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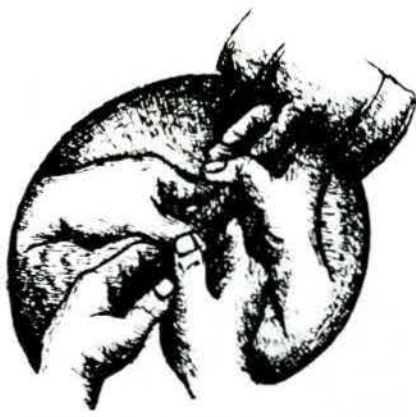
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Dean Nominees Chosen

By GAIL GIANASI NATALE

C-M's next dean is likely to be either Lewis R. Katz, 37, a CWRU professor who heads that school's Center for Criminal Justice, or James P. White, 45, Indiana University School of Law professor who is responsible for ABA accreditation of U.S. law schools.

Both Katz and White have been in-



JAMES P. WHITE

interviewed by CSU President Walter Waetjen who will make the final decision. Both were recommended by the C-M faculty.

Lewis R. Katz

Katz, who is "not dead set on being dean," said he would continue to teach criminal law and would pursue his research interests "if I am offered the job and if I accept."



'Quit?' Mo Says No

"It's not over yet" said Rep. Morris K. Udall, D-Ariz., in his speech here at Cleveland State Monday. Depicting Jimmy Carter as a conservative and someone who doesn't take clear positions on issues, Udall said that he's "ready to go one-on-one against Carter" and that the remaining 22 primaries could "turn it around for me."

Udall, campaigning here in preparation for the June 8th primary, said that Ohioans have been told by political observers that "your decision has been made for you; that Carter has it." Speaking to a full house at UC Auditorium, Udall emphasized that Carter has been winning with 31 to 37% and is "waiting to see Jimmy Carter get 51% of the vote." Udall, who will be concentrating his immediate campaign efforts in Ohio, has been invited by the SBA to speak at the law school later this month.

WILLIAM A. RUTTER, GILBERT'S AUTHOR
SPEAKS AT C-M WEDNESDAY, MAY 12.
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He advocates small section classes, such as C-M introduced in its core program this year, "but the problem is economics."

Katz would like to see "a good healthy mix of theory and practice -- traditional legal education and clinical programs. I wouldn't want to lose sight of some of the values of a



LEWIS R. KATZ

traditional legal education," he added.

Katz also feels that "the law school has to be part of the university but it must have its own identity and autonomy." There should be communication between the law school and its university. Students should be able to take graduate courses outside of law school programs, "but a solid J.D. curriculum is most important."

Katz said he was aware of the various factions at C-M "but if I accepted the job I would assume that everyone could get along together."

As for subjecting law school activities to the Sunshine Law, Katz said, "after Watergate I would have no objections."

Katz, a New York City native, has been at CWRU for 10 years and has headed the Center For Criminal Justice, an LEAA-funded program, for four years.

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C-M Grad Tops Bar

A Cleveland-Marshall alumnus has scored first on the February Ohio Bar Examination, the only time a C-M grad has taken top honors since at least 1959. Edward H. Kramer, a 35 year old NASA engineer who attended night classes at C-M, achieved the leading mark of 310.5, outranking 272 others who passed the exam. In all, 319 persons took the exam, resulting in a passage rate of 85.3%.

Seventy-two of the candidates taking the exam were graduates of C-M, of whom 57 were successful. However, only 49 of these were taking it for the first time, and of these 44 passed, to yield a 90% passage rate.

Catherine Martin, in the office of

Record Turnout In '76-'77 SBA Elections

A record setting 522 ballots were cast by C-M students in the recent SBA election. Terry Gravens was elected President, receiving 35.5% of the vote, just a few votes over the 35% necessary to avoid a run-off election. The other officers elected were: Chris Dittmar, Vice President; Carol Weiss, Secretary; and Mike Otto, Treasurer.

Other top vote-getters in the presidential race included Hilary Taylor (23.4%), Bill Corvo (13.1%) and Scott Mahood (9.8%). The other presidential candidates, in finishing order, were Sam Militello, Bill Huntington, Ruth Yudenfriend and Jeff Shively.

Dittmar finished first in the Vice Presidential race receiving 42% of the vote. Rita Fuchsman and Tony Logan followed, each receiving 18% of the vote. Mark Bryn and Susan Dolin both received 11%.

Weiss gained the Secretary spot with the largest margin in the election, 71%, over Jack Kilroy's 28%. Otto was elected Treasurer in a close race with Monica Lercher, receiving 50% of the vote over Lercher's 46%.

The new SBA officers assumed their duties immediately following the election and will continue in office until the spring 1977 elections. For the first time each of the new officers will receive a salary for the dis-



charge of their duties. Gravens receives a full tuition waiver, Dittmar a one-half tuition waiver and Weiss and Otto receive an hourly wage of \$3.25 up to an one-half tuition waiver.

admissions and records, recalled that since she came to C-M in 1969, after the law school merged with Cleveland State University, there have been two C-M graduates who scored second highest on the bar exam: Dwight Miller in July, 1971, and Robert D. Phillips in February, 1975.

Kramer, a resident of North Olmstead, works full time in an electronics computer section at Lewis Research Center. Aside from his newly acquired J.D., Kramer also holds a bachelor's degree in electrical engineering and master's in nuclear engineering. He has lived in Cleveland for ten years, and his favorite pastimes include camping and backpacking.



THE GAVEL

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Editorial Staff: Mike Evans
Joe King
Kirk Stewart

Harvey Berman, Jack Kilroy, John MacCallum, Gail Natale, Mike Ruppert, Carol Vlack; Rick Dellaquila, Dan DeSiena, graphics; Marty Schneider, Larry Skolnik, photography; Chris Tartal, secretary.

The Gavel, Cleveland-Marshall Law School, Cleveland State University, Cleveland, Ohio 44115. (216) 687-2340.

Right of Assembly Still Unresolved

BY BRUCE T. WICK

On this sixth anniversary of the shootings at Kent State University, those dedicated to the law should ponder again the events of May 4, 1970, as the U. S. Court of Appeals in Cincinnati must now do. I suggest that we take as our beacon Daniel Webster's remark to the Senate that there are no sovereigns in this country (not even the people themselves), but only limited governments.

