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## 1971 Vol. 20 No. 4

Cleveland-Marshall College of Law

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# THE GAZETTE

"I find the great thing in this  
world is not so much where we  
stand, as in what direction  
we are moving . . ."

Oliver Wendell Holmes

The Student Newspaper of The Cleveland State University College of Law • Cleveland, Ohio  
Volume 20 • Number 4 • October 19, 1971

## Orientation: A New Way For A New Year

By TERRY SARON AND RICHARD SUTTER

Instead of a fraternity-rush-like presentation welcoming incoming freshmen with mawkish platitudes praising the glories of legal education, the 1971 CSU Law School Orientation Committee conducted a one-evening program that was relevant, informative, enjoyable, and as brief as possible. Gone were the trappings of orientation programs past: embarrassingly inept student "toastmasters" who stumbled through dull, overlong introductory speeches; frat jocks who extolled the

virtues of academic excellence achieved by accumulating large bar tabs and "canned" briefs; law wives who completed the playbill with punch and cookies when beer would have better sufficed.

This year, the Committee wisely chose to make avail of the facilities on the main campus, and reserved the Auditorium in the Main Classroom Building for the "academic" segment of the program, which comfortably accommodated everyone.

The three-hundred first-year

students were treated to a short word of greeting by Marvin Sable, Orientation Committee chairman, followed by some general remarks by Dean Craig Christensen and Alan Hirth, SBA President. Time limit for the foregoing: 15 minutes. The remainder of the program was conducted by Professor Hyman Cohen, who instructed the students in this art of case analysis. Beyond doubt, Professor Cohen's lecture on the "romance of the case method," was the finest treatment of that

subject in anyone's memory, including graduating students who were literally held spellbound throughout.

Afterwards, everyone was invited to Fat Glenn's for beer and casual conversation. Aside from the flatness of some of the beer served, a good time was had by all.

The Orientation Committee must be commended on its choice of speakers, and for providing this year's first-year students with the best possible introduction to the task confronting them for the next few years.

### EXPANSION DOUBLE PLAY

## BUCKLEY PLANS MOVE TO MAIN CAMPUS

By JAMES G. JOSEPH

When Assistant Dean Tom Buckley, Jr. arrived at our law school this summer, one of the first things to impress him was the "interest of the students in the welfare of the school." Even though summer quarter is a period of little activity, Dean Buckley noticed the presence of many students who were participating in school organizations.

Dean Buckley attended undergraduate school at Fordham and after graduating from Yale Law School, practiced in the New York City law firm of Carter, Ledyard and Millburn. He taught for 2 years at The University of North Dakota and one year at Boston University. Mr. Buckley is married and has one child, Elizabeth, who is six years old.

Dean Buckley believes that the law school has great potential and with the help of its huge alumni, can soon become the top law school in the state. He feels that our urban law school is a resource for the Cleveland community and its groups because law students can actively participate in grass roots community organizations.

Dean Buckley is in charge of locating the law students in temporary quarters next year until the new law building is completed. The law school will move to the newly acquired McKee Building near the CSU campus. The building, when remodeled, will have 25 to 33 per cent more usable space than the present

(See ONTARIO p. 3)

