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the GAVEL

VOLUME IX No. 3

CLEVELAND-MARSHALL LAW SCHOOL

CLEVELAND, OHIO

DECEMBER 1960

400 Attend Annual Open House

CLEVELAND-MARSHALL (Dec 3)—A group of nearly four hundred, students, wives, dates, faculty members, and friends, here tonight in the gayly decorated third floor class rooms and lounge have made this year's Open House one of the truly pleasant social events of the season.

Guests arrived between 8:00 and 9:00 PM. The band, led by George Joseph, played until the presentation of awards at 11:00 PM. A buffet type luncheon was served after the awards and then more dancing and socializing until long after midnight.

The consensus of opinion is that Chairman Jim Kilcoyne and his crew did a superb job in planning what was a thoroughly enjoyable evening.

John Hickey, Ed Manning and Dale Brown took care of ticket sales. Al Oberst and Julian Allen provided the publicity. John Martindale sold raffle tickets while Don Haley arranged the seating and John Gill did the decorating. The gay decorations, crepe paper streamers and multi-colored balloons contributed to a general atmosphere of friendship and fun.

Art Fitzgerald was responsible for the very adequate supply of beverages. Winnie Dunton and the Wives Club prepared a bountiful batch of ham sandwiches with coffee and all of the party trimmings.

The inimitable master of ceremonies, Dean Stapleton, peppered the presentation of awards with Sahl-like quips that lightened the mood created by the rather serious drinking and dancing.

Stephen Cahn (3.7), Adelbert Seiple (3.9), Robert Morris (3.7), and John Martindale (3.9) won cash awards for scholarship. William Froelich and Adelbert Seiple split the contracts award. John Martindale and Pete Kretzu received the Land Title & Trust Co. award. The Sindell torts award went to Robert Post and Stephen Cahn. Pete Roper received the Delta Theta Phi award.

Stephen Cahn won the Merrick-Rippner Probate Practice, donated by Professor Rippner and the big prize, The Ohio Revised Code, was taken by Stan Stein.



Intermission — Couples relax in student lounge between dances

Seminar Series a Success

The sixth in a successful series of nine seminars dealing with municipal court practice, sponsored by Cleveland-Marshall Law school for Municipal Court Judges and attorneys, was conducted

Roper real reporter

Pete Roper, a member of the Gavel staff for the past two years, in recent radio reporting, demonstrated that the Gavel has a professional newsmen.

Pete, the publicity and promotional manager of Radio Station WERE, reported from the Board of Elections on election night. From early evening until 5:00 AM the next morning, Pete's sharp analysis of the local returns provided clear and current coverage for the radio audience.

High in the skies in WERE's helicopter, on a rainy Saturday morning several weeks before the elections, Pete reported up to the minute results of a promotional stunt where coffee beans were dropped over the big shopping centers in the Cleveland area.

We've got Roper — who needs Kaltenborn.

on December 2 by Professor Howard L. Oleck and dealt with current trends in the field of tort law. The developments in personal injury cases, strict liability and new defenses were discussed.

On December 9 Professor William Samore will be chairman of a seminar concerned with current contract law trends.

Professor LeRoy L. Murad, on December 16 will chairman discussion on trends in current criminal law. Traffic cases, petty crime and changing public and court attitudes, and the Public Defender innovation are some of the subjects to be discussed.

The last in the series, a seminar concerned with current commercial law trends, will be conducted by Professor Jack F. Smith on December 23.

The seminars, held on Friday evenings from 4:00 to 6:00 PM in the school library, are free of charge and are open to public officials, attorneys and students.

Our Finest Hour

On the eighth day of November 1960, the hand that held the pencil struck it into the back of religious prejudice. No longer can the critics of our principles, our democracy, our way of life, defend the proposition that religion is a barrier to American leadership.

This was not only a victory for John Kennedy, or a victory for the Democratic Party. This was a grand victory for the American people; a triumph over an eroding fear that once threatened to rot the roots of our ideals.

This was America's finest hour.

Our Greatest Shame

The second battle of New Orleans, the unheroic clash of thousands of shrieking she-wolves with their pups yelping at their sides, pitted against four little Negro girls, will surely go down in history as the most sordid affront to our democratic ideals.

