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Dean Search Troubled

Two of the first three dean candidates scheduled to visit the school have withdrawn their applications. Professor John Murray of the University of Pittsburgh Law School has accepted the deanship at an as yet unannounced law school. Professor Sheldon Krantz of the Boston University Law School withdrew his active candidacy during his Jan. 28 visit here, saying he would not be available for the job until 1977.

Judge Jack Day, who visited the school Jan. 27, remains an active candidate. Day, in a series of meetings with faculty and students, expressed interest in the school and its future, but stated that he could not yet confirm that he would accept the dean's position.

A recently-nominated and accepted addition to the candidate list is Cleveland-Marshall Professor Ann Aldrich, the assistant dean of the New York University School of Law and a member of the faculty here since 1968.

Fees Debate Aired Today

Library Still Non-Issue

Trustees To Meet

A special public meeting with the University Board of Trustees will be convened this afternoon at 5:30 in U.C. Room 6, to air views on the proposed tuition increase.

The proposed fee schedule would cause a $105 hike in law and other graduate tuitions, and a $75 undergraduate increase, for a normal academic year. Concerned students, representing the students' interest on the Board, feel that the proposed increase is too great. Undergraduate student leaders have indicated that they will strongly oppose the increase.

In recent discussions with the Board, several of the trustees have indicated they will go into the meet-

Manson Prosecutor To Speak Here

Vincent Bugliosi, chief prosecutor of the Tate-LaBianca murder trials, will speak here Tuesday, February 10, at noon in the student lounge.

While serving as Deputy District Attorney of Los Angeles, Bugliosi compiled a record of 105 criminal convictions out of 106 felony jury trials. He was selected to prosecute Charles Manson from 430 other Deputy D.A.'s in the Los Angeles District Attorney's Office.

Bugliosi, nicknamed "the Bug" by Squeaky Fromme, was born in Hibbing, Minnesota. He attended the University of Miami, where he obtained B.A. and B.S.A. degrees. He graduated from the UCLA School of Law in 1964 and subsequently joined the Los Angeles District Attorney's Office. At present, Bugliosi is in private law practice in Beverly Hills, California.

Bugliosi is co-author, with Curt Gentry, of the current bestseller "Helter Skelter: The True Story of the Manson Murders."

The lecture is sponsored by the Student Bar Association. The public is invited and there will be no admission charge.

Defense of Duress Sets Ohio Precedent in Lucasville Escape Cases

BY MIKE EVANS

On May 18, 1975, 22 prisoners attempted to escape from the Southern Ohio Correctional Facility in Lucasville, Ohio. Nineteen of them were apprehended before they got beyond the prison wall. Of the three that did get out, one was shot to death and two were captured and returned to the prison the same night.

On January 15, 1976, the final trial of the 21 prisoners charged with escape came to a close after a Scioto County jury deliberated for 12 hours before returning with a verdict. The jury found one of the co-defendants not guilty, based upon the defense of duress, and issued a report demanding that conditions at Lucasville be investigated, prompted by the testimony at trial.

Precedent

The trials of the Lucasville prisoners were important not only because they served to expose some of the conditions which exist at the prisons, but also because too of these charged were acquitted on the defense of duress. The acquittals set precedent nationwide, as they were the second and third ever to be returned as a result of a duress defense to a prison escape, according to attorney Chris Stanley, a 1974 graduate of Cleveland-Marshall, who represented all 21 defendants.

"The defense of duress is an affirmative defense normally used to justify a crime you're forced to commit by someone else," Stanley said. "By presenting it as a defense in these trials, we argued that the conditions in the prison on May 18 were so bad that the prisoners feared for their lives and were forced to escape," he added.

Confined in these close quarters creates a lot of tension and gives rise to extortion, rape and stabbings, which are everyday occurrences at the prison," Stanley said. He added that there are not enough jobs at the prison, so that at least 500 men are idle at all times, and that there has been a 10% increase in the prison population with no increase in the food budget. Further, on the day of the attempted escape, the guards at Lucasville were on strike so there were no security precautions at all for the prisoners.