The civil liability of the defendant Ohio National Guardsmen, their officers, and Governor Rhodes is grounded upon 42 U.S.C. 1983 and its criminal analogue, 18 U.S.C. 242. When read together these two statutes establish civil liability for willful violation of constitutional rights,

whenever the violation results in death. The constitutional right most useful against the so-called "higher-ups" is the right of assembly, in this case, the dispersal of the noonday protest rally by the Guard. The rally, generally estimated at 1,500 persons, was called to consider, among other things, the takeover of the University by armed troops and the concomitant supplanting of civil authority by military. One should also remember, for emphasis sake, that this was a meeting of Kent students on their own campus.

To establish liability, there is no need to show that the deaths were the intended or even the foreseeable result of illegal conduct by the Guard. Violation of constitutional rights is likely to be accomplished by violence, but it is equally likely to provoke violence by the victims. Against this violence and counter-violence the statutes set their face, imposing a species of strict liability upon state officers whenever death results from their illegal acts.

Plaintiffs, however, need not rely on subtle statutory analysis to sustain their claim. Generally accepted principles of tort law will yield the same result. Death is a foreseeable consequence of the armed dispersal of assemblies. Those who order them dispersed or who participate in their dispersal must be held to have contemplated this result.

The First Amendment protects assemblies, not only against physical assault with tear gas and fixed bayonets, but also against more subtle forms of intimidation. The order to disperse and the massing of armed men at the periphery of the rally were themselves violations of the right of assembly. When armed men attempt to overawe the proceedings of a legislature (let alone disperse it), they may be punished for contempt by the house itself. The First Amendment (and the various statutes enforcing it) extend this aspect of legislative privilege to all peaceful assemblies: they may not be disturbed. Though such bodies cannot punish for contempt, they can resist disruption and suppress disorder without recourse to the state. Where (armed) officers of the govern-

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Letters to the Editor

Dear Editor:

As is the case far too often *The Gavel* has again mislead the students of the College of Law through careless and incomplete reporting. Our students, through the article entitled "Cheating 'Licensed'" are given the impression that the University Misconduct provisions concerning cheating apply to them. This is false information. The proposal approved by the faculty council specifically exempted graduate-professional schools with their own misconduct standards. In fact both the University standards and the College of Law standards have been, or shortly will be, presented to the Board of Trustees. The Misconduct provisions contained in the College of Law Academic Regulations apply to students of the College of Law. College of Law Academic Regulation 6.2 (k)(2) provides:

"...in cases of cheating, shall direct that a grade of "F" be entered in the course. In addition, The Committee may impose any other penalty, to and including expulsion, as is appropriate under the circumstances."

Stephen J. Werber
Chairman
Academic Standards
Committee

To the Students, Faculty, Staff, and Administration of the College of Law,

On behalf of the four officers of the Student Bar Association, I thank you for your participation and your support in the recent SBA elections. We hope that the record turnout in that election is indicative of the involvement we shall see in the coming year.

Since the election last Wednesday, we have begun the slow process of organizing and preparing for the year ahead. With the cooperation of our predecessors, the transition is well under way. At the same time, we are seeking the advice of the other candidates, fellow students, and members of the faculty. Indeed, it will be our policy that the SBA office will be open to ideas and criticism from all points of view.

This past Saturday, Chris, Mike, Carol, and I met to discuss the task before us. The tone was one of optimism and enthusiasm. We came away from that meeting with the following consensus:

Within the confines of the Chester Building, skepticism and criticism are

easily found. One often hears comments about inequitable funding, unresponsive professors, apathetic students, inadequate library facilities, and poor ratings in respect to other law schools. Certainly, awareness of these factors is the first step towards correcting them. However, criticism, alone will not provide viable solutions.

We believe that if everyone in the law school community takes a part in developing the College of Law, much can be accomplished. In the coming year we will be calling on both students and faculty to analyze the problems and to do something about them. We intend to activate as many people as possible towards the common goal of improving the College of Law. We intend to establish SBA committees that will develop concrete programs. We intend to staff the faculty committees with the most capable people available. We intend to be responsive to the needs of both the day and evening students. We intend to work with the Administration, the faculty, the University, and the various organizations within the law school to assure that a year from now Cleveland Marshall will be well on its way towards becoming a truly outstanding College of Law.

These are our hopes and our intentions. In the coming weeks we will

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In Memoriam

On Saturday, March 13th, 1976, at the age of 71, retired professor Helen L. Garee passed away. Her loss was a great sorrow to those of us who knew and loved her both as a person and a professor.

Professor Garee was born in 1905 in Twinsburg, Ohio. She attended Hiram College as an undergraduate and received her LL.B. from Cleveland College of Law in 1933. From 1933 to 1947 Ms. Garee was employed by the Cleveland Trust Co. and rose to the position of Chief of the Wire Transfer Department. Then, in 1966, after fourteen years as Law Librarian at the Case Western School of Law, she joined the faculty of Cleveland-Marshall College of Law as Law Librarian. In 1970, she became Director of Legal Research. During the period from 1966 to June 1975, Professor Garee taught Legal Research and Ohio Legal Bibliography.

Professor Garee was also active in the Ohio Association of Law Libraries where she held the following offices: Secretary (1955-56); President (1958-59); and Vice-President (1966-67). She was also President of the Pi Chapter of Phi Delta Delta from 1966-67.

As a teacher, Helen Garee will be remembered most for her compassion and understanding of the problems of first year students who often experienced difficulty adapting to the coldwater shock of law school. She was never too busy to help a student and it was not uncommon to find six or seven students sitting in her office airing their problems to her.

Besides Professor Garee's popularity among students, she was also highly respected in the legal community. That her reputation and contacts reached deeply into the Cleveland legal community is evidenced by the excellent and noteworthy speakers which she invited to lecture for her courses.

Helen Garee was truly a rare person. Her contributions to the legal community and the world she lived in and loved will be long remembered.

Presidential Primaries Put-down

BY STUART GARSON

Predictably, the last series of presidential primaries has not displayed anything revealing. Jackson has thechutzpah vote, Carter the respect of every straight thinking cow, and the University of Wisconsin is still progressive as indicated by Mo's strength in this microcosm of fantasy. On the republican side Gerry is still the man to beat, and Ronnie still wants to unite the republican party even if he has to destroy it. Standing in the wings Hubert is pleased as punch although Carter's recent emergence is beginning to crack his unannounced armor. At least Hubert has finally learned that he is an incessant talker and therefore his quest for the presidency has been kept at a low profile. As a result the media-minded public will be spared at least for a while antiquated cliches and inane references to Muriel.

