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## 1976 Vol. 25 No. 2

Cleveland-Marshall College of Law

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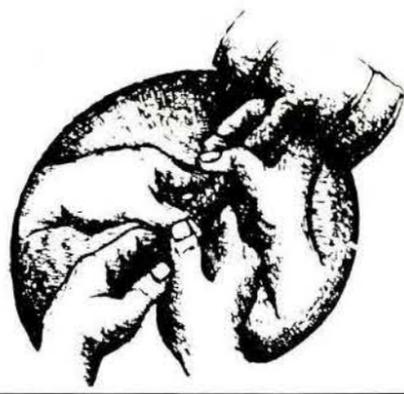
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### Recommended Citation

Cleveland-Marshall College of Law, "1976 Vol. 25 No. 2" (1976). *1970s*. 105.  
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## Woman Mugged in Parking Lot Campus Needs More Cops

By Carol Vlack

Joseph Faraldo, CSU's new director of security, plans to take measures to combat understaffing of the security forces. This follows an incident on Oct. 5 when a 48-year-old evening graduate student was mugged and robbed in CSU Parking Lot D at E. 22nd St. and Prospect Ave.

The woman was heading toward her car when the assailant accosted her. He put a rope around her neck in an attempt to quiet her screams. He continued to beat her and bang her head on the pavement even after she attempted to give him her purse.

"This was the first crime of violence of the 1976-77 academic year on the CSU campus," said Faraldo who has been security director since Sept. 20. Security was understaffed the night of the incident, he said, because one guard called in sick.

"One officer has two posts to cover and the incident occurred in the area that was not being covered.

The parking lot attendant did not respond to the woman's screams.

The assailant fled and after the attack the victim went to the guardhouse to report the incident. CSU and Cleveland police were called and the victim was treated at Charity Hospital.

Faraldo said the attendant did not respond because he is not responsible for protecting persons in the lot. He merely collects parking fees. Besides, "the attendant that night said he was counting his money about the time of the attack and didn't hear anything."

Faraldo has sent a memo to security officers concerning the sick call situation. "There are too many officers who aren't sick but who call in sick. This understaffs the force and allows for a dangerous situation like this to happen."

He also proposes that an elevated guardhouse be built at one end of Parking Lot D. "The parking lot guardhouse is just too far away," he said.

Faraldo, who comes to CSU after serving as Director of Security and Safety at the State University of New York at Binghamton, said

that "a fear for security seems to pervade the Cleveland area." He noted that the Cleveland area has many more private uniformed police than other parts of the country.

Faraldo plans to recruit a full-time woman investigator for the security staff. He also said that the Oct. 5 incident triggered reinstatement of a plain clothes unit patrolling the campus in an unmarked car to supplement the two marked patrol cars that regularly circulate throughout the campus.

The Women's Law Caucus, through a memorandum to the CSU administration and director of security, calls for "a more vigilant security force and greater precautions during peak evening student hours of 7 to 10 p.m." Copies are posted throughout the law school.

The Caucus asks "that higher priority be given to the issue of security on campus" and that "a greater budget allocation to the Security Department as a means to provide better protection."

## Ohioans Vote on Lower Fuel Rates

More than 400,000 signatures were collected this summer to place four amendments to the Ohio Constitution on the November ballot. The focus of this effort involves the establishment of Lifeline rates for the purchase of necessary amounts of gas and electricity (issue 4); the creation of a consumer watchdog group financed by voluntary contributions (issue 5); legislative enactment of safety, insurance and construction standards for nuclear power plants (issue 6); and the reform of the initiative referendum process (issue 7).

The massive grassroots effort to place the issues on the ballot was co-ordinated by a coalition known as Ohioans for Utility Reform (OUR). Among the sponsors were Ohio Public Interest Research Group and the National Lawyers Guild.

After the signatures were certified by the Secretary of State, the group faced a court challenge on the validity of joining four separate issues on one petition.

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Orientation Day- Why are these people clapping?

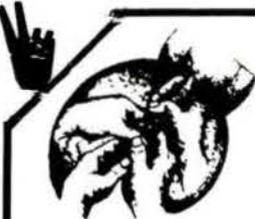
## Affirmative Action Slashed

By Cathy Harris and Jack Kilroy

On September 17, 1976, the U.S. Department of Labor published, in the Federal Register, proposed revisions to the affirmative action guidelines under the Federal Contract Compliance Program. According to the statement of purpose the proposed changes are needed because: "piecemeal development has resulted in a regulatory structure which, in some instances, is complex, repetitious and unclear."