## URBAN CAMPUS S W E L L S

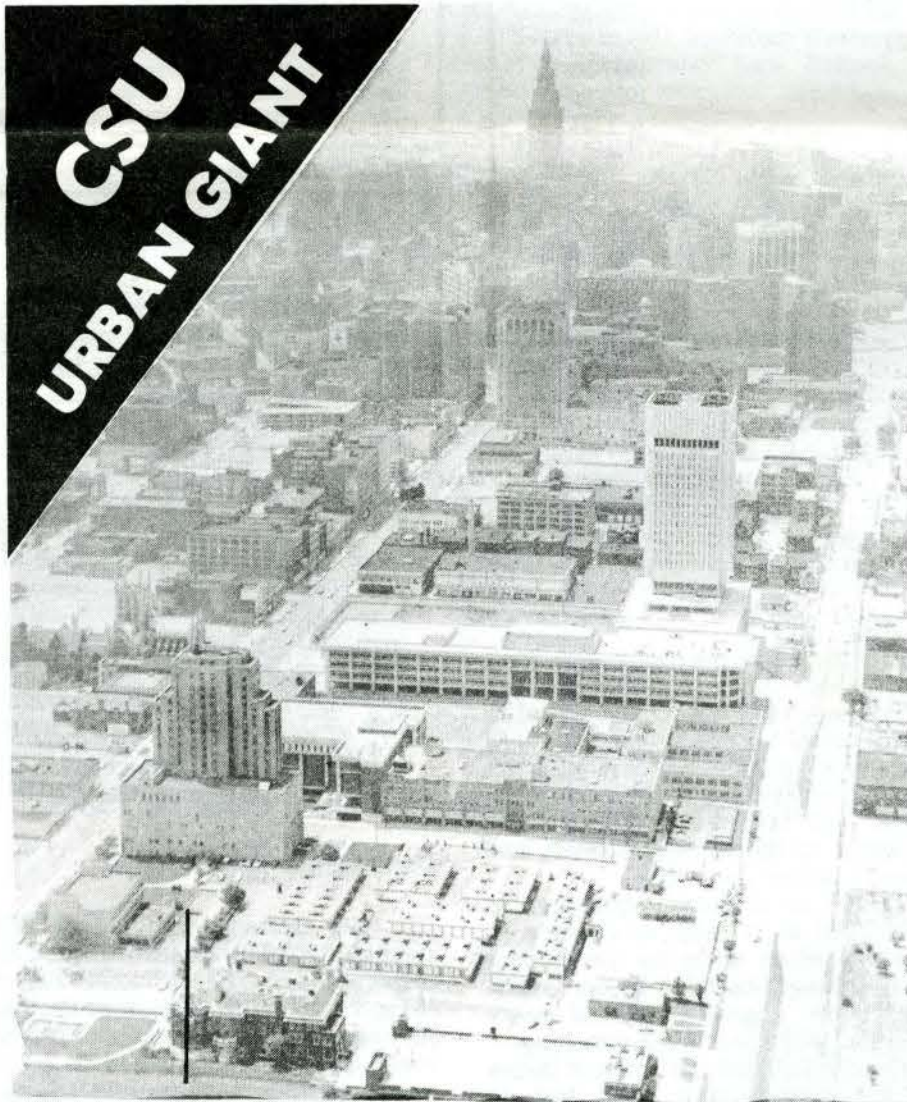
By MICHAEL SMITH

Cleveland State University begins this new scholastic year with increased student enrollment as well as changes in the physical appearance of the campus. Over 15,500 students have enrolled for fall quarter—8 to 10 percent more than a year ago. In addition to those returning for another year are 1800 freshmen, 650 transfer students, and 100 students from foreign lands. Student enrollment apparently has not been affected by the student fee increases which were authorized last July.

The new 20-story University Tower will provide CSU students with the most modern equipment and educational facilities available. Included in this structure are 225,000 volumes of books in the new Library, the History, Political Science, Business Administration, Mathematics, Sociology and Philosophy departments. However, the most striking change on the downtown campus is the huge excavation site for the \$9 million Physical Education building. The 200,000 square foot structure, to be used for an extensive program of sports and physical education activities, is scheduled for completion in two-and-one-half years.

The parking problem has partly been solved by increasing space 75 per cent since last fall with the addition of new lots. At the start of this fall quarter staff and students will use more than 1400 spaces of University parking as compared to last fall's 820 spaces. Rates this year remain the same as last—50 cents per day for non-permit drivers.

Although one can't help but feel optimistic about the future of CSU, this new year has begun on one sour note. CSU officials have ordered a freeze on salaries and the hiring of new faculty and staff. The reason: an operating budget for the current fiscal year cannot be formulated until the Ohio General Assembly has enacted the appropriation legislation for the coming year. This issue was complicated further by President Nixon's wage and price freeze.



### Inside . . .

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MEET YOUR CANDIDATE  
THERE WILL BE AN OPEN  
FORUM IN WHICH THE  
STUDENTS WILL BE ABLE TO  
MEET WITH AND TALK TO  
THE PRESIDENTIAL CANDIDATES FOR PRESIDENT OF THE STUDENT BAR ASSOCIATION.

OCTOBER 27th

11:00-1:00

5:00-6:00

BASEMENT LOUNGE AREA



SIX STEPS FORWARD A HALF DOZEN BACK

The budget of the Student Bar Association was \$9,942.00 in the 1970-71 academic year. The budget request for the current year is \$21,979.00.

