Faculty Evaluation Plan
Adopted by Student Bar

The Student Bar has voted to adopt a program of evaluation of faculty. The evaluation will be administered by Student Bar President Terry Burke and a committee appointed by him. It will consist of a questionnaire submitted to students for each course offered during the present trimester. The questionnaire will be tabulated by the committee and submitted to the Professor, who will prepare a response, the last week of March. The Student Bar also has voted to make the evaluation part of the Student Award Dance in the Spring.

New officers elected to assist provide: Vice President: Rick Shermer; Treasurer: Bud Doyle, Secretary.

Liberia Is Home to C-M Student

By Jack Bould

Andrew Henri Butler is a twenty-five year old student at Cleveland-Marshall, "Andy," as he is called by his classmates, is a long way from home in continuing his pursuit of knowledge and education. The heart of his heritage, Liberia, is situated in West Africa.

Andy's father had studied military science in St. Paul, Minnesota, and his mother had studied majoring in political science in John Carroll University which is situated in Cleveland. Andy's mother, saw to it that this wish came true. She had studied nursing at Western Reserve University and knew Cleveland was a good place to pursue an education. She sent Andy to Cleveland to finish his last two years of high school which he completed at John Adams. He then did his undergraduate work at John Carroll University, and he left school to work. Un daunted, he again entered school in the fall of 1935 and left after a semester. For three years he followed this procedure, working variously as a reporter, policeman, filling station attendant, and minor league umpire.

The spotty progress of his education persuaded Prof. Gaynor to accept the invitation of an uncle in Louisville to enter school there. Unfortunately, by the time he discovered Louisville he had been a member of the law school for three years, for he had joined the faculty in the fall of 1935 and left after a semester. After he was thus between schools, the Indiana Supreme Court determined that he could not be allowed to return to school until he had accumulated two years of pre-law for all budding attorneys not then in law school.

And so James K. Gaynor became an undergraduate of the Indiana University at Bloomington. He had reached the junior year when the United States entered World War II and Mr. Gaynor entered the U.S. Army. At the close of the war in 1945, he was ex-university and obtained a B.S in business administration. The next fall he entered law school.

Again he was haunted by money problems and decided to apply for Regular Army status. He was accepted and assigned first to the Joint Chiefs of Staff and then to Bloomington. There in 1950, just 30 years after his original attempt, he received his J.D.

He was immediately assigned to the Judge Advocate General's Corps in which he served in numerous capacities almost until his arrival at Cleveland-Marshall this year.

While assigned to the Judge Advocate General's Office, he earned LL.M and SJD degrees from George Washington University.

Prof. Gaynor has taught law at the University of California, Oklahoma Extension, while on duty there, and is currently a member of the military Board of Review; and has served as Staff Judge Advocate First Field Force and Deputy Legal Advisor to the U.S. European Command.

Prof. (Col.) Gaynor and his wife, Phyllis, live in Cleveland Heights and have two children: a daughter, Andi, and a son, J.B., maturing in English at George Washington University. He proclaims Cleveland "the friendliest city we've lived in."
Editorial

for the betterment of the school and not for personal attacks.

this danger, as is Professor

become a

the law that is needed for any course is available in the library.

classroom performance show a resultant lack of preparation?

For the benefit of the school, and for the dedicated professors,
such information should come to light.

On the other hand, contrary to popular opinion, it is not

the professors, but the students that make a school great. All

the law that is needed for any course is available in the library.

For the study of law it would probably be preferable to give

a student a general outline of the material covered by the Bar,

and leave him on his own for three years.

Along the more general line of school evaluation, a change

in the grading system should be proposed. The new system

should be grades by percentages. Under such a system a stu-

dent would always know exactly where he stood in his class.

Thus, if he were to receive a grade of 78 in a course, and

another student would receive an 80, the record would indicate

the slight difference, rather than a C plus and a B minus

under the present system. In addition, it would then be easier
to compute the student's school average.

Recent news articles in local newspapers indicate the in-

creased possibility of affiliation with Cleveland State University.
From a long range point of view, such an affiliation is not

only desirable but necessary. It is hoped that students will take

the time to write their state legislators demonstrating their

approval of such a merger. Decision on the matter should come

in late April.

In this edition it is our pleasure to present two thought-

provoking articles on the controversial subject of abortion,
written especially for the Gavel. Inasmuch as all material is

either written especially for the Gavel or is preceded by a note

explaining the origin of the article, letters to the editor on any

material presented would be appreciated. However, all letters
to the editor must be signed. Upon publication names will be

withheld upon request.

