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THE GAVEL

Cleveland-Marshall's Newsmagazine

Vol. 33

No. 1



Editor's Note

The Gavel, Cleveland-Marshall's Newsmagazine, is proud to be entering its 33rd year of publication. We hope you have noticed our new look, because **The Gavel** staff is doing everything it can to improve the quality of the magazine. Quality, of course, does not only rest in the outward appearance of a publication, but on the strength and depth of the items reported on in the publication. Every effort has been made to bring you well written, interesting news articles and features.

The Editors of **The Gavel** are proud of the national recognition the newsmagazine has received in the past, and we intend to build upon our past accomplishments by maintaining the high standards of quality our readers have come to expect. In this spirit, we are now looking to find students, staff, faculty and members of the Cleveland legal community who are interested in becoming contributing writers of **The Gavel**. All Cleveland-Marshall students, including first-year students, are encouraged to become full staff members of the magazine. Only staff members are eligible for a position as an Editor. A student becomes a staff member upon submission of two law-related articles worthy of publication.

We encourage reader response to any item appearing in the publication and, in order to encourage response, we have established a "Letters to the Editor" column that will appear in subsequent issues of **The Gavel**.

The Gavel, its Editors and staff, are prepared to bring you a vibrant and exciting publication.



Steven Mills



THE GAVEL

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WELCOME ... WITH HELPFUL HINTS



by **Mary DeGenaro**

By now, you have a few weeks under your belt, but at this time I'd like to welcome you to Cleveland-Marshall on behalf of all The Gavel staff, and wish you good luck during your first year.

What lies ahead is perhaps the most challenging and demanding year in your academic career. And if you're already having spells of doubt about your ability to measure up, remember, if you didn't have the ability to study law you wouldn't be here in the first place!

First year is filled with apprehension, frustration and long hours of hard work. One minute you'll feel that you understand an issue, but by the end of class, you're twice as confused. But take heart, you're not alone. Your fellow classmates are going through the same thing. One sure way to get through your first year is by getting to know the other people in your section.

Lessons learned outside the class are as valuable as those learned within. By setting up formal study groups, or just battling ideas around over lunch, things like promissory estoppel and trespass start to sink in.

Your fellow students not only can be your teachers, but morale boosters as well. They understand what you're going through. Some days you may want to quit because you're so frustrated and confused, and it's nice to know that there's a sym-

pathetic ear who'll listen and shore up your self-confidence.

Something that first year students are terrified to do is extremely valuable in clearing up confusion — ask questions in class!

Don't be afraid that your question is stupid — of course you don't understand. Professors don't expect brilliant questions, just valid ones based on good class preparation. And chances are pretty good that most of the class has the same question. Most professors don't object to class discussion (and some expect it!). Good discussion in class helps to make learning difficult material easier for everyone.

And don't worry if you don't understand right away. You are pursuing a very foreign and often ambiguous area of study. And to make matters worse, the Socratic method of teaching is one you've never experienced before. You try to find a black letter law answer and can't seem to get it. The purpose of first year is not only to learn legal principles, but also how to think in a legal, logical way. There is light at the end of the tunnel. After a few months have gone by and you become more comfortable with the routine, things will start to fall into place.

Some other pointers. I'm sure you've begun to realize the importance of being prepared for class. If you're not, not only do you have to sweat out being called on, but you really don't get the full benefit of class when you aren't familiar with the topic of discussion. Along that line — don't

get behind! Studying is very time consuming and you don't need the extra pressure of trying to catch up.

There are hornbooks, outlines and canned briefs available to you as study aids. Hornbooks are the most authoritative and informative, but very expensive. Solution — go to the library. They are available for reference and some can be taken out. Commercial outlines and nutshells give a concise, but abbreviated statement of the law and are more affordable. Ask upper level students which they used or check them out for yourself at the reference desk in the library. Canned Briefs are helpful in a pinch, or to help you while you're briefing, but shouldn't be used instead of briefing yourself. Briefing cases yourself is a great help in studying, and you're also more prepared for class.

Set a specific time aside for studying, but make sure to give yourself a break. You need to take a break every now and then to give yourself and your brain cells a rest. Studying when you're tired or confused doesn't do you any good and may confuse you more. Take a break or switch to another topic.

First year is a lot of hard work and filled with ups and down. You're learning the law and how to think like a lawyer. But as the year goes by, the hills will be more frequent, and the valleys of frustration not so deep. You and your fellow classmates will help each other overcome your frustrations and come out of this first year **successful!**

Orientation Cleveland-Marshall Style

by Debra Bernard

As dusk witnessed a general quieting end to the seemingly never ending rush hour throng outdoors, the advent of an organized confusion occurred inside the walls of the Cleveland-Marshall College of Law. It was 5:45 p.m. on Thursday, August 23, 1984 — the night of the Fall Orientation Program for the incoming first year students.

They straggled in in pairs or triplets with an occasional lone individual dotting the floor, flipping through the what seemed like 847 pages of orientation materials. Each seemed shy at first, hesitant to make the first contact with anyone or anything remotely connected with this awesome place. A thousand thoughts must have raced through their heads: "Will that guy over there with the short hair and ankle length jeans do better than I? Is that strange-looking creature REALLY a law professor? Will I really have 27 hours of homework each night? Is that third year student smiling because he knows something I don't? Can I handle this? What am I getting myself into? Why wasn't I satisfied being a bird cage cleaner?"

At 6 p.m., the first year students were ushered into the Moot Court Room. At 6:10 p.m., Assistant Dean Micki Moran-Kennedy welcomed the incoming students. Tension dissipated slightly as each student relaxed a little and nonchalantly stole a glance at the person sitting next to him. Assistant Dean Moran-Kennedy continued with the class statistics: 324 total new first year students, approximately 200 to be full-time day students, and 120 to be evening students. 111 were females, 294 were residents of Ohio, and 30 were non-residents. Moran-Kennedy stressed that friendships made in law school are often friendships lasting a lifetime, and encouraged the students to support each other through the upcoming months. Though the study of law is indeed frustrating at times, generally the study of law should be a positive part of our lives, she said. She urged the students to become acquainted with their individual faculty advisors and utilize them as resource persons within the College Of Law. She ended her address by further explaining that administrative office hours were expanded to provide Wednesday evening office hours until 7:30 p.m.

