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The Gavel

The Voice of Cleveland-Marshall College of Law / Cleveland State University / 1240 Ontario Street, Cleveland, Ohio 44113

Volume 18 - No. 7 - May 1, 1970

Law Review on N.C.L.R. Committee

At the close of the national meeting of the National Conference of Law Reviews in Denver, April 5-8, 1970, Cleveland State University was selected as one of ten universities to serve on the Committee on Organization and Planning. This committee is the most important policy-making body of the National Conference of Law Reviews. Cleveland State was put in nomination by the William and Mary University Law Review and will serve for the next two years.

In addition to William and Mary, the other members of the committee include California Western, University of Maine, University of Miami (Fla.), University of Pittsburgh, New York Law School, Albany Law School, Chicago-Kent Law School and Marquette University.

Representing Cleveland State at the Conference were, Sheila Kahoe, Editor-in-Chief-elect of the Law Review; Ira Kane, new Law Review

Business Manager; and Eric Gilbertson, a has-been editor of the law review.

These representatives sponsored a resolution supporting the efforts of SCRIBES to establish a student auxiliary. SCRIBES is the national honorary legal writing society. The resolution was accepted and adopted by the members of the Conference.

The conference covered a broad spectrum of a seminar respecting the various functions involved in putting out a Law Review. Miss Kahoe attended the seminar on Editorial Process, Mr. Kane went to the Seminar on Business and Management, and Mr. Gilbertson was present at the Seminar on Organization and Structure.

In commenting about the Conference, Gilbertson stated, "We hope that our participation therein may have contributed in some way to the furtherance of the national organization, and the prestige of our law school."

MOOT COURT TEAMS PLACE HIGH IN LSD COMPETITION

by Pat Kelley

Out of a field of twenty competing law schools from Tennessee, Ohio and Michigan, CSU's two Moot Court teams placed second and tied for third place respectively.

Sheila Kahoe and Terry O'Donnell captured the second place spot after defeating Ohio State, Ohio Northern, and Capital University.

The third place team of William Plesec and Thomas Aries entered the semi-final round after having defeated Toledo and Cincinnati. Both of CSU's teams were eventually defeated by the team of James Lupori and Paul Bishop from Akron University.

After the judgments were rendered, Professor Hyman Cohen, Moot Court Advisor, commented: "Only a brilliant effort by Akron could have beaten our team. On behalf of the Law School I am proud of our team's accomplishments during this past year. We were semi-finalists in the Nationals, and finalists in this competition. The direction of the team is obvious."

Mr. Harris Walters of University of Toledo presented the second place plaque at the final Luncheon at the Commodore Perry Hotel in Toledo. Miss Kahoe accepted the award for the team.

Judges for the competition included prominent members of the bench and bar of the Toledo area as well as Clevelanders Niki Z. Schwartz of the firm of Berkman, Gordon, Kancelbaum and Schwartz.

The competition was held on April 3 and 4 in the old (1894) Lucas County (Toledo) Courthouse.



Sheila Kahoe accepts the second place award from Harris Walters, Chairman of the Moot Court Competition.

RICH APPOINTED AIDE TO PRESIDENT ENARSON

by Pat Kelley

On April 1, 1970, President Harold L. Enarson of Cleveland State University, announced the creation of a new position on his staff, entitled *Research Assistant to the Office of the President of the University*. His first appointee for this position is a member of the student body of the College of Law, Jeffrey A. Rich.

Mr. Rich will hold this position until he assumes his clerkship with Ohio Supreme Court Justice Lewis J. Schneider, Jr. on August 1, 1970.

Mr. Rich stated that this is "another example of the attempt of the University to become as intimately involved with the law students as possible, as well as evidence of the respect they show to the Law School itself."

The tentative function of the office will be to assist the President and his Vice-Presidents on special research assignments, covering both legal and non-legal subject matter.

Some of Mr. Rich's duties already in the development stage include a study of land acquisitions and the expansion of the physical facilities. A second project currently underway is the projection of the University's enrollment for the future.

NADER ACTION GROUP SEEKING CSU LAW STUDENTS

The Cleveland Center for Auto Safety, the only organization of its kind in the nation, wants to involve CSU law students in local consumer action. This was the message given by Tom Vacar, the Center's director, to a small but enthusiastic group of CSU law students who met with him April 20.

According to Mr. Vacar, a CWRU undergraduate student, the Center was established to handle complaints about automobiles. He said that the complaints have been snowballing, so that the Center's present staff, consisting of Mr. Vacar and another CWRU undergraduate student, Miss Debbie Luxemberg, cannot handle them. As a result, action taken by the Center so far has been limited to applying pressure to auto dealers—and in some cases to manufacturers—by informing them about the many consumer gripes reported to the Center. Mr. Vacar believes that law students could effectively put their talents to work by helping consumers prosecute claims in Cleveland's small claims court, a suggestion which has already met opposition from a few local lawyers. He stressed that the area of small consumer claims in particular occupies a legal no-man's land because of the small fees involved.

Although the Center is limiting itself at the present time to automobile complaints, Mr. Vacar foresees expansion of its activities into other consumer problem areas. The Cleveland Center sprang from Ralph Nader's National Automobile Safety Center in Washington, D. C.