Just how that money, your student fees, will be spent depends upon those students chosen by you to sit as senators on the S.B.A. There is a self-defeating tendency on the S.B.A. that has continued year after unproductive year. That tendency is for each senator to represent his own constituency. This is not bad in itself—what is bad, is that the pigeon holing of the senators' votes creates either a standoff or a debilitating compromise so watered as to accomplish nothing for any students. So, as each senator represents his own special constituency, no one benefits because no progress is made.

A better representation of the students would seem to be a group of senators who can look at an issue as it relates to the college as a whole—realizing the end goal to be achieved—and proceeding to such goal with the cooperation and concerted effort of the entire Bar.

An example of the childish attitudes prevalent in the S.B.A. and the lack of foresight evidenced by its members is illustrated by the following: At the 17th meeting of the S.B.A. a discussion was had upon the problems emanating from the holding of meetings at 9:15 P.M. After much discussion and at the close of the meeting a senator from the "night shift" said in substance to a "day shift" student, "I understand your position of wanting to schedule meetings more

convenient to the day students; if I was a day school senator I would have argued for the same thing you did." (Ed. above not verbatim but substantial reiteration.) Thus the senator disregarded the end goal of making the Bar more accessible to all students by selfishly representing (?) only night students, when in fact if some cooperative thinking and action were displayed the entire student body might have benefited on an overall basis.

There was an agreement that the 18th meeting of the S.B.A. would be held at 5:15 P.M. That meeting was so excessive in the unprofessional conduct displayed that it is expected no minutes will be reproduced. The cause of this meetings mayhem was due as much to the manner in which the senators were expected to "rubber stamp" the President's suggestions for faculty committee seats as it was to the unfortunate way in which the senators reacted to that attempt.

It is assumed that much thought and reflection was put into choosing the faculty members to staff the committees—WHY MUST THE STUDENT BAR ACT WITH THE SPEED OF LIGHTNING IN MAKING THESE EXTREMELY IMPORTANT NOMINATIONS AND APPOINTMENTS?


This newspaper sincerely hopes and actively solicits each and every student in this college to attend at least one Student Bar Meeting. Educate yourselves on the S.B.A. before the upcoming election.

HELP!!!

The Editors of THE GAVEL are currently assembling all previous editions of the newspaper for the purpose of permanently binding them. The end result will be a complete history of the law school as described by the school's newspaper.

But, we need our reader's help. Certain early editions cannot be located in the school's files. Listed below are the volume, number, and most probable publication date of editions which we do not have. We would appreciate your assistance in locating these missing issues so that we might have copies of them made. If you are able to help, please get in touch with the newspaper.


Volume	Number	Date
1	All copies are missing (except 1 to 3)	(1952-53?)
2	All copies are missing (except 1 to 2)	(1953-54?)
3	All copies are missing (except 1 & 3)	(1954-55?)
4	All copies are missing (except 2)	(1955-56?)
5	All copies are missing (except No. 6, March, 1957)	1956-57
6	All copies are missing	1957-58
8	All copies are missing (except 1-7)	1959-60
9	Nos. 5 & 8	1961
12	(The numbering this year was erratic.) We only have the following three issues from this year: Volume 12, No. 1, November, 1963 Volume 1, No. 1, February 21, 1964 Volume 12, No. 4, May 21, 1964	
15	We do not have: No. 2	November, 1966



THE  
GAVEL

Cleveland State University

Volume 20  
No. 4  
October 19, 1971  
Room 416



College of Law

1240 Ontario Street  
Cleveland, Ohio 44113  
687-2340

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The views expressed herein are those of the newspaper or its by-lined reporters and contributors, and do not necessarily reflect the views of the student body, administration, or faculty of the College of Law or The Cleveland State University unless otherwise specifically stated.

NOTICE

ALL CLASSES IN THE COLLEGE OF LAW WILL MEET DURING THEIR REGULARLY SCHEDULED HOURS ON MONDAY, OCTOBER 25 (VETERANS DAY). CRAIG W. CHRISTENSEN DEAN

Letters To The Editor

Dear Editor:

The last edition of the Gavel was forwarded to me as a member of the Cleveland-Marshall Alumni Association. I have been receiving the Gavel now for several years, but have delayed making comment until finally motivated by your last issue. As a former editor of what was then called "The Gavel", I would be frank to admit that gratefully they don't make the Gavel like they used to. I find that the present execution and content of the Gavel is far superior to the mimeographed bit of trite that I, myself, was responsible for as a former editor.