Cleveland-Marshall's new director of the Law Library, Robert Nissenbaum, then welcomed the students to the Law

Library, describing it as their new "home away from home". He emphasized that the six professional librarians and fourteen total staff members were there especially to serve the students. His friendliness and willingness to help seemed obvious as he explained his own office hours, including Monday evenings and three Saturdays per semester.

Warm, personable Tony Bondra, Student Bar Association President, followed Mr. Nissenbaum. After telling of a strange experience he had in domestic relations court that day (ahhh... Something about a lady with a garage?!?!), Tony urged the

students to communicate among themselves, with faculty members, and with all other students. He encouraged student involvement in the many student organizations in operation at Cleveland-Marshall, and pressed the students to take advantage of the excellent faculty, administrative and library resources available to help meet their needs at the College.

Professor Elizabeth Moody concluded the program with several of her own thoughts and observations about lawyering in general, and the law school experience in specific. Several of the major

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FOR THE STUDENT INTEREST ...

by Ditty Marciniszyn

Law students of Cleveland-Marshall are fortunate in having a wide variety of organizations open to them for membership. These organizations eagerly look forward to participation by first year students.

The Black American Law Students Association (BALSA) is a national organization with chapters in more than 100 law schools. The purposes of BALSA are "to foster and encourage professional competence by articulating and promoting the professional needs and goals of black American law students, and to influence American law schools, legal fraternities and associations to work to make the legal system more responsive to the needs of the black community." This organization provides a life preserver of support for its members, which a first year student will find particularly important. Our local chapter has its office in LB 13.

Membership in the American Bar Association-Law School Division (ABA-LSD) is strongly recommended by the SBA. The membership fee is \$8, which includes subscriptions to both the *Student Lawyer* and the *ABA Journal*, low cost insurance (compared with the CSU endorsed plan), life insurance, renter's insurance, discounts on books, and a discount on the Multistate Bar Review. A most valuable benefit of membership is the opportunity to participate in the substantive activity of one of the 23 ABA Sections that specialize in particular areas of the law. Membership applications can be found on the SBA office door... down the hall from Fran's Coffee Shop.

The largest professional fraternity at C-M is Delta Theta Phi. A benefit of membership in this organization is the opportu-

nity to fraternize with the local alumni, a Circuit Federal District judge, many Common Pleas bench members, numerous prominent local attorneys, faculty members and other law students. The Fall Clam Bake, the winter Tom and Jerry Party and the spring Founder's Day Banquet are some of the exciting events planned for this year. The office is located at LB 24.

Tau Epsilon Rho, the second largest legal fraternity "has a small personal climate that strives to develop leadership skills." Activities include luncheons with area alumni and other social activities. One most enjoyable event offered this past year was an evening with the Cleveland Force Soccer Team. The TER office is in LB 27.

Phi Alpha Delta is an international fraternity. Its purpose is to develop relationships between the law student and distinguished alumni. The PAD office is also located in LB 27.

The National Lawyers Guild is an organization of law students, lawyers and legal workers. Its purpose is to support social, political, and economic change and to encourage public interest in current legal issues. Membership provides an opportunity for active involvement in progressive legal work while in law school. The Guild's office is located in LB 25.

The Student Bar Association (SBA) is the law school student government. This organization provides numerous activities to promote the quality of life at C-M by providing services and programs of interest to law students. In April, the officers are elected for the following year and in October, the senators are elected by each class. The SBA sponsors happy hours throughout the year, the Barrister's Ball, the Spring Golf Outing and the Cleveland-

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What the Law Library can do for you

by Kathy Gillette

Welcome back to Cleveland-Marshall and your home away from home. For those of you unacquainted with the law library or staff, we pride ourselves in making it a comfortable and conducive place of study. Many services are provided to not only support an expanding curriculum, but also assist large group and individual instruction or study.

We also provide smoking and general reference areas to further accommodate your interests. A Users Guide outlining in more detail the library policies and services is available upon request at the circulation desk.

The sixteen member staff has a wide range of education and library background experience. Some staff members have seen the law library grow from the "old days" of the Chester Building. The professional librarian staff has also grown with the law library into its current location. Yet, not since Professor Morse left two years ago have we had a full staff. The beginning of the 84-85 school year is highlighted by the arrival of our new Director of the Law Library, Robert J. Nissenbaum.

In highlighting what we can do for you, mention of reference services, reserve room services (RR), computer training and student employment opportunities can not go overlooked. These services and many more are designed to assist each law student through law school and beyond.

Reference assistance is an all inclusive term encompassing any question a library user may have. You will find a librarian or knowledgeable staff or student employee at the reference or circulation desk at all times. We also have an active inter-library loan service, publish new law library acquisitions, circulate recently received law journal table of contents, provide bibliographic instruction on demand, prepare bibliographies upon request and recommend the appropriate materials or additional local library that might be more suitable to your need. Our latest bibliography is entitled "An Introduction To The Study of Law." It is a compilation of a variety of materials outlining the school experience and is available at the circulation desk.

The reserve room provides a variety of student oriented services all centralized at the circulation desk. We have previous student course evaluations, an exam index of all released law school exams by professors, current course suggested reading ma-

terials, registration for any of the law library computers and SBA typewriters, a hold shelf for requested but not readily available materials as well as the reservation forms to reserve study carrels and small rooms as needed for indepth research.

Computer awareness and training is a growing function of the library's service to its student users. Presently, we have one Lexis and one Westlaw terminal and printer. Yet, extensive plans are underway to expand our computer capability into additional legal and nonlegal database research as well as further automation of internal library procedures. Law libraries of the future will be totally automated in their internal as well as external services.