Much has been written and much has been said about the adverse effect New Orleans will have on our prestige abroad. The real issue, however, far transcends this rather superficial trying to sweep the dirt under the rug argument. The dignity of man hangs in balance. Will we move forward and achieve, on a national scale, the meaning of our Constitution, or will we sink back to the dark ages of prejudice? That is the question. That is the issue!

The argument of states rights is raised in defense of New Orleans. We are not interested in debating the meaning of the Constitution. We are not students of constitutional law. We will, however, defend the proposition that all men, regardless of race or color, regardless of state or country, are due these basic rights, not merely because of a constitutional guarantee, but rather because these rights are inherent in the nature of man.

Until the states, and all of the states, recognize the integrity of the individual, there is an ever-present possibility that America will strangle on her own ideology.

Crash program?

Our article in the November 1960 issue of the Gavel (page 4) concerning the new policy of the Administration was somewhat misleading. Simply it is this: A score of at least 75% must be made on the comprehensives in order to graduate. However, a committee of faculty members will have discretion in borderline cases. The question of the 75% four-year average and of the equal weight has not as yet been settled.

This policy was installed because of what was felt to be a general deterioration of academic standards and particularly because of the extremely poor showing made by Cleveland-Marshall graduates on the last bar examination.

In a recent student council meeting it was brought out that had the old standards been complied with, that had those students who failed to make a 75% over - all average (an average arrived at by doubling the four-year average, adding the comprehensive score, and dividing by three) not been permitted to take the bar examination, our position among other schools in the state would have been relatively high. Most of the graduates that failed the bar would not have graduated had the old policy been strictly applied.

It appears that perhaps the application rather than the rule was faulty.

December 7

"Yesterday, December 7, 1941, a date which will live in infamy. The United States was suddenly and deliberately attacked by naval and air forces of the Empire of Japan . . ."

Today is Civil Defense Day. The question before us today is not whether we should go to war. But whether we can keep the peace with strength. There is nothing our enemy respects more than power. Will we be prepared? Will we be ready? Or is the tragedy to be repeated again?

Wanted

Anyone having early editions of the Cleveland-Marshall Law Review, particularly Volume 1, Number 1 and Volume 6, Numbers 1 and 2, is requested to contact Professor Howard Oleck.

Law to the Lawless

by Al Oberst

So you want a voice in the legal system. Read this article and then act to insure your guarantee of a voice in the government.

Morgan Beatty, a news analyst for NBC (WJW), recently revealed another shocking Communist tactic. Briefly stated facts show that Americans are obtaining passports and money from the Communists to go into foreign countries to incite hate propaganda against the United States. These few traitors quickly ruin all the good done by the non-profit and governmental agencies.

Unions, business, schools, newspapers, radio, television, movies and government still have some ardent Communists working full time on other diabolical schemes.

We must get rid of them once and for all. But, they will remain as long as we are silent and apathetic. And, as Lincoln said, "To sin by silence, when they should protest, makes cowards of men."

Start the ball rolling by writing to your congressmen. Through them you will bring law to the lawless.

resipsaloquitor

Our city hall reporter and court house gavel polisher, Rank N. Fyle, reports that the Land Title Building across the street from the school, was constructed to withstand wind up to 150 miles per hour. Luckily, he says, classes at Cleveland - Marshall are held inside.

THE GAVEL

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What place television?

by Leonard F. Lybarger

Having been reared during the period, brief thought it was, when a television set was an indispensable item in only one home out of three, I was able to sustain most of my self-confidence and intellectual integrity. Although realization of this result was not immediate (since I, too, sometimes fell under its spell), it became apparent when the ratio of one out of three was reduced to nearly one out of one.

What connection, the reader is most likely asking, does the contemporary role of television have with self-confidence and intellectual integrity? The habitual viewing of the monster "tube" is draining the confidence we have in our ability to enlighten ourselves by individual effort. Furthermore, it has lulled most of us into thinking that the entertainment it provides is beneficial, as well as being subject to analysis as an art form. Further from the truth we could not be!

It cannot be honestly argued that complete dependence upon the super realistic naturalism of television has nurtured cultural and intellectual growth. One has only to look at the state of contemporary American art, music and literature. It would be conservative to say that the past decade has produced no more than a dozen outstanding artists in each of these respective fields. Such, then, has been the result of this national phenomenon.

As a mode of communicating ideas television has a definite and valid place in our society. To say otherwise would fly in the face of reality. What, therefore, should its role be and who should determine its proper use? At present its place in most of our lives requires several hours undivided attention per day. Its use, moreover, is presently determined by a few wealthy business interests with minute control by the government.