DEAN REPORTS ON A.A.L.S. INSPECTION

[The following Report was provided to The Gavel by Dean Gaynor:]

Professor Daniel Dykstra and Professor Morris Cohen, representing the Association of American Law Schools, visited the Cleveland-Marshall College of Law on April 9 and 10 as a follow-up to the inspection conducted early last year.

Professor Dykstra, who is from the University of California in Davis, is chairman of the inspection committee. Professor Cohen is Law Librarian of the University of Pennsylvania.

Professors Dykstra and Cohen talked with various faculty members, a group of students, and Dr. Harold L. Enarson, President of CSU.

Upon their departure, they expressed gratification (to Dean James K. Gaynor) on the progress made by the College of Law since the visit of last year.

A principal concern was the College of Law budget for 1970-1971. Dr. Enarson said that he had seen the proposed budget but had not had the opportunity to analyze the portion relating to the College of Law.

At the suggestion of Prof. Dykstra, Dr. Enarson said he would send a copy of the budget as approved by the CSU President early in May, so that the committee may consider it and formulate its recommendations to the Accreditation Committee of the AALS on May 18.

If favorable action upon the CSU application for AALS membership is approved by the Accreditation Committee, action then will be taken by the Executive Committee which meets in St. Louis in August. If this action also is favorable, the application will be sent to the AALS annual meeting in Washington in December for final action.

Prof. Dykstra analyzed (with Dean Gaynor) all critical statements made in last year's report and said that proper action had been taken for correction. His only remaining concern seemed to be the amount of support which CSU would furnish the College of Law.

Dr. Enarson assured him that this would be adequate, and the Dean expressed his confidence that the AALS would be satisfied with the amount of support provided.

Prof. Cohen was very complimentary on the progress being made in the law library, and his suggestions for the future met with favorable response by Dr. Enarson.

CLASS OF 1970 ELECTS OFFICERS

Following somewhat different procedures, the class of 1970 elected the following officers: Joseph A. Valore, President; Jay A. Rini, Vice-President; Theodore R. Klammer, Treasurer; and John F. Pilch, Secretary.

Valore has served four years as a representative on the Student Bar Association. He is also a member of the Editorial Board of the Law Review.

Rini, a member of Delta Theta Phi, has worked for Cuyahoga County Juvenile Court.

Klammer, besides being a familiar face in the library, works in the Lake County Prosecutor's Office.

Pilch served as Vice-Dean of Delta Theta Phi.

CSU STUDENT COMMISSIONED TO PUSH SCRIBES AFFILIATION

Acting upon a commission by the President of the American Bar Association Law Student Division, and a resolution passed by the National Conference of Law Reviews offering support, CSU law student Avery Friedman ('72) is presently in contact with law school deans and publications editors throughout the country for the purpose of establishing a student auxiliary to SCRIBES, the national legal writing honorary society. Friedman will report to the officers and directors of SCRIBES at their business meeting in St. Louis, Missouri on August 9, 1970, at which time the organization will act formally upon the proposal.

SCRIBES President Rufus King of Washington, D.C. has suggested that the student auxiliary not be limited to law review editors alone. In a letter to Friedman, King stated that the project is an "interesting and meritorious" one. Since SCRIBES has been limited to members of the Bar, however, he stated that organizational policy questions "will have to be thrashed out." But it is expected that SCRIBES will accept the proposal for a law student auxiliary.

THE GAVEL

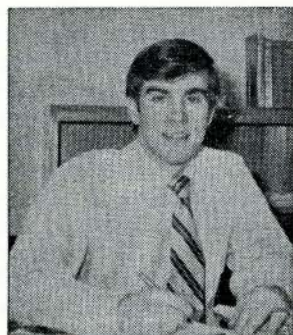
SHEILA M. KAHOE, *Editor-in-Chief*
AVERY S. FRIEDMAN, *Executive Editor*

Staff

Robert Chernett, Craig Collingwood, Richard Galex, Henry Gerstman, Ira Kane, Pat Kelley, Sheldon Kelman, Jeffrey A. Rich, Lee Winne, Marilyn Zack.

Faculty Advisor: Howard L. Oleck, D.P.L.

KELLEY TO HEAD GAVEL NEXT YEAR



Pat Kelley

First year day student, Patrick Kelley has been named Editor-in-Chief of *The Gavel* for the 1970-71 school year. To facilitate the change, Mr. Kelley's term will begin with the June, 1970 issue and continue through May, 1971.

Kelley received his B.S. in Political Science from Xavier University of Ohio. He served as an associate editor of his college newspaper.

Since coming to CSU, Kelley has served as a class representative to the Student Bar Association and has been an active member of *The Gavel* staff. He is also the assistant ABA Law Student Representative.

REPRESSION AND THE LAW COLLEGE

by Avery Friedman

A frightening display of popular ignorance was reflected in a recent CBS news special concerning basic constitutional guarantees. The network conducted interviews on a national basis which purportedly were representative of all segments of the adult population. The results of the survey—perhaps not too startling—indicated that a majority of citizens have expressed a strong desire to restrict constitutional freedoms. Among some of the statistics:

- 75% of the people believed that extremist groups (whatever groups the government deems "extremist") should *not* have the right to demonstrate against the government, even if no clear and present danger exists.
- 55% believed that the media should *not* be permitted to report stories considered by the government to be harmful to the national interest.
- 50% believed that individuals should *not* be permitted to speak out against the government if the government believed such speech would be harmful to the national interest.

