HOLIDAYS OR HOLY DAYS
DIFFERENT STROKES

by Prof. David B. Goshien

On May 1st when I was a child we celebrated May Day at our grammar school. We weren't Communists, but we thought it was a sort of sacre du printemps, a sort of spring celebration. We weren't Communists, but we were children, and we skipped gaily around a Maypole hung with streamers of like colors (note the conspicuous absence of Red). At that time, this country was a war, but good old May was not exactly a Holy Day for us. We were children, and we danced around a Maypole hung with streamers of like colors, and we were not exactly a Holy Day for us. We were children, and we danced around a Maypole hung with streamers of like colors, and we were not exactly a Holy Day for us.

As America prepares to celebrate this year the fifteenth annual observance of Law Day, USA, we have only to reflect for a moment upon the impact of law in order to appreciate the reverence in which it was held by Justice Frankfurter.

Unquestionably, the rule of law underlies our entire social, economic and governmental structure. Under it, men and women can live well, marry, express their personal opinions, and engage in a vast array of other activities with the assurance that their contracts will be enforced and their liberties protected. Without it, America would not have realized its unparalleled growth in prosperity, individual freedom, and equality of opportunity.

Law Day is not a day set aside for lawyers, but was established by the Congress to encourage every citizen to think anew of the central role of law in our society. This year many observances will be designed to promote greater efforts to renew our governmental institutions. Strengthen the legal structure, and encourage a wider acceptance of the responsibilities of citizenship. The law, as Daniel Webster said, has "honored as never, may we honor it."

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request the observance of Monday, May 1, 1972, as Law Day in the United States of America.

And, as requested by the Congress, I urge that our people observe Law Day with appropriate public ceremonies, through public bodies and private organizations, in schools and other suitable places. I especially request that the legal profession, all media of public information, and the courts take the lead in sponsoring, participating and publicizing observances throughout the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of February, in the year of our Lord nineteen-hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon
A RUDE AWAKENING

(Editor's Note: The facts stated herein are unsubstantiated by the editors of the Gavel. Nevertheless, the Guest Editor can substantiate all facts presented in this editorial.

The Editors would like to state that the problems presented are not peculiar to the first year class and also are not unique to our law school. The disparity of grades has always existed between night and day classes. This editorial adds a new dimension—disparity of grades between the day sections.)

A.-A teacher's raison d'être is to pass on the accumulated knowledge of mankind to those members of society who have not yet had the opportunity or the necessary experience to acquire that knowledge.

B.-The responsibility of a student is to acquire as much of this knowledge as he can from any source available, and then to use this as a foundation upon which to build and expand his own ideas so that those students who come after him will have a greater reservoir of knowledge from which to draw.

C.-The function of an educational institution is to bring the students and teachers together in an educationally stimulating atmosphere so that both may function optimally. These may sound like lofty ideals, but they are basic to the survival and growth of any species, any society, or any institution—and that includes this law school. How well does Cleveland State University School of Law perform its function so that its students may perform theirs? A brief examination of one year's operation may give the answer.

First of all, it must be clearly understood that the most important and the only indispensable inhabitants of any educational environment are the students. Schools are not established to employ teachers or administrators, but to teach students. Without students, there would be no need for schools, administrators, or teachers, and only a dismal outlook for the future of mankind. The young must learn and improve upon the knowledge and skills developed in the past in order to improve the future. In order to best acquire this knowledge and skill, students must be provided with an environment, both physical and psychological, that is not only conducive to learning, but which encourages it. No educator would disagree with that statement, but it should be necessary for me to do no more than mention the lack of adequate library facilities and the noisy and uncomfortable conditions in most of the classrooms to convince anyone that the physical environment at C.S.U. School of Law is less than ideal.

