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The Gavel

Vol. 16 — No. 3

"THE VOICE OF CLEVELAND-MARSHALL"

Oct. 11, 1967

Bookstore "Definitely" Slated For January, States Laver

Cleveland-Marshall students will have the opportunity to purchase current edition used textbooks for next term's courses in a book exchange to be operated by the Student Bar Association.

Senior representative Steven Laver, who is in charge of the project, said the texts will be available at prices ranging from one-third to two-thirds lower than original cost.

The exchange will operate from Jan. 2 to Jan. 12 for second, third and fourth year students and Jan. 24 to Jan. 31 for first-year students.

It will be located in the Student Bar Association office, adjacent to the basement student lounge.

In addition to casebooks, there will be hornbooks and other items available, Laver says.

Students selling their old books will set their own prices, Laver said, according to Student Bar guidelines. Usually this means one-third off original price for texts in good condition, one-half off for books in fair condition and two-thirds off for books in poor condition.

The student will drop his books off at the exchange, set a price and pick up the money, if the books are sold, at a later date.

Purchasers will pay the asked-for price and a small service charge, to cover the expenses involved in the operation.

Laver does not expect to stock books for courses which are not

offered next term. He does not want to be burdened with books used this year which will be dropped next year.

"It's strictly a service," he explains. "We'll be an agent for a kid who wants to sell a book."

Biggest problem Laver expects is a low inventory of books available for sale. In the exchange run last year, buyers far outnumbered sellers.

"We sold every book we had. We just didn't have an inventory," he explained. "The bigger inventory we have, the more people we can serve."

The exchange will be open at least from 5 to 6 p.m. each night. If there is a demand, it will be open earlier, and also after evening classes. "If a guy wants to sell a book and a guy wants to buy a book, there'll be time," Laver promises.

If there is enough volunteer help, the exchange will be open during the day for the day students during the Jan. 24-31 period.

"The object is to service as many students as possible — and we'll go out of our way to do it," Laver emphasizes. "We need an inventory. We can always sell what we take in."

He explains he is not able to pay sellers cash for their books when they are offered. "The Student Bar budget, which is woefully inadequate, does not allow for it," he says.



William L. Richard

Ranney Senate Wins National Awards

William L. Richard has been awarded "Outstanding Student Delta Theta Phi in the Nation" Bill, a 1967 Cum Laude graduate of Cleveland-Marshall shares the award with an outstanding student from Region 13.

Ranney Senate was selected from among 68 Student Senates of Delta Theta Phi to share an award with Sam Huston Senate for "Outstanding Student Senate in the Nation."

Bill was the recipient of the Delta Theta Phi Scholarship Award in 1967; the Am. Jur. award for highest grades in Equity in 1965 and in Labor Law in 1966; and the Cleveland-Marshall Law Wives Annual Scholarship in 1965.

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Bob Thomson Wants Working Student Bar

Student Bar Association President Robert Thomson is starting the school year with a short but meaningful list of objectives in mind.

Perhaps most important is one item he does not even list — but one which the student government has already acted on.

Thomson wants a working Student Bar. With this in mind, the organization has already trimmed from its membership two second year representatives for missing meetings and not submitting excuses for their absences. "One didn't even come to a meeting since he was elected in March," Thomson said.

These vacancies, both in the same class section, have already been filled by an election at the end of September, less than three weeks after the inactive representatives were ousted.

The Student Bar is also moving rapidly to hold elections in the four first-year sections — one of day students and three of night — to assure them of representation until the school-wide elections in March.

Thomson's objectives include:

A successful, efficiently-run student book exchange, for which plans have been formulated. It will be held at the start of the new term in January.

Effective student representation

on faculty policy-making committees. Student Bar members have volunteered to serve on many of these committees, but their representation must still receive faculty approval.

Expansion of the placement bureau, which serves both students and graduates, and "continual work with it."