In an age of civil disorder and social change, one can reasonably understand how the general public might react in the above-mentioned fashion. Moreover, the reaction is reinforced by the Administration's laxity in enforcing civil rights law, spurring further disorders as well as promoting such reprehensible doctrines as "preventive detention" of "suspected (?) criminals. Furthermore, this serves to "justify" Pentagon "risk" lists, to support "no-knock" laws and so-called "omnibus" crime bills (a grab-bag catch-all to save our society, no doubt), and to give serious consideration to proposals for psychological testing of youngsters to determine if they are inclined toward future criminal behavior, in the name of "law and order." Indeed, it underlines the basic reason why the statistics, if valid, are the way they are.

One need not be a civil libertarian to see through the trees. It will be up to members of the legal community to expose themselves and their knowledge to the public and to define the real issues. The pre-law program which the CSU Student Bar Association sponsors in sending law students into the high schools is a step in the right direction. However, further involvement by the faculty in community action projects might serve to make the populace more aware of what the Constitution calls for and how social ills may be eradicated through constitutional means.

Although a core of faculty and students have, in fact, participated in and contributed to constitutional understanding, the best interests of society and, incidentally, of the Law College, would be served by increased involvement. Perhaps such involvement might result in the dissipation of the misunderstandings among the American majority.

MOOT COURT RECRUITING FOR 1970-71 TEAM

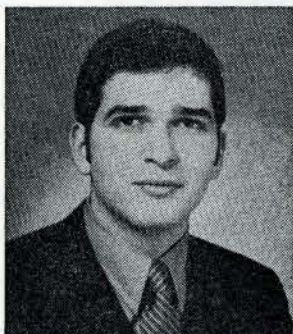
During the past few days, orientation meetings for prospective members of the Moot Court Team for the 1970-71 academic year were held. An outline of the year's program was presented by Moot Court Chairman, Harvey Yasinow.

During the first week in May, interviews will be held for all applicants, and it is hoped that the final selections of team members will be completed by the end of the month.

Anyone who is interested in participating in this outstanding activity, but was not able to attend either of the previous orientation meetings, is urged to contact any member of the present team personally, or to drop a note in the Moot Court mail box in the main office as soon as possible in order to set up an interview appointment.

For any future announcements of the team's activities, see the Moot Court Bulletin Board in the Lounge.

President's Corner . . .



Pat Gnazzo

On April 3, I took office as President of this School's S.B.A. I was enthusiastic about the job I felt I could do, and I was energetic about the speed with which our problems would be solved.

On April 4, I went to a 6th Circuit Conference in Toledo. I learned a lot in Toledo about our school and about the other law schools both in our circuit and those throughout the nation. I went to the conference to find out how other schools solved the problems that confront C.S.U. During the three days I was there, I spent half that time explaining how C.S.U. has solved the problems that confront the other law schools. The information I was seeking was not to be found.

The problems that confront C.S.U. are somewhat universal. The undergraduate schools throughout the country have opened their eyes to the problems existing on their campuses. However, it seems that law schools are the "Rip Van Winkles" of the university community. We are far behind the undergrads in taking any real responsibility in our schools.

I've returned from Toledo let down, because the answers weren't there. I am, however, not only more enthusiastic and energetic about solving our problems, I'm driven by the knowledge that whatever we accomplish here at C.S.U. might help other schools.

We have a faculty and administration that are willing to listen to us, and this is one of the biggest problems in other law schools. We can become part of this community if we put our requests forward, if they are done logically and are within reason. The School cannot act in our direction if we do not let them know where our problems are. I cannot push for you unless you make known to me what your gripes are. Tell your Reps., leave a note in the Student Bar mail box in the Office, or put a note under the Student Bar Office door.

The officers of the Bar, the Reps, and the Bar as a whole are here to work for you. This school has three parts to it. The Faculty, the Administration and the Students, and I have every intention of taking an active role in our part of this community.

GILBERTSON RECEIVES SECOND APPOINTMENT

Eric R. Gilbertson ('70), who was appointed clerk to the late Kingsley Taft, received a second appointment to the Ohio Supreme Court. Gilbertson will serve as clerk to Justice Robert M. Duncan.



Dean Gaynor congratulates some of the WHO'S WHO recipients: Kenneth Bossin, Jeffrey Rich, C. Ellen Connally, Richard Sherman and John Talbott.

Letters to the Editor . . .

Editor:

As students of a life long profession, we are deeply concerned with the finest education we can muster in our training years. In preparing for a career in law, we see a present need for clinical legal experience in our student years to make classroom knowledge realistic and productive.

Clinical experience is known to be a prime educating factor in all fields of academic and professional education. The need to apply knowledge and examine its result cannot be denied. A complete clinical program, investigating all areas of the Law, is conspicuously absent at our law school. We recommend that all necessary haste be made to institute such a program as soon as possible.

Many theories have been advanced as to the nature and scope of a clinical program at our school, and many people have vital contributions to make. The ground is indeed fertile for growth.

As students we demand the opportunity to have thorough clinical experience, and to learn from our time freely given.

