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Cleveland-Marshall College of Law

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# THE GAZETTE

CLEVELAND STATE UNIVERSITY  
COLLEGE OF LAW

FEBRUARY 1, 1974

VOLUME 22 NUMBER 7

Q: WHAT IS AN IMPEACHABLE OFFENSE?

A: "THE ONLY HONEST ANSWER IS WHATEVER A MAJORITY OF THE HOUSE OF REPRESENTATIVES CONSIDERS IT TO BE IN A GIVEN MOMENT OF HISTORY."

-Former Rep. Gerald Ford in 1970 while arguing for impeachment of Justice William O. Douglas.

## NADER LASHES AT CITIZENRY

by Burr Anderson

There was a conspicuous theme in Ralph Nader's speech here on January 22 which deserves underscoring: a freely expressed criticism of the public at large.

This reporter has a feeling that many of the listeners were (as he was) fully recognizing for the first time that public sloth is at least as much of Nader's repertoire of peeves as corporations, the congress and all the rest.



Briefly, this man was demonstrative and most compelling in pointing out the citizen to take any substantial responsibility toward controlling some of the institutional stuff that affects his life. In an example, Mr. Nader said that TV "specials" will "grapple with the basics, the very basics of nuclear power plants for several weeks" as if network producers, for the first time, were seeking to teach Martians, but that many Americans, those same who were trying to catch on to layman's essentials of nuclear power, know effortlessly, it seems, any NFL offensive play, regardless of its intricacies.

SEE NADER PAGE SIX

## RAMBLIN' ROSE

by Philipe Onion

There seems to be a widespread notion among thinking people today that there is no such thing as a free lunch, that is something for nothing. This is a realistic position.

Of course, there are differing schools of thought. One holds that by giving up the very idea of possessions the individual will be freed of their grasp. Life will be truly free. Jesus Christ and Ernest Mann will agree. Our friend the realist will say that that is just not realistic, people will not follow such a path. And they are probably right.

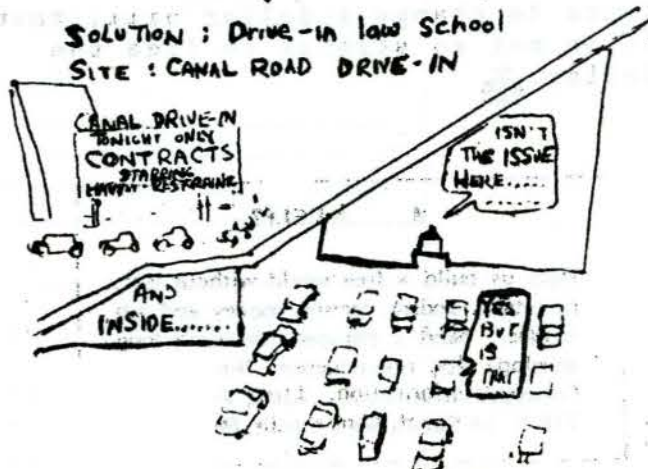
There are a lot of people who will tell you that much of what they have is free. But they are privileged characters and reap benefits for which others work and pay. They are self-deceivers.

SEE ROSE PAGE SIX

## Solution #5982

IN RE: Shortages in Parking Space  
Shortages in Rear-end Space (library)

SOLUTION: Drive-in law School  
SITE: CANAL ROAD DRIVE-IN





A dramatic increase in the number of women law students was reported today by the American Bar Association. (January 9)

The ABA also noted that a substantial gain in minority enrollment and said that for the first time there was not a single "unfilled" seat in the first-year class of any ABA-approved law school.

Women enrolled this fall numbered 16,760, a 37.8 per cent increase over 1972. Minority group enrollment rose 12.9 percent, far outpacing the overall enrollment increase of 4.3 percent.

Total enrollment of the 151 ABA-approved law schools rose by 4,395 to 106,102 from 101,707 in the fall of 1972, according to Millard H. Ruud, who served as ABA consultant in preparing the report.

Enrollment of first-year women law students this past fall, totalled 7,464, a 35.2 percent gain over 1972. The additional 1,956 women this fall contrasted with a decline of 69 men.

The study showed that women were admitted at a somewhat higher rate than men, reflecting a slight edge in law school admission test scores.