Continuation of the role Student Bar played, for the first time this year, in new student orientation.

Assisting Student Bar Vice President John Budd Jr. in every way possible in his assignment as Chairman of the credentials committee of the Law Student Division, American Bar Association, for its convention in Philadelphia next summer.

Although Thomson has nothing in mind to replace it, there has been Student Bar discussion about a possible event to replace the dance the organization had sponsored annually.

Faced with the problem that it has been less than successful on occasion, Student Bar voted last year to discontinue the event.

Thomson explained that it was in competition with similar events sponsored by the fraternities and by Law Wives Association.

"We on Student Bar felt our dance was not necessary — that it was a duplication of efforts," he said.

Vindicate the Innocent or Get the Guilty Off?

By David Lowe

Behind his burdened desk, walls covered with a convincing collage of awards, honors and a bayoneted M-1 rifle, crisply-uniformed Michael J. ("Sledgehammer Mike") Blackwell sat erect and attentive. Forty-three years ago, Inspector Blackwell began his legendary rise through the ranks to his present position, commanding the 1000-man Basic Patrol of the Cleveland Police Department. His exciting experiences in the line of duty have prompted a publishing company to relate them in a book, to come out in mid-November.

In this second of a series of articles, Inspector Blackwell was asked to give his thoughts on the popularly-held idea that the criminal defense attorney doesn't win cases, but, rather, "gets his clients off." Confronted with a series of questions on that point, Inspector Blackwell spoke eloquently from the law enforcement officer's viewpoint.

Interviewer: Inspector, what are your thoughts on the subject of a criminal attorney winning his cases as opposed to "getting his clients off"?

Inspector Blackwell: I think that the verdict is often less the lawyer's doing than it is the jury's,

although it has been said that a jury is a group of twelve people who get together to decide who has the best attorney. There is nothing as unpredictable as a jury. They carry grudges; they try to exonerate their own guilt; and some render verdicts as though they were being prosecuted.

Interviewer: Do you think, then, that there is a relationship between the type of lawyer (and his resources) and an acquittal?

Inspector Blackwell: There is no doubt that a good lawyer can sway a jury — personal prejudices can be taken advantage of, and so forth. You can see the venom in their faces sometimes when a policeman is testifying for the prosecution. Generally, low-grade juries acquit. An interesting case is the McNabb decision, in which the defendants were said to have been put to some "discomfort" before trial. How ridiculous can they be when you consider that the defendants were used to sleeping on the ground with a Winchester in one hand and a jug of moonshine in the other? What of the victim's discomfort?

Interviewer: Could the basis for the opinion that criminal lawyers "get their clients off" be that the Supreme Court rulings of recent

years make it easier for a hot-shot attorney to get an acquittal?

Inspector Blackwell: The Supreme Court is always apologetic when it talks about criminals — there have been an endless series of sympathy decisions. The only thing that exceeds the number of apologetic decisions is the number of crimes.

Interviewer: How do the 1,000 men in the Basic Patrol feel about the more stringent procedures?

Inspector Blackwell: They are up in arms — they say that they have been handcuffed. These are a monumental evasion of reality.

Interviewer: Do you feel that their feelings are justified?

Inspector Blackwell: Yes. Congress should legislate in this area. We can't ignore the seriousness of the crime rate if this country is to survive.

Interviewer: Then there seems to be a great divergence between the Court's decisions and actual law enforcement.

Inspector Blackwell: The police are the country's first line of defense. Once that line is eliminated, we're in trouble. It's analogous to the enemy within — communism — chipping away on the first line of defense.

Interviewer: What has the Cleveland Police Department done in the way of educating its men in the light of the new procedures?

Inspector Blackwell: We send them to FBI school, to courses at Cuyahoga Community College, to schools in Columbus — they get it in the police academy, in lectures by lawyers, criminologists, doctors, and so forth.

Interviewer: Do they actually use the card enumerating the rights of a suspect, or is it impractical?