Currently, companies employing more than 50 people with Federal contracts in excess of \$50,000 are required to write affirmative action plans. Section 60-1.6 of the proposed revisions would require only those employing more than 100 persons and with contracts in excess of \$100,000 to write plans. Furthermore, the current practice of pre-award review of affirmative action programs of contracts exceeding \$1 million would only be applied to contractors bidding for contracts in

*continued on p. 4*



# THE GAVEL

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## Gavel Editorials

### BETTER SECURITY NEEDED

The *Gavel* joins the Women's Law Caucus and other concerned members of the CSU community in their outrage at the inadequate campus security that allowed a woman student to be attacked in a university parking lot. Under the circumstances the victim was fortunate not to be more seriously hurt. Next time someone--anyone--could be raped, severely hurt or even killed.

Personal security, a concern everywhere, is especially real in a downtown urban environment. The CSU campus, where men and women of all ages are likely to be walking almost anywhere during the day and evening, is a fertile field for muggers.

We join the Women's Law Caucus' call for giving higher priority and more money to campus security. We are encouraged by the genuine concern of CSU's new security chief Joseph Faraldo, and applaud his efforts to improve protection on campus. We hope he gets results. We'll be watching.

### NAZIS MUST BE STOPPED

On Saturday, October 9, posters were placed around Cleveland State - including on the front of the Chester Building - to coincide with the scheduled appearance of the Communist Party presidential candidate, Gus Hall. The signs, printed in bold, block letters, read, "Gas Gus Hall, a Communist Jew." Such malicious material has no place in a University community. If this were an isolated incident it would not be so alarming. However, *The Plain Press*, a near-west side community newspaper has recently been threatened, as well as had their offices vandalized with swastikas, in response to news coverage of the desegregation decision by Judge Battisti. In other cities faced with desegregation plans, the Ku Klux Klan and the National White People's Socialist Party (both of which have offices in Cleveland) have manipulated the issue of busing into an organizing and recruitment tool for their organizations. In the thirties and forties the world painfully witnessed Hitler and his Nazi fanatics persecute and execute millions of innocent Jews. The fifties in our country saw the lynchings of innocent Blacks as well as the anti-Communism crusade of Joe Mc Carthy which resulted in the imprisonment of many honest and sincere people.

The United States Constitution grants freedom of speech to all individuals and organizations. However, there is a point where freedom of speech ends and malice, vandalism and the advocacy of criminal behavior begins. Such behavior is not a responsible exercise of free speech but rather has a chilling effect on the exercise of free speech. We call upon the Cleveland Police and the Cleveland State Security officers to make every effort possible to apprehend those responsible for the anti-Jewish, anti-Communist, neo-Nazi vandalism and to take measures to prevent such outrageous actions from occurring in the future.

## Reader Responds to 1000

Last issue's article concerning the Student Bar Association and the Committee of 1000 brought up once again some questions about the validity of the representative system of government at Cleveland-Marshall. Reference was made to a period at the school during which the student assembly allegedly had approached the apex of apathy. Yet there seems to be a paradox in the statement that "it was the torpor which infects so many student assemblies that prompted the SBA to seek some means to re-invigorate out student government." It was, in fact, the SBA itself which actually investigated, planned, and took the action which resulted in the Committee of 1000.

Surely any organization should strive for a consistently high level of achievement, and in the case of a student government such achievement ought to be witnessed in active and deliberate planning and implementation of programs which will benefit the student body in its entirety. Yet human organizations have their high points and their low. An analogy might be drawn between the Student Bar Association in a state of alleged "torpor," and a ship in the shallows. If at low tide a ship with an ill-prepared or unconcerned crew comes to wreck upon the shoals, responsibility for the wreck can hardly be attributed to the ship itself. In fact, if care is not taken to select a capable and responsible crew, the disaster is more likely attributable to the captain of the ship, for, as many of us have already learned, the master is obliged to exercise sufficient care in hiring his servants to insure their proper performance of duty. Similarly with the student government, if the students themselves are, as suggested, supreme, and their elected administrators subordinate, the duty lies with the students to exercise care in the choice of their representatives; in short, to see to it that the ship, of itself whole, is sailed on a safe and clear path.

## Gavel Needs Staff

The *Gavel* is interested in increasing its staff.

Requirements: more than one contribution (article, graphics, etc.)

Benefits: coffee 10¢

Political perspective needed: None, right, center, left, or off-the-wall.

At the last *Gavel* staff meeting, it was decided that elections for associate editor in charge of layout will be held all day Friday, Nov. 12. Ballots available to staff Nov. 8-11. Candidates statements Nov. 5, 3:00PM.





(Ed. Note: The *Gavel* has frequently been accused of being a monger of gratuitous gossip. With the advent of this new feature the denomination becomes official. Items for the column are solicited from the C-M community and should be submitted to the *Gavel* mailbox in CB 1036 or the *Gavel* office, CB 0072.)