Finally, a variety of opportunities exist for law students to be employed within the law library. We use student assistance in many of the daily library operations. As a law student employee, you are the initial library receptionist in maintaining the circulation desk. While on duty, you have the opportunity to interact with all library users; faculty, staff, students, practicing attorneys and public as well as work closely with the legal computer assisted instruction program.

Therefore, the law library and staff have a lot to offer Cleveland-Marshall law students. Our User Guide provides in depth information on the services of your home away from home. Anyone desiring more information should visit the library and ask for assistance.

NEW LIBRARY DIRECTOR APPOINTED

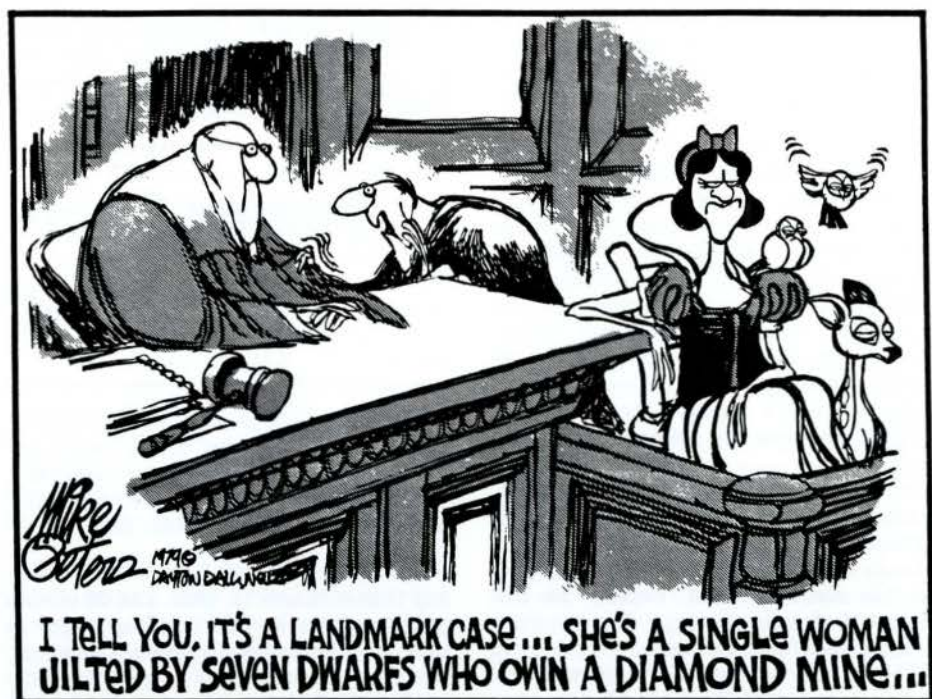
Robert J. Nissenbaum became the library director for Cleveland State University's Cleveland-Marshall College of Law, effective August 15.

Nissenbaum comes to CSU from the School of Law at the University of Texas — Austin where he was head of reference services for the Tarlton Law Library. He joined the university in 1981 after serving as a reference librarian at the Connecticut State Library in Hartford. He also was a librarian at the Western New England College School of Law in Springfield, MA,

and at the Brooklyn Law School Library in Brooklyn, NY.

The new Cleveland-Marshall librarian received his law degree at Western New England and his master of library science degree at Pratt Institute. He earned his B. A. degree at George Washington University.

The College of Law Library, considered an integral tool for legal training, has grown from 130,000 volumes (or microform equivalents) to about 240,000 in the past six years. An addition to the facility is planned.



I TELL YOU, IT'S A LANDMARK CASE... SHE'S A SINGLE WOMAN
JILTED BY SEVEN DWARFS WHO OWN A DIAMOND MINE...

Cleveland-Marshall students can be proud of a faculty and administrative staff that are highly visible, motivated, innovative and greatly involved. These qualities are especially appropriate in describing the several professors who returned this Fall to Cleveland-Marshall after a year's leave of absence to pursue their special interests, and can also be used to describe the well-qualified professors and administrative staff members who have joined the rank and file at the College.

Professors Janice Toran and Stephan Landsman were in England during the 1983-84 school year. Professor Toran taught Evidence, and a course on the English Legal System at the Polytechnic of Central London. She returns as a professor of Evidence and Civil Procedure. Professor Landsman explored England and conducted legal research. He returns to Cleveland-Marshall as a professor of Evidence and Torts.

This year, Professor Earl Curry is the Cleveland-Marshall exchange professor to England, and England's exchange professor to Cleveland-Marshall is Lars Eric Mosesson. Professor Mosesson will teach Property and in the Spring, a seminar on Human Rights/Civil Disobedience.

Professor David Forte was on sabbatical during the 1983-84 school year and traveled around the country as a guest lecturer.

Professor Victor Streib was a visiting professor at the University of San Diego last year where he taught Criminal Law, Criminal Procedure, and a course on Children and the Law. He was an Associate Dean for Academic Affairs at Cleveland-Marshall prior to his year's leave, but he returns as a professor of Criminal Procedure, Family Law, and Criminal Law. He is also currently involved in the research and writing of a paper on capital punishment for juveniles.

Professor Robert Katz of the Legal Clinic was a visiting professor at the University of Miami last year but is now back in the Clinic. He will be joined in the Clinic by newcomer Lloyd Snyder, formerly of the Legal Aid Society of Cleveland, who will also teach on a full-time basis.

Professor Marjorie Kornhauser was a Visiting Assistant Professor of Law at Cleveland-Marshall from 1981-83. She is returning to the faculty this year as a full-time professor and will teach Taxation I and II.

Professor Helen Jensen will also teach Taxation I in the Fall Semester. She is currently employed by the Sohio Corporation in the tax department, and will join the Cleveland-Marshall Faculty as an adjunct professor.

Other new faces include:

□ Micki Moran-Kennedy, Assistant Dean of Admissions and Student Affairs, who



joined the administrative staff in April, 1984. As well as assisting students to solve any arising problems at Cleveland-Marshall (she maintains an "open door" policy), she is involved in recruiting undergraduate students for admission to Cleveland-Marshall, and officially represents the College of Law in the Women's Space organization of Greater Cleveland. She was a 1983 graduate of Cleveland-Marshall, and was employed in the anti-trust department of the Attorney-General's Office in Columbus before assuming her current position here.