It is ironic to think that in this bicentennial year, as this country prepares to celebrate the 200th anniversary of its democratic experience, that the two presidential candidates may very well be Ford and Humphrey. In Ford we find an incumbent from nowhere and in Humphrey a man who may achieve the endorsement of his party by avoiding the voting public altogether. Never have so few done so little to get so far.

Actually this situation is probably much closer to what our Founding Fathers had in mind with respect to selecting a president. That group of die-hard aristocrats were scared to death (and rightfully should have been) of the colonial public. Therefore they provided us with an electoral college to mitigate the effectiveness of the public will. Today it is safe to say that the electoral college has been supplanted by a prevailing sense of nausea with the entire selection process, evidenced by the extremely low turnout in the '76 primaries. Consequently there is not anyone with a high school diploma who would dispute that some changes in our selection process are in order. The rest of this article will then address itself to some proposed measures in the remote likelihood of effectuating the will of the people.

Athletic Performance

We have all been made aware that the job of the president is a demanding one. We know this because no president has ever said "this job is cake", and of course president's don't lie. Therefore the people have a right to know if our prospective leaders have the physical attributes for the job. This can be achieved by the NCAA or AAU slating ten athletic events. Of these ten events the contestants must select five to perform as well as choosing an option of their choice. This performance is very important since in past elections candidates have never missed an opportunity to throw a football, take a hook shot, or sail in a regatta. Come to think of it most of us would not even know what a regatta was if not for our ivy league candidates. Think of the educational possibilities as our contestants display their one option. For those contestants who are unfortunately handicapped the athletic performance may be modified but not waived. After all nothing thrills the American Psyche more than to see someone attempt to tackle the impossible while the commentator looks bravely on letting us all know how hard the contestant is trying.

Shaking Hands in A Crowd

Somewhere perhaps on a back lot in Burbank designed for Anytown USA, a crowd of political hysteria can be simulated. The purpose of this performance is to show how effectively each contestant can break through his cordon of secret service agents and mix with the crowd while dropping comments such as "Is that yours, looks just like ya", or "I really admire your hard work", or "Humm Humm, best bagel I've ever had". The contestants as seen by three strategically placed cameras would be judged on sincerity, degree of boldness, and handshake technique.

Issues and Non-Answers

Before a studio audience the contestants would each be asked one question in an area that they know nothing about. Such possible areas of examination could be the economy, foreign or domestic affairs, the defense budget, or their income tax returns. Each contestant must talk for five minutes without the aid of speech writers, pollsters, or evangelistic sisters.

Press Conference Technique

Finally, and the most important event, would be the press conference. Here each contestant would get a chance to display a polished performance. Each contestant would call a press conference within a designated two month period of time. When the press conference is called the three networks would immediately pre-empt their programming and break to the press conference. The contestant would assume the posture of the president of the United States and proceed to talk for ten minutes on anything of his choice and then take questions for five minutes.

The voting public could then determine how well each candidate comes across at a press conference. Areas of possible public consideration could be infinite. For instance the viewing audience might want to consider whether or not the contestant sweats. If the contestant does sweat does he try to ignore it as we watch it roll down his cheek or does he break with precedence and wipe it off? Does the contestant make honest attempts to call on newspeople in the back of the room? Lastly and certainly the most crucial consideration is what kind of show did the contestant bump off. This alone may well determine the plurality.

Family Law Specialist

Discusses SE Asia

By CAROL VLACK

"A good romance must have a sound financial basis," said Dr. Olive Stone, a specialist in international family law, in her speech to C-M students on April 30. Her lecture, sponsored by Women's Caucus, was titled "Women and Family Law in Southeast Asia" and drew upon her experiences as a lecturer in family law throughout Southeast Asia.

Dr. Stone indicated that many Southeast Asian cultures are faced with marital-familial problems arising from customs, such as polygamy, which are not common in Occidental cultures. Others are attempting to deal with familiar problems, such as divorce and family planning, in ways not typical here. For example:

-- Australia's Family Law Act establishes a federal family court which performs counseling and reconciliation services. In Australia the only ground for dissolution of marriage is an irreconcilable break-down of the marriage, evidenced by a separation of the parties for twelve consecutive months;

-- Singapore's Woman's Charter of 1961 distinguished Singapore as the first Southeast Asian country to abolish polygamy. Others have followed or are in the process of enacting anti-polygamy laws, but enforcement throughout Southeast Asia is lax. Dr. Stone also noted that Singapore has maintained zero-population growth since 1972 by making abortion and sterilization readily available on a free-choice basis;

-- Although Hong Kong, as a British Colony, reflects many European traditions, its marital and familial laws have always recognized Chinese custom. The abolition of polygamy, concubinage, and child marriage by Communist China in 1950 may have some effect on Hong Kong, but the greatest influence from China is the emphasis on the equal treatment of women;

-- Japan utilizes a family court system to facilitate marital reconciliation and allows consensual divorce. However, Dr. Stone noted that procedural safeguards are needed to eliminate coerced consent.

Dr. Stone concluded by emphasizing that the role of a family lawyer requires diligent interaction and cooperation with professionals in psychology and counseling in order to deal effectively with familial-marital conflicts.

Gilbert's Author to Visit C-M

"Professor Gilbert," the savior of many law students and perennial target of abuse of many law professors, will speak in the C-M student lounge on Wednesday, May 12, at 1:00 p.m. William A. Rutter, founder and author of Gilbert law summaries and director of the Bay Area Refresher Course, will appear in conjunction with the SBA speaker's program.

Rutter began by typing his class notes, running off a few copies and selling them to his fellow students in order to pay off a bet. After graduating from USC law school in 1955, Rutter prepared the text for a refresher course conducted by A.J. Gilbert.

"I wanted to offer law students what I never had; a decent outline," Rutter said in explaining his marketing of the notes.



Arbitration: Smoothing Out the Marital Moguls

BY BRUCE WICK

The recent shooting of "Spider" Sabich by Claudine Longet reminds us once again how little justice there is in human affairs that do not involve property. The law wastes enormous energy on corporate securities' transactions, taxes and other esoteric and scarcely comprehensible topics, but largely ignores the difficult problems that so often drive men and women to violence.