Television should be employed as a media for learning, as well as for an occasional source of effortless entertainment. Instead of being forced to rise at seven o'clock or earlier in the morning to acquire refreshed knowledge of the arts and sciences, one should be able to have access to these in the evening or some other reasonable time, even at the expense of the cherished

"Westerns." Drama and variety should be intermixed to fulfill the desires of those who must be entertained. Less "analysis" of the news would foster a resurgence of individual effort in discovering its meaning. Summarily, television's role should be primarily a means of communicating information to all strata of society. Only secondarily should it become a source of amusement.

As to the use and control thereof, representatives of the electorate, and not the unconscious desires of a consuming public which are exploited for the profit of a few, should be allowed to register the needs and desires of an increasingly sophisticated and knowledge seeking populace.

If wisely used television can be a source of, instead of a detriment to, the vital self-confidence and intellectual integrity which nurtures growth. If not so used television could become a "poor player" that struts and frets his hour upon the stage and then is heard no more."

Markus new Instructor

Richard M. Markus, Cleveland-Marshall's newest instructor, recently completed his first teaching assignment, the three hour senior course, "Conflict of Laws."

Mr. Markus, who says that the conflicts course is more appealing to the legal scholar than to the practitioner, has a



Mr. Markus

very fine background both as a scholar and as a practitioner. As a scholar — he graduated magna cum laude from Northwestern University in 1951 with departmental honors in mathematics.

In 1954 he graduated cum laude from Harvard Law School. While at Harvard he was a member of the Law Review Board of Editors for two years and his work in moot court won him a

(continued on page four)

Fraternity News

by John Vamis

At the regularly scheduled social meeting on November 18, guest speaker John Weeks presented a talk entitled "Practical Labor Relations" in which he highlighted his many years of experience in labor relations at the Glidden Paint Company. Then followed one of the longest question and answer periods in recent fraternity history. In a highly interesting and informative manner Brother Weeks described how union-management problems arise and are dealt with by management.

He emphasized the responsibility of the employer to labor leaders to reach agreements without bitterness. It is possibly for this reason that during the many years Brother Weeks has been at Glidden there has never been a serious management problem with the union.

Also of interest to law students was the observation made by Brother Weeks that his study of the law has been of great help to him in corporation management. He noted that many top level executives in the business world have a legal education. It is his feeling that the law student should look to the business world as a field of endeavor.

On December 3 approximately twenty-five new members were formally initiated into the fraternity. They were first honored at a luncheon in the Ranch Room of the Cleveland Athletic Club. New members and guests were addressed by Chief Justice Carl V. Weygandt of the Ohio State Supreme Court. Among the guests attending the luncheon were Judges Lee E. Skeel, Arthur H. Day and J.J.P. Corrigan. Among the attorneys were Elmer Myers and William Daley. Dean Wilson G. Stapleton and Jack F. Smith represented the faculty. The new members were formally initiated in the chambers of the Court of Appeals.

Election of new officers for the coming year will be held at the regular business meeting on December 16.

Among the fraternity members who helped make the annual Open House on December 3 another success were Brothers Jim Kilcoyne, John Gill, John Hickey, George Joseph and Al Oberst.

"Merry Christmas"

by Thomas M. Shaughnessy

"Hey you!"

Not Haggerty or Mike or Detective Haggerty. But, "hey you," was the way fat, cigar-chewing, Chief Ed Clancy called the help at Central Police Station. I'm always tempted to act like I don't hear, but instead, like always, I walked meekly into the front office.

"Haggerty," he snaps, there's been a hit and run . . . "

"Look chief," I plead with him. "It's Christmas Eve and also a quarter to nine . . . "

"Haggerty," he says, cutting me off, "you're supposed to be a cop and whether you're crazy about the idea or not, I'm supposed to be your chief. So here's the story. This guy, Clement Polanski or Polunski or something like that, gets himself hit by a car over on Broadway. Traffic picked him up and got him to the hospital. The hospital just called and the doc tells me the guy's not bad but says they're holding him for a couple of hours for observation. Anyway, this guy's got a kid at home all alone. I want you to go over there and see that she don't burn the place down or something.

"Kind of a funny thing about this guy Polanski. What did I say his name was, Polunski? Anyway, he was carrying a big pane of window glass when this car hits him."

