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Campus Measures to Combat Understaffing

When a 48-year-old evening graduate student was mugged and robbed in the area of the security forces. This follows an incident on Oct. 5 when a 44-year-old evening graduate student was mugged and robbed in CSU Parking Lot D at E. 22nd St. and Prospect Ave.

He continued to beat her and bang her head on the pavement even after she attempted to give him her purse. Besides, "the attendant that night said he was counting his money about the time of the attack and didn't hear anything," Faraldo said the attendant did not respond because he is not responsible for protecting persons in the lot. He merely collects parking fees. Borides, "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 under-staffs 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 reinstitution 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 coordinated 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.

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, repetitive 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...
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 approached the apex of apathy. Yet there seems to be a paradox in the statement that "It was the apathy which infected so many student assemblies that prompted the SBA to seek some means to re-invigorate out student body in its entirety."

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.

continued on p. 3
The allegation was made that the nature of the work to be done at Cleveland-Marshall does not require the presence of a substantial government like the Student Bar Association. By analogy, let us put some passengers on our boat. To the microcosm of the university, who are the additional ones of those passengers who are brave or healthy enough to come above deck more valuable than the others? 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 the fact that those students who, unlike some just out of undergraduate school and more exclusively concerned with their law school career, might be law students as well as mothers, fathers, parents, full-time workers, or just academically overburdened at this time of the year. But it is also alleged that if a community of 1000 were cohesive enough and sufficiently unburdened with concomitant responsibilities it could constitute a pure democracy. But as long as there exist many individuals who wish to be represented rather than to represent it is unanswerable to dilute the strength of their representatives' votes by the Committee of 1000 procedure. At issue is the question whether or not members should be required to defend the rights of those, 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 be drawn. Either it is true that with certain large segments of the student body unable to attend SBA/Committee of 1000 meetings, the circle of experienced interest being served by the attendance of a unified group of as few as twenty-five Committee members increases; the other representation on a 1000 members' level is allowed to represent themselves. Much was made in last week's article of the seemingly puerile and futile nature of a government of that size. It is dictated that one of two conclusions be drawn; the other students who they ironically claim ought to be allowed to represent, and therefore are themselves representing, are therefore themselves representing, other students who they ironically claim ought to be allowed to represent themselves.

It is reasonable to suspect that the judge cannot design the strength of the argument offered. A vote there would constitute only a second and demonstrably more reasonable mechanism for one who has not had the leisure to attend. Meanwhile, it is likely that a higher percentage of law school graduates than 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? In effect, any 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 everyone admits that from time to time, there are likely interrelations between the student body and the faculty and the administration and the representatives have at least dealings with foreign powers, both at peace and at war. It is reasonable to suspect that the student body is not able to defend its interests to the government at C-M is dictated by recent years' experience. Yet care should be taken to avoid overlooking the readiness of the promising signs of improvement. Last issue's article observed that SBA representatives rarely participate in student committee. The Committee 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 reasonable to suspect 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 of 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 current executive body already too close to lose sight of the forest for a few diseased trees which may soon be with us. 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 law school idiosyncrasies may suspect the elected official of a self-aggrandizing search for power and glory. The particular incident is not at stake; it is whether or not the elected officials, of Cleveland-Marshall, or rather their near total absence, ought to dispel this suspicion. Other than the executive obligations, who are ultimately compensated for their literally vast expenditures in time and energy on the students' behalf. Is the oversight of the student administrators who are SBA members serve with no compensation, slight recognition, and a sense of obligation -- that the students to select them wisely, charge them reasonably, and hold them accountable. This is also known as equal representation.
"A vote for 'Carter-Ford' is a vote for big business and a blotted mind to the public," said Hall. Hall is a former teacher and social worker, and is currently on the National Editorial Board of the Communist Party U.S.A. candidates for President and Vice President, delivered this message recently to about 200 people in a campus auditorium.

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

This young residential candidate can attract at least a young audience on a northern-college campus is a foregone conclusion. However, the audience was not too 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 cants 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 Hall received a minuscule 25,000 votes, according to the Congressional Quarterly Guide to Elections. This year more than 500,000 people have signed petitions to put the Communist Party on the ballot in 19 states. Furthermore, Hall is not only the left-of-center candidate expected to receive a large vote, the character candidates as "Carter-Ford mans like Hall 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," the centerists must try to maintain liberal support while attracting more right of center voters - Ford's turf. Thus, Carter and Ford must say what people want to hear without echoing each other. Attacks on personal characteristics become the best battleground for Carter-Ford as the used "liberal" or "conservative" stand on an issue will erode center support. The sickening secret of this election, indeed our political system, today is that center candidates cannot call 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 tweedleedee or a warmed-over tweedleedum has become no issue at all 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.

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 separate issues on one initiative-referendum petition is acceptable as long as they appear separately on the ballot. Thus, 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 hear the case and instead, refused to treat the case on an accelerated basis, with the result that it was to be treated with a non-restricting schedule.

Because written arguments would not be in the Court's hands before the expiration of the five week period set by the Ohio Constitution, the court saw no reason to rule on the allegations as to whether the Ohio Constitution was being violated.

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 permitted 20,000 people to sign 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 information which was collected from services sold for propaganda and campaign expenses. The utilities have already spent one million dollars on the initiative's issues, money that was obtained from the public without their permission. The complaint alleges that these were payment for services sold to 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.

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 commissions on separation of church and state 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 newsmen 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.
Death Penalty Revived

by Rita Fuchsen

"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 constitutionality of the death penalty statutes of Georgia, Florida, Texas, North Carolina and Louisiana.

The plurality, composed of Justices Stewart, Powell and Stevens established 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.

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 discretion of the sentencer to determine the life or death of a defendant found unconstitutional in Furman v. Georgia (1972), that death is a cruel and unusual punishment per se.

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Shank's CWRU
Prof. Jerry A. Terrill's method of exam last spring.
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 others may have done better on standards Committee that he and management saves me the trouble of doing something that's unnecessary.
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 ad- mittedly sticky situation appear to be:
• There is a conflict between a professor's academic freedom and a student's right to parity and equitable treatment.
• "academic freedom" being used as a smokescreen for in-experience or laziness?

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.

Tryman 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.

The SBA has voted on three projects: 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 classes this quarter, according to the dean's office. Among them are a retired attorney, a retired graduate engineer and a retired teacher.

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

Better late than never

SBA Results

441 (38.6%) of C-M's 1143 students voted in the recent SBA Senatorial Elections. The 30 had the best turnout with 130 (29.6%) voting. IE 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
Loren Black
Diedra Bowers
Jeff Dean
Terry Brennan
Charles Bridges
Sheryl King
Ben Mitchell
Linda Cooper
Margot Tillman
Tim McGrail
Charetta Tyson
Brian Urban
Jeff Dean
Velma Johnson

2ND YEAR DAY 2ND YEAR EVENING
Richard Nowak
Bruce Marks
Diedra Bowers
Mary Rini
Jeff Dean
Sheryl King
Linda Cooper
Tim McGrail
Monica Lercher
Margot Tillman
Jeff Dean
Velma Johnson

3RD YEAR DAY 3RD YEAR EVENING
Greg Chizmar
Michael Ruppert
Mark Spier
dLarry Skolnik
Ralph Jones
Diedra Bowers
Sam Hildtello
V. Susan Nester
Linda Cooper

4TH YEAR EVENING
Gregzorowski
Harry Berman
Reggie O'Neal
John Kovacs
Richard Humphreys
Hilary Taylor
Michael Ruppert
Jack Wallace

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