□ Louise Dempsey, Cleveland-Marshall's new Director of Development. She was formerly employed by the Cleveland Clinic Foundation, and received her juris

doctor degree from Cleveland-Marshall.

□ Forest Weinberg, who will join the faculty as a full-time professor in the Spring Semester. He will teach Secured Transactions and Bankruptcy. Prior to joining the faculty as a full-time professor, Mr. Weinberg taught a seminar, "The Small Business Lawyer", at Cleveland-Marshall.

Cleveland-Marshall College of Law lost two professors to retirement this year. Professor Edward Chitlik, who taught Contracts, Civil Procedure and Trial Preparation, retired in the early Summer. Professor LeRoy Murad, who taught many courses, including Wills and Trusts, Criminal Procedure, and Conflict of Laws, is in semi-retirement and will retire from Cleveland-Marshall after teaching a course in the Spring Semester.

Disney Cable To Air Variety Show Taped at CSU

Coming On!, the Disney Channel variety show hosted by Jimmy Aleck, will turn the spotlight on Cleveland State University in a program to be broadcast on the cable television channel September 28th.

The show was taped at CSU's University Center March 16, 1983. The 60-minute program features CSU student talent as well as others from greater Cleveland. The guests on the show include the Singing Angels, The Accordion Repair Comedy

Company, vocalist Carolyn Wilson, comedian Dan O'Shannon, dancer Eric Taylor, singer Otis W. Elmore III, and magician Neil Rozum & Company. The program also includes a profile of CSU and its campus.

The air time on the Disney Channel is 12 noon. The Disney Channel, devoted to family entertainment, is one of the fastest growing subscriber cable companies in the nation.

CHITLIK'S "DOCTRINE OF TOUGH"

by James Thurston

Professor Edward Chitlik of Cleveland-Marshall College of Law retired after the 1983-84 school year. He was my first year Contracts professor, and was a dynamic instructor and role model for students, successfully combining business, law, and legal education into a career that extended over forty years.

As a first year law student, I was impressed by his informative and open discourse in class, his clarity of purpose as an attorney, and his "Chitlik's doctrine of tough", a phrase he coined which had no real definition because it could be synthesized to mean many things. For example, it could be analogized with the difficulties of making an air tight contract that proves to be faulty, or the effort of many law students to have a G.P.A. of 4.0, but receiving a 2.5 instead. At this point in time, the doctrine seems to appropriately describe Cleveland-Marshall's loss of Chitlik to retirement.

Chitlik had a varied career in business and law throughout his professional career. He was licensed by the Ohio Bar Association to practice in 1942. He graduated from what was then Western Reserve University with dual majors, one in Political Science and one in History. At that time, Western Reserve University had a program permitting students who maintained a certain grade point average after three years of undergraduate schooling to enter law school under a special admissions program. The program combined the senior year in undergraduate school with the first year of law school. Chitlik entered law school through this program. However, he and his classmates were soon affected by World War II.

World War II started in December, 1941, and many of Chitlik's classmates were drafted or voluntarily left for military service. Therefore, his law school classes were accelerated and started in the Summer rather than the Fall of 1941. As a result, he took the bar exam before his final exams in law school. This was quite unusual then and unheard of today. Consequently, he became a lawyer before receiving his J.D. degree.

Chitlik commenced his law practice in Cleveland as an associate with a Phi Epsilon Phi fraternity brother. Later, he

volunteered for the Marine Corps Officers Candidate School, but was unable to pass the physical. Eventually he was exempted from military duty and did not serve. As a result, he decided to become a government lawyer.

Chitlik accepted a job with the government in the Office of Price Administration. He worked in the Rationing Section drafting regulations for sugar, gasoline, and a number of other goods. He even drafted regulations for "heavy duty rubber footwear" at one time! In time, Chitlik wasn't happy with his employment and applied for a transfer to the Department of Justice. He was accepted into the Department and was assigned to the Criminal Division. There he worked in a section called the Integrity of Government Operations. During wartime, the section dealt with recommendations and opinions of offenses against the government, such as offensive statements against the government, and the illegal wearing of military uniforms by non-military personnel.

After a period with this section of the Justice Department, he requested another transfer to the Anti-Trust Division in order to continue working under Wendell Burge, the man initially hiring Chitlik into the Justice Department. Chitlik was assigned to the Cartel Section and only worked on one case. It was the cartel investigation of General Electric and Westinghouse which he occasionally referred to in his classes. The investigation concerned the G.E. and Westinghouse positions in cartel arrangements throughout the world, and continued for about two and one-half years.

As the war came to an end, he returned home to Cleveland. A position opened in the regional office of the War Manpower Commission in Cleveland, and Chitlik was accepted as the Assistant Regional Attorney. However, the job was terminated before the war was over, and soon after, President Roosevelt died. This caused Chitlik to take another job as a Hearing Disputes Officer with the regional office of the War Labor Board. In this position, he was an attorney presenting cases before the Regional Board. Eventually he returned to private practice.

After returning to private practice, Chitlik became very active with the Bar Association of Cuyahoga County, and by the time he was 37 years old, he was President of the Association. His practice developed successfully and he acquired several influential clients involved in

business and manufacturing. In addition, he started to work in the Bankruptcy Court as a counselor representing secured creditors and mortgagors.

Along with his private practice, Chitlik was also active in business, his business interests including such things as involvement in a small construction company with his father, a machine shop, a radio and TV repair company, and holding/managing stock in the large Kaase Bakery Company.

Chitlik stated, "There is no limit to what you can do if you are flexible and permit yourself to explore those opportunities you can". In almost all of his business involvements, he had someone running the business for him. He would oversee the policies. His primary interest was still the practice of law.