Ms. Longet and Spider had been lovers for about two years. The immediate cause of his death was reportedly an ultimatum by Sabich to leave his home by April 1.

One can easily imagine Claudine's pain and anger at such indelicate treatment.

scope of the arbitration statute far beyond disputes arising out of business contracts. Two or more persons may now, in writing, agree "to submit to arbitration any controversy then existing between them at the time of the agreement to submit, or thereafter arising, from a *relationship* then existing between them or which they simultaneously create..." (emphasis added)

As one can see from the statute, persons about to become lovers, or who are engaged or married, can now provide by written agreement for the arbitration of disputes that they cannot resolve themselves. The arbiters might be mutual friends, or conceivably, mutual strangers (for those couples or groups considerate enough not to want

their friends in the middle).

The possible lack of statutory or decisional authority need not hinder the arbiters in reaching a just result. They are free to rely upon custom, usage and practice. Where even these fail to point the way they may, in Justice Jackson's felicitous phrase, invent some law where none before existed. In the case of Spider and Claudine, the arbiter might have awarded her a certain sum of money, whether in compensation for two years' devotion or as punishment for isolated acts of cruelty.

Arbiters are not limited to money damages, however, but may grant any remedy the parties themselves could have agreed upon. Frequently, disputes will arise concerning gifts or other property acquired during the relationship and intended for joint use. Such property may have enormous sentimental value, quite apart from its actual price. In such cases, arbiters could make an equitable division of the specific articles in question and not rely solely on a money remedy.

Perhaps, had such a procedure existed in Colorado, Spider Sabich might still be plying the slopes today. His tragic death points, of course, to a certain lack of subtlety in the way Americans pursue love. But more importantly, the shooting highlights our legal system's grave deficiencies in matters of the heart.



Even Prosser has suggested that ingratitude be made a tort, and two years of one's life are surely worth something. Perhaps on more mature reflection, Claudine herself would admit that Spider's crime was not a capital one. Yet few women possess the physical strength to give their men a good beating and simply leave it at that. They must resort to weapons or forgo justice entirely; and with weapons, of course, comes the strong possibility of death.

Happily for Ohio, the legislature has provided an alternative to violence for those who, if they cannot have love in their relationships, are determined to have justice.

The 1975 amendments to O.R.C. 2711.01 have enlarged the

Faculty OK's Street Law, Offers Teaching Posts

By GAIL GIANASI NATALE

Street Law, now a two-quarter paid extracurricular program for C-M students, will be offered as a six-hour, three-quarter credit course starting in Fall, 1977. Prerequisites include Criminal and Family Law. The C-M faculty, at its April 23 meeting, approved adding the program to the Law School curriculum by a 14-11 vote.

Street Law students, working with staff attorneys, are taught to convey legal concepts in lay language to high school students. Next year the program will be presented in the Cleveland and Cleveland Heights school systems, said David Barnhizer, supervisor of the project which is funded by the Cleveland, Gund and Jennings Foundations. Course work includes seminars and a two-credit paper. Students at the CWRU Law School will be permitted to take Street Law at Marshall for credit, the faculty was told.

Faculty criticism of the program ranged from a "Mickey Mouse course with no relevance to law practice" to praise as a "learning experience similar to moot court."

In other action the faculty:

- waived the Institute course requirement for Teresa Demchak, a graduating student who sought to substitute other courses and work experience;

- approved invitations to join the C-M faculty for Leonard Jaffee, Sidney Jacoby and Richard

Howells;

- approved a preliminary report from the C-M members of the University Academic Master Plan Committee.

Demchak told the faculty she had misread course requirements and would not be able to take the summer bar exam if she had to take a two-quarter Institute. She said she has been working for the national office of the NAACP on desegregation cases, work that involved brief writing and research.

Jaffee, 36, an associate professor at the University of Louisville School of Law, has been invited to become a visiting associate professor. Jacoby, 67, professor of law at CWRU has been asked to join C-M as a full professor. Both have indicated they will accept, said Elizabeth Moody, chairperson of the Faculty Appointments Committee.

Howells, 51, is reader in law at the Polytechnic of Central London. Should an additional faculty position open up, he would be asked to become a visiting professor.

Jaffee is a specialist in property law. Jacoby, a civil procedure specialist, is considered the outstanding expert on the Federal Court of Claims. Howells is a specialist in labor and commercial law, according to Moody.

'It's Not In My Contract!'

"The Law College faculty are shirking the responsibilities of University citizenship," said Interim Dean Hyman Cohen after what he called a "disgraceful performance" at the April 23 faculty meeting.

Amid lighthearted comment several faculty declined to serve on the University Personnel Committee. Three nominees were eventually pressured to run for C-M's two slots--Daniel Migliore, Ulysses S. Crockett and James T. Flaherty. The faculty will vote for two of them to represent C-M.

"It is our duty as part of the University to participate in its governance. This type of attitude is not good for the Law School," Cohen said.

Mayday: Yesterday and Today

Class Actions In Jeopardy?

BY MARTIN SCHNEIDER

"When I crossed the bridge from the airport all I could see was soldier after soldier after soldier, as if all the criminals in America were about to strike at its capital city It was unbelievable Artillery, heavy trucks, helicopters, police, Guardsmen, soldiers, and Marines were everywhere. One look and you had to ask yourself - are they preparing for the invasion from Mars." Rep. Bella Abzug, May 3, 1971.

Five years ago this week the largest mass arrest in American history occurred in Washington, D.C. More than 13,000 people were illegally arrested in the span of three days that came to be known as Mayday.

Those arrested have recently suffered a major setback in their civil damages lawsuit against former Attorney General Richard Kleindienst and others for the mass arrests that have since been declared unconstitutional and illegal by a U.S. district court. In the case of McCarthy v Kleindienst, the U.S. District Court for the District of Columbia refused to allow a class action to be brought on behalf of 7,000 people illegally arrested on May 3, 1971.

A Look Back

In late April, 1971, demonstration organizers urged thousands of supporters to participate in a massive display of non-violent civil-disobedience in the nation's capital. By disrupting traffic and the orderly functioning of the government, thereby inviting arrest in large numbers, the war foes hoped to dramatize popular opposition to the war in Vietnam.