Bruce Elfvin
Jeffrey Mart
Levan B. Winne
Marvin Soskin
Roy L. De Barbieri
Larry G. Smith
Robert Mierino
Garry DeRocco
John F. Gannon
Jacob C. Rosenheim
Charles Sabo
B. Richard Sutter
David Ross Jones
Patrick Kelley
Alex Jurcenko
Beverly Marie Briggs
Neal Horenstein

Ranelle Gamble
Milton W. Brown
Gary N. Holthus
Lawrence S. Brick
Thomas F. Sheehan
Richard Horn
Basil Russo
Irwin Frank
Michael L. Climaco
Thomas G. Longo
Robert W. Lampus
James Monjot
Peteris Jurjans
Michael A. Thomas
Louis R. Myers
Kenneth Jackson

NO MALCONTENT, I

In anticipation of my graduation, hopefully in June, I am taking an unorthodox position as measured by some of today's standards, and giving credit where credit is due.

Thus, instead of bashing in Dean Gaynor's door with a chunk of steel or chaining myself to Mrs. Alice Meck's filing cabinets, all in "symbolic" protest of the administration's and faculty's dated and unconcerned attitude towards me and my fellow classmates, I am penning this simple note of appreciation for a job well done.

In today's modern academic environment the keynote seems to be complete chastisement and ridicule of the powers that be, i.e., the administration and faculty, without one damned bit of consideration to the fact that most of the powers that be have spent a great deal of time and effort, directed at improving the students' lot. Certainly we can't expect to have the smoothest functioning college of law in the mid-west (students included) by simply saying "so be it." Rather, enormous amounts of initiative, dedication, and long range planning must come into play. This is especially true when, as in our case, the preceding three years have borne witness to: (a) addition of day classes, (b) disaffiliation, (c) re-affiliation with a fine university, (d) chasing the elusive (or illusory?) AALS accreditation, plus a host of other more minor problems.

However, through it all some especially noteworthy performances were rendered by the administration and faculty alike. To wit: the merger of CM and CSU spearheaded by Dean Gaynor and D.P.L. Oleck, the implementation and funding of the Clinical Work Study Program by Ass't. Dean Flaherty and Profs. H. Cohen and Sierk, the prodigious amounts of outside class preparation by Profs. Auerbach, Chitlik, and Goshien, and lastly the sage advice, legal and non-legal, given so freely by Profs. Dyke and Sheard.

This listing is not meant to be all-inclusive, but rather speaks only of those facts which I personally observed, or have been led to believe exist, by my highly vocal and opinionated classmates. If perchance someone feels "left out," it was *probably* due to the fact that your contacts were minimal as regards this author and/or my informational sources.

In closing, let me again express the appreciation that the majority of students feel towards the administration and faculty as a whole, for your time and efforts expended on our behalf. Let's hope they've not been for naught. And finally, a gentle reminder that most of us know what most of you are doing, so continue to do it well, most of you.

Robert M. Phillips ('70)

Dear Editor:

President Nixon speaks of restoring balance to the Supreme Court by appointing a so called "Strict Constructionist." In actuality, the balance he speaks of would tip the scales in favor of the strict constructionists, 5 to 4. But even this is uncertain.

The President cannot be sure of the way a man will vote when on the court. Once appointed liberals often become conservatives, and conservatives often become liberals.

For example, F.D.R. appointed a liberal, Justice Frankfurter, who became the courts arch conservative. Roosevelt also appointed an Alabama Senator, and former Klu Klux Klansmen, who turned out to be the extremely liberal Justice Black. President Truman appointed the liberal Tom Clark who proceeded to join with the conservative members of the court.

A hard line Republican governor of California and former Vice-Presidential nominee, was appointed by President Eisenhower. This appointee Chief Justice Earl Warren, turned out to be one of the most liberal men in the court's history.

The President cannot, therefore, assure himself of any predictable balance on the court with his political nomination of a strict constructionist. The only fair criteria Mr. Nixon can and should use in selecting a jurist is legal competence and the strength of his nominee's dedication to a nation of laws, not men.

Jeffrey A. Rich ('70)

A THOUGHT FOR LAW DAY, 1970

"The streets of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the republic is in danger. Yes, danger from within and without . . . we need law and order!"

Adolph Hitler, 1932

For the Record . . .

The Chagrin Falls area newspaper, the *Sun-Herald*, carried as its lead editorial in a recent issue a response to an editorial by Executive Editor AVERY FRIEDMAN (*Gavel*, vol. 18, no. 6, April 1, 1970; re: "Crisis in Chagrin Falls") concurring that local attorneys should assist the community in its present debacle.

Professor GOSHIEEN attended the P.L.I. Institute on the Tax Reform Act held in New York on March 24 and incidentally visited most of the area museums during a one-week stay. Professor GOSHIEEN was offered a fellowship for summer study at N.Y.U. School of Law's Graduate Division, in the special program for law professors. The GOSHIEEN'S were also pictured prominently on the "Society" page of the *Plain Dealer* which featured the Cleveland Orchestra and its patrons.

The week of April 20-25 was busy indeed for D.P.L. (& Mrs.) OLECK, as he sold one home and bought another on the 20th, addressed the American Society of Engineers' Wives (on "Writing For Publication For Money") on the 22d, moved to a new home (in Moreland Hills) on the 23rd, went to Chicago for an A.B.A. Section of Legal Education meeting on the 24th, chaired the new A.B.A. Education "Committee on Publications" there on the 25th and returned that evening, and was in process of becoming a grandfather (courtesy of daughter Mrs. Anabel Timte of Baytown, Texas) all in the same week. This is what is meant by a "a tight schedule," as his work at the College of Law went on all the while.