In 1967, Chitlik began teaching at Cleveland-Marshall College of Law on a part-time basis. He enjoyed teaching, he said, because it kept him on his toes through exchange and interaction with the students. In 1969, Cleveland-Marshall College of Law and Cleveland State University merged. At this time, Chitlik began teaching on a full-time basis. Throughout his seventeen years of teaching, he has taught the following courses: Agency and Partnership, Civil Procedure, Contracts, Equity, Motion Practice, and Trial Procedure. Initially when starting at the College, he was one of the few experienced practitioners on the faculty.

Chitlik felt deprived and a sense of regret that none of his own children were in law. He oft-times expressed to his students that in a sense, they were his only hope for immortality. He hoped that whatever he imparted to them would survive and flourish in them. Recently, a past student, Congressman Dennis Eckhardt, established Chitlik's immortality at an alumni luncheon by affectionately remembering him as "fast Eddie". This was because of Chitlik's practice of covering approximately 25-40 cases from the text book in a single class meeting. He loved to complete all the material in a case book, which presented particular problems to students in first year courses! Chitlik felt that if he could get his students to recognize that under a specific set of facts, certain problems and issues arise, then research the law to see what principles will apply and be helpful or detrimental to their positions, he had been successful in his instruction.

Professor and Mrs. Chitlik retired to Palm Beach Gardens, Florida. Cleveland's loss of Professor Chitlik's services both as a lawyer and legal educator is Florida's gain. Yet for former student's of Chitlik's, his "doctrine of tough" will long be remembered and passed along to new law students at Cleveland-Marshall.

FOR THE STUDENT INTEREST ...

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Marshall Night at the Cleveland Comedy Club. The SBA office is located in LB 28.

The Women's Law Caucus of Cleveland-Marshall is an organization whose primary aim is to administer to the needs of women students. This organization has both a book and study aid exchange. The organization will offer numerous helpful workshops this year for the benefit of all students. Their office is located in LB 26.

Law Review is an editorial board composed of second, third and fourth year students with high academic standing or superior writing ability. The Law Review publishes four issues/year of the **Cleveland State Law Review**, which is a nationally recognized legal journal. These scholarly writings are authored by law students, legal scholars and faculty members. Free copies of the **Cleveland State Law Review** are available to all students upon request at the Law Review office. LB 16 is the combined office of both the Law Review and the Moot Court.

The Cleveland-Marshall Moot Court team is an organization of law students who have taken Advanced Brief Writing and who have competed in the Moot Court Intramural Competitions. The top oral and writing advocates are ranked and become members of the Moot Court Board of Governors. Each member is matched with an area of the law and the following year each will participate in interscholastic appellate competitions. The Moot Court program is offered to give students an understanding of the appellate process and a chance to develop their excellence in oral advocacy.

The **Gavel** is a law school magazine published five times a year, the purpose which is to inform, entertain, and comment on law school, the legal community, and related topics of interest. The **Gavel** offers law students the unique opportunity of being published in a highly respected law student's magazine in one of several capacities: writer, artist, or photographer. The **Gavel** would like to increase its staff with law students willing to devote a few extra hours per month to the publication. The **Gavel** office is located in LB 23.

Participation in any of C-M's numerous organizations will aid in the development of social contacts with judges, lawyers, alumni, and other law students and faculty members, ultimately enriching a law student's experience, and will prove to be an asset in the student's future practice of law.

Heights Resident Named Dean At CSU

Dr. J. Eric Nordlander, professor of chemistry at Case Western Reserve University, will become dean of the College of Arts and Sciences at Cleveland State University this fall.

Dr. Nordlander, 49, is a distinguished research chemist who has been active in academic governance and community affairs. He is a Cleveland Heights resident.

A native of Schenectady, N.Y., he is a Phi Beta Kappa graduate of Cornell University. He holds a Ph.D. from the California Institute of Technology and spent a year as a postdoctoral fellow at the Massachusetts Institute of Technology before joining CWRU in 1961.

He became an associate professor in 1967 and a full professor in 1975. For the past year he has been on leave as the program officer for chemical dynamics for the National Science Foundation in Washington, D. C.

Dr. Nordlander has written several dozen research papers, and has been con-

sultant to three publishers, to the Firestone Tire and Rubber Co. and to Sohio.

He has been active in university affairs at CWRU, serving on numerous committees, and has been chairman of the Faculty Senate and Executive Committee.

He has been a trustee of University Circle Inc., director of the University Christian Movement in Cleveland, and is currently an elder of Fairmount Presbyterian Church. He also is an accomplished jazz pianist who belongs to the local musician's union.

Dr. Nordlander is married to Ruth M. Hallett. They have two children, Theodore, 12, and Elizabeth, 9.

Dr. John A. Flower, provost of CSU, said, "It is a pleasure to welcome Dr. Nordlander to the CSU community. He is a distinguished scholar, active in academic and civic affairs, and a person who will make his mark on the College of Arts and Sciences and the University as a whole."

PUT YOURSELF INTO THE PICTURE*



* The **Gavel** is looking to increase its staff of reporters.

All interested students are encouraged to become involved, including first year students. The **Gavel** office is located in room 23, near classroom 12. Stop by, someone is usually in the office. Or put a note in the envelope on the door. We'll get in touch with you.

SPYING IN THE NATIONAL INTEREST

by **Clare I. McGuinness**
for the National Lawyers Guild

Power is fun to have, but power corrupts because those who have it will use it to advance and protect their own selfish interests—its only human nature. That's what the utilitarian Jeremy Bentham taught. This belief is an underlying principle for the division of power in the Constitution. The Bill of Rights further guarantees against suppression of our civil rights. The government is charged with the duty of preserving and protecting our freedoms; therefore it is obligated to investigate any organization suspected of having a design to overthrow the government by force or violence. It is ironic therefore that this government concern for protecting freedom sometimes becomes the pretext for subverting freedom. That is what happens when the government's zeal for protecting freedom turns into zeal for protecting itself from criticism or from new ideas. **Then in the name of freedom, a government investigation turns into infiltration, subversion, and the suppression of the exercise by citizens of the right supposedly guaranteed by the government.** The tendency for this to happen is always present. Our liberties are jeopardized not only by would-be dictators, but by the well meaning — perhaps the kind of people who know what's best for us and sincerely believe in preserving the Constitution whatever the cost to human liberty.