Assoc. Prof. *Bardie C. Wolfe Jr.* will leave C-M early next year for the University of Tennessee Law School. It is reported that Interim Dean Hyman Cohen has refused to accept Wolfe's resignation...Speaking of the C-M Law Library, Dean Cohen told a recent faculty meeting that a fundraising campaign will begin soon, focusing on the library...At last Friday's faculty meeting Cohen warned that projected C-M income is down by \$1.63 million because of a short fall enrollment at CSU combined with Governor Rhodes' decision to reduce the University's subsidy.

*Jane McDonough*, long-time faculty secretary who has been with C-M since 1967 when the college was on Ontario St. retires at the end of the month... Look for Prof. *Harvey Leiser* to receive tenure this year. Leiser, a member of the C-M faculty since 1969, was turned down for tenure last year, reportedly because he had not published. He has an article scheduled for the University of Detroit Law Review. It wasn't through altruism that C-M decided to give blue books to students taking final exams starting with the summer '76 quarter. It was felt that this method would reduce the loudly-whispered about but little-publicized incidents of cheating.

Interim *Dean Cohen* plans to bring the issue of late grades to the CSU Faculty Affairs Committee. Cohen says the voluntary fine program has not worked and he may return the amounts turned in following late spring quarter grades. The Faculty Affairs Committee "could censure the professors involved," Cohen said, urging the C-M faculty to turn in grades as quickly as possible "to avoid an unpleasant controversy."

Prof. *Sidney Jacoby* will participate in a symposium sponsored by the University of Chicago Law Review. *Jacoby*, new to C-M this year, is also scheduled to speak at the Association of American Law Schools (AALS) convention in Houston at the end of the year...Congratulations are extended to Profs. *David B. Goshien* and *William L. Tabac* on their recent marriages... The C-M community mourns the recent death of Prof. Emeritus *William Knox Gardner*, a member of the C-M faculty from 1943-66 and author of *Gardner's Ohio Civil Code*. He did not graduate from either college or law school.

But is there a vote accorded to counsel when before the bench? The vote is unnecessary where the judge cannot but recognize the strength of the argument offered. A vote there would constitute only a second-chance mechanism for one who had already failed in his initial attempt at persuasion. Meanwhile, it is likely that a higher percentage of law school graduates than of any other school group will at some time serve in an elective-representative capacity. What suggests that experience in a variety of types of government might not logically and profitably encompass student-government participation?

There is discussion of what the student government can and cannot do. It is apparent that at Cleveland-Marshall, the activities of raising and supporting an army and treating with foreign powers are absent in the usual sense. In another sense, forces need to be mobilized frequently to investigate, organize, and implement programs which inure to the benefit of the student body. Additionally, almost all would admit that from time to time, the relations between the student body and the faculty and the administration are not entirely unlike dealings with foreign powers, both at peace and at war.

It is reasonable to suspect that the current range of attitudes toward the system of student government at C-M is dictated by recent years' experience. Yet care should be taken not to dismiss too readily the promising signs of improvement. Last issue's article observed that SBA representatives rarely run for re-election. Such was most clearly not the case in the elections just concluded. Also, numerous recently-created committees of the SBA are seriously involved in the work of much more than organizing social events and bringing in speakers. And the

current executive, regardless of its particular persuasion, has been not only demonstrative but convincing in its intentions to represent, organize, and benefit all law students as a group.

It is worthy of mention that there are serious parliamentary considerations relative to the manner in which the Committee of 1000 was created, and the powers it may or may not claim to itself. Before the issues of elective representation and/or the Committee of 1000 are laid to rest, (and ideally, during the current revision of the SBA Constitution) such considerations will be examined.

In the interim, it would be sad to lose sight of the forest for a few diseased trees which may loom before us still. Moreover, 1000 flowers on the ground do not prevent soil erosion or provide protection the way a few healthy young saplings might if they are given the nurture of light and sustenance they need to grow into strong and fruitful trees.

Those who dwell on the endless variety of man's character flaws may suspect the elected official of a self-aggrandizing search for power and glory. The particular incidents of elective office at Cleveland-Marshall, or rather their near total absence, ought to dispel this suspicion. Other than the executive officers, who are legitimately compensated for their literally vast expenditures in time and energy on the students' behalves, most of the servants or administrators who are SBA members serve with no compensation, slight recognition, and a sense of obligation. It is up to all the students to select them wisely, charge them reasonably, and hold them accountable. This is also known as equal representation.