I'm Mike Haggerty. Twenty-five years on the force, fifteen a detective, and I'm still running errands for Clancy. This was about par for the guy. But maybe it was better than sitting around the precinct house listening to him gripe about politics or his wife or both.

It wasn't because it was Christmas Eve. I don't want anymore Christmas Eves. Now nights like Christmas Eve are cruel. Marge died a year ago and the kids are all grown and have families of their own. Memories can make you cry. Memories of Midnight Mass with the family — memories of little Mike and Margaret and

Dennis opening their presents — memories of sharing and loving. The hell with it! I didn't want to remember and cry. I wanted to get drunk and forget.

The address was in the slum section. 2074 was a stinking, dirty, six-family tenement. It needed paint. It needed windows. It needed more than could ever be done to make it a home. The mail box showed Polanski lived in number four. I felt my way up the unlighted, sagging steps and knocked on the door.

There was little heat in the room. The plaster was falling. The few miserable sticks of furniture were old and worn. The only light came from a single naked light bulb dangling from the cracked ceiling. The only window at the far end of the room was boarded.

The kid was about six. In contrast to the room, she was pretty as a picture. Dark curly hair, just the right number of freckles, a dimple in each cheek, with just the correct amount of sauciness supplied by the up-turn of the freckled nose. A friendly smile gave her the delicate beauty that only a child can have.

But this beauty was cruelly marred. She was in a wheel chair, her skinny, pencil-thin legs useless before her. Sitting there, all alone, patiently waiting for her daddy to come home.

I told her who I was, that her father would be alright, and would probably be home later tonight. Tears ran down her cheeks.

"Was the glass . . . was it broken?"

"Yeah kid, I guess it was smashed."

She sobbed quietly and then whispered, "The glass was to have been Daddy's Christmas present to me."

Glass, yeah glass! A piece of glass for a Christmas present! The kid had been crippled with polio when she was four years old. She had to sit in that clammy, cold, boarded-up room, day after day, doing nothing, unable even to see things going on outside on the street.

There was no mother. The father was from the old country and didn't speak much English.

He worked two lousy jobs and spent almost everything he made for doctors and treatments that didn't and could never do any good. He could hardly afford the rent. Yet, he had saved enough to buy the glass so that his little girl could have just a little bit of happiness — so that she could look out into a world — a world she'd never walk in.

I ran downstairs and found a phone in the corner drug store.

"Hello Mac . . . Haggerty . . . Listen Mac I need a favor . . . Even if it is Christmas Eve . . . Yeah . . . a piece, two ply . . . right, four by five . . . Okay . . . Thanks Mac, thank you very much."

The workmen were just leaving as the bells rang for Midnight Mass. The snow was falling softly from a clear star-lit sky. The kid's eyes shone like a million stars through her tears.

"Listen, kid! Listen to the bells! Merry Christmas!"

. . . MARKUS

(continued from page three)

prize for the best brief. During his last two years at Harvard he was employed as the director of Public Speaking at M.I.T.

In 1956 he placed second on the Ohio Bar examination.

As a practitioner — after graduation, he went to work as counsel in the Appellate Section, Civil Division, United States Department of Justice, Federal Court of Appeals. In late 1956 he joined the firm of Sindell, Sindell, Bourne, Disbro and Markus, and in January 1960 became a partner.

He is a member of the local Bar, a member of the Washington D.C. Bar, and is a member of the United States Supreme Court Bar.

Mr. Markus, who has made his home in Ohio for the past four years, was born in Evanston, Illinois. He lives with his wife, Carol, two sons and a daughter in Lyndhurst.

One Man's View

by Thomas M. Shaughnessy

There's a group here at Cleveland-Marshall. A group that might have some credulity. But a group whose philosophy has become so blown out of proportion that it becomes somewhat nauseous. It becomes particularly nauseous when we hear their anguished cries in reaction to the recent and much discussed change in policy.

Though small in number, without effective leadership, but still infectious, a small group exists at Cleveland-Marshall whose members like to be depicted as a kind of Horatio Alger hero who by virtue of tugging himself up by his own boot straps has surmounted almost insurmountable odds in order to satiate a tremendous thirst for knowledge. A man who has forsaken the pleasures of the world to perform the almost super-human task of raising a family, holding a full-time job, and attending law school. A man who daily conquers adversity and overcomes the complexities of life to further his legal education.