The problem comes in weighing the competing principles of the inherent right of an organization to carry-on with its lawful objectives without government intervention, and the right of the government to covertly investigate "suspect" organizations based on a decision that the group may be involved in criminal or violent activity. It is now well known that federal, state, and local law enforcement agencies have unconstitutionally and statutorily abused their power for many years.¹ The National Lawyers Guild, for example, has had its organization infiltrated and subverted, and its members investigated for nearly forty years, with a sustained effort on the part of the FBI to destroy the organization by one means or another.² The Church Committee Hearings unveiled numerous instances of harassment, disruption, and infiltration of many groups that was **not based** on any reasonable articulable suspicion of criminal activity, but merely on the presence of ideas and doctrines deemed offensive to government policy.³

The Freedom of Information Act, the Privacy Act and many lawsuits also uncovered a conspiracy on the part of the government to interfere with many organizations' right to participate in lawful political activity.⁴ In addition, local police departments in nearly every major city have engaged in unlawful investigation of political groups.⁵ As a result of these do-

cumented abuses, curbs to corruptive power have become necessary (whether effective is another story). Several examples are: The Handschu settlement applicable to the New York City Police Department, the ACLU-Alliance settlement applicable to the Chicago Police Department, The Seattle Ordinance, and the FBI Guidelines.⁶ Under FBI Guidelines, a preliminary investigation may begin under information that the individual or group is or will be engaged in criminal or violent activity. A full covert investigation may be authorized only on specific and articulable factors which must be weighed against the magnitude of the perceived harm, the likelihood of harm occurring, the immediacy of the threat, and the danger posed to privacy and free expression.⁷ It should be noted that infiltration on the ground of an unpopular or minority political belief alone is not sufficient.

What is it that agencies do that is so offensive to our cherished civil liberties? Aside from the obviously scary tactic of warrantless electronic surveillance, informers mole into organizations listening, reporting, and watching. If you suspect a mole in your group, it chills your free expression; your words are guarded. If you are timid you may be afraid to make a contribution (lists of contributors are maintained in government files). You may not wish to attend a meeting for fear that your very presence will have some future detrimental effect. It isn't very funny to harbor the thought that a police informant may be sitting next to you in class as was the case at U.C.L.A. when an informant for the Los Angeles Police Department reported on classroom discussions and the identities of those who spoke.⁸

It is felt that illegal government activities are on the wane, but there is evidence also that illegal infiltration is on the rise due to suspicion against the growing antinuclear movements and against others who are vocal opponents to the present administration policies.⁹ Currently the National Lawyers Guild is involved in

a lawsuit against the FBI for damages and injunctive relief because of its illegal activities against the Guild in the name of "national security." In the **Guild** case, the position of the Reagan administration is that **the government is immune regardless of its unconstitutional and illegal activities, because they were acting in the public interest.**¹⁰

Professor Arthur Kinoy of Rutgers Law School in a recent lecture, **The Struggle for Civil Rights**¹¹ told the story of the history, his involvement, and successful argument before the United States Supreme Court in the landmark decision of **U.S. v. U.S. District Court** where the court decided that no President has the inherent power to suspend the written provisions of the Constitution in the interest of national security.¹² The history of **U.S. v. U.S. District Court** as told by Professor Kinoy is instructive in order to illustrate how **power can corrupt.**

The White Panther Party had been indicted for conspiracy on the basis of information obtained from wiretaps. A hearing was held to determine whether the indictments were tainted. The Attorney General's affidavit claimed that **there was wiretapping without a warrant, but it was done under the power and authority of the President to protect the national security and the interest of the country.** Therefore it is legal and proper **despite any written limitations to the contrary.** Judge Keith in his decision said, "I have just reread the fourth amendment, wherein does it say the fourth amendment applies except when Richard Nixon says no?" The government appealed to the Sixth Circuit for a writ of mandamus. The justification, in a brief signed by the then Assistant Attorney General in charge of Internal Security William Rehnquist, was 30 cases from English Common Law from the time of George the Third. The Sixth Circuit in throwing-out the mandamus stated in summary: the petitioners seem to have forgotten that the people of this country fought a revolution to overthrow George the Third, and this court has no intention of placing this extraordinary (sovereign) power in the hands of the President of the United States. The government appealed to the Supreme Court.

Professor Kinoy was frightened about what was happening (an assistant had expressed it as a fear akin to the "knock on the door" in Nazi Germany). He felt that the Nixon administration was seeking the imprimatur of legality from the high court (then known as the Nixon Court) that, under the guise of "national security", the President has the power to suspend the written constitution.

In his argument, Kinoy decided to go for the jugular. He had just read in the New York Times and the Washington

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C-MQC

"Far better is it to dare mighty things, to win glorious triumphs even though checkered by failure, than to take rank with those poor spirits who neither enjoy much nor suffer much because they live in the gray twilight that knows not victory or defeat".

—Theodore Roosevelt
April 10, 1899

"The only real sin in the world is not to fight, not to realize the fullness of your own nature".

—Charles McCabe
(newspaper columnist)

"If you find a path with no obstacles, it probably doesn't lead anywhere".

—Author unknown

Cleveland-Marshall Quote Corner

"Without a worthy follower, a worthy dream vanishes".

—Charles Edwards

"Why should we be in such desperate haste to succeed, and in such desperate enterprises? If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music which he hears, however measured or far away".

—Henry David Thoreau

"The highest reward for a man's toil is not what he gets for it, but what he becomes by it".

—John Ruskin

Orientation

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points she stressed were: 1) Law and lawyers help stabilize society. They are a stabilizing anchor for a learned government. 2) Despite the criticism of the public, lawyers are in the business of solving other people's problems when they cannot solve their own. 3) Law is a type of advanced general education relevant to everyday life. A legal education is extremely helpful no matter what one's final vocation turns out to be.