Inspector Blackwell: Sure they use it — even in the case of insignificant misdemeanors.

Interviewer: Does the typical policeman foresee the fact that breaking procedures could lead to "getting a client off"?

Inspector Blackwell: Sure.

Interviewer: What factor, besides time, will contribute to the acceptance of the new procedures by policemen?

Inspector Blackwell: Time won't do it. Congress will begin to get pressure to decrease the crime rate. Did you know that the population in the country's penitentiaries is decreasing? Crime costs this country twice as much as the Viet Nam war per year.

Interviewer: Are there any bad feelings between criminal defense attorneys and policemen?

Inspector Blackwell: I suppose some personal feelings creep in. An abusive lawyer could ruffle a policeman's feathers on the witness stand.

Interviewer: What of the attorney who defends the habitual offenders — or the peripheral characters?

Inspector Blackwell: A criminal lawyer has a job to do, but a lawyer-criminal . . .

Interviewer: What do you think of a lawyer like F. Lee Bailey?

Inspector Blackwell: He's a good lawyer — a good, cagey lawyer. It may be that people read about him and turn in verdicts accordingly.

Interviewer: Does a top drawer attorney hold any advantage over the average prosecutor?

Inspector Blackwell: Certainly. A run-of-the-mill prosecutor doesn't have a chance against a lawyer like F. Lee Bailey, unless there is a blue-ribbon jury.

Interviewer: Does a prosecutor hold any advantage over an average, perhaps court-appointed defense attorney?

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Publication of this issue of the Gavel is two days late. This issue was held up purposely so that we could include information in regard to student participation.

Friday, the Cleveland-Marshall faculty met to consider, among other things, non-voting student participation at faculty meetings and on faculty committees. The Gavel also requested permission to attend faculty meetings in order to allow it to fulfill its function of keeping the students informed.

What Effect Student Participation?

The faculty rejected the rejected the requests of the Student Bar and the Gavel to attend faculty meetings. The faculty accepted in principle student participation on all faculty committees subject to the discretion of the committee chairman.

As of this writing, the Gavel does not understand the principle or the effect of student participation on faculty committees as it was approved by the faculty. Does discretion of the committee chairman mean that he has the discretion to decide that he does not want any student participation on his committee, or does it mean that he has the discretion to reject the appointment of any student to his committee without informing the rejected student or the Student Bar of his reasons for the rejection? If the answer to either or both of these questions is yes, the faculty has made a farce out of the idea of student participation. In order to be effective, student participation must be the policy of the school, not a committee, and it must not be a personality contest.

The faculty is very jealously guarding its privacy. In some areas they are entitled to total privacy, but in areas which affect the students, they are not entitled to Star Chamber proceedings.

We cannot understand the reasons behind the faculty's action. It is almost amusing that Baldwin-Wallace allows its undergraduates more student participation than the faculty of Cleveland-Marshall allows the students of Baldwin-Wallace's graduate school. Could it be that the undergraduates are considered to be more responsible than the graduate students, most of whom hold down very responsible jobs?

The students at Cleveland-Marshall are not power hungry. They hold down full time jobs and many are married and have families. They have many things they would prefer to do rather than sitting through a faculty or faculty committee meeting. They do not want to run the school. They only want to ensure that a good atmosphere for learning is maintained and that Cleveland-Marshall retains its respected position in the community. Considering the situation that existed last year, the students have every right to be concerned. Quite possibly, nothing would have been different, but then again... And it could happen again. Its rough being the big loser when you're not even in the game.

Finally, the Gavel wants to voice a strong exception to its being refused admission to faculty meetings. We don't want to get involved in the Constitutional issue, but the Supreme Court has consistently upheld freedom of the press as guaranteed by the First Amendment, and the Gavel believes in it too. But since we're not ready to litigate the issue, we would like to make our point by giving you the history of this editorial.