Their cries of pain and anguish, however, point out their phoniness. They came to Cleveland-Marshall to buy a law degree and standards, any standards, are a barrier to this purchase.

This group, fortunately a minority, with a kind of self-inflicted inferiority complex feel that they will, in future years, have to apologize for the education they receive here. They concede, with no argument, the superiority of the Eastern schools, and are easily convinced of the superiority of local full-time law schools.

These self-styled graduates of the school of hard knocks consider the Cleveland-Marshall education a weak substitute for the Harvard type education they feel fate has cheated them from having. With this as a premise they easily arrive at the

position that the frills, the philosophy, the high standards, are only for those who aren't getting their education the hard way.

These pseudo-students, grasping and grabbing for that nebulous and oft-evasive Goddess named Success, spell success only with a dollar sign and value education only in terms of what will be on the bar examination. With tongue snugly in cheek and firmly mired in their stuffy, sophisticated superiority, they are contemptuous of those students who want an education — of those students, who without reward, spend long hours writing a law review article or preparing a case for moot court — of those students who are proud to be students at Cleveland-Marshall.

The third dimension of the law, the history, the philosophy, the background, are diversions to be enjoyed only by the idle rich, the full-time law students. Knowledge for the sake of knowledge has no meaning. Education and knowing for the sheer pleasure of knowing is worthless to them. The quality of education, particularly the quality of a legal education, makes no difference — it is only the quantity, and the right quantity, that is important.

The Cleveland-Marshall graduate has been fairly tested over the years in this community. The record of success and the fine record of service to the community was not made by ancestors of this group that was conceived in defeatism and lacks confidence in itself and the school.

Cleveland-Marshall is a law school, not a trade school, not an extension of Dale Carnegie, and not a standardless shingle mill where one purchases a degree that entitles him to pick up the crumbs dropped by the products of the Eastern schools.

Wives Club

(Editor's Note — We are pleased to welcome Mary Ann Hisnay as a member of the Gavel staff. Mrs. Hisnay, wife of Robert M. Hisnay, (Sophomore, section B) was recently elected Public Relations Chairman of the Wives Club and will be writing a monthly column for the Gavel.)

by Mary Ann Hisnay

The following officers were elected for the 1960-61 school year at the November 13th meeting: Nancy Harrington, President; Frances Stein, Vice-President; Rosemarie Roda, Recording Secretary; Agnes Kermode, Corresponding Secretary; Geraldine Lawrence, Treasurer; Mary Ann Hisnay, Public Relations Chairman; Jean Spira, Social Chairman; Florence Tolt, Parliamentarian; and Joyce Balazs, Mary Heaslip, Marilyn Leary, members at large. The ballots were counted by Alice Slaman and Jo Kestner. Many thanks to all former officers for their fine work.

Copies of the Cleveland-Marshall Law Wives Constitution were distributed to all members.

Nancy Harrington reminded the wives to bring in used toys, which should not have to be repainted or repaired. These

(continued on page six)

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...WIVES CLUB

(continued from page five)

toys will be given to various children's homes and will be distributed among the children at Christmas time. A large box is situated on the second floor and toys may be brought to school up to and including the December meeting.

Refreshments of cake and coffee were served. Two door prizes of a candy dish and a lipstick-mirror case were won by Rhoda Goetz and Agnes Kermode.

The next meeting will be held on December 11, Sunday, at 2:00 PM instead of the usual 2:30 starting time. An entertaining Christmas program has been arranged by Frances Stein, Program Chairman. Mrs. C. E. Cutler, who has taught crafts at the Lakewood Y, will be the guest lecturer and will demonstrate various Christmas centerpieces, wreaths, and other seasonal material. Not the least of her ingenious decorations will be a tin can lid wreath and angel. An assortment of Christmas gifts and decorations, which includes hand-made items, made by law wives, will be on sale. All law wives will be sure to leave this meeting brimming with plans and bright ideas for a merrier holiday season. Refreshments will be served.

So — "A Merry Christmas to All and to All a Good Night" — except all law wives — see YOU at the December 11 meeting! And THEN, a very Merry Christmas to all of you!



Couples dance at Open House — Story on Page One

CHRISTMAS GREETINGS

The GAVEL staff and advertisers wish all of our readers a very merry Christmas and a happy and prosperous New Year.

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