George Kuhlman 2nd Yr. Day

The allegation was made that the nature of the work to be done at Cleveland-Marshall does not require a representational government like the Student Bar Association. By analogy, let us put some passengers on our boat. In the midst of a storm at sea, is the additional advice of those passengers who are brave or healthy enough to come above deck more valuable than that of those who stay below? The Committee of 1000 is said to "permit, though not to require, all interested students to participate in student body affairs as freely and effectively as the elected SBA members themselves." An essential element that has been overlooked is that, like passengers below deck, there are numerous Cleveland-Marshall students who, although interested, are unable because of other exigencies to participate freely in student government either as elected representatives or as Committee of 1000 members. Sight must not be lost of those students who, unlike some just out of undergraduate school and more exclusively concerned with their law school experience, are hard-put to be law students as well as mothers, fathers, parents, full-time workers, or just academically overburdened students. It would be ideal indeed if a community of 1000 were cohesive enough and sufficiently unburdened with concomitant responsibilities that they might constitute a pure democracy. But as long as there exist many individuals who wish to be represented rather than to represent themselves, it is questionable to dilute the strength of their representatives' votes by the Committee of 1000 procedure. At issue is whether one may dismiss out of hand the duty to protect the rights of those who, even for lack of interest, can not or do not represent themselves.

Political reality, as both the record and human nature indicate, dictates that one of two conclusions must be drawn. The first is that with certain large segments of the student body unable to attend SBA/Committee of 1000 meetings, the likelihood of special interest being served by the attendance of a unified group of as few as twenty-five Committee members increases; the other is that Committee of 1000 members purport to speak on behalf of, and therefore are themselves representing, other students who they ironically claim ought to be allowed to represent themselves.

Much was made in last week's article of the seemingly puerile and naive likening of a student government to a real legislature. Yet even in general terms, the issues discussed in these *Gavel* articles bear a close resemblance to issues in the political world into which we are all expected, not to jump, but to move in smooth transition. Is the special cause, the special interest, be it voiced by a minority or a majority, very unlike a lobbyist's efforts in Congress? There, lobbying parties are without a vote, yet surely not without the right to speak and encourage proposals and resolutions. It is also alleged that the theory of representation in a law student body deprives the law student of respect for, and the beneficial use of, his skills of advocacy.

# News and Comment

## Communist Candidate at CSU

By Michael Ruppert

"A vote for 'Carter-Ford' is a vote for big business and a bloated military budget; a vote for Hall and Tyner is a vote for jobs... nationalized health care... for people not profits..." Gus Hall and Jarvis Tyner, Communist Party U.S.A. candidates for President and Vice President, delivered this message recently to about 200 people in CSU auditorium.

Although Hall's and Tyner's speeches were as uninspiring as any by Ford, Carter or Eugene McCarthy, their appearance was instructive for several reasons. First, the character of their audience was different from what this writer expected.

That a Communist Presidential candidate can attract at least a young audience on a northern-college campus is a foregone conclusion. However, the audience was not exclusively young nor white; many people were older and about a quarter of the audience was Black. This audience was as typical as any audience which has received a major candidate.

That this audience was so representative casts doubts upon the current political wisdom that the mood of the country is becoming more conservative.

In 1972 when Nixon demolished McGovern, the Communist Party was on the ballot in 13 states and Gus Hall received a miniscule 25,000 votes, according to the *Congressional Quarterly Guide to Elections*. This year more than 500,000 people have signed petitions to get Hall on the ballot in 19 states. Furthermore, Hall is not the only left-of-center candidate expected to receive a larger vote this year; Peter Camejo and McCarthy are expected to draw votes from Carter. These candidates are drawing votes by

saying they will implement nationalized health care, lower defense spending and make full employment the top priority. They are saying what they believe and would do if elected.

While the left candidates refer to the centerist candidates as "Carter-Ford", their heaviest abuse is reserved for Carter. The objective is to dispel the myth that the Democratic party is the people's party. Carter, in order to regain support, must try to maintain liberal support while attracting more right of center voters -- Ford's turf. Thus, Carter and Ford must say what they think people want to hear without echoing each other. Attacks on personal characteristics become the best battleground for Carter and Ford because an overly "conservative" or "liberal" stand on an issue will erode center support. The sickening secret of this election, indeed our political system, today, is that centerist candidates cannot tell the people who will elect the next president what they really want to do as President. We have made it this way.

We polarize stands on issues as liberal or conservative, right or left. We want our gray world to be black and white.

Whether we elect a born-again tweedledee or a warmed-over tweedledum has become irrelevant and will remain as such until we confront the real challenges facing our civilization: whether we should continue with an economic system which requires competition from all while stifling that attitude in many; whether we should commit ourselves to social justice for many or the American Dream for a few.

## Cutbacks

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excess of \$10 million. The explanation for such cutbacks provided in the Federal Register states that, "this change will relieve the compliance agencies of diverting resources to those establishments in which employment opportunities are minimal." According to Cleveland Women Working (CWW), this proposal is part of "a serious undermining of the government's responsibility to women and minorities." The Department of Labor claims that by reducing the number of contractors to be regulated, the compliance agencies will be able to more efficiently regulate the larger contractors. However, the number of compliance agencies has also been reduced (from 16 to 10).