"If someone threatens your life in prison, it's pretty serious; it see page 6"
Becoming A Buckeye

If you are currently classified as a nonresident student, you may be paying out-of-state tuition surcharges even though you have satisfied Ohio residency requirements. Here is a quick review of the residency requirements and how to make sure you are meeting them.

1. You must complete twelve consecutive months of residency in the state, and you must maintain an abode here for the full twelve months. The type and amount of rent paid for the dwelling is inconsequential. The only catch is that at no time may you take employment (even work-study) outside of Ohio during the residence year.

2. A student wishing to take summer courses at a college outside Ohio as a transient student must get permission from the law school dean in order not to interrupt the residence requirement.

3. The second requirement is that the applicant must show (by "clear and convincing proof", if you must know) that out-of-state financial support does not contribute to the student's income, excepting small and occasional gifts. Thus, the applicant may not show that part of your financial support in those twelve months came directly or indirectly from out-of-state sources.

4. The faculty have, in effect, rewritten the Sunshine Act as to the problem areas described above. Why? The Chairman of the drafting committee, Mr. Kuhns, says that his committee relied upon the Family Privacy Act, 20 U.S.C. 1232g (the so-called Buckley Amendment), and that section of the Sunshine Law (O.B.C. 121.22(0)(5)) which allows the faculty to hold executive sessions to discuss "matters required to be kept confidential by federal law." The Buckley Amendment concerns the release of personally identifiable information about a student without his or her consent. The Act must have been contained in school records or files of some sort. Thus, only information which was in the files is privileged. We will tell you another way, that is, that the files is not subject to the Act.

The first thing one notices about 20 U.S.C. 1232g is that it permits a condition of federal funding, not a criminal statute or an act imposing civil liability. Thus, there is no conflict between state and federal law, no supremacy clause issue. Indeed, the Sunshine Act itself prevents such an issue from ever arising; it expressly authorizes executive sessions for revision of the law.
ing without predispositions on the issue. Joseph Cole, who chairs the
Board and is president of Cole National
Corp., said he views the meeting as
"solely for the purpose of receiving
a presentation of the problems and
the needs of the University." In response
to questioning, he said he did not
believe there were excesses in the
University budget susceptible to eco-

...Trustees Meet

Robert Storey, an attorney, agreed that
the athletic budget was not infla-
tyed. He also stated that he would
enter the meeting "with a presumption
that it (a tuition hike) is needed," in
light of the administration's sup-
port of it.

Attorney Joseph Bartunek, a former
judge and ex-head of the Democratic
Party here, said his "inclination is
to keep tuition down if possible."

Asked whether there were any areas in
the budget which could be trimmed, he
said he would probably begin "with
Dr. (Clodus) Smith's public relations
department.

The University's newest trustee,
Melvin Arnold, who is Executive Vice
President for Law and Corporate Rela-
tions at Eaton Corp., indicated he
would be interested in knowing if fat
could be cut from the University's
budget in lieu of a tuition increase, but
cautioned that in any event he
would not support any economizing moves
which would have the effect of raising
the University's student-teacher ratio
above the current 22.1 to 1.

Trustee and Attorney Bernard Stup-
inski commented, "I have to be sa-
tisfied. I'm not there to make
friends. I'm available."

The Bar Review: It's All A Matter Of Touch

BY STUART GARSON

Why a bar review?

Because deep down inside, you
really do care.

Here you are, finally looking back
on law school. After countless exams
which somehow all appear to be a varia-
tion on a tired theme, a handful of
papers and of course no job, the
final outrage looms just around the
corner, ever present, ever a drag.

