damages. Yes, major punitive damages imposed multiple times are wrong. But the states and the courts are responding. The punitive damages wild card is dangerous, but it does not justify the Bush-Quayle approach.

Our executive branch is seeking a campaign issue which can take the public view away from an obscene economic policy, a president who has concealed his role in the Iran-Contra affair, and a vice-president whose method of avoiding Vietnam makes Bill Clinton look like a choir boy.

Lawyer bashing is easy. It is, at the same time, a corrupt approach to serious problems. Unchecked it will remove from the scene those lawyers most prone to not only promote the rights of the injured, but also to promote and protect the civil rights of all Americans. The entire thrust of the Bush-Quayle approach to lawyers has, at its core, an invidious attack upon our civil liberties. Our profession cannot permit this attack upon fundamental rights to succeed.

SBA Update

By SBA President Afshin Pishevar

I hope your school year is off to a great start. The purpose of this letter is to inform you of the SBA's activities. I also want to notify you of what's coming up in the near future.

The S.B.A. year began in August with first year orientation and the Fall Book Exchange. Two socials have also been held. The next SBA sponsored social is the Halloween Masquerade Ball on Saturday, October 24.

The S.B.A. also has a debate series planned to take place throughout the year. The first debate is at noon, October 22, in the Moot Court Room. The debate on white collar crime will feature Beth Whitmore, an Arter & Hadden partner, and Professor Patricia McCoy. The debate will be moderated by Walker Todd.

The S.B.A. also plans to hold a "last chance" sale of books and study aids that were not reclaimed after the Fall Book Exchange. Any items left over after the "last chance" sale will be donated to a prison library, as resolved by the S.B.A. Senate. For upcoming activities, please check the S.B.A. bulletin board in front of the condiments table in the downstairs common area.

Some of the items the S.B.A. continues to work on include law school security, night student inclusion, parking, examination procedures, office space allocation and S.B.A. constitutional reform. Our job in the S.B.A. is to voice student concerns and let the administration know where students stand on issues that are important to them.

Obviously, we have virtually no direct authority to make changes. However, with student support and awareness, our voice is an extremely powerful one. To be effective, we need students to become actively involved in working toward these changes. Please stop by the S.B.A. office during our office hours or place a note in the S.B.A. suggestion box to tell us what concerns you or to tell us what ideas you believe we should consider. Specifically, we would like to know where you think the S.B.A. should be spending your money, or goals you believe we should be working toward.

Thus far, we have taken large steps toward our goals. I cannot overemphasize the debt I owe to the rest of the S.B.A. Executive Committee (Guy Rutherford, Mike O'Neil and Lisa Gold). Without Guy, Mike and Lisa none of our accomplishments would have been possible. So I would like to extend the deepest expression of gratitude toward them. The student body and I are both extremely lucky to have them.

Deep Thoughts

By Stuart Reich

The Student Bar Association held its first social of the year down at Shooter's a while back. They billed it as "The Bar Exam." This got me thinking. Out of sheer youthful rebelliousness some friends from my undergraduate days and I had always talked of taking exams while inebriated. Never had the guts to do it, mind you. But it was always fun to talk about. Nobody, of course, would ever consider taking the real Bar Exam in such a state. However, here's a quick quiz you might want to try next time you're feeling subversive and soused:

1) If you believe in reincarnation, could a bequest to yourself in the life after your next life violate the rule against perpetuities?

2) In first-year torts last year, Mickey Davis posed the question: If a '57 Cadillac is designed with tailfins so sharp that they impale people when the car backs into them, does this constitute products liability? If such a car backs onto a crowded sidewalk and impales six people, does this constitute a shish-ke-bob?

3) Why do so many of the most important cases in every area of the law deal with cows?

4) As the Supreme Court has very limited original jurisdiction, its primary purpose is to REVIEW. Discuss the pros and cons of nominating Siskel and Ebert to the Supreme Court.

5) If we all had been required to take a M'Naghten test instead of the LSAT, how many of us would still be here?

BAR EXAM INFORMATION

An informational meeting on registering for the state bar exam will be held Wednesday, November 4 in the Moot Court Room. Michael Michelson, a member of the Board of Commissioners of the Ohio Supreme Court, will answer questions concerning the timing of applications, the information requested on the application, and the review procedures. He will meet with students between noon and 1:00 p.m., and between 5:30 -6:30 p.m.

Moot Court Raffle

A bar review course worth \$1,000 will be raffled off next month by the Moot Court Team.