The students and faculty of Cleveland-Marshall are to be commended for the spectacular improvement brought about in the preparation of the student newspaper. The present content of the Gavel speaks well of the new generation of law students, who by their interest and concern, will, when they are admitted to practice alter the caliber of the practice of law, in a most salutary way.

I might point out that what we now see as an achievement, existed by way of desire during the years of my attendance at the school (1956-1960). I

page two

recall long conversations with then Professor Oleck concerning the direction that he wished the school to go. Therefore, in addition to kudos to the "new" student population, some should be extended to the "establishment" who have had the foresight and industry to cause development and growth of our fine school.

This letter, of course, should not be construed as a tacit acceptance of every position taken by the student body through its voice in the Gavel. "Right on" cannot be said of every position taken, but keep punching.

I have noted that certain past issues of the Gavel have been lost to posterity. As a former editor, be advised that I never felt that the Gavel represented, in my day and age, anything worthwhile enough to save. Of course, I still feel a smattering of pride when I consider that I engaged in a colloquy with the then dean of the Ohio State Law School relative to the merits of night school legal education. I also look with pride at the founding of the Law Wife's Club as a worthy ancillary to night law school education.

Again, let me extend my heartfelt congratulations and compliments to the staff of the Gavel and more

particularly to the student body which makes it possible.

Karl Seuthe  
Editor-in-chief  
Gavel, 1959

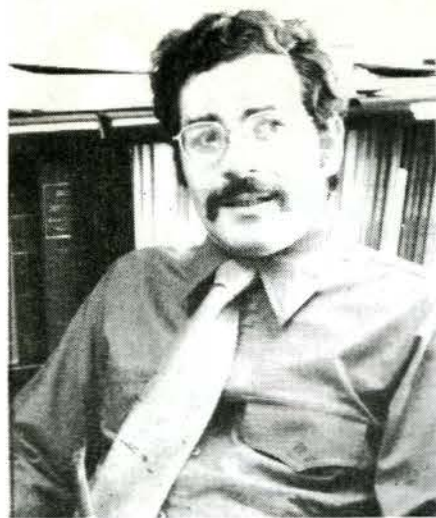
Dear Editor:

I take serious issue with the statement of Professor Browne (reported in The Five Nays, 20 Gavel 3 at p. 4 October 12, 1971), that student participation on some committees would be "tantamount to invasion of another student's privacy." The inference is that somehow, students are unethical, while faculty members are above "faculty lounge" gossip. At the moment, the only invasion of privacy that I can discern is that done by faculty members who have indiscriminate access to any student's private file. Is he asserting that a faculty member, acting "in loco parentis", is better qualified to judge me by pulling out my file than a fellow student who has known me for three years? THIS is the politics of confrontation to which Professor Brown refers.

Richard Sutter, '72







Stephen J. Werber, Asst. Prof. of Law (1970) B.A., Adelphi University; J.D., Cornell Univ.; L.L.M., New York U.

(See Course Description  
20-3 GAVEL 4)



## CIVIL LIBERTIES

# RIGHTS IM-BALANCE

By ALAN JAY ROM



Attorney for the defense, the American Civil Liberties Union. The defendant, the Bill of Rights. And so it has been ever since the A.C.L.U. was founded by Roger Baldwin in 1920.

Today the American Civil Liberties Union has state chapters in 46 states and local affiliates in all 50. There are only a handful of staff attorneys throughout the country; the bulk of the caseload is handled by volunteer cooperating attorneys, dedicated to the preservation of the people's rights as guaranteed by the Bill of Rights to the United States Constitution. That is why it is not incongruous to see the Union defending the rights of the members of both the Ku Klux Klan

and the Communist party.

The A.C.L.U. has challenged the draft, the Vietnam war, "loyalty" oaths, censorship, "obscenity" laws, school prayers, "loitering" and "suspicious persons" ordinances, wiretapping and electronic eavesdropping practices, and defended the rights of the people to dissent and petition for redress of grievances against all those who would seek to restrict or deny those inalienable rights. The philosophy which guides the A.C.L.U. is that the rights of the people are not given to them by the government, but are inherent rights, what the American Revolution was and is all about.

The Cleveland Chapter of the A.C.L.U. of Ohio is located at 1302 Ontario Street. The Chapter Chairman is Max Wohl, the Executive Director is Norma Coffey, and the Legal Committee Chairman is Eugene Bayer. The A.C.L.U. is a non-profit organization and can only operate on the funds provided by its members and other voluntary contributions.