This is the second editorial your editor has written since Friday evening. In order to get the issue out by Wednesday (tomorrow), your editor is going to have to get down to the printers by 7 a.m. (cruel and unusual punishment) and fast talk them. This should not be necessary. The Gavel hasn't changed its editorial policy. The Gavel has not been derelict in gathering its information. We talked to the people concerned who were at the meeting. But our information was totally wrong. If our printer was a little faster, we would have come out with an editorial opinion based on the wrong facts. We're not even sure that this editorial contains all the important facts. If the Gavel had come out with its first editorial, we would not have been acting irresponsibly. We do not have proper access to information and thus cannot be expected to intelligently inform the students of that which concerns them. Without intelligence, you cannot act responsibly. We want to be responsible for the Gavel. We are charged with the responsibility of informing the student body. We want to perform our responsibility, and if given access to information, we can perform our responsibility. We are thus asking the faculty to reconsider.

The Gavel

The Gavel is a publication of the students of Cleveland-Marshall Law School of Baldwin-Wallace College. Published twice a month during the school year.

The Razor's Edge

By NANCY SCHUSTER

Dear Virginia,

This is a *fable* about a law school. It does not really exist. Like Santa Claus and the unicorn it has its counterparts but it is mythical, truly.

All law schools are equipped with a faculty, students, and administration. Some law schools, such as the one in this story, even have a building.

A faculty is nice when considered as people. As faculty, however, it is obliged to have "faculty meetings." On these occasions, frustrated philosophers can propound elegant theories of *res judicata* in 18th century England while the coffee pot boils over. Organizers can spout the virtues of committeehood, the theatrically gifted declaim, the bored read. The arrogant may pound, stomp, (as is their want) and the meek inherit the freshman classes.

All faculty have individually, the rare ability to polish to brilliance the dull, but pure student. And if permitted the choice, the faculty would amass a student body which would amaze the dons of Oxford.

Students, also, make nice people. But when viewed as a "class" they are supercilious, snide, cynical, clannish, and prone to manic-depressive reactions. They particularly relish inane answers by their number and become hugely upset when unprepared brethren are not called upon. Students come in two categories: those who know everything and those who don't.

Students are given to minute analysis of minute problems and are gifted with perfect insight in the choice of faculty. If only it were up to them, Dean Rusk would fly to their school to teach Contracts I.

A visit to a faculty committee meeting disclosed a faculty member reading aloud to a small group of hissing students. It was 6:45 p.m. "Break" chanted the students, "break, break!" The professor continued to read. Feet began to shuffle, the dust to rise. A female student sneezed. "Stop it, stop it, I will not abide your creating this disturbance, Miss" shouted a gentleman dressed in cream flannel trousers. "But professor, I thought student faculty relations referred to a committee—to give the students more voice," said the student. "I hadn't noticed that they needed any" screamed a courtly looking professor.

I began to despair that I never would see a faculty committee meeting. Or worse, that I had. With a flourish of trumpets, the acting dean, a member of administration, arrived to regain the objective, and stood authoritatively by the table. From time to time he was offered the empty chair, but he never would take it. Now the meeting began.

Proposals, counter proposals, answers, cross petitions, replies, rebuttals, demands, and complaints were filed. The issues were joined, unjoined, separated, met, and examined. All relevant and material facts and some opinions were considered, viewed, sorted, weighed, and discarded. Out of this free exchange rose two ideas for testing in the marketplace, squarely, on

all four corners.

1) Erect a pink and white striped canopy in the parking lot. Install a new Vendo, pots of Geraniums, and a French waiter. Move the lounge from the basement to the parking lot.

2) Do away with the school. Open, instead, Baldwin's Hideaway Pub; Marshall's Book and Chair Shoppe; and Wallace's Youth Hostel. Donate the library to City Hall (God knows, they need it) and the Jewish Vocational Service to Ralph Locher, Carl Stokes, Frank Celeste, or Seth Taft. Split the profit by

group, according to number of members.