Prof. Arnold H. SUTIN attended the Practicing Law Institute's Land Acquisition and Assembly Conference on April 9 and 10 at the Park Sheraton Hotel in New York City. Prof. SUTIN is a member of the visiting faculty of Cleveland State's Urban Affairs Institute.

Prof. SUTIN has prepared a course "Law and Urban Affairs" and will offer it in the future. He is also preparing two volumes entitled: "Government In Urban Development and Land Use: A Primer" and "Case Law and Legislation in Urban Affairs: A Survey." Prof. SUTIN would like any research student interested in the area to contact him.

Dean James K. GAYNOR, a former Army judge advocate, addressed the monthly luncheon meeting of the Coast Guard Association at the Coast Guard headquarters on Ninth Street on April 16. Asked to provide some observations upon military law, he discussed the five people who have had the most influence upon military justice in the past twenty years. Four were convicted of homicide and one of attempted rape. All five convictions were overturned by the Supreme Court of the United States, and in each case, the result was a significant limitation of court-martial jurisdiction.

A three credit hour seminar in Criminal Responsibility will be offered as an elective during next academic year. Professor TABAC, who will conduct it, said that the course will be devoted primarily to a study of insanity—"the rules and their hang-ups"—and how the government treats the criminal mental defective. Stressing that negotiations have barely begun on this, Professor TABAC said that he hopes to bring selected main campus teachers into the seminar for a possible team teaching approach.

The First Year Day class has initiated a weekly SOUR HOUR held on Friday afternoons at 3:30 at Barristers. The stated purpose of the hour is an attempt to establish a better climate for educational exchange between all members of the Law School community. Professors, administrators and students are all encouraged to attend.

EMERSON HELPS AT&T SHAREHOLDERS PROTEST THE WAR

A few years ago Professor Frank Emerson wrote a book (in collaboration with Latham) about corporate government. They called it "Shareholder Democracy." It has since been revised. Still another revision could be in the making. On April 15th, Professor Emerson accompanied a small group of shareholders into the Public Auditorium for the annual A.T.&T. shareholders' meeting. Unlike most of the 5,000 or so shareholders there, however, this group had come to protest A.T.&T.'s involvement with the A.B.M. Safeguard system and other war projects.

Their activity was part of the April 15th demonstration against the Vietnam War. About 12 people, representing almost as many different views on how to get the War ended, decided to leave the peace parades and bring their protest inside. One belief held them together: that the military-industrial complex had fulfilled Eisenhower's promise. According to them, the Department of Defense and the giant corporations were running the country and "cleaning up" on the War. These shareholders wanted to bring this message to all A.T.&T. shareholders.

STUDENTS SEE PROBLEMS OF JUSTICE

by Beverly Briggs

Miss Briggs, a first year student, was sent to the National Conference on Political Justice in late March by the CSU Chapter of the Law Students Civil Rights Research Council (LSCRR).

The International Affairs Association of the University of Pennsylvania recently sponsored a National Conference on Political Justice in Philadelphia.

The conference was organized into four symposia, each featuring four or five individuals representing different social views. They discussed their experiences, criticisms and, in some cases, their ideas for changing the judicial system.

The first evening of the conference, we delegates from many law schools and undergraduate political science departments made our way to an auditorium on the U of P campus to hear one of the "Chicago 7," Jerry Rubin. What an experience! You see, that morning the Philadelphia draft board had been picketed by peace protesters (who were now members of the audience of over 3,000) and the police and detectives were around (all around) to see that nothing happened. Well, of course, nothing did happen. Rubin spoke for over two hours about his trial and what he felt were inequities meted out against him, the other defendants, and their lawyers, about the senility of Judge Hoffman, about the system and that it should be disrupted because it does not serve the people.

Rubin's speech had no connecting chain of thought, but gained its excitement from the sheer emotionalism of his delivery. He had a lot to say and he was saying it to a non-conservative, non-sophisticated, highly intelligent group of college people from all over the country, who believed him and rallied to his ideas.

Rubin advocated the disruption of the court system because there is no justice in the courtrooms used for political purposes, especially as used against the blacks and the long-haired dissenters and liberals. "You don't learn the system through law books, you learn it by becoming a defendant and going through the court system." The essence of Rubin's speech: "When there is no justice in the courts, we gotta take our justice to the streets."

Later, William Kunstler, Melvin Wulf, National Legal Director of the American Civil Liberties Union, Robert Mozer, Philadelphia Assistant District Attorney, and Professor of Sociology from Sonoma State College, Jerry Mandel, came together to rap about the Hippie and the Judicial System.

Kunstler described the "yippie myth" and the culture behind it which disregards money as the proper measure of a man. "Society long ago lost its right to call itself a decent society. . . Change must come through you young people who are not burdened with the b.s.... that your parents are burdened with." And, said he, the yippie culture has created a guerrilla theatre that exposes the decadence in the society. From society's derision comes hatred and fear which leads to prosecution, to jail and more trouble and the misuse of the judicial system for political ends.

Wulf said the legal profession was as guilty as the legislature for the judicial system so inflexible to the peoples' needs that we have now, and said if lawyers were willing to work to improve it, the system would be alright, since it is only a product of practicing lawyers. Charles Garry, Bobby Seale's attorney, came from the audience to say it was about time American lawyers recognize the fact that they are exploited in order to be the catch-alls of this decadent system, that lawyers had better recognize their responsibilities or we will have fascism American style. Often quoted were the alleged words of Justice Douglas: "Tyranny is here and revolution is in order."