At 6:45 p.m., the welcoming talks were concluded, and the students attended small group discussions. Here, a few more specifics of student life for Cleveland-Marshall students were explained. The talks included such topics as outlining, parking and security, the infamous "socratic method", professor expectations, and the exam file in the library. Questions and answers were exchanged throughout the meetings, and upon their conclusions, the students met again in the Atrium for a buffet reception and social hour.

The evening ended at approximately 9 p. m. New friendships were made, questions were answered, lockers assigned, and all in all, Cleveland-Marshall College of Law suddenly seemed a less foreboding place. More than one incoming student left the Atrium that evening with the hint of a lighter step that confidence provides.

New Journal Of Law And Health

Last summer saw the birth of a new, student-run law journal at Cleveland-Marshall. The Journal of Law and Health was organized by Karen Rubin and Jim Powell to provide a forum for scholarly debate and discussion of the wide spectrum of issues raised by the intersection of the legal and medical professions.

"The Journal will attempt to address the full range of medical-legal topics from policy and practitioners' points of view as well as the academic viewpoint," said Rubin.

Students will be invited to join the staff of the Journal either by their being in the top 15% of their class, or by successful completion of the Journal's writing competition. "We hope to hear from students that are interested in the medical-legal field," said Rubin, "And we would also encourage all students to become interested in the area."

The Journal's writing competition began on Monday, September 17th. Competition packets are now available, and more information can be found by visiting the Journal office in Room 220, or by calling 687-2372.



I GAVE UP MY LONDON SOCIAL LIFE TO COOK HIS BANANAS,
CLEAN HIS TREE HOUSE AND CARE FOR HIS PETS WHILE
HE WAS OFF MAKING MOVIES.... THEN ONE DAY THE BIG
APE SAID HE FOUND A NEW JANE AND LEFT ME OUT ON
A LIMB...

Fall Film Series At CSU Features Off-Beat Fare

The Cleveland State University Film Society's fall schedule features a trend toward underground and foreign art cinema. Norman Ganz, the new director of the campus movie organization, has added midnight features in an effort to attract a wider audience.

The Friday and Saturday evening bills begin September 28 and 29 in CSU's University Center Auditorium, East 22nd Street and Euclid Avenue, where the entire series will be shown. Admission to each film is \$2, plus a \$1 membership fee to cover the fall series. Free parking is available in CSU lots.

The CSU fall film series includes:

□ September 28 and 29 — **ZIGGY STARDUST** — David Bowie in a high-powered glitz blitz of rock-and-roll in its golden glory. — 8, 10 p.m. and 12 midnight.

□ October 5 and 6 — **THE DRAUGHTS-MAN'S CONTRACT** — Peter Greenaway directs this stylish and bawdy period piece which satirizes murder, sex and manners. — 7:45, 10 p.m. **FEMALE TROUBLE** — John Waters directs Divine in this underground offering. — 12 midnight.

□ October 12 and 13 — **DOUBLE FEATURE — RUMBLEFISH** — Francis Ford Coppola has a winner in the S. E. Hinton

story starring Matt Dillon as the quintessential model of alienated youth. — 8 p.m. and **EAST OF EDEN** — Elia Kazan directs the prototype of alienation — James Dean — in this John Steinbeck classic. — 10 p.m. — **THE DAMNED** — Dirk Bogarde stars in this Luchino Visconti masterpiece. — 12 midnight.

□ October 19 and 20 — **LILLI MARLEEN** — The late Rainer Werner Fassbinder produced an intense version of this wartime story with Hanna Schygulla in the title role. — 7:45, 10 p.m. — **THE FEARLESS VAMPIRE KILLERS** — Roman Polanski and Sharon Tate in a film that exploits the sexual fears of the old vampire tradition to their full comic potential. — 12 midnight.

□ October 26 and 27 — **GENOCIDE** — A documentary from the Simon Wiesenthal Center narrated by Elizabeth Taylor and Orson Welles. — 8, 10 p.m. — **SEBASTIANE** — Derek Jarman directs this irreverent treatment of the St. Sebastian legend, a powerful study of sexuality with music by Brian Eno. — 12 midnight.

□ November 2 and 3 — **THE NIGHT PORTER** — An X-rated journey into world of sadomasochism starring Dirk Bogarde and Charlotte Rampling. — 7:45, 10 p.m., 12 midnight.

□ November 9 and 10 — **SATYRICON** — Federico Fellini at his masterful best in this Roman classic. — 7:45, 10 p.m. — **THE DEVILS** — Ken Russell directs Vanessa Redgrave as a sexually obsessed mother superior and Oliver Reed as an accused priest in this unforgettable screen drama — 12 midnight.

□ November 16 and 17 — **URGH! — A MUSIC WAR** — Filmed four years ago in London, Paris, New York and Los Angeles, this rock music special includes the Police, Devo, XTC, Klaus Nomi, Go-Go's, Gang of Four and others. — 7:45, 10 p.m., 12 midnight.

□ November 30, December 1 — **THE LAST WOMAN** — Gerard Depardieu is the French Stanley Kowalski in this X-rated film by Marco Ferreri. — 7:45, 10 p.m. — **RUDE BOY** — The Clash fashions the rock music for this film. — 12 midnight.

□ December 7 and 8 — **THE CANTERBURY TALES** — Pier Paolo Pasolini has an X-rated romp with this Chaucer classic. — 8, 10 p.m., 12 midnight.

For more information about the fall series, call the CSU MovieLine at (216) 687-2244.

SPYING IN THE NATIONAL INTEREST

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Post, a report from the White House that those vying for the Democratic nomination who were advancing positions in opposition to Nixon's policies in Vietnam were **aiding and abetting the enemy**. Professor Kinoy prophetically stated that, if this were so the logical deduction would be that the President had the power to wiretap his opponents. The petitioners exclaimed that the record must show that **the President would never dream of wiretapping his opponents in the Democratic Party**. Kinoy was being outrageous and scandalous to make that assertion. Justice Marshall, however, asked if the Supreme Court accepted the position of the government in this case, what kind of protection would the ordinary citizen have in the exercise of their fundamental federally protected rights? In essence the answer was — you must have confidence in the integrity of the President of the United States.