Raffle tickets are \$2 each or three for \$5. Tickets can be purchased in the lunch room on Tuesdays and Wednesdays now until Nov. 18, or from any Moot Court Member.

The winning ticket for the Ohio Bar/Bri course will be selected on Nov. 19th.

GOP, continued from page 5

President's plan will allow quality care for disadvantaged families by providing tax credits to buy a basic health package. This will deliver health care coverage to 30 million previously uninsured Americans. Small businesses will receive tax credits to properly provide health care coverage to their employees, and self-employed individuals will be able to receive tax deductions for health insurance costs. Also, Americans with "pre-existing conditions" would be able to change jobs and not lose health care coverage.

President Bush's program for job creation begins with job training. Bush will make vocational job training more available and affordable through the Job Training 2000 Act. This legislation will benefit all communities and face the needs of the local labor market. Vouchers will also be available so workers can choose the training of their choice. A companion act, the Youth Apprenticeship Act, will bring job training to high school students in combination with their regular studies. These job programs will also work in conjunction with the HOPE program in reducing the number of welfare recipients and encouraging people to take the individual initiative.

The president's agenda will sustain economic growth. First time home buyers will be given a \$5,000 tax credit. Investing by the individual consumer will be encouraged by cutting the capital gains tax. New trade agreements will expand American imports. Most important, regulations will be reduced so small businesses can grow and create more jobs.

The stable and strong leadership of Bush must continue and carry the United States into the 21st Century as the world's leader in all fields. This can only be accomplished by the reelection of George Bush.

Bartlett, an attorney, is president of the North Coast Young Republicans.

Issue 5, continued from page 7

Another State-level bureaucracy is not what Ohio needs, particularly when the above federal laws and regulations already provide for "right to know" and product labeling. If a law of such sweeping ramification is ever enacted at all, the state level is not the place to implement it. A state "Community Right To Know" law will impede interstate commerce by requiring different information on products, based on where they are sold or consumed. If nothing else, this is costly and redundant.

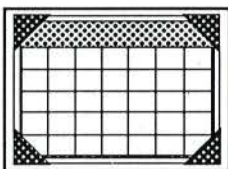
In sum, vote NO and prevent Ohio consumers and businesses from financing activist groups and redundant, expensive legislation.

SMH

BAR REVIEW

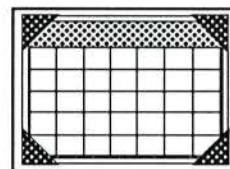
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GET THE SMH EDGE!

Judiciary's Integrity Under Attack

By Desmond Griswold

The social contract Americans have with their government that protects the civil liberties of all groups is being threatened by breakdowns in the judiciary, charged Cleveland-Marshall Visiting Fund Scholar Nathaniel Jones.

Jones, a member of the United States Court of Appeals for the Sixth District, was at C-M last month for the 54th Annual Cleveland-Marshall Fund Lecture. He told a packed Moot Court Room audience that history has shown events like the acquittals of four white police officers in the Rodney King beating case irreparably harm the judiciary and can lead to social unrest. Such events cause blacks and other minorities to feel like they are second-class citizens, which in turn causes them to lose faith in the court system, Jones said.

"Justice was not found in the Rodney King case," Jones said. "I will submit that under the Fourth Amendment...and no matter how ugly Rodney King's actions might have been, there was no justification to suspend the Constitution and impose summary corporal punishment."

Jones cited another event linked to the Rodney King trial that he said shakes the integrity of the judiciary.

The jurist contrasted the way three black defendants - charged with beating a white truck driver following the King verdict - were dressed in court with the court appearances of the police officers accused of assaulting King. The black defendants wore orange prison uniforms and manacles on their wrists and feet, while the white defendants wore business suits and were free to leave court at the end of the day free on bond. Jones charged that the pictures of the two sets of defendants stigmatized blacks.

"You see what that can do to the conception of a 'color-blind' legal system that treats all fairly," Jones said.

An even more invidious harm to the judiciary's reputation as the protector of fundamental rights "is the whitening of the federal bench," said Jones, who is black.

Ronald Reagan made 378 appointments to the federal bench during his eight years as president, Jones said, but this group included only eight blacks, 13 Hispanics and two Asians. George Bush has made 126 appointments to the federal bench as president, Jones said. Of this number, six appointments were given to blacks, four were given to Hispanics and none were given to Asians, he said.