Minority group enrollment climbed to 7,601 from the fall, 1972, total of 6,730. The 1973 figure is two and one half times higher than the 1969 enrollment.

Enrollment of blacks grew 394, or 8.9 percent, and Mexican-Americans increased 187, or 17.7 percent.

The full house dilemma facing prospective law students comes after a phenomenal increase in demand for legal education combined with comparatively little growth in facilities.

In the three years ending with 1971, only one accredited university -- Hofstra -- established a law school. Six more have begun classes since Antioch School of Law, University of Puget Sound, Brigham Young University, Franklin Pierce College, University of Hawaii and Southern Illinois University at Carbondale.

Next month, however, the council of the ABA's Section of Legal Education and Admissions to the Bar will consider nine applications for provisional approval.

Despite predictions that that law school admission test administrations would level off this year, the ABA said that test administrations are running 11 per cent ahead of last year. Indications are that a number of law school applicants next fall will be about 10 percent higher than this year.

The marked increase in law school enrollments and recent graduates has prompted concern about employment potential in the legal area.

Professional degrees in law awarded by approved law schools have tripled since 1963, reaching 27,756 last year. At the end of 1973, there were an estimated 375,475 lawyers in the United States.

The ABA Task Force On Professional Utilization, which viewed the situation a year ago, expressed optimism for employment possibilities. It said that "the existence of a large pool of well-qualified, legally trained individuals . . . should be viewed as a significant national resource."

Professor Ruud is now on leave from the University of Texas Law School to serve as executive director of the Association of American Law Schools in Washington, D.C.

-ABA NEWS

\* \* \* \* \*



RICHARD MUSAT, EDITOR-IN-CHIEF

BURR ANDERSON, EXECUTIVE EDITOR

TOM BUCKLEY, FACULTY ADVISOR

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.

THE GAVEL STAFF: TED MECKLER, BARBARA STERN, BRUCE ROSE, CHRIS STANLEY  
AND KEN CALDWELL

## FORUM AND AGAINSTUM

Do you need some vitalization? Are you suffering from Wigmore woes? Something special and designed with your mind in mind is in the future! An awards ceremony for everyone.

The " I AM PARTIAL TO MARSHALL " awards banquet is up and coming. We need help from anyone interested in planning for this feast. There will be a planning meeting on Wednesday, February 6th at 5:00 in the GAVEL office, Room 0072. Try to make it.

The following form is provided so that you may make suggestions for partial awards. The suggestions will be discussed at the February 6th meeting. Make you suggestions - and if you would like to help pick out the best ones - come to the meeting on Wednesday.



### PARTIAL AWARDS SUGGESTION

I \_\_\_\_\_ AM PARTIAL TO MARSHALL.

MY SUGGESTION FOR AN AWARD IS:

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TO BE PRESENTED TO \_\_\_\_\_

A MEMBER OF THE (Check one) ☐ Administration

☐ Faculty ☐ Staff ☐ Student Body ☐ Other

NOTICE: Please leave this suggestion slip in the GAVEL office Suggestion Box in the basement Room 0072. Place it under the door if no one is in.



## IOWA STIR TAKES THE "EIGHTH"

(U.S. Law Week)-Two prisoners at the Iowa Security Medical Facility won their case in December against Iowa in what the Eighth Circuit Court of Appeals regarded as an instance of "punishment worse than a controlled beating" against prisoners who had been breaking the facility's rules.

The action, brought under USC §1983, claimed that prison officials, under the guise of "aversion therapy", had been injecting any prisoner who violated protocol or etiquette rules at the facility with a volatile drug that induced vomiting. Plaintiffs alleged that the injections were made without the prisoners' consent and that the practice was in violation of the Eighth Amendment.

The Court found in the case, Knecht v. Gillman, that when any prisoner was found by the facility's staff, either by direct observation or by the reports of other inmates, to have broken rules such as swearing, lying or giving cigarettes against orders, the staff member notified a nurse. The nurse then gave the prisoner an injection of apomorphine, which caused vomiting for anywhere from fifteen minutes to an hour.

Evidence showed that the vomiting was accompanied by a temporary cardiovascular effect which involved some change in blood pressure and "in the heart". The Court found further that the injections were given to some prisoners without their initial consent, that some had provided written consent, but that the consent could never be withdrawn.

