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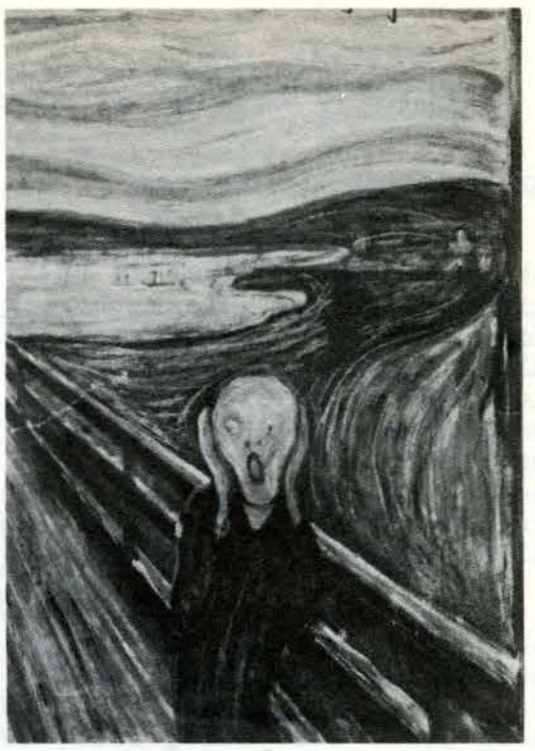

THE SCREAM BY MUNCH

F. LEE BAILEY SPEAKS AT MARSHALL

F. Lee Bailey spoke on the art of cross-examination in the lounge on Tuesday afternoon. His lecture was sponsered by the S.B.A. Lecture series.

His theme was simple but like the good attorney that he is he hammered the point home. Cross-examination in a courtroom setting is the best way yet devised to arrive at the 'truth'. It is the best tool the defense lawyer has, not to prove that the witness is lying or is in error but to implant in the mind of the jurors 'the reasonable doubt'.

The art of cross-examination is only tought well, he believes, to the English barristers. It was obvious that Bailey admires and respects the English system of courtroom procedure, especially the respect that that form seems to generate among the population.

He talked at length on the need for lawyers to know and understand the mental and physical process that is involved in perception, storing, recounting and al tering sensations, events and experiences.

He spoke on the need to establish a good raport with the witness in order to best utilize the witness' information.

Bailey the laid down what he saw as the groundrules for cross-examiners, the foremost being - DON'T. Don't ask any questions on cross until the information learned on direct is fully developed. Don't ask any question on cross unless there is a good reason for doing so. A lawyer does not attack, a lawyer traps. A lawyer never accuses but instead plants suspicion. Above all a lawyer must appear to be in control and confident at all times.

Bailey follows his own advice well. He clearly was in control of the audience of over 250 people who were sitting and standing in total silence, a rarity at C-M.

F. Lee Bailey is a phenomena. He is larger than life. Words, ideas, metaphores and stories flow from him at an alarming intensity. He said that lawyers can not and should not try to be actors. What he did imply is that lawyers should strive to be directors, setting the tone, saying the right lines and coaxing others to state their right lines.

VALID ACADEMIC REASONS

BY STEVE NOVAK

Last Spring, an abortive attempt was made to get a new course added to the curriculum. The subject of the proposed course was New York Civil Procedure. Since there is no such course on this year's schedule, obviously that attempt was a failure. The effort failed for the lack of "valid academic reasons." I'll get to that later, but first, let me give you some background.

The main problem with the campaign was timing. Our effort to create a course by petitioning the curriculum committee failed because it was begun too late in the year. We were able to get a fairly impressive response--25 or 30 people expressing interest--given the short time we worked on the project. However, by the time the petition was drawn up, the faculty committees had held their last meetings of the academic year, and special sessions would have been required to get the subject discussed. The suggestion was made that the petitions be resubmitted this year, if we chose to do so, and if we could come up with some "valid academic reasons" why such a course should be taught.

The foundation of the attempt to get the course was, we felt, in itself a valid academic reason. This is a law school. A law school's purpose, it seems to me, is to turn out lawyers and, as Justice Burger has said, too many of the lawyers that are being turned out these days don't know what the hell they are doing when they get in to the practice.