Within Jones' own sixth circuit, there have been no minority appointments in the past 12 years, according to Jones, who received his ap-

Commencement Information

Commencement is May 23, 1993. Commencement is open to August 1992, December 1992, May 1993 and July 1993 graduates. Information for the commencement ceremony is taken from your graduation application, so be sure you turn it in to Kay Benjamin as soon as possible. You should receive information about caps and gowns during March 1993. If you get anxious, call Barnes & Noble (the CSU bookstore) in early March for information.

*Please Vote on
Election Day.*

*Whomever you
choose, go to the
polls.*

Thank you.

pointment from former president Jimmy Carter in 1979. Also, within the four states that are part of the sixth district, no minorities and "precious few women" have been among the 40 appointments made since 1980, he said.

"I'm raising these things to have you think about how the system is working," said Jones.

In addition to serving as a judge, Jones has worked as a prosecutor, city attorney and NAACP lawyer during his 36-year legal career.

The 65-year-old received his undergraduate and law degrees from Youngstown State University. He began his law career in 1956 serving for three years as the director of Youngstown's fair employment commission. Jones then became a federal prosecutor, a position he held here in Cleveland for six years.

In 1967, former President Lyndon B. Johnson appointed Jones to the Kerner Commission, an investigative body charged with finding the causes of the riots of the 1960s. In 1969, Jones joined the NAACP as general counsel and served in that post for the next decade.

Jones and his wife, Lillian, reside in Cincinnati and have four grown children, three of whom are lawyers.

George, continued from page 4

tive rights, from family planning to abortion. There are modern contraceptives in use elsewhere in the world that are prohibited in the United States.

The 1973 Bush wrote of feeling disturbed and perplexed by the unwanted babies in the United States, famine in India and the poverty that seemed to form an unbreakable chain for millions of people. He wrote of the "rapid shift in public attitudes" that brought the United States out of the dark ages into the reality of the modern world on the subject of fertility control.

He recalls that he was first aware of birth control as a public policy issue in 1950 when his father was a Senate candidate. A newspaper 'revealed' that his father was involved with Planned Parenthood. His father lost that election by a few hundred votes. Bush believed it was his father's ties to birth control advocates that cost him those votes.

In 1973, Bush was able to recognize that family planning was of the utmost concern and that a politician should not be swayed by the antics of the Bible-quoting factions. He scoffed at the idea that a politician would go against his beliefs to please certain groups. In 1992, President Bush may learn that his initial views were correct. He should think twice before lambasting Bill Clinton on his alleged waffling on the issues.

Reminder, The Gavel needs your help. We are looking for anyone interested in assisting with this publication.

The Gavel is your forum.

If you are interested, please stop by our office, LB 23, or call 687-4533.

Thank you.

To say of a lawyer that he is crazy and has a soft spot in his head, and is not in his right mind is not actionable per se, unless spoken of him in his professional capacity, since such language, when spoken of him generally and without reference to his profession, is mere vituperation and abuse. *Goldrick v. Levy*, (1881) 8 Dec. Repr. 146, 6 Wkly. Law Bull. 20.

First Year Impressions

By Jon Sinclair

Pearson was a different sort of Cleveland-Marshall first year. He liked going to see the Indians play by himself. In fact, he loved sitting in the highest seats where he could watch the clouds roll past the stadium.

Today there were only two other fellas sitting near by. One was a retired steelworker, the other a pudgy kid about his age.

During the sixth inning a foul ball sailed into their section. Pearson jumped high and caught the ball, but when he landed, the ball fell loose and was grabbed by the retired steelworker.

Pearson walked over and said to the man, "Excuse me sir, that's my chattel." To which the man replied, "Look kid, whatever you think this is - a chattel? - it ain't yours." Pearson persisted, "You see sir, that's my ball. I, eh, established possession when I caught it." But the man charged back, saying "Kid, this ball ain't your chattel. You dropped it. Now get outta my face before I throw you over the railing."

Oh, how the little people disrespect the law, Pearson thought. He sat down again, rehearsing what he would do if this would ever happen again.

CRACK! You guessed it. Another foul ball was zeroing in on Pearson. This time he caught it. But such was his luck that Pearson dropped the ball which was quickly snatched by the pudgy kid.

Pearson felt he had a better case this time. Heck, he was holding that ball for more than a minute before it got loose.

"Scuse me, buddy. That's my chattel," said Pearson, as he watched the pudgy kid write all over the ball. "Nope, this is my chattel," said the pudgy kid.