The editor of this publication feels it necessary to speak

out on the recent ending of graduate student draft defers-

ments by the federal government. The new policy is extreme-

ly shortsighted and is based on incorrect principles. The

overriding basis for the draft law is, as presently imple-

mented, punishment. Everyone who is considered a shirker

or a no-good is moved up in his draft classification. Some fool

in high authority, was convinced that graduate students be-

come graduate students to avoid the draft. Thus the punish-

ment principle attached, and the graduate student finds him-

self in a precarious position. (Except, of course, those in

medical training, which includes the dog and cat veteri-

narians.)

The fact that this ridiculous ruling makes the future un-

certain for both graduate students and graduate schools is

obvious, However, the most distressing thought is that the

overriding principle is punishment. This editor firmly holds

that every man owes his country his time. But would it not

be better to allow a student the opportunity to complete his

education so that he can better serve his government?

The Gavel

The Gavel is a publication of the students of Cleveland-Marshall Law School. Published monthly during the school year.

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A Life Or Death Decision-

Who Should Hold The Power?

An Urgent Plea for the Woman's Right to Decide

By Richard A. Schwartz, M.D., Practicing Cleveland Psychiatrist

Last month a patient consulted me requesting that I recommend that she have a therapeutic abortion on psychiatric grounds. Her story was as follows: She was 22, had been married three years, and had one child, a boy age 2¼. She was pregnant with her first child at the time of her marriage, and the marriage had not worked out well. She and her

husband had had gradually worsening quarrels and had separated several times. She could not re-
call ever having any feelings of affection towards him and had been seriously thinking of divorce.

She was two months pregnant at the time of this story. She had been having increas-
ing apparently having resulted from her having forgotten to take her birth control pills on this par-
ticular occasion. She had been de-

pressed off and on for several years and had been under a psychi-

atrieian's care in the past. On one occasion she took an overdose of sleeping pills and spent several days in a mental hospital. She was having a difficult time with her 2½ year old boy. She was lacking

cide again, despite her claims to the contrary. Yet under Ohio law, which makes it a criminal offense

to perform an abortion unless necessary to save the life of the mother, there are no grounds in this
case to perform a therapeutic abortion. The prohibition is a threat to this woman's health and welfare, but not a clear cut threat to her life. Had she been a resident of North Carolina, Colo-

rado, California, or of Belgium, Japan, Poland, or Sweden, an abortion would have been legal, but not in Ohio or in 42 other states which have laws similar to Ohio's.

I was obliged to refuse her re-

quest.

Being unable to obtain a thera-

peutic abortion through legitimate medical channels, there is a possi-

bility she will try to find an abor-
tion through the black market. An estimated 1,000,000 to 1,500,000 ilegal abortions are performed on American women each year. These criminal abortions are exceedingly dangerous since they are usually performed by incompetent quacks, under unsterile conditions. An es-

imated 5000-10,000 deaths result from illegal abortions each year in the U.S. (By contrast, a hospital abortion is a simple, safe operation with a mortality rate less than that of childbirth.)

The LAST DECADE has seen an upsurge of discontent with our overly restrictive and hypocritical anti-abortion laws and considerable clamor for their repeal. This cli-

mate of opinion has been stimu-

lated from numerous sources:

Growing public awareness of the plight of desperate women such as my patient who are being forced to bear and raise children they do not want and are unable to care for.

Acceptance of the planned paren-

thood principle—that wanted children are more likely to receive a be love an wanted home in a culture that provides for successful personality development and maturation; and that childhood rejection and neglect contribute heavily to the high incidence of criminality, mental illness, and social maladjustment.

The widespread scandal which focused public attention on the predicament of women like Sherry Finkbine of Phoenix, Arizona who had to travel to Sweden to have an abortion, when she knew 1 hat the baby, if born, would probably be gravely deformed.

The population explosion which President Johnson has described as a world crisis second only in importance to the threat of nuclear war.

The growth of women's rights.

Women are increasingly rebellious towards laws, created by men, which deprive them of their right to control their own reproduction.

THE MOVEMENT to reform the abortion laws received its initial impetus from the American Law

(Continued on Page 3)
Judicial Procedure Is the Answer

By Edward G. Kilroy, M.D.
Practicing Cleveland Surgeon

During the past several years, there has been a steadily increasing public controversy brought about by proposals to liberalize the various state laws concerning the procedure of induced abortion, or as stated in Ohio law, "the procurement of the death of a human being as a non-constituent, and a judgment of human conceptus which is not yet fully developed, living organisms having the genetic cells of their respective species, human sapience. Conception refers to that process whereby the establishment of an organism occurs. It is for all practical purposes the act of fertilization of the female ovum by the male spermatozoon.

Non-viable refers to a living human conceptus which has not reached the stage of maturity which would permit it to exist outside of the intrauterine environment of the mother.

The controversy which has arisen regarding abortion law has revolved in its essentials around acceptable resolution of the following six questions:

1) What is the status of the human conceptus, regarding its existence as a separate unique human being?