But what about the psychological environment? Most educators and psychologists agree that the psychological aspects of a learning situation are generally more important than the physical in determining how much and how well a student learns; and it is in this area that this law school falls flat on its academic face! For example: How encouraging is it to be told on your first day of class that a pre-determined percentage of your class will not survive the year? How conducive to learning is it to be assured on one hand that—learning, not grades, should be your goal; and then to have a professor tell you that because he has taught for twenty years, he will never teach a non-graded course? What effect does it have on a student when he realizes that his grades do not depend upon what he knows, but rather upon whether he takes a course before or after sunset, or upon the luck of his being placed in a class taught either by a professor who feels that one should be failed or by one who is a self-appointed "hatchetman"? How much respect can a student be expected to have for a professor who consistently loses or neglects to grade assignments that have been turned in to him or her; or for a professor who grades an entire Brief Writing class's rough drafts as finished briefs? And how is a student supposed to react when his professor announces midway in the quarter that 10 or 15 students will fail his course that quarter, when that professor has no objective criteria on which to base such a statement?

These are not merely rhetorical questions based on hypothetical situations. Every one of these incidents has occurred this year, and this list is far from being exhaustive. The answers to these questions will clearly show the type of environment in which the students at this law school are expected to learn—but we have learned! We have learned such arts as "professor shopping," as grading and, backbiting. We may also have learned some law, but it was merely incidental to the primary goal of getting grades, which, after all, is spelled S-U-R-V-I-V-A-L.

As I have said, the situations described above are by no means the only ones which contribute to the poor learning climate that permeates this law school. I have not even mentioned the faculty-administration wars, the student-faculty and student-administration tensions. All of these problems and more are added to a condition that would not even be permitted to exist in a well administered nursery school. Yet Cleveland State University School of Law calls itself a "professional" school. Perhaps it is naive of me to believe this, but I think that a professional school should be dedicated to a professional manner by professional people. What is perhaps even worse, I am still naive enough to believe that it could happen here some day. I just hope it does happen—and soon. My naivete is fast losing ground to cynicism.

LETTERS TO THE EDITOR

This issue we will not publish any letters to the editor. All letters submitted to the Gavel will be published in the next issue.

THE GAVEL RESERVES THE RIGHT TO SHORTEN LETTERS TO THE EDITOR. WE MUST DEMAND THAT THE WRITER GET INVOLVED ENOUGH TO PUT HIS NAME BEHIND HIS WORDS.

Cleveland State University

THE GAVEL

Cleveland State University

College of Law

LAW DAY

1240 Ontario Street

Cleveland, Ohio 44113

VOLUME 20

No. 18

May 1, 1972

Room 416

James Gordon Joseph, Assistant Editor

Paul T. Kinner, Editor-in-Chief

Lila Daum, Executive Editor

Miami University of Ohio

Michael Monteleone, Carl Noll, Alan Rom

Special Assistant to the Editors: Coletta McCalvey

Lila Daum, Executive Editor

The views expressed herein are those of the newspaper or its by-lined 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.

WAITING, WAITING

Reprinted from The Texas Tech Diculum
REPORT ON ABA/LSD COLUMBUS CONVENTION

By Dave Fishbein

March 31, through April 2, the Sixth District of the Law Student Division of the American Bar Association met at the Christopher Sun, Columbus, Ohio. The Sixth District is comprised of law schools in Ohio, Michigan, Tennessee and Kentucky. Cleveland-Marshall was represented by a delegation of seven students.

The main purpose of the convention was to elect a new district governor to head the Sixth District Cleveland-Marshall. The new governor is Dave Forrest, who lost by a scant margin; however, as a result, Cleveland-Marshall will have an excellent chance to run a candidate for National office at the nation LSD-ABA convention in San Francisco this August.

STERN PROPOSAL

By Paul T. Kinzer

The Cleveland State University Cleveland-Marshall Law School Alumni Association paid homage to two of their distinguished alumni—Judge Joseph H. Silbert (Class of '23) and Judge Daniel H. Wasserman (Class of '25). The Annual Alumni Award Luncheon was emceed by the Alumni Association's President Thomas J. Scanlon.

Dean Craig W. Christensen presented a statistical analysis of our alumni. He told the audience of over 700, that the Cleveland-Marshall alumni have more judges on the bench, and more men in the legislature than any other law school. While CSU is increasing in size, we are also increasing in the quality of our student body. The Dean said that there will be over 2,500 applications for the 300 seats available at the law school. Dr. Christensen expects to admit students from the 80th and 90th percentile of those who have taken the LSAT.