"No. You see, that's my ball," Pearson explained. "I possessed it for more than a minute. My celebration was quite apparent, hostile, you might say, and satisfied visible possession."

"Sorry, friend," said the pudgy kid. "You see, as your were walking over I utilized the ball by writing over 90% of its surface. I acquired the ball through adverse possession about seven seconds ago."

"Well whadda ya know," thought Pearson, "its another first year up here in the nosebleed seats."

Candidate, continued from page 10

Kronenberg, a C-M legal writing instructor, graduated from C-M in 1978. Kronenberg expressed concern over a SUN newspaper poll last month that showed two-thirds of those interviewed could not name one local judge.

"We've got to figure out a way to communicate the qualifications of judicial candidates to the electorate," Kronenberg said. "Too often, people vote for these positions based on 'the name game,' gender, ethnic background or other superficial factors."

"I've noticed that even in the past 10 years, the concerned electorate is growing older and smaller," she continued. "As part of our pro bono obligation, we need to teach young people to become involved in the system."

Kronenberg said she did not have a strong opinion about whether judges should be appointed or elected, but the candidate said she does not feel good when she considers the amount of money she spent on the two judicial contests she has waged so far.

Kronenberg, a Cleveland resident, is in private practice and has done work for the Legal Aid Society, Hospice of the Western Reserve, Women Together, and the Coalition for Domestic Violence.

The Delta Theta Phi law fraternity will welcome John Gill, another candidate for the Cuyahoga County Court of Common Pleas, on Monday, October 26 from 7-9 p.m. in the Moot Court Room.

Halloween Bash Set for Saturday

The Student Bar Association's 1992 Halloween Bash is set for Saturday, October 24, at 8 p.m. in the Orange Lounge, which is located on the second floor of Cleveland State's "Cage." The "Cage" is the building directly across from the Rascal House. Wings, pizza, beer and soft drinks will be provided. Just bring your costume. Prizes will be awarded. Tickets purchased at the door are \$8.

Many things, having full reference
To one consent, may work contrariously;
As many arrows, loosed several ways,
Fly to one mark; as many ways meet in one town;
As many fresh streams meet in one salt sea;
As many lines close in the dial's center;
So may a thousand actions, once afoot,
End in one purpose, and be all well borne
Without defeat.

King Henry V, act I, sc. 2

Why wouldst thou be a breeder of sinners?
I am myself indifferently honest; but yet I could accuse me of such things that it were better my mother had not born me. I am very proud, revengeful, ambitious; with more offenses at my beck than I have thoughts to put them in, imagination to give them shape, or time to act them in. What should such fellows as I do crawling between heaven and earth? We are arrant knaves all; believe none of us.

Hamlet, act 3, sc. 1

INDUSTRY: Lose no time: Be always employ'd in something useful: cut off all unnecessary action.

Benjamin Franklin, Autobiography.

PUDDN'HEAD WILSON'S CALENDAR

Adam was but human - this explains it. He did not want the apple for the apple's sake; he wanted it only because it was forbidden. The mistake was in not forbidding the serpent; then he would have eaten the serpent.

Behold, the fool saith, 'Put not all thine eggs in the one basket' - which is but a manner of saying, 'Scatter your money and your attention;' but the wise man saith, 'Put all your eggs in one basket and - **WATCH THAT BASKET.**'

Consider well the proportions of things. It is better to be a young June-bug than an old bird of paradise.

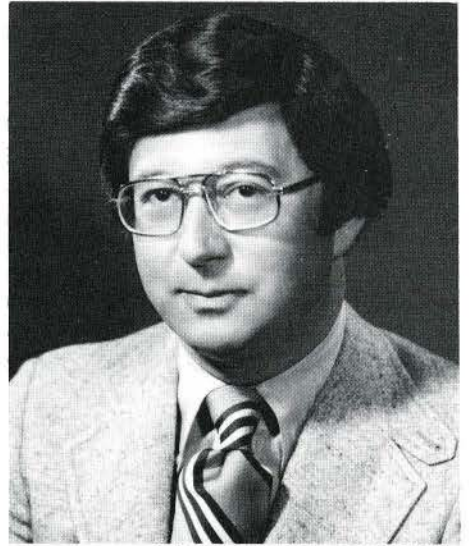
When I reflect upon the number of disagreeable people who I know have gone to a better world, I am moved to lead a different life.

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