2) What are the legal rights of the non-viable conceptus over its own body of the human conceptus?

3) What are the legal rights of the non-viable conceptus over its own body?

4) When the rights of the two individuals are in conflict, who has the authority to resolve the conflict?

5) What criteria should be applied in determining who has the authority in resolving the conflict?

6) By what process can society resolve the issue presented to it?

Since it has been established the conceptus is a separate, unique human life, it remains only to define the separate stages of human life. In defining relative value, we can accept several alternatives:

a) All individual human life has an equal value regardless of its longevity, i.e., each separate life has the same value.

b) Individual human life begins at a zero value at the time of fertilization and increases in value proportionally until death, when it reverts to a zero value, i.e., 90 year old individual is ten times as valuable as a 1000 year old embryo.

c) A mature middle-aged adult human life is a 9 year old embryo. The fertilized ovum and the oldest living human being have zero value, and all individual lives have correspondingly high or low relative values.

d) Relative values can be assessed as a function of the sex, size, strength, intelligence, length of hair, race, color, national origin, and the like.

Obviously, it is impossible to find adequate criteria to establish values for human life which will be just and acceptable to all concerned at all times. Therefore, in those situations where judgment is necessary as to whether the death of one or both lives should continue to exist when their existence is in conflict, abortion must be given by an objective third party who has the authority over both lives and who is not an interest in the extending parties, and a judgment must be rendered which is as nearly just as possible.

SINCE THE LIVING conceptus is a separate unique human life, it follows under our Declaration of Independence and Constitution, that he is a citizen equal to his mother, with all the rights of "life, liberty, and the pursuit of happiness," and such other rights and privileges as any innocent person has under the legal system of our country. Inherent in his rights is dominion over his own body. Abrogation of these rights can take place only through action of the laws he has dominion over the individual in this country, the state, or the community. No parent, no husband, no mother has this authority. It is surprising that the American Civil Liberties Union has seen fit to ignore the conceptus as a separate unique individual's civil liberties under proposed legislation.

An opinion has been put forward that the mother should have sole right to make the decision for or against abortion, since she is legal guardian of her own body and is entitled to do with it as she wishes. If her action is to be considered impeachable or unnatural, there is little left for the state or its designate to do about it. It would seem evident that some type of judicial procedure, in which we could afford a hearing, that the back of the state, should be situated for the proper resolution of the issue of the life of these two separate individuals.

IT IS EXTREMELY DIFFICULT to establish criteria to resolve these questions other than the basic assumption that the life of the child, just because of her own design, is of inestimable value. The life of the child, regardless of its sex, age, health, ability, personality, or anything else about it, demands that we be just and fair to all concerned, and that the proper resolution of this issue be by law, and not by the caprice of the mother.

In considering who, or what group should have control over life over life in society, we look about us and see that our legal and governmental system is the only authority over life only to the government or legal system itself. All other persons have no legal authority to be jury, judge, and executioner to the mother and her agent, the attending physician. The mother acts in conflict with the situation in which it is proposed that other less valid indicators will be used for the ascertainment of the rights of the child are proposed, namely, the health or well-being of the mother, the mental or physical condition of the child, or the presence of the child without the consent of the mother. If a legal procedure is followed, it would seem that what is needed is revision of the law, not deferment of such laws. Small children are not able to be judged and executed upon by the laws of the land.

CERTAIN SECTIONS of our community, with all good intentions, and with the best of motives, to relieve human suffering, have brought forward proposals to alleviate the distress of the individual human conceptus by liberalization of our state abortion laws, so that physicians would be able to fulfill their duties as physicians, which is to prescribe for a suffering individual. It is obvious that this threat to the life of the mother will not be accepted.

Unfortunately, these proposals have not been initiated by those people who are in the best position to propose such legislation by both proponents and opponents of such measures. Organizational structure, legal structure, legislation. Important, legal, medical, social, and moral groups are needed to present our proposal to the people, in such a form that was considered to be antiquated and obsolete. The present proposals are good, they are the product of a logical group, as part of a total design for a model penal code, proposed in 1962. Such legislation. This proposal, although it has obvious defects, has been introduced in most legislatures.

(Continued on Page 4)
I would submit that the answer to societys problem is not the push

ing through of definitive legislation, which will not solve societys problem, but merely abrogate the rights of one of the individuals concerned, and result in material harm to the structure of our society, which will not eliminate the evil. Instead, our societys, through its legal, medical, mercantile, and educational groups, should command objectively study the issue and come up with revisions that is accomplishing such a manner as to set up a judicial procedure for the resolution of the problem which occurs when the right of life of a child or the mother are in conflict. What is good medicine is good morals and should be reflected in good law.