After the presentation of awards by the Honorable Judge John M. Manor, to the outstanding alumni for 1972, Carl Stern (Class of '66) presented "A Candid Look at the Supreme Court decisions. His (Mr. Chief Justice Burger's) test in his decisions seems to be whether or not the result is socially useful."

Carl Stern believes that the social usefulness is the job of the House and Senate, and not the United States Supreme Court.

While Harry A. Blackmun and his "Minnesota Twin" the Chief Justice have agreed on most decisions, Stern believes they are splitting up. "White and Stewart are becoming the leaders of the Supreme Court." Mr. Stern said.

Mr. Stern ended by emphasizing the great influence President Richard M. Nixon is making in changing the face of our United States Supreme Court. When considering Justice Thurgood Marshall's questionable health, he believes President Nixon will soon be in a position to nominate a fifth Justice. He added that President Nixon has not tried to balance his Supreme Court nominees with representatives of liberal point of view. "On the contrary," said Stern, "President Nixon has nominated four men who mirror a Nixon political philosophy. No, Nixon will not be completely satisfied until he has an eight to one conservative United States Supreme Court."

The Annual Alumni Award Luncheon was a huge success for the Cleveland State's Alumni Association. Mr. Stern, apparently Wasserman, the alumni and the law . . .
This is the new Constitution as proposed by the Student Bar Association. A referendum to ratify this Constitution will be held May 1, 2, and 3 from 11:00 a.m. to 2:00 p.m. and from 5:00-6:00 p.m., and 7:30-8:30 p.m. in the Basement Student Lounge.

PREAMBLE

IN ORDER TO provide an effective and visible body for the development of the Cleveland State University Cleveland Marshall College of Law, and to pursue the interests of all students enrolled therein, and in addition to exercise the powers and authority delegated to us by the Board of Trustees of the Cleveland State University WE THE STUDENTS of the Cleveland State University Cleveland Marshall College of Law do hereby establish the STUDENT BAR ASSOCIATION to bring all the foregoing powers and authority into execution and adopt this constitution to govern its operations.

ARTICLE I

Delegation of Authority

There shall be an organization charged with the responsibility of representing the interests of the students enrolled in the Cleveland State University Cleveland Marshall College of Law and it shall be known as the Student Bar Association.

1—There shall be an organization charged with the responsibility of representing the interests of the students enrolled in the Cleveland State University Cleveland Marshall College of Law and it shall be known as the Student Bar Association.

2—The Student Bar Association is hereby delegated the authority to exercise all powers and responsibilities vested in them by this Constitution and the by-laws of the Student Bar Association, and it shall be known as the Student Bar Association, will be governed.

3—The Student Bar Association shall be composed of a President, Vice-President, Treasurer, Secretary and so many Student Senators as shall be determined under S 2 of this article.

4—The proposed amendment must be endorsed by signatures of not less than sixty (60) members of the Student Body.

ARTICLE II

The Student Bar Association

1—Composition.

The Student Bar Association shall be composed of a President, Vice-President, Treasurer, Secretary and so many Student Senators as shall be determined under S 2 of this article.

2—Student Senators.

There shall be a student senator elected for each first year day section, first year night section, second year day class, second year night class, third year day class, third year night class and fourth year night class; one each for every thirty (30) students, or part thereof, enrolled in each respective division above the minimum representation provided in SS 1 and 2 of this article. If at anytime the Student Bar Association, as constituted pursuant to SS 1 and 2 above, shall determine that more representation is desirable, it shall have the power to provide for additional representatives by enactment of a by-law in the mode and method hereinafter set forth for the enactment of a by-law.

3—Additional Representation.

The only votes that will be counted toward the election of any representative provided for in S 2 of this article will be those cast by the students enrolled in the respective division from which the candidate is running.

4—Elections.

Sub. S A—Election of Officers.

The President, Vice-President, Treasurer and Secretary shall be elected by a majority of those voting and entitled to vote in a general election of the student body to be held in a manner and mode to be determined by the Student Bar Association in its by-laws.

Sub. S B—Election of Senators

Each Senator provided for in S 2 of Article I shall be elected by a plurality of those voting and entitled to vote in the election held in each respective division above the minimum representation provided in S 2 of Article I, the election to be held in a manner and mode to be determined by the Student Bar Association in its by-laws.