It has been pointed out, by many people, that the rules of Civil Procedure employed in the New York courts are vastly different, in many aspects, than the federal rules; the fact that these rules are an anachronism is immaterial. They were just revised in the 1960's, and I doubt seriously that the legislature or the courts of the second largest state in the country are going to be impressed by a bunch of professors telling them that they should change their procedure. Anachronistic they may be, but those rules are a fact of life.

This school has designs to become a "great law school" someday, whatever that term means. Before that can happen, however, this school is going to have to expand itself to become a national law school. If it wants to remain a local school, turning out local practioners, fine; if it wants to be a national school turning out people who will practice in a number of different states, it had better realize that other states have laws different than Ohio's and it might be a good idea to acquaint the students with them.

Obviously, there is no way that the school can offer 50 courses in Property and 50 more in Civil Procedure. But there is a fundamental distinction between Property and Procedure. A course in a substantive area of the law involves, primarily, interpretation of case law and statutes. If you learn how to interpret a statute, you can apply it to any jurisdiction. But procedural courses are something else.

LETTERS TO THE EDITOR

TO THE EDITOR:

Black voters should reject the proposed increase in the city income tax unless the city discloses with specificity its plans for the hiring of minority police and firefighters. Mayor Perk has been equivocal and noncommittal on this subject which is understandable in view of the fact that he has always run on his record.

There has also been a foreboding silence on the part of our black representatives in Council. They can jump up and down about everything else, but with 70% of the city's budget allocated for these departments, and black men and women being systematically excluded from these jobs, they are silent and we are left to share speculation, frustration and despair.

The NAACP and the Legal Aid Society have had to go to Federal Court in a continuing series of lawsuits in order to get minority representatives in these departments, neither of which has any blacks on a policymaking level. Federal Court found that there was in fact discrimination in hiring, and ordered that 18% of those hired be members of minority groups, which leaves us with a grand total of about 68 black firefighters and 280 black police officers out of more than 4000 positions.

History teaches us that the American Revolution was fought because the people would not stand for taxation without representation. Black people should commit themselves to that same principle.

In the absence of a firm commitment from the city with regard to minority hiring, black voters should vote "no" in November.

see p. 5

JAMES GAY

DEAR EDITOR

Filberts, Schmilberts. What kind of trash are you handing out anyway. You say there will be more of this junk if the demand warrants it. Well, I demand that you STOP and I want an A in Torts just as bad as the next guy.

UNSIGNED

--At the GAVEL we admit our mistakes. We have seen from the overall lack of response and the occassional blast such as this letter that our attempt at education is a failure.

Filbert was an attempt to:

1) unite the students
2) eliminate browbeating in class through the use of facts.
3) create good will for the GAVEL.

It is my fourth hand observation that it didn't work out this way. To those people who are offended by Filbert, we at the GAVEL will buy back your copy. A public burning of all turned in copies will be held at some future date.

To squelch a rumor, we state: No Filberts is planned, or had been planned, for Werber's course in Contracts. One is not necessary for such a course. Read Calamari. He Obviously does also.

Ed.

NON COMPOS MENTIS

(quoted from AliSon Wunderkind's Adventures in the Legal Thicket)

CASE: First Year Student v. deLaw

ISSUE AT HAND: Given a tender offer, would you respond by proxy contract?

"Be brief," said the brillogig in lex tempera pasta (wiping off the tomatoe paste).
"Ah...fortiori!" quoth Mr. Black, "What brings the 4th Edition Marching Band upon this in personam jurisdiction?"

"Ad litem," said the Alleged Fact. "My Chattel's being Estoppolled.

"Chattel, chattel..." mutters BLack,... ...a pregnant pause..."Ah... Mr. Fact do you the have just cause to assert your procedural baggage? I find it slightly quashed for wear."

"O-yez, your holding is restrained. LET GO, I say, it torts a lot. You will do damage to de suit."

Mr. Fact demurres and rests his case.

"The Court finds 4a.m. guilty of another day."
AliSon W. seeks a remedy.
Fact seeks the status of Evidence.
The Jury, spitting out pasta-colored instructions, noodles in close collaboration with the Judge.
Chattel is retrieved and tucked securely in res sovreignty.