This judicial procedure should be fashioned in nature, administra
ted by the local authoritative bodies, separate from the mother and father, and then expected to be a neutral party, and composed of medical and legal opinion, before which both sides of the issue should be heard and judgment rendered. A system of local hospital abortion review panels could be established to administer, a voluntary nonprofit, in the authority of the state delegated to such panels. In these cases, following the principles of equal justice for all, including the fetus, and without the threat of violence, the Commission be appointed, com

prise of all segments of opinion, with the power to set such legislation.

Two Voices from Prison

Many do not realize it, but merely every large state and federal prison in this country and Canada have published put out by the inmates, either written by the prisoners themselves and give good insight into the minds of men behind bars. The below articles are from "The Bureau Mon

thly," the official organ of the Michigan State Penitentiary of Dorchester.

Society Is to Blame

It's quite true, as the self-styled Convict Analyst on the opposite page so aptly terms it. The prison leaves him free and light. Yes, his breast feels like a cage from the moment he reaches the outside world, but what he doesn't know is that before long he'll want that vulture back again.

Why?

An Ex-Convict to has fight more

with moral and spiritual uncertainty and self

osticism.

He has to keep himself intact to

the point of making it the law, the only,

under the unbalanced pressures that

surround his existence as an Ex-

Convict.

A strong argument against the

presently preferred program for

state correction is that it leaves me

to see themselves as helpless

dependents upon Society — encour-

aging them to accept and then to

treasure shabbiness as their ticket

to living without being arrested!

Let's see, then, what happens when an Ex-Convict is part of our Societys

way — and of the air the Ex-Con-

victs FM.

To the Average Citizen's way of

thinking, the Ex-Convict who goes straight is getting a handout. What is

care desired as the worst

sort of failure.

As but as soon as he stops behaving like a failure, he seems to know no

help!

Public assistance for the Ex-Con-

vict is always translated as raw

Charity.

Never overtly, sometimes subtly, the Ex-Convict is asked to

make it clear to the Ex-Convict that he is not expected to be really

living — except violence or eunucishment.

Thus, even the best-intended pro-

grams have at the worst, a tend-

ing. People try to persuade Ex-

Convicts that they cannot cope with

life, that they should go to prison.

The weaker ones abandon whatever

valuable personal values they had and drift into the streets and are

woven into the fabric of Society.

Knowing that intangibles — de-

serving decent, decent living quar-

ters and decent tastes — are sus-

pect, many take the view of pov-

ty, cloth and stupidity. Others

try blending into the crowd so that

they won't be noticed: they lose

their identity in the anonymity. Still others try to be

clever: they pose as members of the middle-class so they can wear and

look like the others, though suspect. But there are still others who

give up the ghost quickly and say, "If this is the way they want me to live, I might just as well be back in prison.

In the beginning to look for ways to escape the indignities they are offered because they are Ex-Con-

victs. The prison, therefore, has the

scheme way to get money to help them escape from their forced exist-

ance. For instance, the prison admin-

istered a program in which the convicts were asked to review the literature on the working of different kinds of societies. One of the suggestions was to keep the convicts in the prison as a sort of "bad environments" — the cause of all their past trouble with the law.

The real truth is that nobody has it made — neither those who leave

home, nor the ones who remain behind. Thats why its futile and

unnecessary for any Authority to try to tell an Ex-Convict where he should

live, instead of HOW TO LIVE!

The Failure Is the Man

Most men in prison are guys with

few talents, almost no accomplish-

ments, and almost no skills. There

are conditions in which a man can

be a failure, but what really frustrates him is the sense of his own failure. For the risen man, the place he is in after he has been to prison is a better place, then youd see how they could deliver — even better — the circumstances.

You can find both 5000 best popular

movies and TV shows available.

But Saul Bellow's here, in his

novel, "Herzog," describes the Av-

erage man as being a failure for

"How I rose from humble origins
to complete disaster."

The Average Convict has always

been the subject of such failure

sarcicism; it is macabre; it is

certainly anomalous.

The Average Convict is the husband;

to his children, a loving but bad

father; to his parents, an ungrateful

child; to his community, an insuffi-

cient citizen; to his sisters and his

brothers, remote and affronted;

and with his own soul, evasive.

To him, the universe is a huge

plague which he is the center —

and the moon has only one side,

his side.

He is constantly infuriated by the

way the world is arranged, the

world where people get by with

things for which he is caught and

sued.

Most of all, he is incapable of

life, trying to understand it, read

for it, maybe touch it and, failing

in that, he just wants to be left

alone.

Furthermore, the Average Convict

is not a real man, but a stereotype,

and in no way is he a real man.

He has to fight more against the

power of the gods, the power of

people, the power of himself.

As long as he can keep his own

way, it is all right.

As the man who is, in a sense, a

constituent of the system, the

Average Convict is the cause of

the failure of the system.

It is the man who is the problem.

And the problem is the man.

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