Another significant weakness of the proposed changes, according to CWW, is that it "eliminates specific and objective criteria for measuring the results of employee efforts to promote equal opportunity and affirmative action."

The proposed revisions could become law after the expiration of the required sixty day comment period. CWW is calling for the withdrawal of the proposed revisions as well as regional public hearings so that women and minorities can have input into future revisions. Those who want more information can see 41 F.R. 182 § 60-1, 60-2, 60-5 and 60-8 or call CWW at 432-3675.

## SBA Brings Speakers

The Student Bar Association Speakers Committee will be sponsoring 2 lectures during the week of October 18. On Tuesday, October 19, at 5:00 P.M. in the student lounge, Ed Doerr will speak on the necessity of separating church and state. Doerr is the Director of Educational Relations for Americans United for Separation of Church and State and the editor of *Church and State Magazine*. He has testified before congressional, state legislative, and state constitutional committees on church-state and religious liberty matters. He is the author of several books on school finance and a former teacher and social worker. He is currently on the National Advisory Board of the American Civil Liberties Union.

On Friday, October 22, at 2:15 P.M. in the student lounge, Carl Stern will speak. Stern is a former Cleveland and a graduate of Cleveland-Marshall. He became a news broadcaster for Cleveland's Channel 3 NBC affiliate; he is currently a newsman for NBC in Washington and can be seen regularly on the NBC Nightly News. Stern has covered such stories as Watergate and the Patty Hearst trial. Following Stern's lecture, the SBA social committee will sponsor a Happy Hour.

The public is invited to both lectures.

The Ohio Supreme Court ruled unanimously in favor of the utility reform group; the Court's decision was based on a 1930's case which held that the joining of separate issues on one initiative-referendum petition is acceptable as long as they appear separately on the ballot, and the petition language clearly states that they are separate.

Later in September, the Ohioans for Utility Reform were back in court, this time seeking a writ of mandamus to require the Ohio legislature to appoint a committee to prepare the opponent's arguments for printing, as set forth in Article 2 of the Ohio Constitution.

The Ohio Supreme Court refused to grant the writ, and importantly, refused to treat the case on an accelerated basis, with the result that it was to be treated with a normal briefing schedule.

Because written arguments would not be in the Court's hands before the mandatory five week publishing period was to begin, the proponents withdrew the motion.

Subsequently, the Secretary of State published the text of the amendments and the proponents arguments, but not these of the opponents.

Then a utility company backed group filed a writ of prohibition to bar the issues from appearing on the ballot, citing non-compliance with Article 2. These plaintiffs failed to join with the

## Issues 4,5,6&7

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issue proponents in the September suit. In fact, they did not raise the question until a week after the five week period had begun to run. A decision by the Court is awaited.

Should the Court rule against the placement of the initiative's issues on the ballot, the Ohioans for Utility Reform have indicated that they will ask the Federal Court to intervene, since they have done everything they could legally do to see that election procedures were properly followed. The failure to comply with Article 2 has only penalized the 400,000 people who signed the petition.

A complaint has also been filed with the Public Utility Commission of Ohio by Mike Schwartzwalder, a candidate for the Ohio Senate. Schwartzwalder, a Democrat from Columbus, defeated the incumbent in the May primary on a utility reform platform.

The complaint asks PUCO to stop immediately any expenditure by the utilities of their revenues collected from services sold for propaganda and campaign expenses. The utilities have already spent one-half million dollars to defeat the initiative issues, money that was obtained from the public without their permission. The complaint insists that there is no authority to charge the public to support their propaganda campaign.

Whether Ohio voters will have the opportunity to decide these crucial issues for themselves is in the hands of the courts.



# Death Penalty Revived

by Rita Fuchsman

"We hold that the death penalty is not a form of punishment that may never be imposed...." And so on July 2, 1976, the decision long awaited by the 56 death row inmates in Ohio and others throughout the country was handed down by the United States Supreme Court in a series of five decisions analyzing the death penalty statutes of Georgia, Florida, Texas, North Carolina and Louisiana.

The plurality, composed of Justices Stewart, Powell and Stevens established the standards by which all other death penalty statutes will be judged. They held that the systems in Georgia, Florida and Texas passed constitutional muster. These systems are characterized by a trial, followed by a separate sentencing procedure. In this latter stage the sentencer considers the nature of the offense (aggravating circumstances) and the character of the offender (including factors in mitigation of a death sentence) before imposing a sentence of life imprisonment or death.