Between May 3 and May 6, 13,000 people, the innocent along with the law violators, were arrested in mass police sweeps. No attempt was made to separate wrong doers from bystanders. Some were pulled by police from their cars, others were plucked off the streets on their way to work. In one incident police chased students through the corridors of George Washington University Law School.

Normal arrest procedures were abandoned. Arrestees were not informed of their rights or the charges against them; they were deprived of the right to counsel; normal arrest, identification, and evidence collecting procedures were also ignored. The government swept the streets clean of persons seeking to voice opposition to government policies.

On May 4, in an apparent change in tactics, police assisted marchers in an orderly march from Franklin Park to the Justice Department. What the marchers didn't know was the six buses used to transport arrestees, as well as 120 police in full riot gear, including gas masks, were just out of view behind the IRS building. Both ends of 10th Street were sealed as riot police swept through arresting 3,000 peaceful protesters trapped within. The next day an additional 1,200 were arrested while listening peaceably to addresses by several Congressmen on the steps of the Capitol.

Those arrested filled the lockups at various police stations and courthouses throughout the city. An overflow of thousands were interned in the D.C. Coliseum and R.F.K. Stadium (a.k.a. Camp Nixon).

The McCarthy class action was brought by the ACLU in the name of 39 plaintiffs on behalf of the 7,000 people arrested May 3. Now that the statute of limitations is about to run, the 7,000 may lose their claims.

There still may be hope for the claims of 266 other people who gave the ACLU their powers of attorney following the demonstrations and arrests. The ACLU has attempted to intervene in

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Got a Gripe?
See New V-P

Chris Dittmar, newly elected SBA Vice President, has announced that he will act as ombudsman for the C-M student body. "The base objective of the ombudsman program is to increase student awareness of the inner workings of this law school," Dittmar said.

Dittmar will be available in the SBA office, located in the basement of the law school Monday, Tuesday and Wednesday from 4:00 p.m. to 6:00 p.m. and Thursday and Friday from 8:00 p.m. to 10:00 p.m.

"This schedule represents only a base commitment to the ombudsman program of 10 hours per week," Dittmar said, and added, "Any time I can get together with students will be ombudsman time."

Junk Food: Public Enemy No. 7-11

Editor's Note: Eaton Runn Chips, Chairman of the President's Strike Force on Junk Food, visited Cleveland State early last week for a series of lectures and discussions with undergraduates on the work of and problems encountered by the Strike Force. The Gavel was fortunate to have the opportunity to interview Mr. Chips, and is pleased to present a transcript of that interview.

with no fear of the law. Today, it's everywhere. We now have junk food stores open twenty-four hours a day where the shiny wares are openly bought, sold and consumed in some of the nicest neighborhoods and by some of the nicest kids you'll ever want to meet. And you shouldn't get the idea that junk food is used only by our young adults. We've picked up kids as young as five years old walking out of the corner



Gavel: Why don't we begin, Mr. Chips, by having you tell us a little bit about the junk food problem.

Mr. C.: In the past five years this country has witnessed an explosion in the use of junk food. The problem has been with us for a long time but it was primarily confined to the urban ghettos where the pusher at the corner grocery operated

deli with potato chip bags over their heads, sniffing and licking the insides. It disgusts me. Prostitution to get a fix is not uncommon. I've personally seen seven and eight year old girls selling their soft. . . smooth. . . tender. . . nubile. . . little bodies. . . I'd like to. . .

Gavel: Ah, . . maybe we should move on. (continued on P. 8)

Nader, 'We've Forgotten the Sun'

America's "toughest customer", Ralph Nader, addressed CSU students and faculty in the Woodling Gym on April 13. Speaking on man-made and man-remedied environmental hazards, Nader focused his remarks on nuclear power plants but also dealt with big oil companies, solar energy, civic activism and "the" big question facing Americans.

Although Nader's views regarding the use of nuclear powered plants to generate electricity come as no surprise to most, his presentation of those views was intense and thought provoking. Speaking about the conservation of energy, in general, Nader said there are many arguments for conserving energy but only one against; "it would reduce the profits of Exxon and the other large energy conglomerates," which are now seeking control of coal and uranium reserves, as well as oil. The specific arguments for use of nuclear power plants are: we need more energy; they are proven statistically safer over many hours of use; and no serious injuries have resulted from their use. Nader attempted to refute each of these arguments.

First, he said our increasing need for energy is an attitude, not a fact. Nader cited by way of example West Germany and Sweden, which use one-half the electricity America uses per capita but whose inhabitants consider themselves wasteful of energy. Regarding the statistical safety of the plants, Nader asked, "What good is statistical safety when one accident could wipe out forty-thousand people living around the power plant; or when spills in the air or water cause increases in cancer twenty years down the line." Nader said we have had near misses -- radioactive material was found in the mud around the power plant in Miamisburg; a 200 million dollar fire in the cables of the plant in Brownsburg, Alabama, was caused by a man searching for an air leak with a twenty-cent candle. Finally, the power plants cost about one billion dollars a shot, which draws capital away

from the rest of the economy.

Nader said, "When it comes to energy we have forgotten Ben Franklin and the sun -- Ben because thrift is forgotten and the sun because solar energy is not exploited," and added, "if oil companies owned the sun and there was a solar depletion allowance, you can be sure you'd be getting solar energy."

"Solar energy should not be defined narrowly," said Nader, who believes that by burning wood we could reduce our coal consumption by one-third. He added that it is not true that with current technology we can do nothing with solar energy but heat houses. He said 100-megawatt-solar-generating plants can be built and be competitive.

Why doesn't Exxon like solar energy? "Oil companies don't own the sun and they know an infinite supply will reduce price. Solar energy is everywhere and solar collectors can receive energy directly, by-passing oil companies."

The most important political issue in America is "the extent to which Americans will impose obligations on their own shoulders," Nader said. He urged those present to embark on individual courses in citizen training. "Find out how to organize a coalition in Ohio, an initiative; search city records. If one person out of a thousand does, it's a finger in the dyke, but it's better than nothing. Studying the life of citizenship challenges the narrow scope of individual university disciplines. Do it now because never will you be as free to find a career that joins your value system and technical skills," he said.