BAR EXAM WORRIES?

HOWARD M. ROSSEN WILL BE ON CAMPUS TO SPEAK ON HOW TO PREPARE FOR THE OHIO BAR EXAM:

-NOV. 20 (WED.) 12:00 NOON RM 2068

-NOV. 21 (THURS.) 9:40 P.M. RM 2018

-NOV. 22 (FRI.) 7:20 P.M. RM 2089

CONTACT CSU REPS. FOR FURTHER INFORMATION: JIM SZALLER, JIM AUSSEM, GREG GALEN, CASEY YIM.

from p. 4

much to go on, and its good to give students some certainty; the feeling that they have mastered what they need to know." He feels this is expecially true in his area - the business side of real estate, the problem of getting money into needed housing programs. "My courses deal with the kind of problems lawyers will be faced with in the future." He has no problem reconciling the "theory" of law school with the "nuts & bolts" of practice.

Professor Richard Kuhns teaches Family Law, Evidence, Criminal Law & Procedure and Correctional Law. He is a graduate of U. of Michigan Law School and had taught the subjects of his forte, the criminal area, at U. of North Dakota for 4 years before coming here. He has also taught Poverty Law at Stanford and while there, gained the extent of his lawyering experience doing criminal defense work in demonstration cases.

As to why he came here, Kuhns said that the idea of living in a big city appealed to him, as well as teaching at a larger and more diversified law school. Besides North Dakota, severe winters and rural setting he found unchallenging the fact that no one else on the faculty there specialized in his area. [Here he feels not nearly as isolated, and has more of a sense of what's going on.] He likes to write, and is presently working on a law review article and a book review.

KUHNS

When asked to comment on his notions of teaching in law school, he said that the dichotomy between the "theoretical approach" is not a very realistic one. He believes that "you have to master the theory, not just to write scholarly articles or appellate briefs, but also to convince a judge on a motion to suppress." He feels that law school shouldn't be geared just for the practitioner nor that theory detracts from the pragmatics of law, but instead believes in a balance of the two. He sees himself essentially as a law professor. Although he's had limited practical experience, he feels a professor should not become too removed from the practice, but to do both at once would be too compromising. He says he would like to take two years off sometime and do trial work exclusively, but his primary goals lie in teaching and writing.

SBA REPORTS

BY SAM SALLAH

At the last S.B.A. meeting, October 30, several important matters were considered and passed upon. First, to the relief of many students, lockers which have long been promised are in the process of being painted and cleaned prior to delivery to the law school. Secondly, a committee was appointed to supervise the compilation and publication of a student directory. A second committee was appointed to organize and oversee proposed Friday Cocktail Hours to be held at the law school. Enthusiasm for this proposal ran high and committee members, working at top speed, promised the first of such events within the next few weeks.

SCOOP SALLAH

A resolution proposed by a student senator, criticizing former Governor Rhodes for statements he recently made indicating the course of action he would follow if confronted with another Kent State situation, came under attack from several other senators. A second S.B.A. meeting was held Thursday, October 31, solely to consider the merits of the resolution. Several senators suggested a student vote be held on the resolution to determine student sentiment, however, this motion was defeated. The resolution, after further debate, was passed and a group was selected to publicize the adoption. According to committee members, an attempt will be made to have the resolution published in either of the Cleveland daily papers. In addition, the passage of this resolution, and its contents, will be publicized to student members of the law college and the remainder of the University. The next S.B.A. meeting is scheduled for Saturday, November 9, 1974, 10:00 a.m.

HUMANE DECISION MAKING

BY SANDY EDELMAN

The S.B.A. met on Thursday October 31 to vote on a proposal put forward by Bruce Wick. The proposal condemned former Governor James Rhodes for his statement relating to a re-occurance of a Kent State-type of situation. In the process I became acquainted with the use of power from the side of the powerful. After assessing the voters, the question was called and voted on befor the dissenters quite knew what was happening. It was an example of majority rule. I enjoyed the power then, because the result was what I wanted. On looking back, part of me is ashamed.