ARTICLE IV Power and Eligibility

1 The President shall have the power and responsibility:

Cl. A To represent the Student Bar Association to the Trustees, to the Administration, to the Faculty, to the Students and to the Community, and to record, prepare and maintain a history of the Student Bar Association.

Cl. B To call both Special and Regular meetings of the Student Bar Association, provided he does so in compliance with the by-laws of the Student Bar Association.

Cl. C To vote only when such vote is necessary to decide a question upon a vote where the Student Bar Association is evenly divided, and to appoint the Chairmen of all Special and Standing Committees, and to determine the number of members thereof, which members shall then be appointed by the Student Bar Association pursuant to sub-section Five of this article, and

Cl. D To be responsible for preparing and submitting a budget for the year's expenditures on behalf of the Student Bar Association, which budget shall be inoperative unless passed upon affirmatively by a majority of those Senators present and voting at the meeting wherein the budget is submitted.

Cl. E To be responsible for preparing and submitting a budget for the year's expenditures on behalf of the Student Bar Association, which budget shall be inoperative unless passed upon affirmatively by a majority of those Senators present and voting at the meeting wherein the budget is submitted.

Cl. F No person shall be eligible for candidacy and election to the Office of President of the Student Bar Association until he or she shall have been enrolled at Cleveland State University Cleveland State University Cleveland Marshall College of Law for a period of one (1) academic year.

2 The Vice-President

Cl. A Shall assume the duties of the President in his absence or incapacity; which absence or incapacity shall be determined by the Student Bar Association in accordance with the by-laws, and

Cl. B Shall be a non-voting member at large of all Special and Standing Committees with the exception of the Appropriations Committee of which he shall be a voting member.

Cl. C Shall have the power to cast one vote any meeting on any matter.

3 The Treasurer

Cl. A Shall submit at each regular meeting, a report of the financial condition of the Student Bar Association, and

Cl. B Shall collect all student payments to the University and shall promptly disburse all appropriated funds.

Cl. C Shall be Chairman of the Appropriations Committee.

Cl. D Shall have the power to cast one vote at any meeting on any matter.

4 The Secretary

Cl. A Shall be responsible for recording, preparing and maintaining a cumulative record of the meetings of the Student Bar Association, and

Cl. B Shall be responsible for forwarding all communications of the Student Bar Association, and

Cl. C Shall have the power to cast one vote at any meeting on any matter.

5 Senators

Cl. A Shall each have the power to cast one vote at any meeting on any matter, and

Cl. B Shall exercise all powers and responsibilities vested in them by this constitution.

ARTICLE V REPEAL

THIS SHALL BE THE sole Constitution by which the Student Government of the Cleveland State University Cleveland Marshall College of Law, otherwise known as the Student Bar Association, will be governed.

ALL OTHER CONSTITUTIONS ARE hereby repealed.

THIS CONSTITUTION SHALL BECOME effective twenty-four (24) hours after a majority of those students voting and enrolled in the College of Law, cast an affirmative vote.

ARTICLE VI AMENDMENTS

1 This Constitution may be amended at any regular meeting of the Student Bar Association by three-fourths (3/4) affirmative vote of the members present and voting; provided that the proposed amendment was first submitted in writing and read at two (2) consecutive regular meetings of the Student Bar Association, and a copy was sent by mail to each member at least one week prior to the second reading, and was posted for the general information of the Student Body at least two (2) weeks prior to such affirmative vote.

2 The proposed amendment must be endorsed by signatures of not less than three (3) Senators before being submitted to the Student Bar Association, or the proposed amendment must be endorsed as a petition by no less than sixty (60) members of the Student Body.

3 Within one week after the affirmative vote by the Student Bar Association, a notice of such amendment shall be posted for the general information of the Student Body.

ARTICLE VII By-Laws

The Student Bar Association shall enact and/or repeal all by-laws necessary to exercise its powers and responsibilities by a two-thirds (2/3) affirmative vote of those present and voting at a properly constituted meeting of the Student Bar Association provided however that the originally proposed by-law be read into the minutes of the meeting immediately preceeding the one in which the vote will be taken. Any by-laws standing at the ratification of this Constitution shall stand after its ratification but only insofar as they do not conflict with any provisions of this Constitution.