Nader concluded by combining this advice with an analysis of the Presidential candidates, "All Presidential candidates, if they were here, would flatter you. If you don't see a politician flatter an audience, you won't see a politician very long. Can any politician do the right things? Unless a politician can rely on civic activism, even if he has your values, he cannot implement them."

Ruppert Named Gavel Chief

Next year's editor-in-chief, Mike Ruppert, was elected by the newspaper staff in an all-day secret ballot election held on Wednesday, April 28th. The vote came after two days of rigorous staff meetings and tooth & nail politicking. Ruppert and his opponent Marty Schneider both made statements concerning their qualifications and experience. Each was questioned in depth by those in attendance concerning their viewpoints on editorial policy and the future direction of the *Gavel*.



Editor-elect Mike Ruppert (left) receives congratulations from Martin Schneider.

All fifteen *Gavel* staff members exercised their franchise, ten voting for Ruppert, the other five for Schneider. The new incumbent and his opponent shook hands amicably after the results were announced, thereby bringing to a close an extremely divisive and hard-fought campaign.

Schneider announced he would be among the candidates for one of the assistant editorship posts. That election is to be held in May.

HUNGRY? Local Food Spots Critiqued

BY HARVEY BERMAN

It's 5 o'clock. You've got to stick around until late and you're hungry. Where do you go? "Stillsh-t" cafeteria? U.C.? The Shire? -- A sad Saga indeed. The weather is getting warmer and for those who care to go beyond the boundaries of C.S.U., there are alternatives within walking distance.

Beginning with the Holiday Inn and walking west on Euclid Avenue:

Holiday Inn (within throwing distance of your Torts book)

Atmosphere: Harvest orange
Prices: Generally expensive. However, at dinner time for \$2.25 you can get a very good hamburger with french fries and a few trimmings. This is not on the menu so you must ask for it specifically. There is also a good salad bar for \$2.50. Even if you don't enjoy your salad or burger-dinner, all is not lost. You may keep the menu which doubles as a Declaration of Independence on the reverse side (brown paper tied with a gold ribbon). Another bicentennial perversion.

Captain Avanti's (next door to the Holiday Inn) Ordinarily, this eatery does not deserve mention -- many of us having previously tried their "furburger". However, there has been a change in management which has improved the food somewhat (though not the prices).

Atmosphere: dark with pinball machines

everywhere

Prices: \$1.00 and up. The prices are high for what you get.

Selection: Hamburgers of various sizes, pizzas, and assorted sandwiches.

Burger King (alias Burger Death -- next door to Avanti's)

No comment, except that its quality is considerably "below" that of other such food outlets.

Uptown Restaurant and Bar (directly across from the new law school)

Atmosphere: typical grille with counter and tables

Prices: \$1.50 to 2.25 for a full dinner.

Selection: The menu offers a variety of items ranging from fish to chopped beef with gravy and onions (very good). Service is fast and friendly.

Hi Luncheonette (next to Uptown)

Hi's is very good as to food and prices and was once a favorite spot for a certain group of law students. However, since Hi's began closing at 4:00 p.m., these law students have sworn that the establishment no longer exists.

Keg & Quarter Grille (corner of Euclid and E. 18th)

Atmosphere: cheerful and comfortable
Prices: Sandwich plates range from \$1.50 to 2.75

Selection: Chopped sirloin, Ruben's, barbecued beef, and other assorted sandwiches. Portions are generous and the food is good.

Best Steak House (just west of E. 18th on same side of sidewalk as new law school)

Atmosphere: Bright and plain

Prices: \$1.50 to 3.00

Selection: Steaks, burgers, and some Greek items. I don't recommend the steaks, but I highly recommend the chopped sirloin (\$1.69) and the Gyros plate (\$2.19 -- slices of charcoal broiled lamb covered with a spicy sour cream sauce). Portions are generous and all dinners come with a salad, baked potato, and Texas toast.

The Parthenon (just west of the Best Steak House and across from Playhouse Square)

Atmosphere: Warm and friendly with soft lighting and Greek music; Greek paintings adorn the walls.

Prices & Selection: The restaurant boasts a varied menu with Greek and some American food. Prices for most dinners are under \$3.50. The best bargains which are also specials of the House are the Gyros and Souvlaki sandwiches (both priced at \$1.45). The Gyros (pronounced EEROS) consists of slices of barbecued lamb and beef topped with garden vegetables and wrapped in lebanese bread. The souvlaki is almost the same, except that the meat is similar to that found in shish-ka-bob. Both sandwiches include french fries. Also, for coffee fiends, the brew is excellent and by itself is good enough reason to come to this restaurant.

...Kent State and Right of Assembly (from page two)

ment are themselves the disruptors, the courts have a constitutional obligation to supply a remedy.

Guard Defenses Shot Down

Viewed in the First Amendment context sketched above, the defenses raised at the trial (self-defense, mistake, assumption of the risk, and reprisal) appear for what they are; interesting but irrelevant.

1) Self-defense: "The guardsmen were in fear of their lives." Whether this statement is true or not, the guardsmen still did not disperse the assembly in self-defense; and this violation of constitutional rights resulted in death. Their own illegal acts put them in this volatile situation, a situation which cannot now excuse the use of deadly force.

2) Mistake: "The guardsmen rightly believed their lives were in danger, but thought, and reasonably so, that the danger proceeded from the students rather than its actual source."

Fascinating, but again, irrelevant. The Guard's own illegal activities placed them in the danger, real or imagined, where they could make such a costly error in judgment. Still, this is probably the guardsmen's strongest defense because it avoids the need to show misconduct on the part of the students who were shot. Factually, this defense is contrary to the evidence.

3) Assumption of the Risk: "The plaintiffs chose to stand on their rights, and three days later they were buried with them." (Note the admission that plaintiffs were within their rights.) This statement by defense attorney Burt Fulton resembles an earlier remark of an Attorney General of Massachusetts. The year was 1837. The subject, the murder of Elijah Lovejoy, an abolitionist printer. Lovejoy's acts were "imprudent" and "presumptuous," said the Attorney General. "He died as the fool dieth." Wendell Phillips' reply is as appropriate now as it was then: "Imprudent to defend the liberty of the press on American soil? Why, because the defense was unsuccessful? Does success gild crime into patriotism and the want of it change heroic self-devotion to imprudence?... They saw that of which we cannot judge, the necessity of resistance..."