In any group process there occur issues which are incapable of concensus because of different basic values and perhaps Bruce's proposal was one such issue. Yet that group was never allowed to explore the possibility of achieving concensus. The majority decided. We short-cut debate because most of the people agreed to do so. Isn't there a more human way to reach decisions?

A RESOLUTION

The students of Cleveland-Marshall College of Law view with alarm recent statements by James A. Rhodes, a candidate for governor, that if confronted by civil disturbances similar to those at Kent State University in May of 1970, he would act then as he acted at Kent, specifically:
(1) he would again order the Ohio National Guard to the troubled area and would again leave the Guard's adjutant general in conplete control,
(2) the adjutant general or other field commander would decide whether to carry and use loaded weapons,
(3) the governor's involvement with the Guard would end with its call-up.

We deny that Mr. Rhodes or any other governor may disrupt, by use of troops or otherwise, the peaceful assemblies of students or others protesting the condition or their lives; we deny that a governor may use excessive force to subdue even violent assemblies.

If protest escalates to violence beyond the competence of local officials to control it, the governor may order guardsmen to assist a mayor or (outside the cities) a sheriff; but guardsmen under such orders enter, not as a conquering army, supplanting the very authority they were sent to aid, but subordinate to it, as auxiliary police or deputy sheriffs--subject to civilian command and control over their tactics as well as objectives and governed by the laws applicable to civilian peace officers, not by the less stringent military law or laws or war.

Even in time of insurrection, where local authority lies prostrate before the armed might of insurgent forces, the governor may not surrender control over sections of his state to the caprice of military commanders; he must assume personal command to the end that order may be restored with the least possible loss of life to his disaffected fellow citizens.

Section 4 of the Ohio Bill of Rights provides that "the military shall be in strict subordination to the civil power." The attempt by civilian executives, governors, mayors, sheriffs, to escape their command responsibilities as chief conservators of the peace, leaves the military, by default, the virtual government of the area, a law onto themselves. The result to civilians is often fatal. To place a premium upon property rights at the expense of life and limb reverses the true priority of the Constitution.

Adopted October 31, 1974, by the Student Bar Association

David E. Swain, President

OBITER DICTUM

OBITER DICTUM, a legal periodical dedicated to serious satire and humor, poetry and cartoons, seeks literary contributions.

Send any material you wish to be considered for publication to OBITER DICTUM, Franklin Pierce Law Center, Concord, New Hampshire 03301.

With manuscripts send a self-addressed stamped envelope. Payment will be made in copies of the journal.

THE GAVEL

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TOM BUCKLEY, FACULTY ADVISOR

THE GAVEL STAFF: SANDY EDELMAN, ARNIE FINKLESTEIN, CHERIE KIEFFER JOHN LAWSON

THE GAVEL, COLLEGE OF LAW, CLEVELAND STATE UNIVERSITY, CLEVELAND, OHIO 44115 687-2340

MEET THE NEW FACULTY MEMBERS

Earl Curry definitely enjoys teaching here at Cleveland-Marshall, and appreciates CSU for its potential for professional recognition.

He is impressed with the faculty which he sees as young, energetic and dedicated to legal education. As did the other new faculty members he was very impressed with the Dean.

"The Dean is the key to the direction of this school," he said. "The direction is experimental, progressive and searching at the same time following traditional educational methods."

He is also impressed and pleased with the students, especially the night students. He expected night students to be passive, tired, and expecting to be spoon fed. But is surprised to find both his expectations unfulfilled and his classes lively.

Professor Curry has no illusions about the potential of the law school experience. He is aware that most graduates will not become practicing attorneys. That is why the value of the educational, not vocational, experience is in teaching students to become problem-solvers and not simply technicians.

CURRY

David Engdahl is a visiting professor from the University of Colorado. He is here to assist Steven Sindell on the Kent State case. His interest in the Kent State case goes back years to the spring of 1970 when he was teaching Constitutional Law, concentrating on military powers in peace time when Kent, Jackson State and a similar event at the University of Denver occurred, although there were no injuries in Denver.

Engdahl proceeded to litigate the Denver matter but after asking for an injunction and declaratory relief was thrown out of court with no damages claimed as frivolous.