The ISMF operates to house persons displaying psychological disorders who require a security setting, whether or not any criminal conviction was involved. Iowa's justification for the use of the drug was that it was an effective "adverse stimuli in the treatment of inmates with behavior problems".

In light of evidence of consent given by prisoners, the Court of Appeals, despite the finding that the "therapy" related not to behavior but clearly to punishment, ruled that the practice could not be legally curtailed.

The federal judges set down tough guidelines, however. Fully-informed consent which was revocable at any time by a prisoner was ordered. The Court also required the specific approval of a physician before any injection was made, preceded by personal observation of the prisoner by a member of the professional staff.

Any other use of the drug by the facility was ordered enjoined by the trial court.



### NEW FACES IN THE SPRING

#### NEW ADJUNCT PROFESSORS

LOUIS H. ORKIN of the Weiner, Orkin and Abbate will instruct Municipal Corporations next quarter. Mr. Orkin a native Cleveland, (Cleve. Hts. MS) has extensive experience in the practical application of the law of Municipal Corporations. Presently, Mr. Orkin is Law Director and Prosecutor of Beachwood, Ohio. As Law Director of the City of Bedford, Mr. Orkin successfully litigated The STATE ex rel. FLAGG v. CITY OF BEDFORD, which established the right of a municipality to defend its mayor (or other officer) brought by another in a private tort action for libel, using public funds.

ISACC SCHULZ of Squire, Sanders & Dempsey will prepare students in Trial Preparation. Mr. Schulz, brings with him experience gained while working in the litigation department of SS&D and as a Research Assistant for Professor Arthur Miller. (Wright and Miller on Civil Procedure)

DAVID N. STRAND will instruct students in Psychiatry and the Law. Mr. Strand, a newly elected (1973) City Councilman has previously worked for the Cleveland Legal Aid Society and is a founder of the Hospital Services Project and the Mentally Ill. As an attorney in private practice, Mr. Strand has been a consultant to numerous associations on legal services for mental patients.

JOHN F. BURKE JR., Associate Professor of Economics at CSU will be a co-instructor with Professor Ruben for the course in Law, Economics and Regulated Industries. Professor Burke has delivered a paper to the ATLA entitled, "The Role of the Economist in the trial of a Personal Injury Case". Presently, Professor Burke is studying the relationship between municipal government revenue and income distribution. This project has been funded by a federal grant.

THE GAVEL welcomes Adjunct Professors Orkin, Schulz and Strand and Associate Professor Burke. Have fun.



# wounded knee

by Ted Meckler

Although one would not know by reading the Cleveland papers, the trials of Wounded Knee defendants and American Indian Movement leaders Dennis Banks and Russell Means opened on Monday, January 8, in St. Paul Minnesota, known to law students as the home of the key-number system.

The trial is being held there due to a successful change of venue motion filed by the defense in September. But the government is trying its best to circumvent the effects of that motion. In a major metropolitan area like Minneapolis-St. Paul, where there is an Indian community of over 16,000, not to mention a much larger black population, the defendants have, surprisingly enough, drawn an all white jury panel.

Voir dire proceedings are continuing at a slow pace this week. The trial is expected to last 3 to 4 months. The defense team includes attorneys William Kunstler, Ramon Roubideaux, Ken Tilsen, and Larry Leventhal.



Each defendant faces a possible prison sentence of over 100 years for having asserted rights guaranteed to them by an 1868 treaty. This trial is particularly important since it is the first of those arising out of the Wounded Knee struggle. Over 150 lesser known defendants remain to be tried on similar charges. So important precedents may be set in Judge Fred Nichol's courtroom.

One defendant, Pedro Bissonette, will not be going to trial. He was murdered in October by Bureau of Indian Affairs policemen, while driving on his own reservation, on his way to visit his mother.

Russell Means was the top votegetter in the recent election for Tribal Chairman at Pine Ridge Reservation. Wounded Knee is located on the reservation. Russell wasn't able to campaign much for these elections as a result of being tied up in trial in St. Paul.

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## TIRED OF SCHOOL? VOLUNTEERS URGENTLY NEEDED TO HELP DIG UP ENGLAND'S PAST

STUDENTS ARE URGENTLY INVITED TO HELP IN ARCHAEOLOGICAL EXCAVATIONS IN ENGLAND NEXT SUMMER.