The fight for civil liberties never stays won; it is a continuing effort. It is the purpose of this column to inform its readers of what is being done by the A.C.L.U., particularly here in Cleveland, and to encourage all to become involved.

## OUR CORRECTIONAL SYSTEM

# NEITHER CORRECTION NOR A SYSTEM

Cuyahoga County Common Pleas Judge Bernard Friedman, Chairman of the Ohio Citizens' Task Force on Corrections, addressed a membership luncheon of the Cleveland Bar Association on Friday, October 8, in the North Ballroom of the Sheraton-Cleveland Hotel. His subject was "Our Corrections System: Neither Correct Nor a System."

Said Judge Friedman, "The initial examination of the corrections facilities and procedures, from which our committee developed its Interim Report published last June, made it clear to us that the adult corrections system is actually not a single system, but an uncoordinated grouping of subsystems. These

subsystems, unfortunately are sometimes philosophically incompatible, with clashing procedures, and without unity of purpose or goals."

He added, "It is difficult to visualize a successful corrections program resulting from such a set of circumstances. How can it be correct if it is systemless?" asked Judge Friedman.

The Ohio Citizens' Task Force on Corrections is composed of subcommittees on Administration, Community-Based Services, Institutional Services and Processes, and on Correctional Law and Inmate Affairs. It hopes to present its Final Report to Governor Gilligan by the

end of this year, said Judge Friedman.

Judge Friedman was appointed to the Cuyahoga County Common Pleas bench in 1963. Admitted to the practice of law in 1934, he served as Special Counsel to Ohio's Attorney General during 1936-37; later he joined the Legal Division of the U.S. Public Works Administration, serving there for two years. From 1950 to 1959 he was part-time counsel in the Law Department of the City of Cleveland.

He is a graduate of Ohio State University, from which he earned his B.A. degree in 1931, and from Western Reserve University Law School, where he was awarded an LL.B. degree in 1934.



ROBERT L. SIMMONS, Assoc. Prof. of Law (Jan. 1971) B.A., Univ. of Michigan; J.D., Cleveland State Univ.

(See Course Description  
20-2 GAVEL 4)

# SUIT AGAINST C.S.U.

By BARRY LAINE

Several months ago the CSU Board of Trustees decided to raise the tuition. The decision was formulated at a meeting, held in a hospital, which, due to the lack of advance publicity caught most students by surprise. Several members of the CSU community were disturbed at this turn of events, and expressed their ire by commencing a lawsuit. The purpose of the suit was to roll back the announced increases, and to make the trustees postpone any subsequent decisions on the increase until the State Legislature has formulated its budget. Only then, plaintiffs contended would the school have the necessary facts on which to

base an increase. Plaintiffs in this action which is formally entitled *Geller et al v. Bartunek et al*, were undergraduates Daniel Courneyor and Mark Borowitz, and law students Terry Gilbert, Terry Saron, Bruce Elfvin, Alice Rickel, Richard Sutter, and Elliot Geller.

Not only the decision itself, but also the manner in which the decision was reached, angered the complainants. Eugene Bayer, chairman of the Legal committee of the American Civil Liberties Union, stated, in his opening argument, that the increase was passed "in such a place and in such a manner as to offend... due process." He further contended that the

"process offended fundamental fairness" and "threatens to deprive plaintiffs of property". Robert H. Trenkamp, appointed by the Attorney General to represent CSU, moved that the complaint be dismissed. Defense counsel Trenkamp argued that the "Board of Trustees should be commended." For they, he claimed in his opening argument, gave the students ample warning that the tuition would be increased, and this was the "honest, fair and decent thing to do." Judge Matia, presiding at this hearing, did not grant the motion to dismiss at that time.

Plaintiffs produced representatives from Bowling Green and Kent State,

(See C.S.U.—8 p. 4)

# NEW C.S.U. BUILDING DEDICATED

By MICHAEL SMITH

On October 20 two new buildings on the Cleveland State campus valued at more than \$34 million, will be dedicated by the people who will be their prime users. In what is believed to be a national first, students will officially open the \$22 million University Tower and the \$12 million Classroom and Lecture Center. Chairman of the committee is Thomas H. Hunscher, a senior, who has promised that the ceremony will be devoid of the usual pomp, formality, and expensive accoutrements. The Classroom and Lecture Center (Main Classroom Building) is the largest single classroom building in Ohio. Its four stories contain 56 classrooms, 22 laboratories, study rooms and lounges, which can accommodate more than 4000 students at one time. The 20-story University Tower has already become one of downtown Cleveland's landmarks. It contains a 450,000-volume capacity library on five levels, the computer center, audio-visual studies and more. Governor John J. Gilligan, Mayor Carl Stokes and other government figures have been invited to the ceremonies, as have all current and past trustees of Cleveland State University.