He soon contacted Sindell and began a long correspondence, exchanging advise and legal points and memos. Engdahl wrote several of the amicus briefs submitted to the Supreme Court which were supported by various religious organizations.

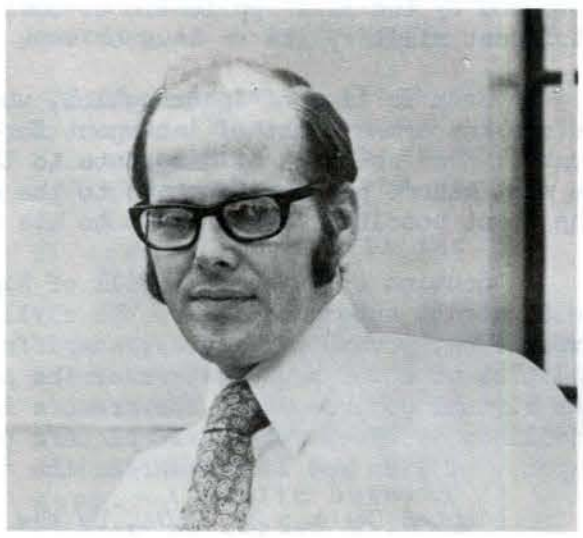
After warning at the High Court he was asked to come to Cleveland to work full-time on the trial management.

He is not being paid by Sindell and is supporting himself by teaching slightly less than full-time.

He is impressed by the faculty he has met. He sees the school as having problems in transition which will probably continue for a few years.

He was asked how he liked Cleveland.

"Well"....he laughed. "It's kind of depressing but not as bad as I thought it would be. The air is cruddy."



ENGDAHL

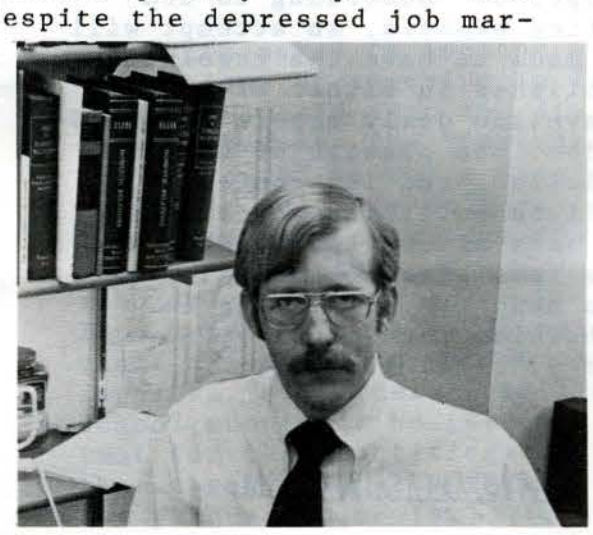
One of the newer additions this year to the Cleveland-Marshall faculty is David Culp. Professor Culp graduated from Kansas University in 1964, majoring in English and minoring in physical education. His next two years were spent teaching High School English in the Los Angeles City School System. In 1966, David Culp entered Kansas University Law School from which he graduated in 1969. He spent one year in a thirty-two man law firm working in the trial department and then returned to K.U.'s law school for three years teaching courses in Constitutional Law, Evidence, & Environmental Law. Last year, Professor Culp received his Master's degree at Columbia & has recently joined the Cleveland-Marshall faculty where his teaching responsibilities include Constitutional Law, Torts, & Poverty & Law.

Professor Culp does not adhere to classroom intimidation as a means to sparking student performance. He would like to see more student-faculty interaction and ideally the beginnings of a Cleveland-Marshall community where students and faculty could freely exchange ideas and lighten up the atmosphere somewhat.

CULP

David Culp is residing on the East Side in the Shaker Square area. He is single and has no reservations about dating students, preferably those of the female gender. His first love is sports and had Culp been any good he could have played major league baseball. However he did play baseball for Kansas U. where he was a catcher for the Jayhawks. (What the hell is a jayhawk?) This writer can also attest to David's ability to throw a football 60 yds. on a line, however Culp's Mid-West honesty and a sense of fair play make him a sure loser on the East side touch football sandlots.