Review courses in general are a
commodity, a surefire way by use of
lectures or tapes, of the substan-
tive law of the fifteen or so areas
on the Ohio Bar. Added features of my
particular course are the in-class
practice essay and objective
exams. These exercises are designed to
get the examinee to organize and apply
his/her black letter knowledge in the
span of a half-hour. Needless to say,
for those who have found security in
law school by shotgunning their way
through blue books, this exercise is
rather traumatic.

The bar exam itself breaks down
into two days, each day devoted to
alot of multi-state multiple choice.
It is the multi-state section that has
traditionally given most clear-thinking
and rational examinees the greatest
pain in the colon.

This segment, accounting for
... Trustees Meet

... Library

"If I were the dean of the law
school, I certainly would have
approached the trustees), even if it
would have cost me my job," he said.

Without question, principles for the
law school, of which he is an alumnus,
Bartunek said it would be inappropi-
tate to dip into the Cleveland-Marshall
Fund, a currently unallocated private
endowment fund for the enrichment of
the law school program, for the
library.

"It is up to the State and the
University to properly fund the law
school, or else they shouldn't have
one," he said.

Trustee Melvin Arnold told the
Gavel that University President Wal-
ter Waetjen recently voiced concern, in
a telephone conversation, for ade-
quate funding for the various Univer-
sity libraries, but did not single
out the law library for any special
or immediate attention. Arnold also
said he was unaware of any direct
appeal by the law school dean to the
trustees.

Bernard Stupinski, a trustee who
out with law school, as he has heard
nothing of the law library
issue. "Most of our information
comes directly from the president's
office or in the news," he noted.

Asked how he would view direct
action by the law dean, Stupinski
said, "I don't know how President
Waetjen would want me to take it. I suppose
the president as a man in command
would want it to go through his channels.
But so long as Waetjen and all the
trustees are advised, I don't see any-
thing particularly wrong with it."

"They know our telephone numbers,"
h he added. "I'm available."

The Committee of 1000 at its last
meeting voted, with one dissent, to
condemn Senate Bill 1, which is pres-
ently in committee in the U.S. Senate.
The student resolution will be for-
warded to members of Congress, the
President, and others.

The Bill which supports to "re-
form" the federal criminal code, has
been under broad attack by citizens
groups, civil liberties associations,
and the press, based upon such pro-
visions as a mandatory death 'penalty'
for certain crimes; numerous defense
information-disclosing offenses where
such disclosures "may be used to the
prejudice of the safety or interest of
the United States" or where defense
information is disclosed to the pre-
sumption of "elementary discovery";
and a broadened wiretapping authoriza-
tion.

The Committee of 1000, like many of
the anti-S.I groups, has called for
the total scrapping of the Bill, be-
lieving it too fraught with repressive
and unconstitutional features to be
amendable.
LOVE MEANS NEVER HAVING TO SAY YOU'RE SORDID
Indian Emergency

Laws Defended

BY KUMAR N. BHATIA

The Emergency measures in India are deployed by the western press and are popularly known as "the Emergency." Political personalities, labor leaders and smugglers are prisoners under the Defense of India rules. Their sentences range from 1000 and 10000. But the detention of smugglers has had a stimulating effect on the economy of the country. For an enraging tangle of legalities, the fact of disassociation of the parallel economy (or black market) would be useful. The parallel economy involves a steady segment of the population but lacks substantial moneys. An illustrative example is that of a movie star. In a country where the average living is a little above Rs. 4 (45 cents) a day, an established movie star collects the equivalent of $10000 per film, and might appear in several a year. With the rate of taxation as high as 90% on personal income and with no outlets such as tax shelters, this star demands perhaps 25% of the salary as a reportable income and the other 75% in "black." Similarly, to evade the 10% sales tax on jeweler skews the receipt and the jeweler has an unreported sale. Numerous businessmen, shopkeepers and professionals have been evading taxes.

Regulations to implement Title IX of the education amendments of 1972 were signed on July 21, 1975, by the President. Women are entitled to a fair and equal share of whatever opportunity a federally-assisted educational institution offers. That means no sex discrimination in admissions, scholarships, employment, rules and regulations, physical education and athletics.