DEADLINE FOR APPLICATIONS IS FEBRUARY 1.

City center redevelopment, new road building programs and rapidly changing land use are threatening the disappearance of prehistoric graves, Iron-age settlements Roman Villas, fascinating relics of mediaeval towns, all over Britain.

American students free from mid-May, and with previous archaeological experience, are invited to join an International team on a dig of the important mediaeval city of Northampton and the Anglo-Saxon cemetery at Spins Hill in Norfolk. Experienced volunteers will receive free board and lodging for helping in this important work.

Other students without experience are invited to join the British Archaeology Seminar at Lincoln College, Oxford, organised by the Association for Cultural Exchange. Six academic credits can be earned from participating in this low-cost program which ends by three weeks' participation in digs in different parts of England and Scotland.

WRITE NOW FOR FURTHER DETAILS TO:

Ian Lowson  
539 West 112 Street  
New York, New York 10025





## ROSE

I believe that it is time to re-define our concept of free. To do that we must first determine what it is that we like about that which is free.

The short answer is obvious and need not be discussed.

However when we look below the surface, when we analyze the problems and issues involved, when we challenge and tax our minds and our creativity we see that the answer is indeed obvious and need not be discussed.

But then, what is free? The answer is that for which there is no cost, not even a hidden cost.

You are invited to a dinner. Is it free? Must you not go, talk, be friendly, even if you do not really feel like it? And are you not under some obligation to pay back the invitation? Is this a free meal? I think not, no matter how good it might be.


Now what if you pay just one small dollar for that same exact meal. There are no obligations, no need for smiles, chatter, nothing. You are free.

Probably some of you are saying, "Well, maybe you are free, but the meal isn't. You paid a dollar. And that is not free."

Let me be the first to clue you in to a new economic fact of life.

A dollar is free. Free is only one dollar.

Yes, it has come to this. Inflation and devaluations have taken their toll. Dollar Diplomacy is now Free Diplomacy. Making a buck is now goofing off. The very, very best things in life cost just a buck.

Is this as strange as it first seems? Well, when you consider that it costs ten cents to empty your bowels, that it costs five cents to change a dollar bill, then it is not so strange to free the dollar. 

### WANNA HELP?

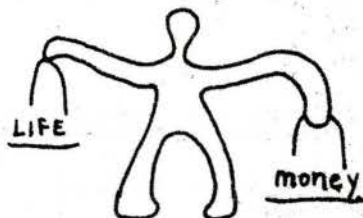
Help us build a free world without war, pollution, sexism, racism, money and job hassles. Send a stamped addressed long envelope for non-religious "Free World Concept" information. Little Free Press, 715 E. 14 Street, Minneapolis, Mn. 55404.

## JAILS

Is there something wrong with our value system? Look at this. We say its ok if a policeman kills a man who tries to steal a car or rob a bank. Or if the cop catches the crook we say it's ok to put the man in jail. Right?

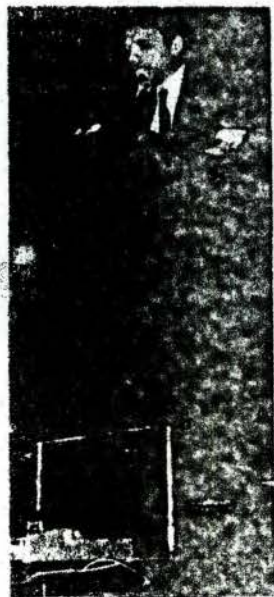
But look at it this way. Which is of more value-- a person's life or a hunk of iron or some green paper (money). Do we have a right to take away a person's freedom (and his will) just because he has a need for a car or some money?

It must be a bad system we have. Let's fix it so he doesn't have to steal.



## NADER

Nader was unrelenting in his chops at institutions, certainly, but he strongly implied at the outset that what had been so troublesome about institutional behavior, such as that of corporations, is that it was molded not only by power-accruing actors within the institution but by a power surrender from the people without.



This is refreshing to hear. When was the last time a public official pointed to the irresponsibility and sleepiness of THE PEOPLE? Hearing the President, a Councilman, or even an environmental reformist pin everything on anybody but citizens, the public has no doubt been re-inforced in its apathetic insensitivity.

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