Professor Donald Wiedner is 29 years old, single, and teaches Property and Real Estate Development Institute. A graduate of University of Texas Law School, he spent a year teaching at University of Chicago, a year with a Wall Street law firm, and two years at the University of South Carolina. While there, he also worked for the State Housing authority. When asked why he chose Cleveland-Marshall, he responsed with a series of favorable impressions he received when visiting here, as well as the school's growing reputation, in marked contrast with his former school, the faculty and administration here are for the most part yound, basically liberal, but with a cohesiveness with the older professors which he finds unique. Believing that writing should be undertaken by all law professors, Wiedner was impressed with the enthusiasm of one "older" faculty member here for an article, and enthusiasm which he found lacking at U. of S. Carolina. Indeed, he finds great value in enthusiasm, and is disappointed with student's lack of enthusiasm here [he saw an issue of the Gavel last Spring]. When asked what in the world there was to be enthusastic about Wiedner quickly responded that despite the depressed job mar-



WIEDNER

ket, students should think more of themselves, that they are as bright here as anywhere else, and that law school does prepare one adequately for the practice of law. "Generally, students don't understand that the value of lawyers is dealing with uncertainty and making reasoned judgments. Often, there is not

see p. 2

THE ROLE OF THE RADICAL LAWYER AND THE RADICAL PROFESSOR OF LAW: SOME REFLECTIONS PART II

BY ARTHUR KINOY PROFESSOR OF LAW, RUTGERS LAW SCHOOL

We are in a transition period in which the dominant sections of the ruling powers are edging toward a substitution of the present form of rule by the capitalist class -- the form of rule classically known as bourgeois democracy -- by another form of rule -- the open terrorist dictatorship, classically known as fascism. It is simply not helpful to evade this question -- to avoid the word fascism because it evokes emotional connotations of horror and nightmare emanating from an earlier era. We Americans are masters at running from political reality when that reality is distasteful and shocking to our image of ourselves. For a hundred years the word slavery was erased from any considered analysis if the reason for the continuing oppression of black people. Only the recent powerful upsurges of the blacks themselves have forced the word slavery back into the contemporary political and juridical lexicon. Nor is the practice of fascism an alien method imported from abroad and antithetical to our cultural patterns. The Southern slave masters utilized the form of "open terrorist dictatorship" after the destruction of the reconstruction government and clung to the essence of its form of rule until shaken by the first waves of black upsurge in the sixties. Americans invented genocide on the Trail of Texas of the Cherokee Nation a hundred years before Buchenwald. In words which today invoke a prophetic chill, an astute Southern politician said thirty years ago that when fascism came to the United States it would come "wrapped up in the American Flag." (7)

It is desperately critical for all Americans to consider carefully the dynamics of the contradictions which shape the contours of this transition period in which the ruling class is edging towards a qualitative change in form of rule. But it is especially important for radical lawyers and teachers of law to grapple with these questions since the particularities of the contradictions dominant in this period of transition shape our role and our responsibilities.

It is essential, I think, to recognize that the ruling class turns to fascism, to an open terrorist dictatorship, abandoning its classic form of class dominating bourgeosie democracy, out of fear and not out of strength. Faced with a growing radicalization of large sections of the people, an ever increasing majority to solve the immediate and pressing problems of the people, which in turn leads to further radicalization, the response of the rulers has been to turn increasingly to intermediate forms of repression which pave the way, unless checked, to the ultimate transition to the open terrorist dictatorship. An astute and experienced student of the transition period from the rule of bourgeois-democracy to the rule by open terrorist dictatorship, Georgi Dimitrov, the Bulgarian Communist who won the admiration of millions throughout the world in 1934 because of his courageous stance before the Nazi tribunal during the historic Reichstag Fire Trial, warned that "accession to power of fascism must not be conceived of in so simplified and smooth a form, as though some committee or other of finance-capital decided on a certain date to set up a fascist dictatorship." (8) This is not to say that the coup d'etat blow is utterly impossible in the current American scene. The events following the Cambodian invasion have evoked too many parallels to that once fictionally regarded motion picture Seven Days in May to dismiss the military coup d'etat as an American impossibility relegated to the late late show. But the dynamics of the present situation point in a direction less dramatic, but equally dangerous; the increasing utilization of legal and extra-legal measures which repress the leadership of the revolutionary forces and which cutail and limit even the most elementary democratic liberties of the large masses of people who are thrown by events into an increased radicalization. Thus, the ultimate fascist danger and the sweeping intermediate repressive steps which pave the way to the change in form of state rule must be viewed as one side of the basic contradiction, the other side of which is the unprecedented and extraordinary growing radicalization of vast numbers of Americans who are experiencing the inability of the rulers to solve any of the immediate problems of this society. (These two phenomena are occurring simultaneously and are reacting upon each other.)