Trials for War Dissenters was discussed by James D. St. Clair, lawyer for William Sloane Coffin, Stewart Meacham, New Mobe & American Friends Service Committee, Mike Ferber of the Boston 5, and Executive Secretary of the Philadelphia Lawyers' Guild, Richard Axelrod.

Whether right or wrong, the judicial system is unsuited for political debate, Mr. St. Clair said, and that the Spock case confirms this view. Professional lawyers, a judge and a jury are hardly attuned to debate political issues. St. Clair observed that narrow issues are decided in the courts, rather than broad political issues, because lawyers' objectives are to win for the client, not to zealously debate questions like the ending of the Viet Nam War.

Mike Ferber alleged that the government was using conspiracy indictments as a political weapon against war dissenting group-leaders because intention is used subjectively, leaders being charged with conspiracy and followers with breach of the peace. He suggested that juries be allowed to ignore the law and decide the verdict in matters of great social consequence. St. Clair disagreed with Ferber's contention that it was easy for the government to prove conspiracy, saying that a substantive crime was easier to prove, and should be, rather than conspiracy. Axelrod emphasized the unleashing of a police machine of intensive surveillance and of outnumbering of demonstrators at protest marches (as had been done earlier that morning at a second march on the draft board; Axelrod was the attorney for the 64 arrested and was late for the symposium). He defined a political trial as one in which the legislature makes criminal, that are actually political, and suggested that the fact of the trial being political be raised at trial but that it cannot be used successfully even though it is an improper use of criminal procedure to try a person for his beliefs.

From the highly visible issues of the war dissenters and the yippies, we moved to military justice and its functioning in the political process. This symposium was viewed as markedly prejudiced by individuals who found no justice at all in military courts: Dr. Howard Levy, former imprisoned U.S. Army captain; Alan Levin, Levy's attorney from New York's Civil Liberties Union; Henry di-Suvero, lawyer for the Fort Dix 38; and John Lewis, American Servicemen's Union.

Captain Michael Briggs of the Judge Advocate General's Corps stayed together under the pressure, as he admitted the Army's need for judicial reforms. He said he and his colleagues entering the service are aware of the serious troubles the Army has in administering justice.

(Continued on p. 4, col. 3)



Last year, 38,000 lawyers worked for 1,500,000 needy persons—and for justice—without cost to them

Justice is not the privilege of just a special few in this country. Equality before the law is the right of every person.

And law is the bridge to justice.

It is for this reason that so many lawyers during the course of a year devoted their time and talents to serving the needs of the poor and disadvantaged, through organized legal aid and defender services and as court-assigned counsel. Many more needy persons unable to employ counsel were aided by thousands of other lawyers in private practice.

Any man charged with a major crime is entitled to legal counsel, skilled defense, and impartial treatment under the law.

Equal opportunity...better housing...crime control...protection of the innocent...liberty and justice for all. These are all legitimate aims of law. As individuals and as a nation, we can reach our goals under law.

Law is the bridge.

LAW DAY ^{U.S.A.} MAY 1 Law-Bridge to Justice

THEATER AT C.S.U.

The spring offering of the Cleveland State University Players will be *The Second Shepherd's Play* and *Gammer Gurton's Needle*, two English comedies. The trials and tribulations of peasant life, brought to life with much bawdy, slapstick comedy, will please audiences of all ages. Under the influence of student-designer Sybille Zimmer, the entire Theatre-factory building assumes the appearance of a 16th Century Tudor village. These merry farces, directed by Frederika Merriman, will be presented on May 14-17, and 21-24th, at 8:30 P.M. in the Theatre Arts Building at East 24 Street and Chester Avenue. Tickets are \$1.50. Reservations may be made by calling 781-2810 or by visiting the box office in the Theatre Building between 11:00 A.M. and 6:00 P.M. daily.

LSD CAPSULES

AVERY S. FRIEDMAN

Law Student Division Representative
American Bar Association

Delegates to the annual ABA/LSD Convention this August may expect to consider significant structural changes of the Division which, if supported by the organization's Board of Governors, could conceivably take effect in 1971. The major concern of law students is that the \$3.00 annual membership does not seem to affect them directly. Moreover, those student bar associations affiliated with the ABA/LSD are generally dissatisfied with the Division in terms of assistance and services. Furthermore, others believe that the Division should be taking a representative stand on major issues affecting the national law student body. The convention promises to be an exciting exercise in dialogue and analysis.

Spearheading sixth circuit consensus of restructure has been Mr. Sonny Frulla of Memphis State University School of Law who has directed letters to all law schools in Kentucky, Tennessee, Ohio, and Michigan for the purpose of gathering opinion on the subject. Sonny will direct all nomination and election procedures at the annual convention.

President Nixon, in his 1970 Law Day Proclamation, has urged that "... the schools and educational institutions take the lead in sponsoring and participating in appropriate observances." The law college will be working with local judges and lawyers today in a number of community programs.

The ABA Commission Report on Campus Disruptions has indicated that legislative proposals to cut off financial aid to disruptive students could be discriminatory because they would apply only to those who receive financial aid, a specific class of needy students. Among those making up the commission are former ABA President William T. Gossett, Retired Supreme Court Justice Tom C. Clark, and ABA/LSD President, John Long.