The Court by the same plurality struck down the North Carolina and Louisiana statutes, finding the mandatory imposition of the death penalty following a guilty verdict in a capital case a violation of the 8th and 14th Amendments' ban on cruel and unusual punishment.

Justices Brennan and Marshall, the lone dissenters in the first three cases, adhered to their positions taken in *Furman v. Georgia* (1972), that death is a cruel and unusual punishment per se.

Chief Justice Burger and Justices White, Blackmun and Rehnquist concurred in the affirmance of the death sentences in the first three cases; they felt, however, that a mandatory death sentence removed the unbridled jury discretion to determine the life or death of a capital defendant (found unconstitutional in *Furman*) and, therefore, did not violate the 8th and 14th Amendments.

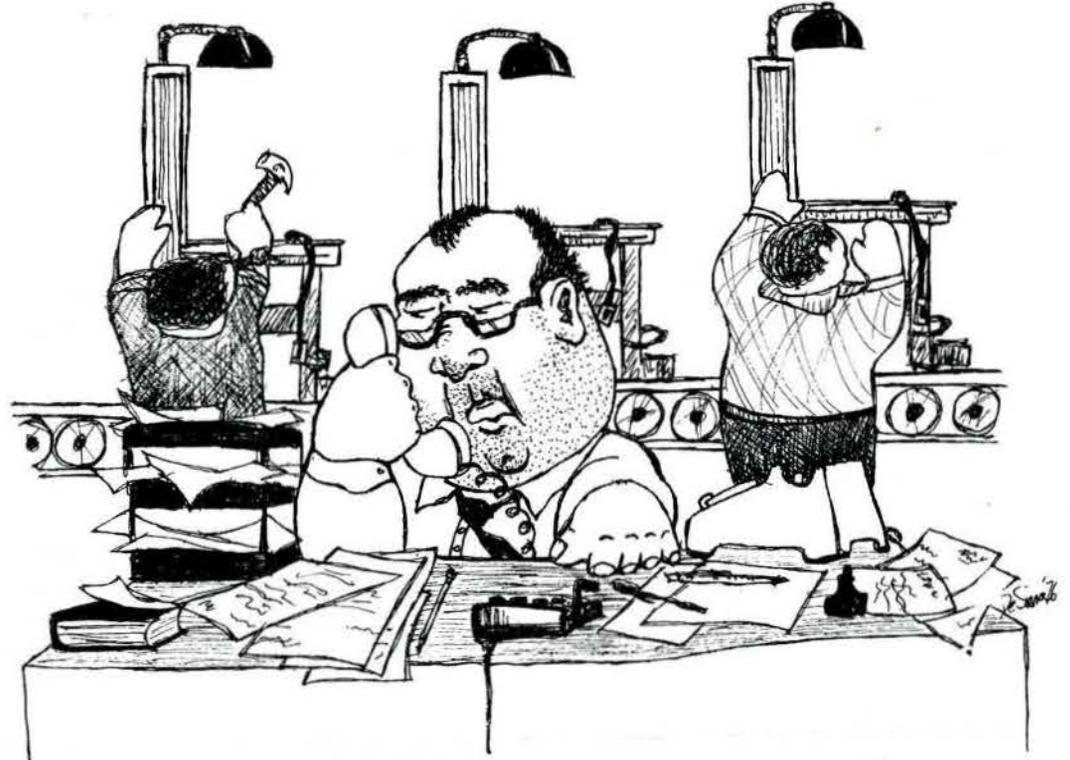
On its face, the Ohio statutory scheme for imposition of the death penalty, ORC § 2929.04, seems to meet these constitutional requirements—a bifurcated guilt/innocence and sentencing process and admission

of evidence during the second stage in mitigation of the death sentence.

The portion of the statute ripest for attack is the provision for consideration of mitigating factors. In Georgia, for example, the sentencer may consider any mitigating factors; in Florida, any of 7 broad-ranged mitigating factors; and in Texas, the statute has been interpreted to allow consideration of any mitigating factor. In Ohio, the sentencing judge may hear evidence relating to three

than the life and character of the defendant prior to imposing a death sentence.

Arguably, the mitigating factors are not only too narrowly drawn to survive a constitutional challenge but, in fact, lead to a mandatory imposition of the death sentence, unless the defendant was suffering from psychosis or mental deficiency at the time of the offense. This is because the first factor, victim inducement, may relate to self defense; it is constitutionally required that the sentencer consider the character



"THEY'LL BE READY BY CHRISTMAS."

narrowly defined mitigating factors: whether the victim induced or facilitated the offense; whether the offender acted under duress, coercion or strong provocation; and whether the offense was primarily the product of a psychosis or mental deficiency. The death sentence must be imposed, unless the judge finds the existence of at least one of these factors by a preponderance of the evidence.