Three months later, the day before the Supreme Court handed down its 8-0 decision in favor of U.S. District Court and against the government petitioners (Justice Rehnquist had excused himself), a small article appeared in the New York Times. Five burglars were arrested in the middle of the night inside the Democratic Headquarters in Watergate with electronic surveillance equipment. The Nixon administration would not receive the expected imprimatur from the Supreme Court. The burglars acting under orders were removing the equipment. The Constitution was still intact.

Professor Kinoy concluded his lecture with a quote from Justice Oliver Wendell Holmes that is a mandate to the legal community; "Those who would aspire to greatness in the profession must immerse themselves in the agonies of the times." The challenge today is still the same as it was in 1972 — it is the struggle for civil rights.

NOTES

1. Senate Select Comm. to Study Governmental Operations with Respect to Intelligence Activities, Intelligence Activities and the Rights of Amer-

icans, Book II, S. Rep. No. 755, 94th Cong., 2d sess. (1976) (Church Report, Book II).

2. National Lawyers Guild National Office, **Current Status of National Lawyers Guild v. Attorney General**, (October 3, 1983) (available in the National Lawyers Guild office).

3. Note, **The First Amendment and Law Enforcement Infiltration of Political Groups**, 56 S. Cal L. Rev. 207 (1982).

4. Freedom of Information Act, 5 U.S.C. 552 (1976 and Supp. IV. 1980). Privacy Act, Id. 552a (1976).

E.G., **ACLU v. City of Chicago**, 431 F. Supp. 25 (1976). **Alliance to End Repression v. Rochford**, 407 F. Supp. 115 (1975). **Handschu v. Special Serv. Div.**, 349 F. Supp. 766 (1972).

5. Note, *supra* note 3, at 209.

6. *Id.*, at 224-230.

7. FBI Guidelines I. II. (C).

8. **White v. Davis**, 533 P. 2d 222 (1975).

9. Krazick, **Policing Dissent: The New Limits on Surveillance**. Police Mag., (Sept. 1981). See also Church Report, Book II.

10. National Lawyers Guild, **Guild Notes**, January-February 1984 at 24, col. 1.

11. Address by Professor Kinoy, Cleveland-Marshall College of Law (November 8, 1983). (tape available in National Lawyers Guild Office.)

12. **U.S. v. U.S. District Court**, 407 U.S. 297 (1972).

See generally Comment, **The Justiciability and Constitutionality of Political Intelligence Gathering**, 30 UCLA L. Rev. 976 (1983).

THE GAVEL

Res Pendens

Parking Information

All students, faculty and staff must be registered to park on campus.

Registration for decals for the coming year will take place in the Parking Department located in the Chester Building Annex. The decals, for fiscal year 1984-85, will expire June 30, 1985. To obtain a decal, you must have a valid University identification card, know your license plate number and pay any outstanding violation.

The Parking Department will maintain operating hours of 8:00 a.m. to 8:00 p.m. Mondays and Tuesdays; 8:00 a.m. to 5:00 p.m. Wednesdays, Thursdays and Fridays. The office will remain open until 8:00 p.m. each week night during the first two weeks of each quarter.

The University Parking Facility has a parking attendant on duty at the East 21st Street exit to give change, answer questions and accept payment for fines, from 7:00 a.m. to 8:00 p.m. Monday through Friday.

The upper level of the Main Classroom garage is reserved for authorized faculty only on weekdays until 3:00 p.m. To park on this level, your vehicle must display a special faculty sticker in addition to the daily usage decal or valid permit.

Four Coyne-Kangesser parking lots located between East 19th Street and East 21st Street on Prospect Avenue have

been designated as CSU lots. University Police patrol the lots, and escort service is available to students, faculty and staff using the lots. CSU daily tickets and permits are not valid in these lots.

"Diet For A Small Planet"

Frances Moore Lappe, author of the best-seller "Diet for a Small Planet", will speak at Cleveland State University on "Food, Politics, and Hope" Monday, October 1, at 12:15 p.m. in University Center Auditorium, 2121 Euclid Avenue. The talk is free and open to the public.

The event is sponsored by Students, Staff and Faculty for Social Responsibility, the Democratic Socialists of America, the University Christian Movement, the Newman Center, and the Campus Programming Board.

For details, call Cindy Sako at 687-2128.

"CSU Local 14" Features Faculty Works

Past and present members of the studio art faculty at Cleveland State University will participate in "CSU Local 14," the first exhibition of the season in the CSU Art Gallery, East 23rd St. and Chester Ave. The show opens with an artists reception 5 to 9 p.m. Friday, September 28, and will run through October 26.

Although each of the 14 faculty artists recently has exhibited locally and nationally, they have not had a collective show of their works in years.

The faculty exhibitors and their media will be Ken Nevadomi, painting; Marvin Jones, printmaking; Richard Schneider, ceramics; Gene Kangas, sculpture; Masumi Hayashi, photography; Michael Gentile, glass; George Schluderberg, drawing; Steven Goff, photography; Michael Gubkin stoneware; Mary Stokrocki, drawing; Mary Jo Bole, sculpture; Ed Glynn painting; Robert Cmarik, glass; Carol Adams, fiberware.

"Echoes" Returns To CSU's Studio Theater

"Echoes," a drama by N. Richard Nash, comes to Cleveland State University's Studio Theater for a return engagement two weekends, September 28-30 and October 5-7.

Sharon Bosse and Rick Burke, the stars of last spring's production, will again play Tilda and Sammy, the young couple confined to a mental institution who struggle to keep reality from shattering their make-believe world. Keith Ezell will play the Person, an authority figure who intrudes into the vulnerable world of the pair, and Brian Rabinowitz will again direct the drama.

Tickets are \$2 at the door. Curtain times are 8:30 p.m. Fridays and Saturdays, 7:30 p.m. Sundays. The Studio Theater is on the second floor of the Theater Arts Building off East 24th Street north of Chester Avenue. Free parking is available in University lots.

THE GAVEL

Cleveland-Marshall College of Law
Cleveland State University
Cleveland, Ohio 44115