Those students interested in the areas of armed services, congressional liaison work, professional responsibilities, legal education, medico-legal problems, and student rights should contact their ABA/LSD representative.

MOSQUITOES, BEES AND LAWSUITS?

by Marilyn G. Zack

Professor Ann Aldrich's environmental teaching is lasting all quarter long. Twenty-five students registered for her Environmental Law Seminar, another sign that Law Students of CSU are actively concerned with current problems and the role of the law in their solutions.

Class members have chosen a variety of theoretical and practical problems relating to air and water pollution and to solid waste disposal as the basis for their research. Stan Stein, Ralph Rosenthal, and David Sherriff will assist a group of Mentor citizens trying to halt the pestilence of salt marsh mosquitoes without also harming people and bees via indiscriminate spraying of pesticides. To get the feel of their subject, these hearty students trudged the Mentor Marsh on foot with Cleveland State biologist Rodney Bailey.

Ron Bass, Ira Kane, and Henry Gerstman will pore through five volumes of scientific reports of the Great Lakes Basin Commission, of which Professor Aldrich is a member, to locate the legal and political institutions with authority to enforce water quality standards, and analyse their effectiveness.

To alert the law students to some of the legal complexities of the burgeoning field of environmental law, an alumnus of the Law School, Kenneth Hoffman, discussed three cases in which he is presently involved as a member of the Justice Department's Land and Natural Resources Division. He admonished students to "relearn" their constitutional law as to the "case or controversy" provision of Article 3. Mr. Hoffman stated that the biggest difficulty facing the environmental lawyer is locating scientific evidence which will stand up in court. (Evidently scientists, like lawyers, tend to hedge when put on the spot.)

Environmental law is interdisciplinary, calling for applications from the traditional fields of real property, constitutional law, and tort law, with the procedural problem of standing-to-sue a foremost obstacle in many situations.

Another speaker, Ralph H. Gibbon of Squire, Sanders & Dempsey, pointed out that Ohio's constitutional home rule provisions are obstacles to the solution of water and sewer problems in Cuyahoga County. Although legal solutions are available by Ohio statute, this metropolitan problem awaits political solution. Gibbon stated: "Only lawyers have the capacity to tinker with the machine (local and State Government) to make it responsive to the pollution problems."



Ira Kane discusses a point with Professor Ann Aldrich and Mr. Ralph H. Gibbon.

**What Have YOU Done
To Achieve Better Law Training and
Better Law LATELY?**

Monthly Student Publication

**CLEVELAND-MARSHALL COLLEGE OF LAW
CLEVELAND STATE UNIVERSITY**

1240 Ontario Street

© May 1, 1970

Mr. Donald E. Quinn, Manager
Law School Division
The Lawyers Co-operative
Publishing Company
Rochester, New York 14603

Dear Mr. Quinn:

Enclosed is a list of students scoring the highest grades in the respective courses in the Summer, 1969, and Fall, 1969, quarters at this law school and thereby qualifying for book awards under the American Jurisprudence Prize Award program. A similar list for the Winter, 1970, quarter will be sent to you shortly.

Sincerely yours,

CARROLL SIERK, *Chairman*
Student Awards Committee

Mrs. Lesley Brooks, 2641 Dartmore Road, Cleveland, Ohio 44118—*History & Methods Sec. 11.*

John Kanally, 4274 West 212 Street, Cleveland, Ohio 44126—*History & Methods Sec. 13.*

John G. Paleudis, 16004 Euclid Avenue, East Cleveland, Ohio 44112—*History & Methods Sec. 12.*

Jeffrey W. Largent, 163 E. Bridge Street, Berea, Ohio—*History & Methods Sec. 14.*

James Komorowski, 4105 East 71st Street, Cleveland, Ohio 44105—*Agency & Partnership Sec. 13.*

Martin Despina, 17114 Kenyon Road, Cleveland, Ohio 44120—*Agency Sec. 11.*

Mrs. Leona Hudak, 1709 Alvin, Cleveland, Ohio 44109—*Criminal Law Seminar.*

Charles H. Grace, 9118 Highland Drive, Cleveland, Ohio 44141—*Property I Sec. 11.*

Timothy Hartory, 505 East 266th Street, Cleveland, Ohio 44132—*Property I Sec. 12.*

Mrs. Deborah Goshien, 2991 Essex Road, Cleveland, Ohio 44118—*Property I Sec. 13.*

Miss Joyce Barrett, 14227 Athens Avenue, Cleveland, Ohio 44107—*Commercial Law I Sec. 11, Agency Sec. 12, Criminal Law Sem.*

Elliott Levine, 14423 E. Carroll, Cleveland, Ohio 44118—*Commercial Law I Sec. 12.*

Gerald J. Hudek, 19201 Euclid Avenue, Apt. A203, Cleveland, Ohio 44117—*Commercial Law I Sec. 13.*

David Richards, 24799 Lake Shore Blvd., Euclid, Ohio 44132—*Commercial Law I, Sec. 13.*

Timothy M. Bittle, 550 Glen Park Road, Cleveland, Ohio 44140—*Tax I Sec. 11.*

Raymond Rehor, 4322 Vezber Drive, Seven Hills, Ohio 44131—*Tax I Sec. 12.*

Harry Greenfield, 17922 Lomond Blvd., Cleveland, Ohio 44122—*Tax II Sec. 11.*

John Lombardo, 3440 Brainard, Apt. 110A, Cleveland, Ohio 44122—*Wills Sec. 11.*

Harvey Yasinow, 1715 East 115th Street, Cleveland, Ohio 44106—*Wills Sec. 12.*

Miss Vivian Solganik, 3633 Ingleside Road, Cleveland, Ohio 44122—*Conflicts Sec. 11.*