Of these three factors, only the third deals with the character and background of the defendant, and even that factor allows consideration of only the narrowest types of mental illness. The other two focus solely on the details of the crime, rather

and individual circumstances of a defendant. Yet the Court held that portions of the second factor, duress and coercion, also relate to defenses. The factor of strong provocation applies to the lesser offense of voluntary manslaughter. But, all such defenses and lesser offenses will have been found not to exist by the jury's finding of guilty of aggravated murder beyond a reasonable doubt. Without statutory authority to consider any other mitigating factors, the imposition of death becomes mandatory.

These and other arguments are the ones most likely to be raised when the constitutionality of Ohio's law is challenged later this year.

## Women's Events

by Carol Vlack

*It's time for women to stop making coffee and cake for the party socials and to start making some of the decisions.*

Shirley Chisholm from Unbought and Unbossed

There are a few events happening in Cleveland this month where "Women who are making some of the decisions" will be featured speakers. Students might take advantage of speakers outside the school, as the Women's Law Caucus funds are limited this next year to a minimal speakers budget.

--Womenspace is featuring a series of Legal Clinics concerned with women in

the law. The monthly program is held on the third Saturday afternoon of every month. The program on October 16 featured Asst. U.S. Atty. (N.D. Ohio) Nancy Schuster who discussed the criminal justice system. Projected for November 20 is a program on Domestic Affairs. It will feature Helene Weis, Esq. and Susan Stauffer from the Legal Aide Society. The programs are held from 2 to 4 p.m., in the YWCA at 3201 Euclid Avenue. The public is invited. A \$1 donation is requested.

--An on-going lecture series, "Perspectives on Women" is held at CSU every Tuesday at 12:30 in University Center Room One. The following speakers are featured:

--The Sentimental Idealization of Women in the Eighteenth Century,

Oct. 27. Elizabeth MacAndrew  
--Heroines in Opera, Nov. 3  
Judy Eckelmeyer.

--Status of Women in Latin America, Nov. 10. Donald Ramos

The Women's Law Caucus is featuring Cleveland Municipal Court Judge Ann McManamon on Wednesday, October 20 from 12 to 1 p.m. in the Student Lounge. She is the first speaker of the forum on Women in the Courts. McManamon, a candidate for Judge of Common Pleas Court has received the endorsements of the Cuyahoga County Bar Association, United Auto Workers, Cleveland Women Political Caucus, Americans for Democratic Action, National Conferences of Black Lawyers, and A.F.L.C.I.O.. She is an alumna of C-M and was cited as a distinguished graduate in 1975.

# Terrill's Grades Challenged

By Gail Gianasi Natale

A controversy has developed over the method employed by Assoc. Prof. Jerry A. Terrill's method of grading his contracts class' final exam last spring.

The exam consisted of three questions but Terrill graded only two of them, contending "the results of the first two were adequate, in my opinion, to give a good appraisal of each person's test-taking ability."

At least one student, James Handelman, felt otherwise and argued before C-M's Academic Standards Committee that he and others may have done better on the third question and that because the students "were denied the right to have their entire exam read it may have substantially affected their grades."

The committee, in effect, supported the student's petition and turned the matter over to Interim Dean Hyman Cohen with its recommendation.

Cohen contends that to order Terrill to grade the third question would infringe on the professor's academic freedom because "adequate notice was given that Prof. Terrill might grade any two of the three questions and he says he obtained an accurate ranking from the first two.

"I'm not saying that Prof. Terrill used the best exercise of judgment," Cohen told the *Gavel*, "but it was not such a breach of academic prerogatives that I would order him to grade the third question. Each student was equally benefitted or equally handicapped."

## Handelman Appealing

Handelman is now asking that anyone who wants to appeal Cohen's decision to the faculty get in

contact with him or David Kovach.

Terrill told the *Gavel* that the first question, given a 15-minute time value, showed a student's style and approach. The second, assigned 20 minutes, presented an analysis of substantive law. The third was allotted 25 minutes, according to Handelman.

Terrill had taken a similar grading approach in another class and received "a few complaints," he said, until he explained to the students that he had gotten a fair sampling for an accurate grade.

"I doubt that I will do it again," Terrill said, "but if I ever use more than one question I will reserve that right. Additional grading may be unnecessary but the students deserve notice. Good management saves me the trouble of doing something that's unnecessary. The students should concentrate on each question as if it were the entire exam."

Dean Cohen said Handelman could take the issue to the faculty, "but what relief could be granted? I don't know whether they could order him to grade the entire exam."