## FROM ONTARIO TO CHESTER

(From p. 1)

building at 1240 Ontario. The target date for moving into the McKee Building is late Sept., 1972 but a more realistic date is Jan., 1973.

Little information can be given about the new law building as it is still in the early stages of planning, but Dean Buckley was quick to point out that law students' recommendations would be included in the planning process.

Dean Buckley's duties also include the placement of graduates, class scheduling and faculty relations. He will also teach History and Methods Fall Quarter.



McKee Building

# THIRD ANNUAL MOOT COURT NIGHT

OCTOBER 30, 1971 AT 8:30 FIRST FLOOR OF THE LAW SCHOOL



# L. C. O. P.

By ALAN ROM

The Legal Career Opportunities Program enters into Phase II this school year.

In April, 1971 the faculty approved an experimental program to bring the study of law to those who otherwise would not have had the opportunity. There was faculty criticism at the time, regarding the proper role the law school can play in correcting social, cultural, and educational deprivation, but the faculty felt that the program should be given a chance.

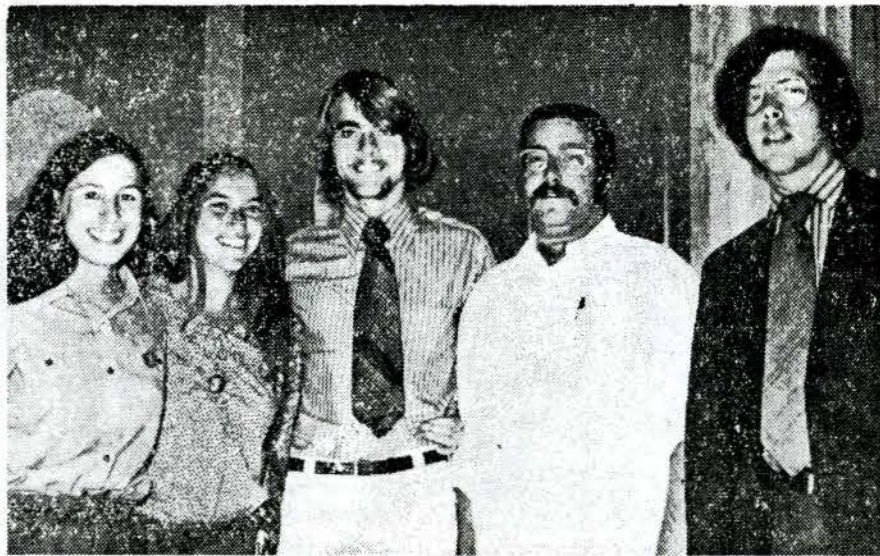
Due to budgetary limits only 13 students participated. The faculty decided that for best results, the program should start during the summer. As financial aid was limited, the program at the law school was given in the evenings enabling the students to work during the day. The students took Legal History and Methods, Literature and the Law, and Legal Bibliography. Brief Writing was also planned but time did not allow for the completion of the course and it is being carried into the academic year.

Rather than start with basic first year courses, the students were methodically prepared for these by having different instructors incorporate their specialties in the Literature and the Law courses.

To avoid undue pressure on the students, the courses were given on a pass-fail basis. This also avoided any criticism of or by the faculty, or favorable or unfavorable bias. The students were also required to take courses to improve reading, comprehension and in writing skills at the main campus.

Towards the end of the summer, the students were asked to objectively evaluate the program. Some of the criticism of the program was that it was too hastily put together, and that the students resented the program being called the "Disadvantaged Student Summer Program," because it implies inequality with their peers.

In reaction to the criticism, the name of the program has been changed to the Legal Career Opportunities Program (LCOP) and a permanent committee formed to re-evaluate and improve the program, Professor Goshien serving as chairman. It is far too early to evaluate the progress of the program; perhaps definite conclusions will not be able to be made for several years after these students enter the legal profession and bring their talents to the service of their communities, which is the goal of the program.