Glen Billington, 12007 Hamlen, Cleveland, Ohio 44120—*Appellate Advocacy Seminar*

Gary Hall, 3120 East 135th Street, Cleveland, Ohio 44120—*Bankruptcy.*

Miss Veronica Dever, 21095 Parkwood Avenue, Cleveland, Ohio 44126—*Estate & Gift Tax.*

Emil Sos, 22230 Euclid Avenue, Apt. 211, Cleveland, Ohio 44117—*Damages (tie), Labor Arbitration.*

Leslie Spisak, 2757 Hampton Road, Rocky River, Ohio 44116—*Damages (tie).*

Nora M. Friel, 1281 Thoreau Road, Cleveland, Ohio 44107—*Labor Law.*

Robert Tighe, 17000 Melgrave, Cleveland, Ohio 44135—*Securities Regulation Seminar.*

Paul Studly, 1407 Grantleigh Road, Cleveland, Ohio 44121—*Federal Tax II.*

Bruce Parish, 3089 Lester Road, Medina, Ohio 44256—*Insurance Seminar (tie).*

James Phillips, 1383 Lakewood Avenue, Cleveland, Ohio 44107—*Insurance Seminar (tie).*

James A. Baker, 4330 River Street, Willoughby, Ohio 44094—*Patents & Copyrights.*

Mrs. Marilyn Zack, 349 Northcliff Dr., Cleveland, Ohio 44116—*Municipal Corporation Seminar.*

Thomas Slavin, 2835 S. Moreland, Cleveland, Ohio 44120—*Constitutional Law Seminar.*

William Sheroke, 1990 Ford Dr., Apt. 403, Cleveland, Ohio 44106—*Jurisprudence Seminar.*

John C. Talbott, 1206 St. Charles Avenue, Cleveland, Ohio 44107—*Urban Development Seminar.*

Steven R. Olah, 20100 Lorain Road, Cleveland, Ohio 44126—*Mortgages.*

STUDENTS SEE PROBLEMS OF JUSTICE

(Continued from p. 3, col. 2)

Howard Levy described the events preceding his court-martial, contending he was labeled a trouble-maker from the day he entered the service, for failing to join the officers' club. He was too personally involved and angry to offer any believable constructive criticisms or suggested changes in the system, however.

Attorney Henry diSuvero, the most articulate and rational of the group, emphasized that the courts must act as an arm of the state when deep social change is involved and that the lack of public interest in the injustice of the military courts is due to their lack of visibility. He described a military base as a geographically isolated, self-policed small town whose local officialdom act as a judicial system for a cross-section of U.S. Army men, the sanction power vesting in the managerial capacity of white, military-indoctrinated career-men. According to the Uniform Code of Military Justice a defendant must be judged by persons of rank superior to his, and justice really does not exist, he said, because the base is a closed institution having a quasi-prison environment. The system is based on a series of classified crimes. The role of the stockade is to impose discipline, so, contrary to jails in civil communities, the stockade is very visible and has an occupancy much greater relative to the military population than civil jails have to civil populations.

DiSuvero contended that a political-military case is better tried in a civil court with a civil jury, because now the military is so large in numbers that there is no need for a separate military judicial system. He suggested a removal provision by which a defendant could remove the case to a civil court immediately.

Levin explained what he termed "command influence," the process of distributing justice, planned by the man who decides to prosecute in the first place, as a fatal flaw in military due process which, if corrected, would still be of little assistance because the defined crimes are outmoded and ridiculous.

Haywood Burns eloquently traced the role of the law as an instrument to perpetuate racism from the time the first black man landed on this continent. Even the most progressive of the founding fathers, and later the anti-slavers, could not think of a black man as a man; moreover, he was never given a legal personality or family rights, not only in the South, but also in the North. After emancipation the same laws were passed as before.

Burns said, "Every black person who has gone on trial in this country is a political prisoner."

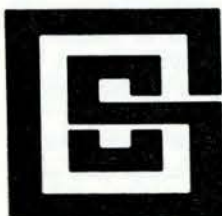
When asked what law students can do to alleviate the situation, Burns had a fresh approach: the formation of study groups whose purposes would be to gain up-to-the-moment knowledge of what's happening politically and judicially, and to act in an adjunct capacity as political educators and errand boys for teams of defense counsel.

To anyone with views indifferent, or right of center, these various remarks may evoke an image of unruly, unorthodox self-appointed spokesmen, defiantly spouting words of social upheaval and revolt directed at the judicial process. But it is just such like us, however, who should listen objectively, with minds, eyes and ears opened alertly, sifting and straining all the rhetoric in order to find a handful of bona fide defects which, if corrected by the mainstream moderates of the legal profession, will render the next wave of vocal dissent moot, and better provide a "living" justice as defined by the social and economic standards of the time.

It is the responsibility of this generation of law students to iron out the unrest and discontent about the political and judicial processes. We cannot perform this task if we do not listen and learn and apply.



New Mobe and "Boston Conspiracy" (Spock) lawyers discuss problems of justice.



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