4) Reprisals: Kent can probably be best understood by ignoring our domestic law entirely. Guardsmen, governors, prosecutors and judges all do it; why shouldn't we, at least for purposes of analysis?

The "right" of reprisal is a grisly doctrine of international law. It enjoys wide acceptance because of its undoubted deterrent effect. A reprisal is a raw act of revenge, usually violent; an act which would normally be illegal but which is rendered lawful by a prior illegal act committed by the state against which the reprisal is directed. Reprisals may be used only when other, more peaceful, means of redress have failed (e.g. protests, warnings, mediation, etc.).

As so defined, reprisals have nothing whatever to do with due process of law; indeed they are antithetical to it. They deny individual responsibility, lump the guilty with the innocent, and authorize even murder, so long as the victim is a member of the offending group.

The "offenses" of the student population, the "illegal" acts that could not be redressed precisely because of the constraints of domestic law, were, as others have observed, various forms of treason. This is not the treason defined by the Constitution, but trea-

son in a more general sense: disloyalty to country, seen as the conglomerate of existing institutions, leaders and policies.

Reprisal Defense Tacitly Approved

Needless to say, the doctrine of reprisals was never openly advocated in court. It is so basic, so well understood that no one needed to. "It all began in Berkeley back in 1965," said defense attorney Brown. Brown was fully prepared to describe and analyze student unrest on the West Coast, and would have done so had he not been restrained by the judge. Nevertheless, Brown's message was clear, and one way or another, the defense team got it across to the jury. A steady crescendo of student violence, coinciding with the war, culminated in the burning of the R.O.T.C. building at Kent.

This mounting hostility and recourse to force among the young had to be stopped - not, of course, by removing the causes of student disaffection (the ever-widening war was taken as a given), but by suppressing the symptoms, the manifestation of that discontent. Neither the defense team, nor, surprisingly, the plaintiffs, made any attempt to compare the amount or intensity of student violence with that unleashed by the state, or to show the inter-relation between the two. But then why strain the intellect? Students were guilty of unlawful conduct at Kent and elsewhere, and students were shot as a result. What could be more just? That the innocent may have been injured or killed - or the guilty executed without trial - these were mere details, unworthy of judicial attention or redress.

If the people of Ohio did not themselves authorize and direct the Kent shootings, then the guardsmen must have anticipated the popular will. The people of this state have ratified the guardsmen's acts almost every time the question has arisen:

-- The Guard was defended in both civil and criminal proceedings by the Attorney General of Ohio in the name and with the money of the people of this state. Then-Governor Gilligan ordered this done in response to public clamor;

-- The Ohio legislature authorized payment of the guardsmen's legal expenses incurred (1) in preventing federal prosecution from 1970-74 (the lawyer or lobbyist), and (2) in preventing the federal civil action from proceeding to trial from 1970-74;

-- The dismissal of plaintiffs claim against the state by the Cuyahoga Court of Common Pleas and the Ohio Supreme Court on grounds of sovereign immunity;

-- The dismissal of the federal civil cases by the U.S. District Court here (for failure to state a claim!), which decision was affirmed by the Sixth Circuit, though ultimately reversed;

-- The directed verdict by Judge Lampros in the criminal trial;

-- The re-election of Governor Rhodes;

-- And the jury verdict in the federal civil cases this past summer for all defendants.

For these reasons, I fear there will be no justice for the Kent victims or their heirs, as the case may be. Some sympathy, perhaps, but no justice. The killings were popular acts in both senses. First, they were of, by and for the people; that is, committed by agents of the public ostensibly for the public good. Second, the acts were generally approved of.

Like the war out of which they

arose, the shootings have never been repudiated. Instead they are openly defended by their perpetrators. But who are the perpetrators? Are they just the governor and a few dozen guardsmen? Not any longer. They have become an entire people; a people who have neither the desire nor the strength to act as judges in their own cause and do what judgment sometimes requires - the pronouncing of sentence.

.....DEAN (from front page)

He has also been on the faculties of the University of Michigan and Indiana University law schools.

James P. White

"Legal education is in an exciting state of change," said White, who has been consultant on legal education to the ABA for 2 1/2 years.

He refused to comment on why he would want to be C-M dean and to discuss specific problems at C-M but he said, "there is a variety of possibilities for program improvement."

He would like to see more emphasis on "small group experiences" such as clinics -- "but only if they're well done. Clinical programs only work if they have adequate resources." He indicated he favors new teaching techniques such as simulation and videotape.

"The law school should relate to the rest of the university," White said, urging "interdisciplinary activities. For example, in a personal injury case you'll need the services of an economist. Why shouldn't law students take economics courses?"

White, who is also dean for academic planning and development at Indiana, specializes in land use planning, legislation and state and local government. He has been on the Indiana law faculty for nine years and has also taught at George Washington University, where he earned his LL.M., and at the University of North Dakota School of Law where he served as assistant dean and acting dean.

An Iowa native, White earned his undergraduate and J.D. degrees at the University of Iowa.

The timetable for selecting a new dean for Cleveland-Marshall College of Law is "at the discretion of the President," said a spokesman for Waetjen, "but he is as eager to have a new dean as you are."

The spokesman could not say whether the C-M faculty recommendation-- reported to heavily favor James P. White of the University of Indiana over CWRU Professor Lewis R. Katz-- would carry much weight but, "the President weighs all recommendations."

The spokesman indicated that the choice for dean is not necessarily limited to the law faculty's two nominees, "but you'll shake up the people if you say that."

The CSU Board of Trustees must give final approval on all personnel matters but it is generally assumed that the President's choice will be rubber stamped.

...Letters (FROM PAGE 2)

utilize personal contact, a new SBA Bulletin Board, and the Gavel to communicate more concretely how these hopes and intentions will be realized.

Again, thank you for your support-- the support you gave last week and the support we know you will give in the year ahead.

Terry Gravens
President

SBA/Committee of 1000

...Mayday (from page five)

the McCarthy suit on behalf of these 266 people in order to keep their claims alive. This motion to intervene has also been denied by the district court. But the motion for a class action and the motion to intervene are presently before the U.S. Court of Appeals.

The ACLU has also filed a separate action, Abelman v Kleindienst, in order to protect the claims of the 266 in case neither the class action nor the intervention is granted. If the class action is not granted, only 305 of the 7,000 arrested May 3 will be able to prosecute their claims.