**FIGHT TUITION BOOST**—These five were among Cleveland State University students who went to court today to try to block tuition increases voted by CSU trustees. They are (from left) Barbara Kaye, Alice Rickel, Law students, and Dan Courneyor, editor of the Cauldron; Alan Hirth and Elliott Geller, law students. "CLEVELAND PRESS PHOTOGRAPH"

## C.S.U.— 8

(From p. 3)

to show that other schools were waiting for the legislature to act before deciding on tuition increases. (The analogy is somewhat faulty in that both of these schools increased tuition last year, whereas CSU did not. Though acknowledging that Bowling Green did choose to wait for the legislature, Mr. McFall, secretary to the Board of Trustees at Bowling Green, thought it would be better to announce an increase rather than wait for the legislature. He spoke of "difficulty on the part of students", and stated on redirect that students "want to know how much fees are to be"). Mr. Bayer also called Joseph Bartunek, chairman of the Board of Trustees, Gordon Hanson, Acting President of CSU, and Mr. Maher, secretary to the Board of Trustees. Through these officials he tried to demonstrate that the exact financial needs of the University cannot be known till the legislature acts, that there was little advance notice of the meeting, and that the decision to increase fees had been made in advance of the meeting. The fact that a letter notifying students of the increase had been prepared before the board meeting did cause some embarrassment. Hanson admitted the letter was prepared prematurely. He insisted that the Board acted on what they believed to be accurate projections of the state subsidy and the schools needs.

Several of the plaintiff students were called to the stand; they testified that the increases might mean that they would be unable to return to school. Carol Czech, secretary of the Scholarship Committee, testified that the increase

would reduce the number of students who would receive scholarships. After plaintiff rested, defense counsel Trenkamp renewed his motion to dismiss. Judge Matia, pointing out that he had allowed a full inquiry, agreed to the motion at that point. He stated that there was no showing that plaintiffs injuries would be "immediate, certain, and great" and therefore a preliminary injunction could not be granted.

Thus, the attempt by the eight CSU students has apparently been unsuccessful. The preliminary injunction has been denied, the Board of Trustees has not reconsidered, and most students, regarding the matter as a fait accompli, have paid the increased tuition. Yet there is still some chance that the increase will be rescinded. While the motion for preliminary injunction was not successful, plaintiffs will still have their day in court as to a Declaratory Judgement. Several members of the Board, among them Robert Hughes, questioned the increase and suggested that it be repealed. Chairman of the Board of Trustees, Joseph Bartunek, stated on the witness stand that if the Legislature provides for an adequate budget they "could rescind the increase". Whether or not we must pay an increase in the tuition, students should be relieved to know that the present tuition is far below the sum we would be expected to pay if this law school were still a private institution. In fact tuition would be \$1500 a semester if we were still affiliated with Baldwin-Wallace and \$1000 a quarter if we were still a private law school.

## ELECTION FORMAT

By BARRY LAINE

Arnold Pinkney, Ralph Perk, and James Carney will not be the only candidates running for office this fall. The Cleveland mayoralty race will not be the only election in November. For the Cleveland State University College of law students will have the opportunity to elect a new student bar and also a new president of the student bar. Every class will be able to select three of their classmates to be their representatives in student government. In addition, due to Steven Gombergs retirement, the election of President of the Student Bar will also be held during November.

Acting President Alan Hirth, with the consent of the Senate, selected the Elections Committee. That body, chaired by James Lowe, will try to set up procedural guidelines to govern this years election. The Committee has met and made several preliminary decisions. The election is to be held November 1st, 2nd, and 3rd. Candidates, however, must declare their intention to run by October twentieth. The President must be

elected by a majority of those voting, and, if necessary, there will be a runoff election. Senators, however, will be elected on a plurality basis. A special election edition of the Gavel is tentatively planned, and the advisability of a debate among the Presidential candidates was discussed and viewed favorably.

In an attempt to eliminate some of the criticism prompted by last years election, the Elections Committee promulgated several rules involving a code of conduct for the candidates. The amount of campaign literature will be restricted, electioneering will not be allowed near the polls nor in the classrooms, and a candidate who claims the support of an individual must have written proof to that effect. The Elections Committee will have the power to enforce these regulations, and, if a violation can be shown, the guilty candidate will not be allowed to run.

Also serving on the committee are Marilyn Zack, Larry Brick, Sam Lo Presti, Barry Laine, and James Wilkens.



THE  
GAVEL

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