Proposal (1) was supported by 26 students and one professor; a clear majority of the meeting.

An informal poll of the general student body was taken, however, and it was discovered that the committee did not truly represent the students. Thus choice (2) was adopted. There was tumultuous cheering and profound joy for having saved the law school.

Moral: Democracy is a great thing if you can keep the deck stacked.

Vindicate the Innocent...

(Continued from Page 1)

Inspector Blackwell: Certainly he does—he knows the ropes. There's tricks to the trade.

Interviewer: Some people have criticized the Supreme Court's recent holdings from the angle that the Court is somewhat isolated from the blood and guts of an actual arrest, for example. How difficult is it for a policeman to keep all the procedure in mind during the heat of the moment?

Inspector Blackwell: It's difficult in almost any felony. It is very difficult not to take a statement from a suspect who wants to talk. Or sometimes a suspect gives a statement, then doesn't sign it. Then the defense attorney can play that up in court, of course.

Interviewer: Do you think that a substantial number of defendants are "gotten off" by technicalities?

Inspector Blackwell: Sure. Just the other day one got off on a technicality who had been previously convicted of 200 burglaries.

Interviewer: Do you think that

a defendant should be gotten off if a policeman transgresses procedure?

Inspector Blackwell: He has to be—no alternative. It's automatic.

Interviewer: In the case of an illiterate, impoverished suspect, for example, in the commission of a crime—is he really told his rights? Or are there a lot of rubber stamp cases?

Inspector Blackwell: First of all, he probably knows the procedures if he's been in the racket before. But the police do it anyway, just to be sure.

Interviewer: Do the police harass a client who "gets off"?

Inspector Blackwell: Perhaps you're acquainted with the "Javert Complex." Javert, as you'll recall from Hugo's *Les Miserables*, was the police inspector who harassed the criminal Jean Valjean. The present day Jean Valjean resents harassment as much as his prototype. The police won't harass anyone here—it simply will not be tolerated in a democracy.

Do You Know Your Wife?

By a Law Wife

Your answer to the above question will undoubtedly be "why of course I do perhaps better than anyone else." But have you ever had the opportunity to meet and mingle with fellow students and to get to know their wives. The Cleveland-Marshall Law Wives will give you this opportunity at their Introduction Party to be held on Oct. 21, 1967 at the school.

The evening will begin at eight o'clock when an informal atmosphere will allow law wives, students, and guests to meet and greet faces both old and new. Later there will be refreshments and music for dancing will be provided by the Marc Levit Trio.

For ones not too familiar with the Cleveland-Marshall Law Wives let us give you a small idea of our aims and ideals. As law wives we hope to better understand not only our husbands as students but also the school and its functions. To understand the many problems as they may affect us and to promote a feeling of fellowship and goodwill. Besides our annual Christmas Party and Bake Sale we provide a two hundred dollar scholarship to a worthy student within the school. Our monthly meetings are held on the third Thursday of each month

at which time we meet and enjoy not only members of the faculty but outside speakers of interest. Our first meeting will be held Thursday, Oct. 26, 1967 at the school, at which time Mr. Charles A. Auerbach, Assistant Professor, will speak to us on "Our Role As Law Wives" which should bring us toward a better understanding of this important role.

Let us meet you on Oct. 21. Anyone desiring information concerning membership or perhaps transportation contact either our east side representative Mary Ann Goss 261-4609 or our west side representative Georgann Champion 651-0251. See you there...

Ranney Senate Wins...

(Continued from Page 1)

Bill is presently associated with the law firm of Reddy, Gygli & Rocker.

Qualifications resulting in Ranney Senate being selected as an outstanding Student Senate include its rank as fifth out of 68 Student Senates in scholarship; one hundred and forty four active student members; and its participation in school programs such as Student Bar, Law Review, and National Moot Court competition.