The Mayday demonstrators have been successful in other legal actions. A class action has been allowed on behalf of 1,200 people arrested on the steps of the Capitol on May 5 while listening to speeches by several Congressmen. A \$12 million judgment was awarded to the Capital steps plaintiffs. The decision is being

STREET LAW POSTS OPEN TO STUDENTS

BY CAROL ROLF

A new year-long six credit hour course is being offered to second and third years students tentatively entitled "Street Law". The course involves a weekly two-hour seminar on selected topics in such areas as consumer, criminal, landlord-tenant and family law. The focus of the seminars will be similar to that of an institute because the law students taking the course will have completed their first year core courses and other prerequisites prior to their participation in the program. A paper will be written by each law student and will be orally presented at one of the weekly seminars.

Law students participating in the Street Law Program will team teach areas of law concentrated upon in the seminars to high school students in the Greater Cleveland area. The law student teachers may each teach separately twice a week, or, in the alternative, teach together four times a week, whichever is preferred. The high school to which the law student will be assigned will be determined by his/her class schedule as well as his/her access to transportation. A textbook published by West, Street Law, is the text to be used by the high school students. In addition, West has published a corresponding teacher's manual to accompany that text for the law student teacher. The materials included in the textbook will be heavily supplemented by outside cases, law review articles and statutes prepared by the Street Law staff. These materials will be the required readings for the weekly seminar.

Selection of students for this program will be done through interviews conducted by the Street Law staff the week of May 3rd -7th between the hours of 9:00 a.m. to noon, and 1:00 p.m. to 4:00 p.m. in office number 2038. For more information please contact Karen Newborn or Carol Rolf in Room #2038, Ext. 2527.

REGISTRATION DEADLINE NEARS

The final date to register by mail for summer quarter classes is May 28 but senior priority registration must be in by May 14. In-person registration is June 17 and 18. Classes begin June 21.

appealed.

The ACLU was also successful in having the arrests declared unconstitutional, having the police surrender the arrest records to the ACLU for eventual destruction, and having the arrests termed "detentions" rather than "arrests".

Another class action suit, filed on behalf of those arrested at the Justice Department May 4 is still pending.

...Junk Food

Mr. C.: Yes, yes.

Many citizens don't realize that a number of societal ills accompany junk food abuse; chocolatephilia, tooth decay, lack of respect for parental authority, to name a few.

Gavel: I guess we weren't fully aware of the seriousness of the problem. Tell us, Chairman, just how do unsuspecting people fall into this death trap.

Mr. C.: It's really very simple. Usually at a party someone will bring along a couple of Clark Bars or Nestle Crunches. After eating one, he'll usually try to coax the people he's with into having one. Peer pressure does the rest. Most unsuspecting people start eating junk food with the mistaken belief that they can stop anytime. We now know better.

Before you know it, the newly initiated has moved from Clark Bars up to Milky Ways or Snickers! The next step is inevitable. Once you've had a Milky Way or a Snickers you can't help but try a Kit-Kat. Once they've had a Kit-Kat they're through.

Gavel: How so?

Mr. C.: Unlike the other less potent junk foods, an addict can only break the Kit-Kat habit by enrolling at a treatment center. Those people are professionals and know how to handle the situation. Normal procedure there is to wean the addict off Kit-Kats by the use of relatively innocuous Good & Plentys, regular or fruit flavor.

Gavel: Is there anyway that you can tell if a friend or your own child is taking junk food?

Mr. C.: The most obvious sign is a ring of chocolate around the person's mouth. You see, when a person is eating up he usually loses all his manners and will try to down a whole candy bar in a single bite. Other than that, junk food use is accompanied by a marked increase in weight and a loss of ambition--sort of a I-don't-give-a-damn attitude.

Gavel: My, my. Any other dangers?

Mr. C.: Yes. If a junk food addict does more than his system can handle, he's in danger of lapsing into a starch coma. Death shortly follows.

Gavel: Well I see that you have to be going. Any other final words for our readers?

Mr. C.: No.

Grade Guidelines Out?

A one-year abolition of the grading guidelines for all but first-year classes will be recommended at Friday's C-M faculty meeting.

The Examination and Grading Practices Committee, at its meeting April 23, voted 3-2 to recommend that the present guidelines be suspended during the Fall, Winter, Spring and Summer quarters of the 1976-1977 school year with automatic reinstatement in Fall, 1977, unless the faculty determines otherwise at its first meeting that quarter.

During the suspension period the Examination and Grading Practices Committee would monitor grades of the affected courses and would report its findings to the first faculty meeting in Fall, 1977.

Courses that would continue to be regulated by the guidelines are Legal Research, Civil Procedure, Constitutional Law, Contracts, Criminal Law, Property Law and Torts.

A minority report will urge revised guidelines limiting the number of A's, B+'s, D's and F's with no restrictions on the middle range of grades.

Notes & Briefs

CSU FILM SOCIETY

MEAN STREETS	8:00	May 7
	10:30	
	10:30	May 8
Smile	2:00	May 14
	8:00	
	10:30	
	10:30	May 15
LENNY	2:00	May 21
	8:00	
	10:30	
	8:30	May 22
	10:30	

Call 687-3800 For Further Information

SPECIAL EVENTS

WILLIAM A. RUTTER

Wednesday, May 12 at 1:00 PM in Law School Lounge. Founder and Author of Gilbert's. No Admission Charge. The Public is Invited.

MOOT COURT NITE

Saturday, May 8 at 6:00 PM in CSU University Center Auditorium. Topic: Pre-Paid Legal Services. Final Argument Judges: Hon. William K. Thomas, U.S. District Court Northern District of Ohio
Hon. Orrin G. Judd, U.S. District Court, Eastern District of N.Y.
Hon. Blanche Krupansky, Common Pleas

GENERAL

DELTA THETA PHI CALENDAR OF ACTIVITIES

Tuesday, May 11th at 11:00 AM
Wednesday, May 12th at 5:00 PM
THE OHIO BAR SYSTEM room 2022

Tuesday, June 1st through Friday, June 11th. room 0072.
LAW BOOK EXCHANGE

STUDENT BAR ASSOCIATION /

COMMITTEE OF 1000 MEETING

Saturday, May 8th at NOON in Room 2088