However, the equal opportunity offered through Title IX only happens when aware university personnel strive to make University programs and jobs comply to the regulations. The person responsible for implementing Title IX at CSU is Annette Power Johnson. She describes her role as Affirmative Action Officer as "helping to prevent or eliminate discriminatory prohibitions by Civil Rights Law." She stated: "I help to generate and maintain affirmative action programs for minorities, women, and the handicapped."

Johnson, in her second year at CSU, has seen changes in the basic personnel and added several new faces. "Recently," she said, "90 to 95% of all jobs cross-campus are listed with the Affirmative Action Office."

The Affirmative Action’s greater role is to prevent complaints against University practices. Johnson said, "We have a small cadre of people who have complaints through the standard grievance procedures. Also, I have become involved with complaints of employment discrimination filed with both enforcement agencies. However, the majority of my activities concern reminding people on the affirmative job opportunities."

Johnson will be speaking at a meeting of the Women's Law Caucus on February 13, 1976 from 4:00 to 6:00 p.m. in 1209. Her comment to women law students is "to be aware of how Title IX relates to your educational experiences at CSU. The University administrators are presently finishing up self-evaluations for the areas concerning Title IX and Regulations of 1975. This involves the Law School. The University and the Law School is studying all practices and how they relate to women. I would hope that women law students are involved in looking at the standard law school courses, see if they adequately cover women's issues."

The University of California at Los Angeles is a unique situation. The women's program is supported by the Faculty Senate and the College Council and has been able to bring about the implementation of Title IX in a student-oriented manner. The students have been involved in the process and are interested in the program's success. The University has a strong commitment to equality and has taken steps to ensure that women students are treated fairly. The women's program is well-funded and has a good staff support. The Women's Law Caucus provides a forum for women students to discuss issues and share information. The women's program is a good example of how Title IX can be implemented in a university setting. The program is successful because it is student-centered and has the support of the administration.
Faculty Sunshine Rules

Grades Delinquent

Ten faculty members failed to submit grade reports by the Jan. 16 deadline for courses concluding the fall quarter. At present, six weeks after finals, three faculty members remain delinquent. The penalty for noncompliance, the administration has told the Gavel that it will not enforce the rule and will view it as only a moral obligation rather than a legal one.

The resolution states, in part:

'"It is hereby resolved that any instructor fails to submit final grades within the prescribed four-week period, such instructor shall contribute the sum of $25 to the College of Law student financial aid funds, and $2 per week thereafter until final grades have been submitted, unless such authoritatively certify extraordinary extenuating circumstances justifying the late submission of grades."

Professors who failed to meet the January 16 deadline, but have subsequently submitted grades, are: Garlock, Criminal Law; Ruben, Local Government Law; Barnhizer, Practice and Procedure; Emmanuelle, Administrative Law and Social Responsibility; Dyke, Labor Law Seminar and Arbitration; Emmanuelle, Practice and Procedure; Aldrich, International Law; and Flaherty, Trial Preparation.

Faculty members still delinquent are: Bohme, Legal Research; Picker, Administrative Law, and Sex Discrimination and the Law I; Buckley, Civil Liberties Institute.

Today's Notes:

---Faculty Sunshine Rules---

Despite a proposal adopted by the faculty last fall requiring that exam submission is four weeks from the last day of final examination.

Students would, of course, be unwise to expose their universities to the risk of actual loss if they can, however, legitimately insist upon open meetings to the maximum extent allowed by the law or university rule. There are ample means, short of closing faculty meetings, to secure the privacy which the federal act contemplates as a matter of public policy:

-eliminating names and substituting numbers during debate and voting,
-avoiding reference to information contained in the files,
-paring files to the essentials so that what they cannot assert is confidentiality, and their cumulative power is obviously considerable.

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