The rulers are unable to solve the problem of extricating themselves from an unpopular and disastrous colonial war, so they seek to avoid the nightmare of both military defeat and increased economic crisis at home by turning to the solution of extending and enlarging the war. This in turn sets into motion the most extraordinary reaction among millions of people reaching up into conflicts and splits in the highest circles of government. A crisis in government begins to develop in which the very forms of bourgeois parliamentarism are under attack by the ruling powers. For a moment, but an important moment, the structure through which the ruling class has maintained its power for the entire history of the country, the very form of representative government, an independent legislature, becomes itself an obstacle to the dominant governing circles, and the object of its attacks.

For years, the ruling class has governed through utilization of the forms of political democracy, principal among them the formal constitutional protections of political and individual liberties contained in the Bill of Rights. The many political prosecutions already held now in progress, and yet to come are shaped by this newly emerging contradiction. Although utilizing the form of a judicial proceeding and supposedly bound by the old rules of law, they cannot achieve their objective of mass repression and terrorization without in fact undermining and abandoning one after another of the most elementary bourgeois-democratic rights the rights of citizens to bail, the right under the First Amendment to organize an opposition political party, the right to privacy against government wiretapping under the Fourth Amendment, the right to an independent jury of one's peers under the Sixth Amendment, the very right to a fair trial by an impartial judge under the Fifth Amendment. These rights, and many more, formerly called, if you wish, the "trappings of bourgeois justice," the so-called "rights of man," were grafted onto the constitution of the propertied classes in an earlier revolutionary era to obtain the support of the masses of people for the struggle against feudalism or foreign imperial control. Now, in a new era, these forms become dangerous to the ruling class, an obstacle to their plans, and must be undermined, ignored and ultimately totally abandoned by them. The ruling class begins to turn upon its own ideas, its own forms, its own institutions.

In every institution the contradiction begins to break loose. It is a moment of splits, of indecision -- the old ideas and the old forms retain some strength and some support even in the high circles. The impact of the new contradictions affects every institution in the judicial system from the trial courts to the Supreme Court itself, as indeed it affects every institution in political life. As the major contradictions intensify -- the growing dissatisfaction and increasing radicalization of millions on the one hand and the increased legal and extra-legal repressive measures moving in the ultimate direction of open terrorist dictatorship on the other -- the internal stresses within the judicial system as the pressures mount to eliminate or ignore the oldest and most elementary substantive and procedural forms of airiness and individual liberties. As in the parliamentary arena, we are approaching a crisis in government within the judicial arena as well.

JAMES GAY

THE SUPREME CARPENTER

BY BRUCE ROSE

We visited the Supreme Court Building while in Washington D.C. recently. We were told on arriving that the Court was not in session but that we were welcome to look around the court room.

We looked around and were of course impressed. It is a very impressive chamber. There were several other people there doing just the same thing and a young guide was stationed to answer any questions, and to keep an eye out for disturbances.

One person asked the guard if he could sit in a Justice's chair or at least step up to the attorney's lectern. Of course he couldn't.

One of the seats, William Douglas's, was different from all the rest. We asked the guard why. He rambled on politely as how he didn't know but that it just was and on and on.

"Well who would know?" we asked.

"You might try the carpenter." We looked at each other immediately. "He made them all, he would know," he went on.

"The carpenter? The Supreme Court has a carpenter?" Our curiosity was aroused. "How can we meet him?"

We tried to officially see him. This began an hour-long Official Supreme Court Run Around consisting of security clearance, press releases, a final check with the public information office. It took forty minutes and got us nowhere. We called the office of the Carpenter. "We are coming to see you in a few minutes."