The emerging issues in this admittedly sticky situation appear to be:

- Is there a conflict between a professor's academic freedom and a student's right to parity and equitable treatment?
- Is "academic freedom" being used as a smokescreen for inexperience or laziness?
- When and how does a recommendation of a faculty committee become superseded by the authority of the dean?
- Can the faculty as a whole



## Notes from the Colonel

## Notes & Briefs

A representative of the National Labor Relations Board was here on Oct. 13. He discussed the NLRB's structure, function and hiring practices. Students who missed the program may pick up NLRB employment forms at the Placement Office.

A representative of the Reginald Herber Smith Fellowship program will present an orientation on this program in Room 2064 at 1:30, Wednesday, Oct. 27. All graduating seniors who wish to compete for a "Reggie" should attend this briefing. Applications for the "Reggie" also are available at the Placement Office.

## Gavel Contest

In order to foster development of the arts at Cleveland-Marshall, *The Gavel* is sponsoring a Halloween Sculpture Contest. Entrants must carve a jack-o-lantern in the image and likeness of their favorite professor. All pumpkins must be postmarked no later than October 30. Pumpkins will be judged on the basis of originality, creativity and spitefulness. The winner will receive a five year subscription to *the Gavel* and an administrative F in one of his/her courses. *Gavel* staff members and their families are ineligible.

### CSU/C-M Programs

- W Oct. 20 - Women in the Courts Forum: Hon. Ann McManamon, CB Student Lounge 12-1 p.m.
- F Oct. 22 - Carl Stern, NBC Supreme Court Reporter, CB Student Lounge, 2 p.m.
- F-Sun Oct. 22-24 - National Lawyers Guild regional convention, University of Akron

### CSU/C-M Films

- F,S Oct. 22,23 - Shanghai Express (1932) 7:30 and 11 p.m. UC Auditorium
- Touch of Evil (1958) 9pm
- F,S Oct. 29,30 - Shanks (1974) Kid from Borneo 8 & 10:30 p.m. U.C. Aud.

### Others

- F Oct. 29 - CWRU Reelaw film: Twelve Angry Men, 7,9, 11 p.m. \$1 CWRU Law School
- S Oct. 24 - The Big Sleep (1946) 2 p.m. free! Strosacker Aud. CWRU
- S Oct. 31 - Father Brown, Detective (1954) 2 p.m. free! Strosacker Aud. CWRU

## Better Late than Never

Interim Dean Hyman Cohen plans to set up a committee to establish criteria for senior citizens to attend classes at C-M under Project 60 before winter quarter.

Project 60 is a program allowing elderly people to audit classes at state colleges and universities at no charge on a space-available basis.

Two criteria for Project 60 enrollment at C-M include available space in the classroom and the consent of the faculty member. A third criterion, not rigidly enforced, is that the senior citizen be a law school graduate.

Four Project 60 people are auditing seven C-M classes this quarter, according to the dean's office. Among them are a retired attorney, a retired graduate engineer and a retired teamster.

One Project 60 person is in each of the seven classes--Prof. David Goshien's evening estate planning and his day tax I; Asst. Prof. Ullyses S. Crockett's tax I; Prof. J. Patrick Browne's civil procedure, Assoc. Prof. Peter Garlock's criminal law and Assoc. Prof. Bardie Wolfe's legal research.

overrule the dean? Indeed, should the issue be tested?

•And what happens, after the great debate over faculty and administration rights and principles, to the rights of the student?

## SBA Results

441 (38.6%) of C-M's 1143 students voted in the recent SBA Senatorial Elections. The 3D had the best turnout with 130 (59.6%) voting. 1E had the poorest with only 28 (19.7%) of those students voting. 300 (44.9%) of the day students voted compared to 141 (29.7%) evening students who voted. The new senators are:

1ST YEAR DAY                      1ST YEAR EVENING

Ronna Bernstein	Diedra Bowers
Loren Black	Jeff Dean
Charles Bridges	Sheryl King
Ben Mitchell	Tim McGrail
Margot Tillman	David Timm

Charetta Tyson	
Maxine Graff*	
Brian Urban	
Velma Johnson*	
2ND YEAR DAY	2ND YEAR EVENING

William Bein	Bruce Marks
Terry Brennan	Mary Rini
Mark Bryn	Pat Stealey
Barbara Purnett	Marlene Sundheimer
Linda Cooper	Ernie Szorady
Monica Lercher	Mitchell Leventhal*
Sherry McCreary	V. Susan Nestor*
Sam Militello	
3RD YEAR DAY	3RD YEAR EVENING

Greg Aloia	Ralph Jones
Greg Chizmar	Michael Ruppert
William Corvo	Larry Skolnik
Rita Fuchsman	
Rich Humphreys	4TH YEAR EVENING
John Polito	
Jamie Swisher	Harvey Berman
Elaine Vorobel	John Kovacs
	Hilary Taylor
	Jack Waldeck

\*tied, runoff held Oct. 20