We walked down what seemed to be hundreds of stairs into the bowels of the building around corners and down corridors. We rang the bell on the iron gate and were greeted by Ed Douglas the official carpenter of the Supreme Court. He was a big man with a weather beaten craggy face and bright blue eyes. He was dressed in work clothes and a baseball cap. He had never been interviewed before and did not know just what to make of us. We walked to his office next door. He tried to call for official clearance to speak with us but he was given a run-around similar to ours. He hung up and commenced talking. He was a friendly man - warm yet reserved.

He had been a carpenter for the past 27 years and at the Supreme Court for twelve. His office is right next to his shop. It is full of mementos, letters of appreciation, and photographs of the Justices and one of President Kennedy. A print of Picasso's Stag at Sharkeys hangs above his desk.

He talked about his work. Mr. Douglas hand carves each Justice's chair and desk and any other furniture they might want. Justice Douglas has the old style chair. It is non-high back and the leather has a quilted look. Each Justice since Justice White has been designed a high back chair with smooth leather. Comfort, not politics, is the over-riding concern.

Justice Douglas may refer constantly in his opinions to the fact that judges should be hardy robust, spry and vigorous, but Ed Douglas must pad William Douglas's chair to ease his bad back.

ED DOUGLAS

Mr. Douglas had nothing but praise for his boss, the Chief Justice Warren Burger and it had nothing to do with Burger's analytical skills (in his twelve years Douglas has been to only one argument). Mr. Burger formulated the new design for the Courts bench. Formerly the bench was rectangular. It is now V-shaped. Mr. Chief Justice Burger sits at the apex and the Associate Justices sit on either side of him. This concept allows the Justices to look at each other and the attorneys.

Burger discussed the design with an architect and Douglas and Douglas built the new bench.

Hoping to learn at least one guarded national secret, we ventured one last question.

"Which Justice takes the largest seat?" All Mr. Douglas would say though was that they all have large butts.

REASONS (CONT. FROM P. 1)

Procedure involves more than simply knowing what is written in a code, it also involves knowing how to use that code.

The reason that so many nominal day students take night courses from people like Rippner, and Patachan isn't only because those course aren't offered during the day. The day people take those course because those men know not just the law as it is written but the law as it is practiced, and give little tips on how to get things done. The same type of information--the nuts and bolts of how things are done--should comprise the bulk of a procedure course. For those states which use the federal rules of civil procedure, in some modified form, someone familiar with Ohio procedure can teach that inside information. But the greatest Ohio lawyer in the world can't tell you how to operate in a Manhattan Courtroom.

That, it seems to me, is a valid acadamic reason. There are things which are peculiar to New York Procedure--as, indeed there are other things which are, in a more general sense, peculiar to code pleading systems in general--which are necessary for one to be a successful practitioner in that state. This school's reputation is only going to be as good as the reputation's of its graduates. If it turns out people who can only practice in certain jurisdictions, because they only know the law of certain jurisdictions, then the school's reputation will suffer and it will never approach the greatness to which it claims to aspire.

But there is an even better reason for such a course to be offered. There are at least 30 people--and probably more--who would take it. There are at least two members of this faculty, currently under contract who are qualified to teach it. That in itself seems to me to be sufficient. Schools have shown a great willingness in recent years to offer various courses at the instigation of their students, some of them of at best questionable value. The liklihood that United Nations Law (L876), Law and the Behav-

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ioral Sciences (L872), Legal History Seminar (L858) or Psychiatry and the Law (L831) --to name only a few--will be vital to anyone's practice after graduation is slim; the liklihood that the procedural rules of certain state courts will be important to at least some students practices is a certainty. It seems to me that it is about time that this school attempt to serve its students for a change.

Several people have asked me what happened to last spring's proposal. Mostly, its just lying dormant waiting for someone to do something about it. It is, of course, too late for this year or for any third year student. But there is a chance that, if second and first year students started working on the idea again, that maybe something good could come out of it by June. I hope somebody will take the lead in trying to organize a new proposal. It is a fight that can be won, and one that is worth fighting.